

State of South Carolina
In the Court of Appeals

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Appeal From Spartanburg County

SC Court of Appeals

Honorable R. Keith Kelly Circuit Court Judge

The State,

Respondent

v.

Anthony Briggs

Appellant

Appellate Case NO 2019-000632

Pro Se Brief of Appellant

Anthony Briggs # 342410
Pro Se

Broad River Correctional Institution
4460 Broad River Rd.
Columbia, SC 29210

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Statement of Issues on Appeal

Argument I: Trial Court abused its discretion in not granting Defense's motion for directed verdict and motion for a new trial based on insufficient evidence.

Argument II: Trial Court abused its discretion by failing to conduct an evidentiary hearing concerning juror misconduct by intentionally concealment of being kin to a investigator at the solicitor's office.

Argument III: Trial Court abused its discretion in permitting replay of the videotape testimony without inquiring into the jury's need for a video replay and balancing that need against any resulting prejudice.

Argument IV: Trial Court abused its discretion when it allowed admission of inadmissible hearsay of a polygraph examination.

Argument V: Trial Court abused its discretion when sentencing Appellant to Life without parole, and not giving him notice that state was seeking life without parole.

Argument VI: Trial Court abused its discretion in sentencing Appellant outside the guidelines of a class (C)(v) indictment, making his sentence unconstitutional.

Argument VII: Appellants indictment should be dismissed on the ground that the grand jury was not selected, drawn, impaneled, or summoned in accordance with law, violating his due Process rights, and makes a challenge to individual jurors on the ground that the jurors were not legally qualified.

Statement of The Case

Appellant was indicted in Spartanburg County for the offenses of a lewd act upon a minor, and criminal sexual conduct with a minor in the first degree. R. 408. His case was called to trial on March 25, 2019 before Honorable R. Keith Kelly, and a jury. Jeremy Thompson represented appellant. Wendy Hallford and Hope Coleman were the assistant solicitors. R1.

On March 27, 2019, the jury found appellant guilty on both counts. RR 399, L23-400 L15. Judge Kelly sentenced appellant to life imprisonment for criminal sexual conduct with a minor in the first degree, and fifteen years imprisonment for the lewd act upon a minor. R. 406, LL 10-16.

This appeal follows.

Standard of Review

"The admission or exclusion of evidence is a matter addressed to the sound discretion of the trial court and its ruling will not be disturbed in the absence of a manifest abuse of discretion accompanied by probable prejudice."

State v. Douglas 369 S.C. 424, 429, 632 S.E.2d 843, 847-48 (2006).

"An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law." Id. @ 429-30, 632 S.E.2d @ 848; State v. Brewer 411 S.C. 401, 768 S.E.2d 656 (2015).

Trial judge should grant a directed verdict when the evidence merely raises a suspicion that accused is guilty. State v. Arnold 361 S.C. 386, 605 S.E.2d 529 (2004); State v. Schrock 283 S.C. 129, 322 S.E.2d 450, (1984).

"Suspicion" that accused is guilty sufficient to grant a directed verdict implies a belief or opinion as to guilt based upon facts or circumstance which do not amount to proof. Cherry 361 S.C. @ 594, 606 S.E.2d @ 478; State v. Lolis 343 S.C. 580, 541 S.E.2d 254 (2001). However, a trial judge is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis. Cherry *supra.*; State v. Ballenger 322 S.C. 196, 470 S.E.2d 851 (1996).

"[E]ven in the absence of a contemporaneous objection, a New Trial motion should be granted in flagrant cases where a vicious, inflammatory argument results in clear prejudice." Toyota of Florence Inc. v. Lynch 314 S.C. 257, 263, 442 S.E.2d 611, 615 (1994). Keene v. C.N.A. Holdings, LLC 426 S.C. 357, 827 S.E.2d 183 (2019).

ARGUMENT I

Trial Court Abused its discretion in not granting defense's motion for directed verdict and motion for a new trial based on insufficient evidence.

Appellant submits that alleged victim doesn't remember telling people that something happened between her and him. When the state shows alleged victim a video to refresh her memory she said "talked about him putting his fingers inside your private, why -- when we talked to you, why didn't you just say, yeah, that's what happened?" Alleged victim answers "Because that would be a lie." State asks "And why would you consider that lying, because you don't remember those things now?" Alleged victim answers "yes".

Tr. Trans. p. 64 L. 18-23, p. 65 L. 19-21, p. 67 L. 1-8, p. 68 L. 3-14, 24-25, p. 69 L. 1-19, p. 71 L. 14-25, p. 72 L. 1-25 p. 73 L. 1-25.

When asked if she told someone else that nothing happened between her and defendant, alleged victim says "yes". Tr. Trans p. 74 L. 1-25.

Also when asked if "there are things that you said on the video that occurred between you and Anthony that you said back then" Alleged victim says "yes", then "that occurred between you and Anthony that you don't remember occurring correct?" She states "yes". Tr. Trans. p. 75 L. 1-14.

Appellant denies the allegations to Investigator Danny Morgan. Tr. Tran. p. 129 L. 1-17. And, denies allegations to Investigator Nikki Cantrell. Tr. Tran. p. 170 L. 11-25.

Dr. Henderson testifies that there were no vaginal or anal tears or scars, or any other signs that sexual abuse occurred when she gave alleged victim her physical exam. Tr. Tran. p. 185 L 23-25, p. 186 L 1-4, p. 187 L 10-13.

Galloway Williams, a child abuse and sexual assault expert testified that people don't have to be sexual assaulted to change. Someone who is introverted could stay introverted, could go from introverted to extroverted without experiencing abuse, and extroverted to introverted. Tr. Tran. p. 210 L 22-25 p. 211 L 1-3 p. 212 L 1-25, p. 213 L 1-25, p. 214 L 1-10.

At the end of the State's evidence the defense moved for a motion for directed verdict on the grounds that alleged victim didn't remember much regarding the incidents and insufficient evidence. Court denied the directed verdict. Tr. Tran. p. 215 L 18-25 p. 216 L 1-25.

When Amber Woffard testified, she stated alleged victim told her that defendant didn't do anything, and third party guilt was brought before the court by the State's questions. Tr. Tran. p. 222 L 12-25, p. 229 - p. 246 L 1-25.

When defendant testifies he continues to deny the allegations. Tr. Tran. p. 288 - p. 296 L 1-25, p. 317 - p. 323 L 1-25, p. 331 L 11-25, p. 332 L 1-4

In defense Counsel's closing Argument, it's established that there is no overwhelming evidence as to guilt, no physical evidence, the only thing is a lot of hearsay, I don't know and I don't remember. Tr. Tran. p. 367 L 11-25, p. 368 L 1-5, p. 369 L 8-25, p. 370 L 1-8, p. 371 L 11-20, p. 372 L 3-25 p. 373 L 1-19, p. 374 L 13-25, p. 375 L 1-20, p. 376 L 7-13, p. 378 L 1-5.

The defense renews their motion for directed verdict on the same grounds as before and was denied. Tr. Tran. p 343 L20-25, pg. 344 L1-4.

Appellant further contends that he was entitled to a new trial on the ground of insufficient evidence. Tr. Tran. p 402 L16-25 p403 L1-3.

There's no overwhelming evidence as to guilt, the alleged victim doesn't remember anything happening between her and Appellant, she further goes to say that it would be a lie to say, the Appellant did anything, and she tells other people, including the prosecutor's in February 2019, and the court that nothing happened between her and Appellant. According to Dr. Henderson there's no signs of Abuse, and the child abuse and sexual assault expert states that the alleged victim didn't have any signs of sexual abuse. This raised the suspicion standard that nothing happened. See Exhibits: A, B, C, D, E, F.

Trial judge should grant a directed verdict when the evidence merely raises a suspicion that accused is guilty. State v. Arnold 361 SC 386, 605 SE2d 529 (2004); State v. Schrock 283 SC 129, 322 SE2d 450 (1984). "suspicion" that accused is guilty sufficient to grant a directed verdict implies a belief or opinion as to guilt based upon facts or circumstance which do not amount to proof. Cherry 361 SC @ 594, 606 SE2d @ 478; State v. Lollis 343 SC 580, 541 SE2d 254 (2001) However, a trial judge is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis Cherry. supra.; State v. Ballenger 322 SC 196, 470 SE2d 85 (1996)

ARGUMENT II

Trial court abused it's discretion by failing to conduct an evidentiary hearing concerning juror misconduct by intentionally concealment of being kin to a investigator at the solicitor's office.

The trial court abused it's discretion in not conducting a hearing like the one conducted in Tr. tran p. 102-104, and let the juror be asked questions as to kinship. If a hearing was held the Appellant would've used one of his preemptory challenges, and/or asked for the juror to be dismissed.

§ 14-7-1020 states in part the court should "examine on oath any person who is called as a juror to know whether he is related to either party, has any interest in the cause, has expressed or formed any opinion, or is sensible of any bias or prejudice therein..."

During the picking of the jury, the circuit court asked the prospective jurors (page 12 L 17-19) "Is there any members of this panel who has a family member or a friend who is employed by the Seventh circuit solicitor's office? If so, please stand."

Gray v. Bryant 298 SC 285, 379 SE 2d 894 (1989) (Finding intentional concealment where a juror failed to disclose relationship when asked specifically about existence of relationship).

In the present case on day two (2) at 2:16 p.m. page 189 (over a day and a half after trial begins) it's brought to the courts attention that one of the jurors are kin to an investigator. When asked about if the investigator is involved in the case, the prosecutor

mistrusts the judge by not correcting herself when she tells the judge "no" she's not involved in the case. Jr. Tran. p 190 L 5-10

The investigator's involvement can be found on page 68 Line 24-25 Direct Examination of Brandy Richards by Ms. Hallford, day one(1)

Q: After you watched those videos in February of 2019, did you end up talking to investigator Markum and

P. 69 L 1

myself on that day after you had watched the video's?

Line 2

A: yes

Appellant submits it doesn't take halfway through a trial to recognize ~~one~~ of your family members. The investigator was in the court room since the beginning of the trial, including when the jury was selected. Jr. Tran. p 190 L 9-10.

In Glover v. Bottom 2017 WL 10743020 "Glover also contends that the prosecution not only knowingly suborned perjury, but also coerced Taylor to finger Glover with the threat of the death penalty. DE 4, 35-37 "Under Napue v. Illinois, 360 U.S. 264, 269-72 (1959) a defendant is denied due process if the prosecutor knowingly offers or fails to correct false testimony" United States v. Willis 347 F. App'x 402, 404 (4th Cir. 2010) "The knowing use of false or perjured testimony constitutes a denial of due process if there is any reasonable likelihood that the false testimony could have affected the judgment of the jury. In order to establish denial of due process, the defendant must show (1) the statement was actually false; (2) the statement was material; and (3) the prosecution knew it was false." Coe v. Bell 141 F.3d 320, 343 (4th Cir. 1998)

Appellant submits that he has satisfied the showing of the above standard.

"[I]ntentional concealment occurs when the question presented to the jury on voir dire is reasonably comprehensible to the average juror and the subject of the inquiry is of significance that the juror's failure to respond is unreasonable." State v. Woods 550 SE2d @ 284

Quoting, McCoy v. State 401 S.C. 363, 737 SE2d 423 (2013)

"Because juror misconduct is a separate basis for a new trial, it is governed by a separate standard. Provided a claim is timely raised, a new trial is warranted on the basis of juror misconduct if it is shown that (1) the juror intentionally concealed information, and (2) the information concealed would have supported a challenge for cause or would have been a material factor in the use of the party's peremptory challenges. See State v. Woods 345 S.C. 583, 587-89, 550 SE2d 282, 284 (2001) [finding that a juror's intentional failure to disclose a relationship gives rise to an inference of bias and rejecting the state's argument that a new trial should be warranted only where an individual shows he was prejudiced by juror's failure to disclose information]; State v. Kelly 331 S.C. 132, 145-46, 502 SE2d 99, 106-07 (1998) (recognizing that trial judges and attorney's cannot fulfill their duty to screen out biased jurors without accurate information and finding that the first inquiry in the juror disqualification analysis is whether the juror intentionally concealed information during voir dire). Further, evaluating the merits of a juror misconduct claim is a fact-intensive inquiry, which is most appropriately conducted after a hearing. See State v. Sparkman 358 S.C. 491, 496, 596 SE2d 375, 377 (2004)

Appellant submits he has further satisfied the above standard and states

there's no way of knowing anything about the kinship, bias or prejudice unless a hearing was conducted.

State v. Wise 359 SC@23, 596 SE2d@479 ("It is not enough that a question may be helpful. Rather, the trial court's failure to ask or allow a question must render the defendant's trial fundamentally unfair.")

ARGUMENT III

Trial court abused its discretion in permitting replay of the videotape without "inquiring into the jury's need for a video replay and balancing that need against any resulting prejudice."

Videotape testimony is unique. It enables the jury to observe the demeanor and to hear the testimony of the witness. It serves as the functional equivalent of a live witness.

In the present case, there were no overwhelming or physical evidence, the only evidence of acts of molestation was presented through the child's video testimony. The defendant denied any criminal conduct, asserting that the child was coached and the charges against him were the result of vindictiveness. Credibility became a crucial issue. Under these circumstances, the state relied on the videotaped testimony with great significance. Allowing the jury to see and hear the child's videotaped testimony a second time in the jury room during deliberations unduly emphasized the testimony. Tr. Tran: p. 350 L5-18, p351 L3-9, p352 L15-20 p. 354 L19-25, p355 L1-25.

Appellant submits, the pretrial statement in this case is like the one

in State v. Burr 195 N.J. 119 (2008) because the "statement is, however, significantly different from a demonstrative exhibit. Although it is evidence, it is also testimony. It is, in effect, a hybrid of the two. Unlike a demonstrative exhibit, the video tape contains hearsay statements offered for the truth of the matter asserted. Moreover, the videotape is powerful evidence for the jury to see again, if it is not placed into context."

The Burr court also shared the Appellate Division Panels concern that allowing a jury unfettered access to videotaped witness statements could have much the same prejudicial effect as allowing a jury unrestricted access to videotape testimony, during deliberations. The danger posed is that the jury may unfairly emphasize A.A.'s video statements over other testimony presented at trial, including her own cross-examination. Burr supra.; State v. Torres 2018 WL 3978178; State v. Thigpen 2017 WL 3443100.

Further stating Burr "we simply hold that in future, if a request is made by a jury to replay a videotaped pretrial interview that has been introduced into evidence, the precautionary procedures adopted in State v. Michaels 264 N.J. Super. 579 (1993) must apply to videotaped out-of-court statements. The rule we adopt today reflects the unique nature of this video tape evidence. We note that when faced with a similar issue, the highest courts in Florida and Wyoming have reached similar conclusions. See Young v. State 645 So.2d 965, 967-68 (Fla. 1994); Chambers v. State 726 P.2d 1269, 1276 (Wyo. 1986)" (FN.8)

A trial judge should first seek to satisfy a jury request for playback of videotaped testimony by offering a reading of the transcript of the testimony. The trial judge should inquire of the jury as to whether there is something the jurors are seeking from the video tape which would be unavailable to them from an impartial reading of the witness

testimony. If it is determined that the jury's request for a replay of the tape appears reasonably necessary to its deliberations, then the trial judge should exercise discretion to balance that need against any possible prejudice in each particular case. State v. Michaels 264 N.J. Super. 579 (1993)

Further stating Michaels supra. "We agree with the line of cases holding that it is error to allow the jury to have video taped testimony and a means of playing it in the jury room. See United States v. Binder 769 F.2d 595, 601 (9th Cir. 1985); State v. Kraushaar 470 N.W. 2d 509, 516 (Minn. 1991) ("Preferable" for review to take place in courtroom); Taylor v. State 727 P.2d 274, 276 (Wyo. 1986); People v. Talley 824 P.2d 65, 67 (Colo. Ct. App. 1991) (audio tape); Martin v. State 747 P.2d @ 320. However, we refuse to hold that it is never permissible, at jury's request during deliberations to replay a video tape of testimony in its entirety for the jury, with defendant present in open court. See United States v. Sacco 869 F.2d 499, 502-03 (9th Cir. 1989); United States v. McKinney 822 F.2d 946, 951 (10th Cir. 1987); Kraushaar, supra. 470 N.W. 2d @ 516; State v. Jennings 815 S.W. 2d 434, 440 (Mo. Ct. App. 1991); Peaff v. State 830 P.2d 193, 195 (Okla. Crim. App. 1992).

It was, reversible error to allow the jury unrestricted access to child's videotape testimony during deliberations. However, the Martin court also held that a replay of the taped testimony in open court would, in the courts discretion, be permissible at the jury's request Id @ 300.

In the Binder court (supra.) they, also determined that allowing the jury to have video tape children's testimony, with equipment for replaying it in the jury room, was an abuse of discretion. Tr. Transp. 396 L-15-25

It is clear that videotaped testimony provides more than conventional,

transcribed testimony. The witness' actual image, available in a video replay, presents much more information than does a transcript reading. In essence, the witness is brought before the jury a second time, after completion of the defense case, to repeat exactly what was testified to in the states case. The witness' words and all of the animation, passion, or sympathy originally conveyed are again presented to the jury. It is difficult to deny that there is a advantage that may be gained in such circumstances.

Appellant also argues that his failure to raise a contemporaneous objection should be excused by the inflammatory nature of the video. In support of this argument, Appellant cites the following proposition from Toyota of Florence Inc. v. Lynch "Even in the absence of a contemporaneous objection, a New trial motion should be granted in flagrant cases where a vicious, inflammatory argument results in clear prejudice." 314 S.C. 257, 263, 442 S.E.2d 611, 615 (1994). Keene v. CNA Holdings, LLC 426 S.C. 357, 827 S.E.2d 183 (2019)

ARGUMENT IV

Trial Court abused it's discretion when it allowed admission of inadmissible hearsay, of a polygraph examination.

Appellant submits trial court abused it's discretion when ruling on the playing of polygraph audio tape. When audio is played, the wrong part of the audio is played. The investigator and Appellant are speaking about polygraph in the audio when it's played before the jury.

Jr. Tran p. 339 Line 22-24 by Ms. Hallford.

Q: Investigator Cantrell, we're gonna play a short clip from the

interview with Danny Morgan and tell me if you can identify on this disc who this speaker is.

Line 25

(Where upon, plays audio).

Tr. Trans. page 340 Line 1

Ms. Hallford: Your Honor, I apologize. I gave her the wrong time. Your Honor, I apologize. I don't know. I put the wrong time down, so we're not gonna be able to play that audio.

The prosecutor admits before she plays the audio that it is inadmissible on Tr. Tran. p. 315 L. 24-25 and p. 316 Line 1 and 2.

Q: You tell the jury that he was a monster and there is a disc that contains the entire interview, some of which would not be admissible, which is why we didn't play the whole thing.

The prosecutor plays the audio to impeach defendant for denying making a statement. When defendant never admits or denies making a statement. Tr. Tran. p. 333 L. 1-25, p. 298 L. 22-25, p. 299 L. 1-25, p. 300 L. 1-25.

The defense challenges the state, instead of playing the audio the investigator can testify that she's familiar with the interview. Tr. Tran. p. 334 L. 1-25 "Your Honor not to help them out, but if you wanted to. I'm sure if Nikki testified that she watched the interview and is familiar with the interview and..."

Investigator Nikki Cantrell shouldn't've been able to testify to what Investigator Danny Morgan had said during the Polygraph examination. When Investigator Danny Morgan could've been asked the questions when he was on the stand or could've been called back to the stand. This hearsay should

also be excluded pursuant to the hearsay rule.

Tr. Tran. p 333 L 11-15

The Court: You can or you could, if you want to, you can call him back to the stand if you want to do that. Or whatever you think. Or you could put it in through the officer. It's already in evidence anyway, right?

Mr. Thompson: NO

Ms. Hallford: NO

The Court: It's not in evidence?

Ms. Hallford NO. It's not because this is on, this is on the poly-graph.

stating State v. Brewer 411 S.C. 401, 768 SE2d 656 (2015)

"The admission or exclusion of evidence is left to the sound discretion of the trial judge, whose decision will not be reversed on appeal absent an abuse of discretion." State v. Black 400 SC 10, 16, 732 SE2d 880, 884 (2012). (quoting) State v. Saltz 346 SC 114, 121, 551 SE 2d 240, 244 (2001). Here the admission of the unredacted audio tape interrogation was an abuse of discretion.

("Hearsay is defined as a statement other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted") (quoting Rule 801(c), S.C.R.E.). Here, in the present case we see the audio tapes were not entered into evidence. The suggestion that this evidence served a nonhearsay purpose is patently without merit. See Ezell v. State 345 SC 312, 548 SE 2d 852, 853 (2001) (finding out-of-court statements on an audio tape identifying the defendant as a drug dealer were inadmissible hearsay); see also Windham v. State 315 Ga. App. 855, 729 SE2d 25, 29 (2012) (holding that an officers statements

during an interrogation that the victim believed that Appellant had acted in concert with other criminals was inadmissible hearsay) Smith v. State 721 N.E. 2d 213, 216 (Ind. 1999) (rejecting the states argument that during an interrogation Police questions, and comments designed to elicit responses from defendant constitute non-hearsay).

In Brewer supra, the court found no support in law for the State's argument that interrogator's statements were admissible for purposes of context or for the effect the statements had on Brewer. see. United States v. Silva 380 F.3d 1018, 1020 (7th Cir.) ("So to what issue other than truth might the testimony have been relevant?... Allowing agents to narrate the course of their investigations, and thus spread before juries damning information that is not subject to cross-examination, would go far toward obrogating the defendant's rights under the Sixth Amendment and the hearsay rule")

The effect these statements had on Appellant, was, to make him repeatedly deny a statement, not a confession during the course of a polygraph test, that's not relevant, inadmissible, and has no direct, or any overwhelming evidence that he committed a crime. The meaning of these repeated denials is obvious and requires no explanatory context. The effort by the State to rescue the admission of this unmistakable hearsay statement must be rejected.

This created a due process structural defect in the trial. Structural defects are not subject to a harmless-error analysis regardless of the evidence presented. see State v. Rivera 402 S.C. 225, 247, 741 S.E.2d 694, 705 (2013) ("Despite the strong interest upon which the harmless-error doctrine is based, there are certain constitutional rights which are so basic to a fair trial that their infraction can never be treated as harmless-error. These are structured

defects in the constitution of the trial mechanism, which defy analysis by harmless-error standards and which affect the framework within which the trial proceeds, rather than simply an error in the trial process itself.") (internal quotations omitted) citing Arizona v. Fulminante 499 U.S. 279, 306-08, 111 S.Ct. 1246, 13 LEd 2d 302 (1991).

ARGUMENT V

Trial Court abused it's discretion when sentencing Appellant to Life without Parole, and not giving him notice that State was seeking Life without parole.

In the sentencing phase of defendants trial the prosecution stated "And I don't believe he's safe around children and I would ask that he recieve a sentence of life without Parole." Tr. Tran. p 403 L 23-25.

The defense states "Obviously we would be requesting a sentence on the low end of the -- obviously it's very stiff, 25 to life range" Tr. Tran. p. 404 L 3-5. "I would ask a sentence, if not 25 years, at least that's something where he has a max out date at some point in time in the future!" Tr. Tran. p 405 L 8-11.

The decision on whether to impose a life sentence can be considered in conjunction with SC code § 17-25-45 Life Sentence for person convicted of certain crimes.

(A) Notwithstanding any other provision of law, except in cases in which the death penalty is imposed, upon conviction for a most serious offense as defined by this section, a person must be sentenced to a

term of imprisonment for life without the possibility of parole if that person has either:

(1) one or more prior convictions

(a) a most serious offense, or

(b) a federal or out-of-state conviction for an offense that would be classified as a most-serious offense under this section; or

(2) two or more prior convictions for:

(a) a serious offense; or

(b) a federal or out-of-state conviction for an offense that would be classified as a serious offense under this section,

(G) The decision to invoke sentencing under this section is in the discretion of the solicitor.

(H) Where the solicitor is required to seek or determines to seek sentencing of a defendant under this section, written notice must be given by the solicitor to the defendant and defendant's counsel not less than ten days before trial.

To. Tran - p 270 L 25

The Court: Does he have

p. 271 L 1

a prior record?

p 271 L 2

Ms. Hallford: "He does, Your Honor, but it falls way outside of the ten years. And the only ones that would have been admissible was the 2001 Grand Larceny and 2003 Fraudulent Check times three. I did not file a motion to be able to use them outside of the ten years because they were so far outside the ten years." (But she used them anyway)

The imposition of a life sentence is controlled by SC Code §17-25-45 where the CSC Statute does not make it mandatory.

Turning now to the CSC Statute. 2006 Act. NO 342

DCI In the case of a person convicted at trial of a violation of subsection A(1), the judge or jury which ever is applicable, must designate as part of the verdict whether the conduct that constituted the sexual battery involved sexual or anal intercourse by a Person or intrusion by an object. If the person has previously been convicted of, Plead guilty or nolo contendere to, or adjudicated delinquent for first-degree criminal sexual conduct with a minor who is less than eleven years of age or a Federal or out-of-state offense that would constitute first degree criminal sexual conduct with a minor who is less than eleven years of age, he must be punished by death or by imprisonment for life...

The CSC Statute makes it clear that if a person has a prior conviction of a CSC charge then he must be punished by death or life imprisonment. Appellant does not have a prior conviction of a CSC charge or a most-serious charge.

Appellant submits trial Court abused it's discretion when sentencing him to life without the possibility of parole under the CSC Statute and § 17-25-45, and by failing to give him adequate notice that the prosecution was seeking LWOP. under § 17-25-45 (G) and (H)

ARGUMENT VI

Trial Court abused it's discretion in sentencing Appellant outside the guidelines of a class (C)(v) indictment making this sentence unconstitutional.

An indictment is a notice document in which the offense must be stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon.

A) Statutory Law

Appellant was indicted in Spartanburg County on May 7, 2009 for SC Code § 16-3-655(1), Criminal sexual conduct w/minor, First Degree, which states:

A) A person is guilty of Criminal sexual conduct with a minor in the first degree if:

1) The actor engages in a sexual battery with a victim who is less than eleven (11) years of age.

All cases are separated in several different categories for sentencing guidelines, all courts must follow when sentencing a convicted person of a crime. Some of these sentencing guidelines include: Serious, most serious, violent, non-violent, felonies, misdemeanors, and a six (6) letter class to follow before sentencing, which is the one at issue here. In this category the courts can only sentence someone within a class that the charge is within and the judge has no authority to step outside of this class to sentence anyone.

§ 16-1-10 Categorization of felonies and misdemeanors

(A) Felonies are classified, for the purpose of sentencing, into the following six categories:

- 1) Class (A) felonies
- 2) Class (B) felonies
- 3) Class (C) felonies

- 4) Class D Felonies
- 5) Class E Felonies
- 6) Class F Felonies

§ 16-1-20 Penalties for classes of felonies

(A) A person convicted of classified offenses, must be imprisoned as follows:

- 1) For a class (A) felony, not more than thirty years;
- 2) For a class (B) felony, not more than twenty-five years;
- 3) For a class (C) felony, not more than twenty years;
- 4) For a class (D) felony, not more than fifteen years;
- 5) For a class (E) felony, not more than ten years; and
- 6) For a class (F) felony, not more than five years.

Looking now to Appellants indictment it states that his charge is in the class (C), violent, felony category which means by South Carolina Statutory Law if he was to be convicted he couldn't be sentenced no more than twenty (20) years.

Now turning to SC Code § 16-1-90 The only class (C) felonies limited to criminal sexual conduct are:

§ 16-1-90 Crimes classified as felonies

(C) The following offenses are class (C) felonies and the maximum terms established for a class (C) felony, not more than twenty (20) years, as set forth in § 16-1-20 (A) apply:

§ 16-3-653 Criminal sexual conduct, second degree.

§ 16-3-655(C)(3) Criminal sexual conduct, 2nd degree, with minor between 11 and 14 or at least 14 and less than 16 if actor in familial or custodial position.

§ 16-3-656 Assault with intent to commit criminal sexual conduct 2nd degree.

§16-3-658 criminal sexual conduct in second degree where victim is legal spouse (separated).

§16-3-810 Engaging child under 18 for sexual performance.

B) Statutory Construction

Stated in Hodges v. Rainey 341 S.C. 79, 85, 533 S.E2d 578, 581 (2000) The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. Charleston County Sch. Dist v. State Budget and Control Bd. 313 S.C. 1, 437 S.E2d 6 (1993). Under the plain meaning rule, it is not the courts place to change the meaning of a clear and unambiguous statute. In re Vincent 333 S.C. 233, 509 S.E2d 261 (1998) (citation omitted) where a statutes language is plain and unambiguous, and conveys a definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning. Id. @ 233, 509 S.E2d @ 262 (citing) Paschal v. State Election Comm'n 317 S.C. 434, 454 S.E2d 890 (1995) "what a legislative says in the text of a statute is considered the best evidence of the legislative intent or will. Therefore, the courts are bound to give effect to the expressed intent of the legislature."

Accordingly, §16-1-20, requires strict compliance with it's provisions, and mandates that all class (C) felonies must be sentenced no more than twenty (20) years, if convicted.

Therefore, recognizing the statutory requirements set forth in §16-1-20, mandating the only process allowed for sentencing a convicted person of a class (C) felony, and consideration of the facts and evidence presented above, it becomes apparent that defendants indictment fails the standard set by Gentry 363 @ 102-03, 610 S.E2d @ 500 by failing to

state offense with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction.

[Amendments]

South Carolina Code of laws § 17-19-100 clearly implies that indictments can be amended as long as such amendment does not change the nature of the offense charged.

§ 17-19-100 Amendments of indictments; proceedings after amendment:

IF (a) there be any defect in form in any indictments or (b) on the trial of any case there shall appear to be any variance between the allegation of the indictment and the evidence offered in proof thereof, the court before which trial should be ~~had~~ may amend the indictment (according to the proof, if the amendment be because of a variance) if such Amendment does not change the nature of offense charged.

After such Amendment the trial shall proceed in all respects and with the same consequences as if the indictment had originally been returned as so amended, unless such amendment shall operate as a surprise to the defendant, in which case the defendant shall be entitled, upon demand, to a continuance of the cause.

Here, amending defendants indictment would change the nature of the offense from a criminal sexual conduct w/minor 2nd degree between 11 and 14 or at least 14 and less than 16 if actor is in familial or custodial position, to a criminal sexual conduct 1st degree, age 11 and under. Criminal sexual conduct w/minor 2nd degree is not a

lesser included offense of Criminal Sexual Conduct w/minor in the 1st degree. Amendments to an indictment are permissible if they do not change the nature of offense; or defendant waives presentment to the grand jury and pleads guilty. SC Code § 17-19-100 (1985); State v. Murdock 308 SC 143, 417 SE2d 543 (1992); State v. Riddle 301 S.C. 211, 391 SE2d 253 (1990), overruled on others grounds by Gentry 363 SC 93, 610 SE2d 494.

[Court Rules, Orders or other Processes]

It should be noted that § 16-1-20 is not a local rule or statute but a general provision applicable to the courts in every county, and as shown, mandates that all class (C) felonies that are violent must be sentenced no more than twenty (20) years if convicted.

No local rule of court, administrative order, policy, or other procedure can take precedent over statutory law which is always controlling. See S.C. Const. Art. V § 1, and § 4 and State v. Cottingham 77 SE2d 897, 224 SC 181 (1953) statutes override rules of court if in conflict; State v. Duncan 264 SE2d 421 (SC 1980). Circuit court rule promulgated by individual judicial circuit was unconstitutional and void.

However, the issue of whether or not a local rule, order, policy, or procedure was utilized for the process of sentencing is irrelevant because by State law, it would still have to be in agreement with the provisions of § 16-1-20 for it to be constitutional.

Art. V, § 4 of our constitution provides in part: "The supreme court shall make rules governing the administration of all courts of the state, subject to the statutory law, the Supreme Court shall

rules governing the practice and procedures in all courts."

§ 14-5-310 Rules of court:

The circuit courts may make and establish all necessary rules for the orderly conducting of business in said courts, provided such rules are not repugnant to the laws of the state or the rules prescribed by the justices of the Supreme court and circuit judges.

Thus, under those requirements, **NO** rules can be made or established for sentencing a convicted person of a class(C) felony, unless it comports with § 16-1-20. Otherwise, the sentencing would be unconstitutional and null, being with no legal effect.

[Rights Violations]

In Gentry, the court held that an indictment is a "notice document" required by the state constitution and statutes. See S.C. Const. Art. I, § 11 and Art. V, § 22, § 17-19-10 (2003) "no person shall be held to answer in any court for an alleged crime or offense, unless upon indictment by a grand jury, except in specified instances..."

The primary purposes of an indictment is to put the defendant on notice of what he is called upon to answer, i.e., to apprise him of the elements of the offense and to allow him to decide whether to plead guilty or stand trial, and to enable the circuit court to know what judgment to pronounce if the defendant is convicted. See Evans v. State 363 S.C. 495, 508-13, 611 S.E.2d 510, 517-19 (S.C. 2005) citing Gentry 363@ 102-03, 610 S.E.2d @ 500.

This requirement of a "notice document" is a component of

Due Process that is accorded every criminal defendant. see U.S. Const. Amend V; and SC Const. Art I, § 3.

[Mandatory Language]

SC Const. Art. I § 23 Provisions of Constitution mandatory:

The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms.

South Carolina law holds that words of a statute must be given their plain and ordinary meaning without resort to subtle or forced construction. see State v. Muldrow 348 S.C. 264, 559 S.E.2d 847 (2003). And statutory prescriptions couched in language such as "shall" and "must" are mandatory in application and effect. see e.g. South Carolina Police Officers Ret. Sys. v. City of Spartanburg 301 S.C. 188, 391 S.E.2d 239, 241 (1990); Starnes v. South Carolina Dept. of Public Safety 342 S.C. 216, 221, 535 S.E.2d 655, 667 (Ct. App. 2000)

Appellant submits the trial court abused its discretion in sentencing him outside the guidelines of a class (C) indictment making his sentence unconstitutional.

Citing Toyota of Florence Inc. v. Lynch "[E]ven in the absence of a contemporaneous objection, a new trial motion should be granted in flagrant cases where a vicious, inflammatory argument results in clear prejudice" 314 S.C. 257, 263, 442 S.E.2d 411, 615 (1994).

Keene v. C.N.A. Holdings LLC 426 S.C. 357, 827 S.E.2d 183 (2019)

ARGUMENT VII

Appellant's indictment should be dismissed on the ground that the grand jury was not selected, drawn, impaneled, or summoned in accordance with law, violating his due process rights, and makes a challenge to individual jurors on the ground that the jurors were not legally qualified.

Appellant will show that, the County of Spartanburg knowingly employed the use of unlawful procedures for the publication of it's true-billed indictments by not selecting, impaneling, drawing, summoning, and qualifying a grand jury in accordance with law, convening it's grand jury outside the term of General Sessions court, and then willfully caused false and misleading information to be printed in it's indictment.

Consequently, the unlawful and illegal acts committed by the county requires the court to hold Appellant's indictment null and invalidate all judicial proceedings taken in this case.

The matter presented below for review is not a challenge to the courts general grant of authority to hear and determine cases. That authority is rightfully granted by our constitution, State v. Gentry 363 S.C. 93, 610 SE2d 494 (2005), and will not be at issue here.

The jurisdiction of a court over subject matter of a proceeding is determined by the constitution, the laws of the state, and is fundamental. Lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this court on it's own motion. Fielden v Fielden 274 SC 219, 262 SE2d 43 (1980); Harden v. South Carolina State Hwy. Dept. 266 SC 119, 221 SE2d 851 (1976); State v. Gore 256 SC 539, 183 SE2d 334 (1971); State v. Heyward 564 SE2d 379

(Sc. App. 2002); McCullough v. McCullough 242 SC 108, 130 SE2d 77 (1963)

A) Drawing, balloting, impaneling, summoning and Attendance Records

§ 14-17-300 - Clerk shall execute laws respecting jurors.

The clerk shall diligently and uprightly put in execution the laws in force directing the drawing, balloting, impaneling and summoning of jurors, so as his cooperation may be required.

§ 14-7-1510 - Six grand jurors to be selected for second year; Periodic exemption from further service.

A) During the last term of Court of General Sessions held in each county for any year, the clerk of court shall randomly draw from the twelve members serving their first year on the grand jury the names of six of the grand jurors who, together with twelve grand jurors selected in the manner prescribed in this article, shall constitute the grand jury for the succeeding year. The drawing of these names by the clerk of court has the same force and effect as if the names of the six grand jurors had been drawn in the presence of the presiding judge.

See Exhibits: 6, 28, 29, 33, 35, 36, 37, 38

§ 14-7-140 - Use of computer for drawing and summoning jurors.

"... The computerized drawing and summoning of jurors must take place in the office of the clerk of court as a public event to ensure the absolute integrity of the random selection process."

§ 14-7-1520 - Drawing of juror names; writs of venire facias; issuance and delivery of writs.

Not less than fifteen days before convening of the first

term of the court of general sessions for the calendar year, the jury commissioners shall proceed to draw from the jury box the number of grand jurors which the clerk of court or chief administrative judge for the circuit has determined to be sufficient in order to impanel a grand jury. The grand jurors must be randomly drawn and listed as are jurors for trials, and the jury commissioners shall not disqualify or excuse any juror drawn. Immediately after these grand jurors are drawn, the clerk of court shall issue writs of venire facias for these grand jurors, requesting their attendance on first day of the week of criminal court in the county or at such other time as the clerk of court may designate. These writs of venire facias must be immediately delivered to the sheriff of the county or otherwise served as provided by law.

See Exhibits: 16, 23(a), 25, 33, 35, 36, 37, 38, 43, 44

§ 14-7-1530- Judge to ascertain qualifications of jurors; list of excused or disqualified jurors; jurors not served writs.

On the first day of the term of court, the presiding judge shall ascertain the qualifications of those jurors who have appeared pursuant to the writs of venire facias. No juror may be excused or disqualified except in accordance with existing law as determined by the presiding judge. The clerk of court shall maintain a list of all jurors who are excused or disqualified by the presiding judge and state the reasons given by the presiding judge for excusing or disqualifying the jurors. The sheriff of the county also shall report to the presiding judge the names of those persons who were not served with writs of venire facias, and that reasonable effort was made to obtain service. The clerk of court shall maintain a list of the jurors who were not served with the writs of venire facias and the reasons service was not effected.

See Exhibits: 23(a), 25, 43, 44.

§14-7-1540 - Drawing of grand jurors and alternates.

After the grand jury venire has been duly qualified by the presiding judge, the clerk of court shall place the names of all qualified grand jurors in a container from which twelve grand jurors must be chosen. The clerk of court shall randomly draw twelve jurors from the container, and those twelve jurors drawn shall serve as grand jurors, together with those grand jurors selected as provided under section 14-7-1510(A). The clerk of court shall randomly draw three or more additional jurors, with those three or more jurors serving as alternate grand jurors in the event one or more of the original grand jurors are incapacitated, excused, or disqualified during their term. These names of the alternate grand jurors must be kept separate and numbered in the order drawn and in this order, unless excused by the presiding judge, shall serve when necessary. The remainder of the grand jury venire may be discharged.

§14-17-310 - Clerk shall make out roll of jurors and constables in attendance; certificates.

Immediately after the adjournment of any court of common pleas and General Sessions the clerk thereof shall:

- (a) make out a roll of the grand jurors, petit jurors and constables who have attended the same, exhibiting the same, time and service and amount due each juror and constable and the term at which the service was performed;
- (b) Enter the same on the journals of the court of the term when such service shall be performed;
- (c) Forthwith transmit to the governing body of the county a certified copy of such roll; and
- (d) Furnish each juror and constable with a certificate, in the following form:

STATE OF SOUTH CAROLINA: I, A.B. Clerk of Court of Common Pleas and General Sessions for _____ County, in said State, do certify that _____ attended as a _____ juror (or actually served as a constable, as the case may be) for said County _____ days at _____ term, A.D. _____, and is entitled to receive for the same _____ dollars, and _____ cents.

Such certificate shall be signed by the clerk of court, who shall issue the same, and be counter signed by the Sheriff of the County. All certificates so issued and executed shall be valid.

See Exhibits: 28, 29, 39, 40, 41, 42

The statutory terms above are clear, unambiguous, and requires the clerk of court to execute the laws in force directing the drawing, balloting, empaneling, summoning of jurors, and must maintain records of attendance of grand jurors who attended the court of General Sessions. **NO**

EXCEPTIONS!

Stated in Hodges v. Rainey 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000) The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. Charleston County Sch. Dist. v. State Budget and Control Bd. 313 S.C. 1, 437 S.E.2d 6 (1993) Under the plain meaning rule, it is not the courts place to change the meaning of a clear and unambiguous statutes. In re Vincent 333 S.C. 233, 509 S.E.2d 261 (1998) (Citation omitted) where a statutes language is plain and unambiguous, and conveys a definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning. Id. @ 233, 509 S.E.2d @ 262 (citing) Paschal v. State Election Comm'n 317 S.C. 434, 454 S.E.2d 890 (1995) "what a legislative says in the text of a statute is considered the best evidence of the legislative intent or will. Therefore, the courts are bound to give effect to the expressed intent of the legislature."

However, here, evidence will establish that the County of Spartanburg willfully printed and published false and misleading information in its indictment in order to keep secret its violation of statutory law, thus, committing the act of perjury which renders all judicial proceedings invalid and its indictment null and void.

In the case of (09-GS-42-2627) Appellant's bill of indictment prints that it was returned "At a Court of General Sessions, convened on May 7, 2009, the grand jurors of Spartanburg, County present upon their oath" Further, the title page of the Counties indictment prints that it was published at a Court of General Sessions term as convened on May 11, 2009.
See Exhibits: 1(a), 1

In the case of (10-GS-42-4657), Indictment prints that it was returned; "At a Court of General Sessions, convened on August 19, 2010, the grand jurors of Spartanburg, County present upon their oath", Further, the title page of the Counties indictment prints that it was published at a Court of General Sessions term as convened on August 23, 2010
See Exhibits: 2(a), 2

The terms of General Sessions Court for Spartanburg County are fixed by S.C. Ann. § 14-5-710 and has been canceled pursuant to S.C. Const. Art. V, § 4 by order of the Chief Justice of South Carolina. Order dated July 22, 2008 pertains to indictment true-billed on May 7, 2009. See Exhibit: 7. Order dated January 13, 2010, pertains to indictment true-billed on August 19, 2010. See Exhibit: 8. Thus, the County could not have lawfully returned its indictments at a Court of general sessions, convened on May 7, 2009 See Exhibit: 1, and August 19, 2010 See Exhibit: 2, as falsely alleged in the County indictment. Also note the same date on the true-bill stamp, because by order of the Chief Justice of South Carolina NO general sessions court is allowed to be open on May 7, 2009,

and August 19, 2010.

Some additional pieces of evidence very clearly settles the matter of the County of Spartanburg's FALSE condition. The information contained in Exhibits: 3, 6, 30, and 34, establishes that NO special term of Court of General Sessions was convened on May 7, 2009 and August 19, 2010.

The attached South Carolina Chief Justice Order's Exhibits: 7 and 8, and the certified "True Copy" by South Carolina Court Administration Judicial Department Circuit Court Calendar for Spartanburg County on May 7, 2009, and August 19, 2010 Court terms Exhibit: 7(a) and 8(a) proves beyond doubt that NO Court of General Sessions was convened on May 7, 2009 and August 19, 2010 as FALESLY printed in Appellants indictment.

When a legislative enactment limits the manner in which something maybe done, the enactment also envinces the intent that is, shall not be done another way.

Therefore, since NO Court of general sessions was convened on the dates of May 7, 2009, and August 19, 2010. The County committed the act of perjury by printing false information by stating "At a Court of general sessions, convened on May 7, 2009" and "August 19, 2010, the grand jurors of Spartanburg County present upon their oath."

B) Court Rules, orders, or other Processes

It should be noted that the above and below stated South Carolina rules and statutes, are not local rules or statutes, but are general provisions applicable to the courts in every county, and as shown mandates that the clerk of court must direct the drawing, balloting, empaneling,

Summoning of jurors, and keep a record of attendance of such grand jurors.

No local rule of court, administrative order, Policy, or other procedure can take precedent over statutory law, which is always controlling. See SC. Const. Art. V, § 1 and § 4, also State v. Cottingham 77 SE2d 897, 224 SC 81 (1953). Statutes override rules of court if in conflict; State v. Duncan 264 SE2d 421 (SC 1980) Circuit Court rule promulgated by individual Judicial Circuit was unconstitutional and void.

SC. Const. Art. V, § I - Judicial Power vested in certain courts.

The judicial power shall be vested in a unified judicial system, which shall include a Supreme court, a court of Appeals, a circuit court, and such other courts of uniform jurisdiction as may be provided for by general law.

SC. Const. Art. V, § 4

The Supreme Court shall make rules governing the administration of all courts of the state, subject to the statutory law, the Supreme Court shall make rules governing the practice and procedures in all such courts.

SC Code Ann. § 14-5-310 - Rules of court:

The circuit courts may make and establish all necessary rules for the orderly conducting of business in said courts, provided such rules are not repugnant to the laws of the state or the rules prescribed by the justices.

SC Rules of Civil Procedure, Rule 77 - courts and clerks

(e) Cancelling or ordering term of court.

No term of court shall be cancelled nor additional term scheduled without the prior approval of the Chief Justice, when the local bar requests that a week of Common Pleas court be not held, or the Solicitor

requests that a week of general sessions be not held, the clerk shall immediately notify the court Administrator of this State.

However, the issue of whether or not a local rule, order, policy, or procedure was utilized for process and return of Appellants indictment is irrelevant because by state law, the drawing, summoning, returning, impanelment, and roll records of the grand jurors would still have to exist as public information.

Accordingly, and in this case, no court rules, orders, or other procedures can be invoked or cited by the county of Spartanburg to justify why no records of the grand jury exist, except that the grand jury never convened!

C) Criminal Violations

Also brought before the court for judgement are violations of S.C. Code Ann. § 16-9-10, offense against public justice and S.C. Code Ann. § 16-17-410.

§ 16-9-10 - Perjury and subornation of perjury, states in part:

A(2) It is unlawful for a person to willfully give false, misleading or incomplete information on a document, record, or report, or form required by the laws of this state.

B(2) A person who violates the provisions of subsection A(2) is guilty of a misdemeanor, and upon conviction, must be imprisoned not more than six (6) months, or fined not less than 100 dollars, or both.

C) A person who violates, may be convicted under this section... If he commits perjury by his own act, consent, or agreement.

First: As previously shown in subsection (A), § 14-17-300 and § 14-17-310, mandates that the clerk of court must direct the drawing, balloting, empaneling, summoning and maintain records of attendance of the grand jurors who attended the court of general sessions. Also established in subsection (A), was the fact that Appellants indictments were sealed with a true-billed stamp, prepared and signed by the Assistant solicitor, contained false information that it had been returned "At a Court of General Sessions, convened on May 7, 2009, and August 19, 2010, the grand jurors of Spartanburg County present upon their oath" see Exhibits: 1, 1(a), 2, 2(a), 6, 7, 7(a), 8, 8(a), 9, 30, clearly shows no general sessions court on said dates for the grand jury to present any evidence upon their oath.

Second: It should be noted, In Gentry supra., our supreme court determined that an indictment is a notice document required by the State Constitution and Statutes.

SC Const. Art. I § 11 - Presentment or indictment

No person may be held to answer for any crime the jurisdiction over which is not within the magistrates court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed...

SC Const. Art. V, § 22

The grand jury of each county, and state grand jury, as the General Assembly may establish by general law, shall consist eighteen members, twelve of whom must agree in a matter before it can be submitted to the court. Each juror must be a resident of this state and have such other qualifications as the General Assembly may prescribe.

§ 17-19-10 - offenses shall be prosecuted upon grand jury; exceptions.

No person shall be held to answer in any court for an alleged

Crime or offense, unless upon indictment by a grand jury, except in the following cases:

- (1) when a prosecution by information is expressly authorized by statute;
- (2) in proceedings before a police court or magistrate; and
- (3) in proceedings before courts martial.

S.C. Rules of Criminal Procedure

Rule 3: Disposition of Arrest warrants

(C) Action on warrant: within (90) days after receipt of an arrest warrant from the clerk of court, the solicitor shall take action on warrant by:

- 1) preparing an indictment for presentment to the grand jury, which indictment shall be filed with the clerk of court, assigned a criminal case number, and presented to the grand jury;
- 2) formally dismissing the warrant, noting on the face of the warrant the action taken; or
- 3) making other affirmative disposition in writing and filing such action with the clerk of court.

Thus, Appellants true-billed indictment satisfies the provision of §16-9-10 A(2), perjury, "false information on a document required by the laws of this state"

Third: most importantly, it must be emphasized for the purposes of blame that a solicitor/~~Assistant~~ solicitor and a clerk of court hold full knowledge of the law in this state. It is a requirement of the high offices of the the prosecution and the clerk of court.

The prosecutor occupies a quasi-judicial position, and must see that justice is done, that no conviction takes place except in strict

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conformity with the law. See State v. Quattlebaum 338 SC 441, 527 SE 2d 105 (SC 2000); State v. Darden 264 SC 212 SE 2d 587 (1975); State v. King 222 SC 108, 71 SE 2d 793 (1952).

The clerk of court is required to know and obey the legal mandates in § 14-17-300 and § 14-17-310, by directing the drawing, balloting, empaneling, summoning, and making out a roll of attendance of the grand jurors.

As presented above, instead of discharging their responsibilities in conformity with state law, the clerk of court and the solicitor broke their oath of office by willfully preparing, printing, and filing false and misleading information in the indictment by incorrectly stating that it had been returned at a court of general sessions on May 7, 2009, and August 19, 2010. Thus, (s)he committed the offense of perjury and must be punished accordingly.

[Conspiracy Against Public Policy]

§ 16-17-410 - provides in part:

The common law crime known as "conspiracy" is defined as a combination between two or more persons for the purpose of accomplishing an unlawful object, or lawful object by unlawful means. A person who commits the crime of conspiracy is guilty of a felony and upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years.

Below, Appellant has restricted the list of conspirators to individuals essential to the indictment process. Full blame can be properly be determined once the grand jury records are subpoenaed, and the necessary criminal investigation is complete. It should also be noted that such records do

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not exist. See Exhibits: 5, 6, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44.

Additionally and importantly, it must be pointed out that all the below listed conspirators are State judicial officials, and as such, they are required by virtue of their high offices to possess full knowledge and understanding of the laws of South Carolina. In this case, a claim of ignorance to the law would be unacceptable.

[Conspirators and Blame]

First: Pursuant to § 14-7-1510 (A) and § 14-7-1520, The jury commissioners who were selected to draw from the jury box the number of grand jurors which the clerk of court or chief administrative judge for the circuit has determined to be sufficient in order to impanel a grand jury.

Second: Pursuant to § 14-17-300, § 14-7-140, § 14-7-1510 through § 14-7-1540, and § 14-17-310, the clerk of court shall diligently and uprightly put in execution the laws in force directing the drawing, balloting, impaneling, summoning, and immediately after the adjournment of any court of common pleas and general sessions make out a roll of the grand jurors, forthwith transmit to the governing body of the county a certified copy of such roll and furnish each juror with a certificate. Such certificate shall be signed by the Clerk of Court, who shall issue the same and be counter signed by the sheriff of the County. These records must be entered in the journals of the court of the term when such service shall be performed.

Pursuant to S.C. Rules of Civil Procedure, Rule 28, and § 14-7-1540, the clerk shall not in any case permit either the books or records to be

removed from his office, though he shall at all times permit either party to a suit or his agent or attorney to inspect or copy, during the pendency of suit, any papers pertaining thereto without charge or to furnish on application certified copies thereof on payment of fees per copy sheet.

Third: Pursuant to § 14-7-1530, and § 14-7-1540, The presiding judge who failed to qualify the jurors on the first day of the term of general sessions court of that calendar year of 2009 and 2010.

The presiding judge violated his oath of office by not discharging his duties (The act of not qualifying the jurors according to state law). This violation of the judges oath also violated the following canons under SCACR, Rule 501, Judicial Conduct

Canon 2(a) - A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 3(a) The judicial duties of a judge take precedence over all the judge's activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

Canon 3(b)(2) A judge shall be faithful to the law and maintain professional competence in it.

Canon 3(b)(3) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

Fourth: The facts and evidence presented above establishes that the Assistant Solicitor violated her oath of office, and SCACR Rule 407, Professional Conduct:

Rule 3.5(a) A lawyer shall not:

Seeks to influence a judge, juror, member of the jury venire or other official by means prohibited by law.

Rule 8-4 It is professional misconduct for a lawyer to:

- a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- e) engage in conduct that is prejudicial to the administration of justice;
- g) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

South Carolina Rules of Criminal Procedure, Rule 3(c)(1), by preparing an indictment for presentment to a grand jury which reads "At a court of general sessions, convened on May 7, 2009 and August 19, 2010, the grand jurors of Spartanburg County present upon their oath" knowing no grand jury had convened at a court of general sessions on those dates. Pursuant to Rule 77 of S.C. Rules of Criminal Procedure, no additional term of court can be scheduled without prior approval of the Chief Justice. Thus, the Assistant solicitor is a "central figure" in the criminal conspiracy.

Also, it should be noted that the head solicitor, as chief prosecuting officer for the county, directs and supervises the activities of the assistants under his authority. Thus, it would be he who is ultimately responsible for the criminal acts committed by the

assistant solicitors in any case. Moreover, the possibility exists that others of the solicitors assistants are involved in the same type of unlawful and illegal indictment activities. Therefore, the activities of the Spartanburg county solicitor's office should be investigated by the appropriate authorities.

Fifth: The circuit court Administrative Judge of Spartanburg county who was seated in office at times relevant to the indictments return (May 7, 2009 and August 19, 2010) would be the state judicial officer directly responsible for ordering a grand jury to convene outside the court of general sessions. The judge would have been in possession of knowledge of South Carolina Law, and still chose to convene an unlawful grand jury. See Exhibits: 22, 23, 23(a), 24, 25.

It should also be noted that pursuant to § 14-7-1520 the jury commissioners draw from the jury box not less than fifteen days before convening of the first term of general sessions for the calendar year. (See Exhibits: 23(a) and 25) Administrative order, clearly shows the grand jury was ordered to be at the county court house on January 9, 2009, and January 15, 2010, a time in which the drawing would not have taken place yet.

Consequently, the circuit court Administrative Judge violated his oath of office by not discharging his duties. (the act of ordering a grand jury to convene outside the court of general sessions, and knowing that the grand jury wasn't legally qualified, drawn, summoned, and impaneled according to State Law.) This violation of the judges oath also violated SCACR. Rule 501 Judicial conduct, Canon 2(a), 3(a), 3(b)(2)(8) supra.

Stating State v. Sanders 251 S.C. 431, 163 SE2d 220 "The record

Shows that a true bill was rendered on the indictment against the defendant. The established procedure in this state is for the action of the grand jury to be endorsed on the indictment over the signature of the foreman. The indictment is then presented to the court where, in open court and in the presence of the grand jury, the clerk of court reads the action taken. Opportunity is thus afforded any member of the grand jury to disagree with the correctness of the presentment by the clerk. There is nothing to indicate that the court deviated from the established procedure in this case." Further stating, "the jury box used during the following year is prepared by the jury commissioners in December. Therefore, the grand jury which indicted the defendant on May 22, 1967 was drawn from the jury box which was prepared in December 1966."

Stating, State v. George 331 S.C. 342, 503 S.E.2d 168 (1998) "The manner in which grand juries are selected in South Carolina is as follows: Each county receives a list of individuals who reside within that county, who are over eighteen years of age, who hold a South Carolina drivers license or identification card, and who are United States citizens. This list is merged with the county list of registered voters to establish the roll of eligible jurors for that county. After the jurors were summoned, they were qualified by the court. Jurors could be excused based on various factors.

In Horry County, three jury commissioners - composed of the clerk of court, the Auditor, and the Treasurer - gather and input their passwords into the computer to request a jury list. The passwords must be entered by each commissioner, and the commissioners do not know one another's passwords. The computer generates a random listing of potential jurors based on the list forwarded by the State Election Commission. After the computer generates the list of potential jurors, the commissioners send

notices to these individuals to appear before the court. In court, the clerk calls out the names of those on the list. The judge then qualifies the jurors, determining if any excusals apply. Once the jurors are qualified, the clerk starts reading sequentially the names left on the list, until reaching the desired number of grand jurors.

The commissioners testified that they could not alter the computer functions. Additionally, they did not remove the names of any African Americans from the jury list. The clerk of court testified that from 1991 to 1996, Jurors were selected randomly through the use of the computer and that none of the commissioners removed any persons from the list of jurors or altered the computer list after it was printed. Further, no names were added to the list. The circuit court found "beyond a reasonable doubt that the procedure utilized by the jury commissioners in Horry County in selection of this Grand jury follows exactly the law of this state" "

Again, unless the solicitor/Assistant solicitor is willing to admit that they acted alone, they knowingly and completely forged Appellants indictment, the existence of a criminal conspiracy is established. Because barring the existence of an outright forged indictment, it would have taken the combined effort of the above listed judicial officials all working in concert to establish scheduling, to order and empanel the grand jury during a time when no court of General Sessions was convened, to meet and execute the return of the illegal true-bill, to report and publish Appellants illegal indictment into the court records.

State v. Buckman 347 S.C. 316, 555 S.E.2d 402 (SC 2001) The agreement of conspiracy is the agreement or mutual understanding. See State v. Hammit 341 S.C. 638 535 S.E.2d 459 (SC App. 2000) rehearing denied, cert. granted "... If there is one overall agreement among the various

parties to perform different functions in order to carry out the objective of the conspiracy, the agreement among all parties constitutes a single conspiracy." State v. Dasher 298 S.E.2d 215, 217 (SC 1986) citing 16, Am. Jur. 2d conspiracy § 11 (1979). Conspiracy may be shown by circumstantial evidence including the parties consent. State v. Oliver 275 S.C. 79, 267 S.E.2d 529 (1980), and South Carolina does not require an overt act. State v. Ferguson 221 SC 300, 70 S.E.2d 355 cert. denied 344 U.S. 830, 73 S.Ct. 35, 97 L.Ed. 646 (1952).

§ 14-7-370 Penalty for neglect of duty in drawing and summoning jurors.

When, by neglect of any of the duties required by this article to be performed by any of the officers or persons mentioned, the jurors to be returned from any place are not duly drawn and summoned to attend the court, every person guilty of neglect shall pay a fine not exceeding one hundred dollars, to be imposed by the court, to the use of the county in which the offense was committed.

§ 14-7-380 Punishment of jury commissioners guilty of fraud.

If any member of the board of jury commissioners is guilty of fraud either:

- a) by practicing on the jury box previously to a draft,
- b) in drawing a juror,
- c) in returning into the jury box the name of any juror which has been lawfully drawn out and drawing or substituting another in his stead, or,
- d) in any other way in the drawing of jurors, he must be punished by a fine not exceeding five hundred dollars or be imprisoned not exceeding two years in a State Correctional Institution.

[Excessive Rates]

For some time now it has been an open secret in this States Judicial Circle that none of it's true-billed indictments are being processed and returned in compliance with statutory law, and that some unlawful process is being utilized. In fact, several media outlets have commented on the irregularities in South Carolina's indictment process, and the impossibility of lawfully returning true-billed indictments at excessive rates, showing the grand jury is failing to properly review cases. Furman University Political science Professor Don Aiesi, called the grand jury a "rubber stamp" for the solicitor's office. "It can't be fair" said Ralph Anderson, D-Greenville, a member of the senate Judiciary committee. "It looks to me like the policy we used to have of reviewing cases to see if they have a basic degree of merit before sending them for indictment has been abandoned" said spartanburg attorney Andy Johnston, an assistant solicitor for Mr. Holman Gossett from 1988 to 1990. Solicitor Trey Gowdy who Mr. Gossett left office to said "it will be hard for him to see and decide on all the cases from the grand jury. We're going to do a better job of getting with law enforcement and screening cases on the front end." Consequently, Circuit Court Judge Dan Hall, of York County tosses out more than 900 indictments in one day due to irregularities, "the community must have confidence the rights of defendants are being upheld and the grand jury has opportunity to properly review cases" states Judge Dan Hall. See Exhibits: 10, 10(a), 10(b), 10(c), 10(d), 11(a), 11(b), 11(c).

Here, the facts and evidence will establish the grand jury failed to properly review Appellants case, and that some unlawful process is being utilized to return indictments at an excessive rate as reported in

the above exhibits

An estimated number of 640 indictments were true-billed on May 7, 2009. See Exhibits: 12, 13. That's an average of 45 seconds per case in a 8 hour day, and an average of 56 seconds per case in a 10 hour day.

An estimated number of 430 indictments were true-billed on August 19, 2010. See Exhibits: 4, 6. That's an average of 66 seconds per case in a 8 hour day, and an average of 83 seconds per case in a 10 hour day. Once lunch, mid-morning, and mid-afternoon breaks are added in, the number of seconds per case becomes smaller.

In this case, the actual type of unlawful process utilized by the County of Spartanburg to complete and return Appellants indictment is not important to the criminal conspiracy issue presented here.

However, what is important are the facts that:

1) The Clerk of Court shall diligently and uprightly put in execution the laws in force directing the drawing, balloting, impaneling, and summoning of jurors, so as his cooperation may be required.

2) The Clerk of Court violated his oath of office by not randomly drawing from the twelve members serving their first year on the grand jury the names of six grand jurors who were to serve for the succeeding year, during the last term of court of general sessions held in Spartanburg County for the year of 2008 and 2009.

3) The Administrative Judge violated his oath of office by ordering the grand jury to the Court house on January 9, 2009 and January 15, 2010, when state law says "not less than fifteen days

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before convening of the first term of court of general sessions for the calendar year, the jury commissioners shall proceed to draw from the jury box the number of grand jurors which the Clerk of court or Chief Administrative judge for the circuit has determined to be sufficient in order to impanel a grand jury. "

4) The presiding judge on the first day of the first term of court at the beginning of 2009 and 2010 violated his oath of office by not qualifying the grand jurors according to state law.

5) The clerk of court again violated their oath of office by not placing the names of all qualified grand jurors in a container from which twelve grand jurors must be chosen. The clerk of court shall randomly draw twelve jurors from the container, and those twelve jurors drawn shall serve as grand jurors, together with those six grand jurors previously selected. After the grand jury venire has been duly qualified.

6) The clerk of court further violated their oath of office by not complying with South Carolina law in not maintaining records of the drawing, balloting, empaneling, summoning, and a roll of the grand jurors.

7) The solicitor also violated his oath of office because he knew about the irregularities in the indictment process, he took oath of office, vowed to do something about it and failed to fix the problem, but chose to become part of the problem by preparing and submitting Appellant's indictment to a fake grand jury that wasn't drawn, summoned, or impaneled in accordance with South Carolina law. The indictment would later be filed in the clerk of courts office, who is the main person who oversees the grand jury process.

8) According to the South Carolina Chief Justice, no court of General Sessions is allowed to be open on May 7, 2009, and August 19, 2010. The South Carolina Court Administrative Judicial Department Calendar shows no court of General Sessions was convened on those dates. The clerk of court states no General Sessions was in session and no special terms of court was ordered, proving beyond doubt there's no way by law did the grand jurors legally "convene at a court of General Sessions on May 7, 2009, and August 19, 2010."

This created a due process structural defect in the trial. Structural defects are not subject to a harmless-error analysis regardless of the evidence presented. See State v. Rivera 402 S.C. 225, 247, 741 S.E.2d 694, 705 (2013). ("Despite the strong interests upon which the harmless-error doctrine is based, there are certain constitutional rights which are so basic to a fair trial that their infraction can never be treated as harmless-error. These are structural defects in the constitution of the trial mechanism, which defy analysis by harmless-error standards and which affect the framework within which the trial proceeds, rather than simply an error in the trial process itself.") (internal quotations omitted) citing Arizona v. Fulminante 499 U.S. 279, 306-08, 111 S.Ct. 1246, 113 L.Ed.2d 302 (1991).

Quoting Toyota of Florence Inc. v. Lynch "[E]ven in the absence of a contemporaneous objection, a New Trial motion should be granted in Flagrant cases where a vicious, inflammatory argument results in clear prejudice." 314 S.C. 257, 263, 442 S.E.2d 611, 615 (1994). Keene v. C.N.A. Holdings, LLC 426 S.C. 357, 827 S.E.2d 183 (2019).

[Conclusion]

It would be hard to imagine a situation where the County of Spartanburg has violated more of a defendant's rights than in the case found here. Indeed, it would take a novel rule of law, which would allow the state to maintain a conviction and sentence under the circumstances described above. To adopt such a rule of law would be tantamount to a unrighteous, and perverted judgement.

Accordingly, fraud on the court, is, misconduct by an officer of the court that is directed at the judicial machinery itself. Thus, fraud on the court is evident here, violating Appellants due process rights under South Carolina Constitution Art. I, § 3, and under the U.S. Constitution.

Therefore, based on the reasons above, Appellant's Conviction and sentence should be reversed, and this case remanded to the Spartanburg Court Court of General sessions for a new trial.

Respectfully Submitted

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Anthony Briggs # 342410
Broad River Correctional Institution
4460 Broad River Rd.
Columbia, SC 29210

Dated: 3/30/2020

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SC Court of Appeals

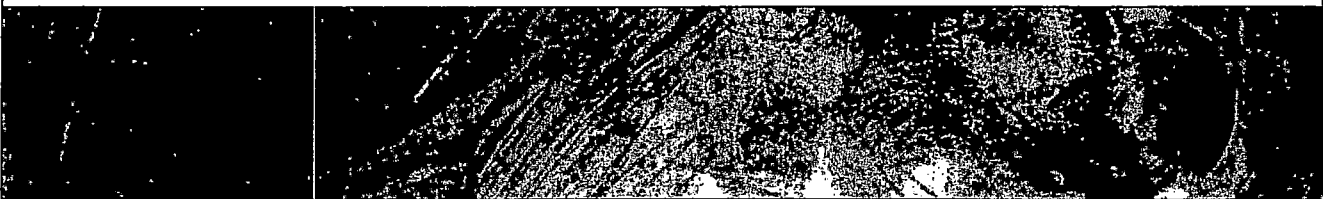
LEARNING CHECK

1. Selective attention is promoted by all but one of the following. Which does not fit?
a. habituation b. contrast c. change d. intensity
2. The occurrence of an orientation response shows that habituation is complete. T or F?
3. Changes in brain waves and increased blood flow to the head are part of an OR. T or F?
4. Research shows that heightened sexual arousal can cause a person to perceive members of the opposite sex as more physically attractive. T or F?
5. In top-down processing of information, individual features are analyzed and assembled into a meaningful whole. T or F?
6. When a person is prepared to perceive events in a particular way, it is said that a perceptual expectancy or _____ exists.
7. Perceptual expectancies are greatly influenced by the existence of mental categories and labels. T or F?

Answers: 1. d 2. T 3. F 4. T 5. F 6. set 7. T

APPLICATIONS

Perception and Objectivity—Believing Is Seeing



Have you ever seen the sun set? You may think you have. Yet, in reality, we know that the sun does not "set." Instead, our viewing angle changes as the earth turns, until the sun is obscured by the horizon. Want to try the alternative? This evening stand facing the west. With practice, you can learn to feel yourself being swept backward on the rotating surface of the earth as you watch an unmoving sun recede in the distance (Fuller, 1969).

This radical shift in perspective illustrates the limitations of "objective" observation. As with most other perceptions, seeing a "sunset" is an active and creative reconstruction of events. As we have seen, perception reflects the needs, expectations, attitudes, values, and beliefs of the perceiver. In this light, the phrase "seeing is believing," must be modified. Clearly, we see what we believe, as well as believe what we see.

In some cases, subjective perception nurtures the personal vision valued in art, music, poetry, and scientific innovation. Often, though, it is a real liability.

EYEWITNESS In the courtroom, eyewitness testimony can be a key element in establishing guilt or innocence. The claim, "I saw it with my own eyes," carries a lot of weight with a jury. But to put it bluntly, eyewitness testimony is frequently wrong. In fact, experiments show that a person's confidence in his or her testimony has almost no bearing on its accuracy (Wells & Murray, 1983). In addition, misleading questions about what a person saw can greatly decrease eyewitness accuracy (Smith & Ellsworth, 1987).

Psychologists interested in perception are gradually convincing lawyers, judges, and police officers of the fallibility of eyewitness testimony (Wells & Loftus, 1984). In one court case, a police officer testified that he saw the defendant shoot the victim as both stood in a doorway 120 feet away. Measurements made by a psychologist showed that at that distance, light from the dimly lit doorway was extremely weak—less than a fifth of that from a candle. To further show that identification was improbable, a juror

APPLICATIONS

stood in the doorway under identical lighting conditions. None of the other jurors could identify him. The defendant was acquitted (Buckhout, 1974).

Unfortunately, perception rarely provides an "instant replay" of events. Even in broad daylight, eyewitness testimony is untrustworthy. After a horrible DC-10 airliner crash in Chicago in 1979, 84 pilots who saw the accident were interviewed. Forty-two said the DC-10's landing gear was up, and 42 said it was down! As one investigator commented, the best witness may be a "kid under 12 years old who doesn't have his parents around" (McKean, 1982). Adults, it seems, are easily swayed by their expectations.

Perceptions formed when a person is surprised, threatened, or under stress are especially prone to distortion. This is why witnesses to crimes so often disagree. As a dramatic demonstration of this problem, an assault was staged on a college campus in which a professor was attacked by an actor. Immediately after the event, 141 witnesses were questioned in detail. Their descriptions were then compared to a videotape made of the staged "crime." The total accuracy score for the group (on features such as appearance, age, weight, and height of the assailant) was only 25 percent of the maximum possible (Buckhout, 1974).

Question: Wouldn't the victim of a crime remember more than a mere witness?

A revealing experiment found that eyewitness accuracy is virtually the same for witnessing a crime (seeing a pocket calculator stolen) as it is for being a victim (seeing one's own watch stolen) (Hosch & Cooper, 1982). Jurors who place more weight on the testimony of victims may be making a serious mistake. Also, it is worth repeating that witnesses who are confident in their testimony are no more likely to be accurate than those who have doubts (Smith, Kassir, & Ellsworth, 1989).

In many crimes, victims fall prey to the phenomenon of **weapon focus**. Understandably, victims often fix their entire attention on the knife, gun, or other weapon used by an attacker. In doing so, they fail to perceive details of appearance, dress, or other clues to identity (Kramer, Buckhout, & Eugenio, 1990). Additional factors affecting eyewitnesses are summarized in Table 5-1. (Inaccuracies in memory also affect eyewitness testimony, see Chapter 9 for more information.)

IMPLICATIONS How often are everyday perceptions as inaccurate or distorted as those of an emotional eyewitness?

Table 5-1 Factors Affecting the Accuracy of Eyewitness Perceptions

Source of Error	Summary of Findings
1. Stress	Very high levels of stress impair the accuracy of eyewitness perceptions.
2. Weapon focus	The presence of a weapon impairs an eyewitness's ability to accurately identify the offender's face.
3. Exposure time	The less time an eyewitness has to observe an event, the less well he or she will perceive and remember it.
4. Accuracy confidence	An eyewitness's confidence in his or her good prediction of his or her accuracy.
5. Cross-racial perceptions	Eyewitnesses are better at identifying members of their own race than they are at identifying people of other races.
6. Postevent information	Eyewitness testimony about an event often reflects not only what was actually seen but also information obtained later on.
7. Color perception	Judgments of color made under monochromatic light (such as an orange street light) are highly unreliable.
8. Wording of questions	An eyewitness's testimony about an event can be affected by how the question is phrased and how the words are worded.
9. Unconscious transference	Eyewitnesses sometimes identify as a culprit someone they have seen in another situation or context.
10. Trained observer	Police officers and other trained observers are no more accurate than are witnesses in making observations.
11. Time estimation	Eyewitnesses tend to overestimate the duration of events.
12. Attitudes and expectations	An eyewitness's perception and memory for an event may be affected by his or her attitudes and expectations.

(Adapted from Kassir, Ellsworth, & Smith, 1989)

On back → → →

■ APPLICATIONS ■

ness? The answer we have been moving toward is, very frequently. Bearing this in mind may help you be more tolerant of the views of others and more cautious about your own objectivity. It may also encourage more frequent **reality testing** on your part.

Question: What do you mean by reality testing?

REALITY TESTING In any situation having an element of doubt or uncertainty, reality testing involves obtaining additional information to check your perceptions. Even simple designs like those in ■ Figure 5-28 are easily misperceived. One of the designs in the drawing is a continuous line; the other is not. Most people cannot see this difference spontaneously. Instead, they must carefully trace and compare the two designs as a check on pure perception (Julesz, 1975).

Psychologist Sidney Jourard once offered a more pertinent example of reality testing. One of Jourard's students believed her roommate was stealing from her. The student gradually became convinced of her roommate's guilt; but said nothing. As her distrust and anger grew, their relationship turned cold and distant. Finally, at Jourard's urging, she confronted her roommate. The roommate cleared herself immediately and expressed relief when the puzzling change in their relationship was explained (Jourard, 1974). With their friendship reestablished, the true culprit was soon caught. (The cleaning woman did it!)

If you have ever concluded that someone was angry, upset, or unfriendly without checking the accuracy of your perceptions, you have fallen into a subtle trap. Personal objectivity is an elusive quality, requiring frequent reality testing to maintain. At the very least, it pays to ask a person what he or she is feeling when you are in doubt. Un-

doubtedly, most of us could learn to be better "eyewitnesses" to daily events.

Question: Do some people perceive things more accurately than others?

PERCEPTUAL AWARENESS Humanistic psychologist Abraham Maslow (1969) believed that some people are unusually accurate in perceptions of themselves and of others. Maslow characterized these people as especially alive, open, aware, and mentally healthy. He found that their perceptual styles were marked by immersion in the present, a lack of self-consciousness, freedom from selecting, criticizing, or evaluating, and a general "surrender" to experience. The kind of perception Maslow described is like that of a mother with her newborn infant, a child at Christmas, or two people in love.

Other researchers have tested Zen masters for habituation to repeated stimuli. The results indicate that Zen masters fail to show the expected habituation (Kasamatsu & Hirai, 1966). This finding lends some credibility to claims that Zen masters perceive a tree as vividly after seeing it 500 times as they did the first time.

ATTENTION Whereas the average person has not reached perceptual restriction of the "if you've seen one tree, you've seen them all" variety, the fact remains that most of us tend to look at a tree and classify it into the perceptual category of "trees in general" without really appreciating the miracle standing before us. How then can we bring about a dishabituation of perception (without going through years of meditative discipline, as a Zen master does)? The deceptively simple answer is: Pay attention.

The following quote summarizes the importance of attention:

One day a man of the people said to Zen Master Ikkyu: "Master, will you please write for me some maxims of the highest wisdom?"

Ikkyu immediately took his brush and wrote the word "Attention."

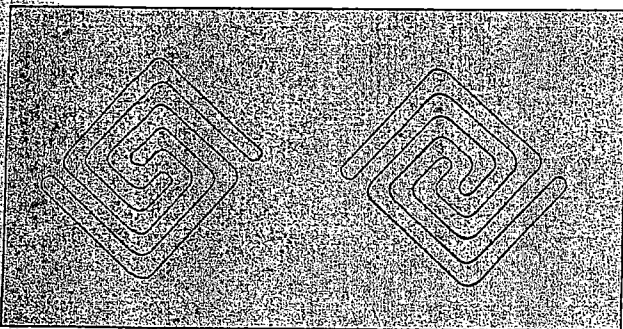
"Is that all?" asked the man. "Will you not add something more?"

Ikkyu then wrote twice running: "Attention. Attention."

"Well," remarked the man rather irritably, "I really don't see much depth or subtlety in what you have just written."

Then Ikkyu wrote the same word three times running: "Attention. Attention. Attention." Half angered, the man demanded.

■ Figure 5-28 Limits of pure perception. (After patterns devised by Marvin Minsky and Seymour Papert.)



Memory on Trial: The Buckey Case

In the end, it came down to a question of memory: Should young children's recollections of abuse be trusted?

For prosecutors who charged Ray Buckey and his mother Peggy McMartin Buckey, owners of a once highly-regarded preschool, with sexual abuse, the answer was an unmistakable "yes." But for the defendants, who claimed that investigators had swayed and biased the children's memories during their investigation of the allegations, the case represented memory distortion gone wild.

During the trial, the children, now ten and eleven years old, provided graphic details of the Buckeys' alleged misdeeds years earlier. They accused the Buckeys of rape, sodomy, and conducting satanic rituals. However, many of the children's recollections were nothing short of bizarre. They recalled jumping out of airplanes and trips to cemeteries to dig up bodies.

We'll probably never know the real truth. What is clear is that the Buckeys' trial was the longest and most expensive in U.S. history, lasting 33 weeks and costing some \$15 million. The jury deliberated for nine weeks as they considered the charge that the Buckeys had molested dozens of preschool-age children over the course of several years.

Ultimately, the jurors were simply unable to accept the truth of the children's recollections. They found the Buckeys not guilty on 52 counts of child sexual abuse and were deadlocked on an additional 13 counts. In the end, the Buckeys were freed. (Schindehette, 1990)

(February 5) After the verdict, justice for none

LOOKING AHEAD

People weekly pp 76-80

The Buckey case raises important questions about the nature and accuracy of memory in the context of the judicial system. But the issues involved in memory extend far beyond dramatic courtroom cases, for memory plays a central role in our everyday lives.

Our memory allows us to retrieve a vast amount of information to which we have been exposed. We are able to remember the name of a friend we haven't been in touch with for decades and to recall details of a picture that hung in our bedroom as a child. At the same time, though, memory failures are not uncommon.



Peggy McMartin Buckey and her son Ray (at right) were acquitted of sexual abuse in a notorious trial. The key issue was the accuracy of children's memories of events that had allegedly happened years before, when they were very young.

Exhibit (E)

Exhibit (E)

Figure 3.9 **Piaget's Stages of Cognitive Development**

Piaget stressed the active role of the child in gaining knowledge. He also stressed the differences in the way a child thinks during different stages of maturity. **At which of Piaget's stages do children lack the concept of conservation?**

Stage	Approximate Age	General Characteristics
Sensorimotor	Birth-2 years	Behavior consists of simple motor responses to sensory stimuli; lacks concept of object permanence
Preoperational	2-7 years	Lacks operations (reversible mental processes); exhibits egocentrism; lacks concept of conservation; uses symbols (such as words or mental images) to solve simple problems or to talk about things that are not present
Concrete operations	7-11 years	Begins to understand concept of conservation; still has trouble with abstract ideas; classification abilities improve; masters concept of conservation
Formal operations	11 years-onward	Understands abstract ideas and hypothetical situations; capable of logical and deductive reasoning

Preoperational
 2-7 years
 lacks operations (reversible mental processes); exhibits egocentrism; lacks concept of conservation; uses symbols (such as words or mental images) to solve simple problems or to talk about things that are not present

perspective

Experiments With Animals

Experiments with baby birds and monkeys have shown that...

Profiles In Psychology



Elizabeth Loftus
 1944-

"One of the things that we know about memory for very upsetting experiences, traumatic experiences, is that the memory does not work like a videotape recorder."

The work of Elizabeth Loftus has been in the forefront of a raging debate over memory. Loftus has spent much of her life gathering evidence that memory is extremely fragile and not always accurate. She has shown that eyewitness testimony is often unreliable and that false memories can be triggered merely by suggestion. The manner in which a person builds memories can be altered by information acquired after the original experience.

Her work is controversial because it raises doubts about the validity of repressed memories of repeated trauma, such as that of childhood abuse. Loftus has testified in more than 200 trials, including the case of George Franklin. Franklin was sent to jail in 1990 for first-degree murder after his daughter Eileen recalled, 20 years later, that her father had killed her friend in 1969. Eileen had recounted the details of the murder to the police in amazing detail. Eileen's memory of the event, though, changed—matching media descriptions of it. Loftus noted that memory changes over time, and as more time passes, our memories become more distorted. Loftus believes that there exists a very real possibility that Eileen unconsciously created the memory as a result of guilt, anger, fear, and desperation connected to the childhood abuse she suffered at the hands of her father.

PSYCHOLOGY AT WORK

Repressed Memories: Truth or Fiction?

Only one murder, in the first degree, that was the jury's verdict. In the case of George Franklin, Sr., who was charged with murdering his daughter's playmate. But this case was different from most other murder cases. It was based on memories that had been repressed for 20 years. Franklin's daughter claimed that she had forgotten everything she had once known about her father's crime until 2 years earlier, when she began to have flashbacks of the event. Initially, she had only a memory of her friend's look of betrayal. Over the next year, the memories became richer, and she recalled being together with her father and her friend. Then she remembered her father sexually assaulting her friend. She recalled his lifting a rock over his head, and then seeing her friend lying on the ground, covered with blood. On the basis of these memories, her father was arrested and ultimately convicted.

But just how accurate were these memories? Although the prosecutor and jury clearly believed Franklin's daughter, there is good reason to question the validity of repressed memories, recollections of events that are initially so shocking that the mind responds by pushing them into the unconscious. Supporters of the notion of repressed memory suggest that such memories may remain hidden, possibly throughout a person's lifetime, unless they are triggered by some current circumstance, such as the probing that occurs during psychological therapy.

However, psychologist Elizabeth Loftus maintains that so-called repressed memories may well be inaccurate or even wholly false. She notes how easy it is to plant memories that people believe are real.

For example, in one experiment a student named Jack wrote a story for his younger brother, Chris, to read. It described an event that never happened.

It was 1981 or 1982, I remember that Chris was 5. We had gone shopping at the University City shopping mall in Spokane. After some panic, we found Chris being led down the mall by a tall, oldish man (I think he was wearing a flannel shirt). Chris was crying and holding the man's hand. The man explained that he had found Chris walking around crying his eyes out just a few moments before and was trying to help him find his parents."

Just a few weeks later, Chris was convinced the event had actually happened. He described the color of the old man's flannel shirt, his bald head, and how he felt "really scared." Even when informed that the event never happened, Chris clung to his memory, saying "Really? I thought I remembered being lost... and looking around for you guys. I do remember that, and then crying, and Mom coming up and saying, 'Where were you? Don't you... ever do that again' " (Loftus, 1993, p. 532).

Clearly, people are potentially susceptible to false memories. Why? Some false memories occur when people are unable to recall the source of a memory of a particular event about which they have only vague recollections (Schacter, 1994). When the source of the memory is unclear or ambiguous, people may begin to confuse whether they actually experienced the event or whether it was imagined. Ultimately, the memory begins to seem authentic, and people may come to believe that the event actually occurred.

In fact, some therapists have been accused of inadvertently encouraging people who come to

them with psychological difficulties to create false memories of childhood sexual experiences. In addition, there have been many well-publicized declarations of repressed memories, such as those of Roseanne Barr, as well as parishioners of Catholic churches who remember being abused by a priest during their childhood. Such publicity makes the possibility of repressed memories seem more legitimate and may ultimately prime people to recall memories of events that never happened.

On the other hand, many psychologists see repressed memories as a very real phenomenon. Building upon a psychodynamic model of human behavior that we discussed in Chapter 1, they argue that it is reasonable to assume that some memories will be so painful that they are forced into the unconscious. They suggest that childhood sexual abuse is so traumatic that people are motivated to forget its occurrence. In support of their view, they point to cases in which it is possible to confirm once-repressed memories of childhood abuse (Frederickson, 1992).

The controversy regarding the legitimacy of repressed memories is unlikely to be resolved soon. Many psychologists, particularly those who provide therapy, give great weight to the reality of repressed memories. On the other side of the issue are many memory researchers, who maintain that there is no scientific support for the existence of such memories.

In the meantime, it seems clear that some recollections of childhood traumas may be temporarily forgotten and only recalled later in life. And it is equally true that certain memories of youth are inaccurate or even completely false. The challenge facing psychologists, members of juries, and others is to distinguish truth from fiction.

Exhibit
1(a)

Exhibit
1(a)

WITNESSES

Spartanburg Co. Sheriff's Office

1. RETURN MADE

2. REPORT FILED

3. CASE FILED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSIGNMENT AND
ARREST WARRANT NUMBER

8. TRAFFIC VIOLATION COPY

M086053

ACTION OF GRAND JURY

True 12:11

Foreperson of Grand Jury

Date: 5-7-09

VERDICT

Guilty

Foreperson of Petit Jury

Date: 8/26/10

DOCKET NO. 09-GS-42-2627

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

MAY 11 2009

TERM

Computer

Computer

THE STATE

vs.

Anthony Briggs

Indictment for
CRIMINAL SEXUAL CONDUCT
W/MINOR, FIRST DEGREE

SC Code: 16-03-0655(1)
CDR Code: 0385
Class FEL-C(M)

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2009 MAY 13 PM 4:40
MARC KITCHENS

Verdict Guilty

Ben Co

Date: 8/27/10

Exhibit (1)

Exhibit

(1)

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

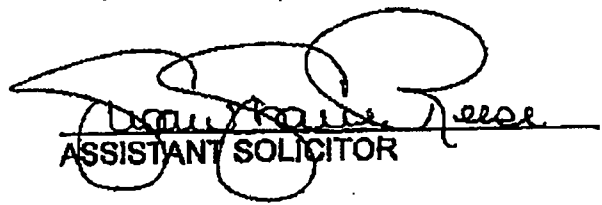
~~Atra Court of General Sessions, convened on~~ MAY 07 2009 ~~the~~

~~Grand Jurors of Spartanburg County present upon their oath:~~

CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE

That Anthony Briggs, did in Spartanburg County, between the dates of July 30, 2008 through February 2, 2009, commit the crime of Criminal Sexual Conduct with a minor, in that the defendant did commit a sexual battery upon the minor victim, minor, who was under eleven (11) years of age at the time of the said incident. Said incident occurred in Spartanburg County, South Carolina, in violation of §16-03-655 (1), CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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


ASSISTANT SOLICITOR

~~Exhibit 2(a)~~

~~Exhibit 2(a)~~

WITNESSES

Spartanburg Co. Sheriff's Office

TK Tullala

1. SENTENCE MADE

2. REPORT ENTERED

3. CARD FILED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

ARREST WARRANT NUMBER
FINE CARD MADE

Direct Indictment ☒ DETENTION COPY

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: 8/19/10

VERDICT

Guilty

Foreperson of Petit Jury

Date: 8/26/10

DOCKET NO. 10-GS-42-4657

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

AUG 23 2010

TERM

THE STATE
vs.

Anthony Briggs

Indictment for

SEX/LEWD ACT, COMMIT/ATTEMPT
UPON CHILD <16

SC Code: 16-15-0140

CDR Code: 2466

Class FEL-D

Verdict: Guilty

Bu Co

Date 3/27/19

Exhibit (2)

Exhibit

(2)

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

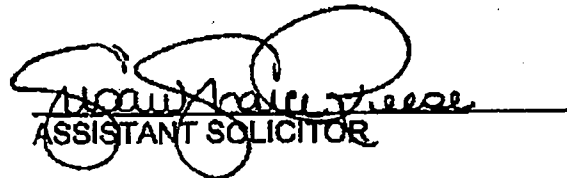
At a Court of General Sessions, convened on AUG 19 2010, the

Grand Jurors of Spartanburg County present upon their oath:

SEX/LEWD ACT, COMMIT/ATTEMPT UPON CHILD <16

That Anthony Briggs, did in Spartanburg County, between the dates of July 30, 2008 and February 2, 2009, he being over the age of fourteen (14) years, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of one minor, a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child, of in violation of §16-15-0140, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended).

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


ASSISTANT SOLICITOR

Ex-2

Ex-3

3-24-10

Spartanburg Co. Clerk of Court
M. Hope Blackley
P.O. Box 3483
Spartanburg, SC. 29304

2016 MAR 29

M. HOPE BLACKLEY

RE: General Sessions Court

Dear Ms. Blackley:

Can you please tell me if General Sessions Court convened on August 19, 2010, and if so, was it ordered to convene on a special term? If it was ordered to convene on a special term can you please send me a copy of the order ordering the special term. Your assistance in this matter is greatly appreciated. Thank you!

Respectfully submitted,

15/

~~Anthony Briggs~~

Anthony Briggs # 342410

Kirkland Corr. Inst. GPH

4344 Broad River Rd.

Columbia, SC. 29210

Ex 4
Spartanburg Co. Clerk of Court
M. Hope Blackley
P.O. Box 3483
Spartanburg, SC - 29304

3-21-16

RE: Number Indicted

Dear Ms. Blackley:

Can you please tell me how many people were true Billed or
no billed indicted on August 19, 2010.

Your assistance in this matter is greatly appreciated. Thank You!

Respectfully Submitted

15/

Anthony Briggs

Anthony Briggs # 342410

Kirkland Corr. Inst. GPH

4344 Broad River Rd

Columbia, SC 29210

M. HOPE BLACKLEY

2016 MAR 25 AM 9:41

Ex 5
Spartanburg Co Clerk of Court
M. Hope Blackley
P.O. Box 3483
Spartanburg, SC. 29304

3-29-16

RE: Grand Jury Impanelment Documents

Dear Ms. Blackley:

I know and understand that grand jury meets and votes in secret. Therefore Information cannot be obtained ~~that~~ that pertains to the voting and deliberation. What I need is the grand jury impanelment documents when the grand jury was not voting and deliberating for the dates of May 7, 2009 and August 19, 2010.

The documents shall consist of the drawing, summoning, and impanelment of jurors. This information is not secret.

Your assistance is greatly appreciated. Thank you!

Respectfully submitted,

13/ Anthony Briggs

Anthony Briggs #342410
Kirkland Cor. Inst. (GPH)
4344 Broad River Rd.
Columbia, SC. 29210

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Phone (864) 596-2591
Fax (864) 596-2239



M. Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

March 8, 2016

Anthony Briggs #342410
Kirkland Corr.Inst. GPH
4344 Broad River Rd
Columbia, SC 29210

Mr. Briggs

Re: Grand Jury information

In response to how many were Trubilled on August 19, 2010.
We had approximately 430 on that day. We did not have a special term that
was ordered to convene.

Re: Grand jury empanelment documents when the Grand Jury was not
deliberating.

This information does not exist.

I hope this was some assistance to you.

Thank you

Circuit Court Jury Coordinator

The Supreme Court of South Carolina

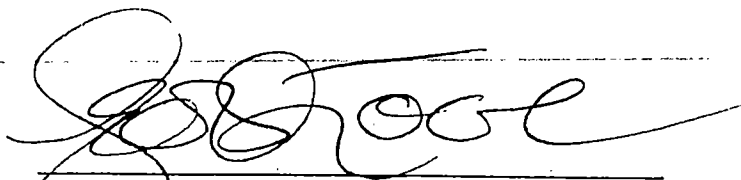
ORDER

Pursuant to the provisions of S. C. CONST. Art. V, §4, the statutory terms of circuit court set forth in §14-5-620 through §14-5-820, 1976 Code of Laws of South Carolina, as amended, for the period commencing January 4, 2009 and ending July 4, 2009, are hereby canceled.

IT IS ORDERED that the terms of circuit court and assignment of circuit judges to preside over these terms for the period commencing January 4, 2009 and ending July 4, 2009, shall be as set forth on the South Carolina Judicial Department's WEB site at www.judicial.state.sc.us/calendar which schedule is incorporated herein and made a part hereof by reference. Additional terms of court may be scheduled and assignments or reassignments of circuit judges may be made during this period by subsequent orders. Where a circuit-wide nonjury term is indicated, the Chief Circuit Judge for Administrative Purposes for the circuit shall designate the time and location of the term among the counties within the circuit. In those circuits with two chief judges for administrative purposes, these responsibilities shall be assumed by the chief judge for administrative purposes for the court of common pleas. A term designated as a circuit wide administrative week shall be held at such times and locations within the circuit as designated by the Chief Circuit Judge for Administrative Purposes assigned to that term.

The general assignment of judges to judicial circuits pursuant to the provisions of S.C. CONST. Art V, §14, will be made by separate order.

July 22, 2008
Columbia, South Carolina



Jean Hofer Toal
Chief Justice

Terms of Circuit and Family Court May 2009

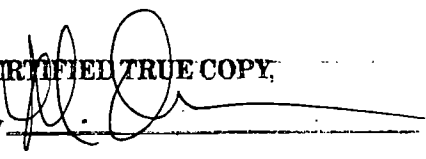
Holidays:

Mon May 11 - Confederate Memorial Day (Observed)

Mon May 25 - National Memorial Day

Circuit Number	5/4/2009	5/11/2009	5/18/2009	5/25/2009
7	Common Pleas Non-Jury 4 Couch, Roger FAUCETTE 4	Common Pleas Spartanburg Cole, J. MOFFITT Common Pleas Non-Jury Couch, Roger GREEN General Sessions Spartanburg Young, W. HUDGINS General Sessions 15 Spartanburg Cooper, Gordon G. FAUCETTE 15	General Sessions Spartanburg Couch, Roger GREEN 18, 19, 20, 21 HOLSTON 22 General Sessions Spartanburg Cole, J. MOFFITT Common Pleas Non-Jury Hayes, J. Mark WOODS General Sessions Spartanburg Young, W. FAUCETTE	General Sessions Cherokee Couch, Roger GREEN 25, 26, 27 HUDGINS 28 GREEN 29 Common Pleas Non-Jury/PCR Hayes, J. Mark VIZER-HANKS Common Pleas Spartanburg Young, W. WOODS General Sessions Spartanburg Cole, J. MOFFITT General Sessions 29 Spartanburg Cooper, Gordon G. HUDGINS 29

CERTIFIED TRUE COPY

By 

South Carolina Court Administration

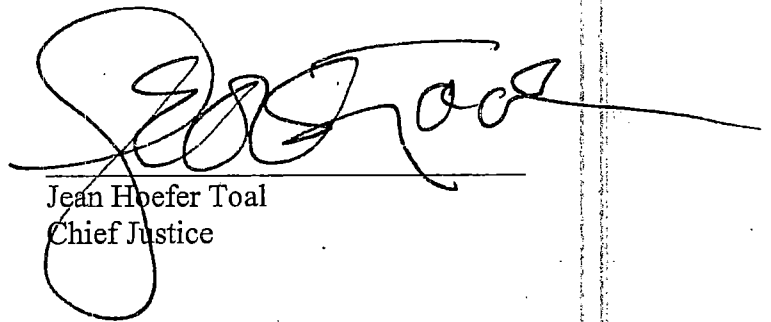
The Supreme Court of South Carolina

ORDER

Pursuant to the provisions of S. C. CONST. Art. V, §4, the statutory terms of circuit court set forth in §§14-5-620 through 14-5-820, 1976 Code of Laws of South Carolina, as amended, for the period commencing July 4, 2010 and ending January 1, 2011, are hereby canceled.

IT IS ORDERED that the terms of circuit court and assignment of circuit judges to preside over these terms for the period commencing July 4, 2010 and ending January 1, 2011, shall be as set forth on the South Carolina Judicial Department's WEB site at www.judicial.state.sc.us/calendar which schedule is incorporated herein and made a part hereof by reference. Additional terms of court may be scheduled and assignments or reassignments of circuit judges may be made during this period by subsequent orders. Where a circuit-wide nonjury term is indicated, the Chief Circuit Judge for Administrative Purposes for the circuit shall designate the time and location of the term among the counties within the circuit. In those circuits with two chief judges for administrative purposes, this responsibility shall be assumed by the chief judge for administrative purposes for the court of common pleas for those counties affected by the term. A term designated as a circuit-wide administrative week shall be held at such times and locations within the circuit as designated by the Chief Judge for Administrative Purposes assigned to that term.

The general assignment of judges to judicial circuits pursuant to the provisions of
S. C. CONST. Art. V, §14, will be made by separate order.



Jean Hofer Toal
Chief Justice

January 13 2010
Columbia, South Carolina

Ex 8(a)

Ex 8(a)

Terms of Circuit and Family Court August 2010

Circuit Number	8/2/2010	8/9/2010	8/16/2010	8/23/2010	8/30/2010
7	Common Pleas Spartanburg Cole, J. MOFFITT Common Pleas Non-Jury Couch, Roger GREEN 2, 3, 4 MOFFITT 5, 6	General Sessions Spartanburg Couch, Roger GREEN 9, 10, 11 HERRON 12, 13 General Sessions Cherokee Hayes, J. Mark WATTS General Sessions 13 Spartanburg Cooper, Gordon G. HISKELL 13		General Sessions Spartanburg Cole, J. MOFFITT General Sessions Spartanburg Couch, Roger GREEN Common Pleas Spartanburg Hayes, J. Mark FAUCETTE General Sessions 27 Spartanburg Cooper, Gordon G. HUDGINS 27	Common Pleas Cherokee Cole, J. WATTS 30, 31, 1, 2 NO CR NEEDED 3 Common Pleas Spartanburg Couch, Roger GREEN Common Pleas Non-Jury Hayes, J. Mark MOFFITT General Sessions 1 Spartanburg Welmaker, G.

CERTIFIED TRUE COPY,

By _____

South Carolina Court Administration

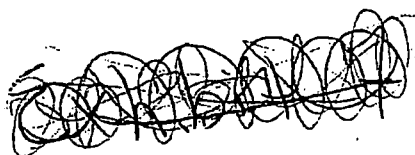
§ 14-5-710 - Term of court in 7th circuit.

The Courts of the 7th judicial circuit shall be held as hereinafter provided. (2) Spartanburg County - The court of general sessions for Spartanburg County shall be held at Spartanburg on the second Monday of January for two weeks. On the fourth Monday of February for one week. On the fourth Monday after the fourth Monday in March for one week. On the third Monday After the fourth Monday of May for one week. And on the third Monday after the fourth Monday of September for three weeks.

~~EXHIBIT 10~~

Grand jury pace draws criticism

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



Judicial Contemp

JURY FROM PAGE 1A

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

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

"Bam, bam, bam — you're

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

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

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

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

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

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

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

STAFF WRITER
palongi@greenvillenews.com

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

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

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

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

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

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

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

The Solicitor's Office doesn't oversee the grand



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

— Bob Ariail
13th Circuit Solicitor

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

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

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

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

The grand jury has given solicitors specific instruc-

See JURY on page 3A

County grand jury hears 1,404 cases in 1 day

Associated Press

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

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

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

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

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

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

The fine was later dropped.

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

"It looks to me like the policy we

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

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

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

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

screening cases on the front end," Gowdy said.

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

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

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

6-10-93

6x 1050

Ex 10(b)

Grand jury sees 1,404- case session

■ *Spartanburg solicitor worries
about fines, gives panel less
than 22 seconds per indictment*

Associated Press

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

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

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

Mr. Gossett is leaving office in January after he lost in the Republican primary this summer to Trey Gowdy. A Gowdy supporter says Mr. Gossett might be targeting Mr. Gowdy and overloading the court docket.

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

The fine was later dropped.

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

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

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

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

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

"Their duty is to listen to evidence of criminal allegations presented by prosecutors and witnesses, and to act as a screen against vindictive prosecutions or unfounded charges," Mr. Wedlock said.

"They're not taking that duty as seriously as they should."

Grand jury aces through locket

TOM LANGHORNE

Writer

Twenty-two seconds. Actual-
ly slightly less than 22 seconds.
That's how much time, on
average, that Spartanburg Coun-
ty grand jurors had to devote to
each of the 1,404 cases presented
them by 7th Circuit prosecu-
tor over eight and a half hours
Tuesday.

The mass indictments come
weeks after a two-day grand
session during which Solicitor
General Gossett's office pre-
sented slightly fewer than
1,800 cases for indictment,
drawing strong criticism from
Gossett's successor and a
leading legal ethics expert.

Before that session, the high-
est number of charges Gossett's
office had presented for indict-
ment at any one time in the past
years had been 968.

ment, as has been the case since
his June loss to Trey Gowdy in
the Republican primary.

Attempts to reach South Car-
olina Attorney General Charlie
Condon were unsuccessful.

A spokesman for Gossett said
last month that mass indict-
ments were necessary in light of
Circuit Judge John Kittredge's
recent decision to fine 13th Cir-
cuit Solicitor Bob Ariail for not
complying with South Carolina
Rules of Criminal Procedure.

Ariail didn't comply with Rule
3(c), which states that prosecu-
tors must take action on a given
arrest warrant within 90 days
after receiving the warrant from
the clerk of court.

The fine was eventually
dropped.

Indicting thousands of old and
new cases en masse does not add
to the statistical backlog that
Gowdy will face when he takes
office in January. Unindicted
cases are already counted in the
backlog as South Carolina Court
Administration reports it.

But Gossett's mass indict-
ment strategy does create a
large pool of indicted cases that
Gowdy can't be sure have been
scrutinized first.

"It looks to me like the policy
we used to have of reviewing
cases to see if they have a basic
degree of merit before sending
them for indictment has been
abandoned," said Spartanburg

GRAND continued on A15

GRAND

Continued from page 1

Attorney Andy Johnston, who
worked as an assistant solicitor
under Gossett from 1988 to 1990.

All of a sudden they double the
number of cases they send normally
(in October), and then they do it
again within a short time," Johnston
said. "It sounds like they took all the
cases that have been lying around
and just sent them to the grand jury
instead of reviewing them and mak-
ing decisions about them."

Spartanburg Public Safety
Director Tony Fisher, who sup-
ported Gowdy in this year's cam-
paign, accused Gossett of trying to
sabotage Gowdy when his office
sought about 1,800 indictments
last month.

On Wednesday, Fisher said
"there is no way the system can
handle that many cases in a reason-
able amount of time."

"We need to be honest with the
public," he said. "We need to handle
cases as quickly as we can, and deal
with those where there is some rea-
son to question prosecutorial merit
within 60 days, instead of waiting
this period of time and then doing
this."

"We owe that to victims and the
public."

Sheriff Bill Coffey, who support-
ed Gossett in this year's campaign,
declined to answer questions about
Gossett's decision to seek thou-
sands of indictments in a matter of
weeks.

Coffey did say through a
spokesman that such questions
should be addressed to the grand
jury and the court system.

Gowdy, who will take office on
Jan. 10, said the time to decide
whether a case is prosecutable is
before indictment.

"I don't know what level of
scrutiny was given these cases
before they were submitted to the
grand jury," he said. "I know it
would be difficult for me to ade-
quately scrutinize 1,400 cases in
the period since the last grand jury
met, which was about six weeks
ago."

getting with law enforcement
screening cases on the front en-
d. Gowdy vowed. "If you can't mo-
ve cases in a timely fashion, you're
contributing to a backlog that
adversely affects victims past, pre-
sent and future."

Edison D. Wedlock Jr., a criminol-
ogy law professor and legal ethi-
cist expert at the University of Sou-
th Carolina's School of Law, reiterated
his earlier criticism that seeking
large number of indictments at one
time defeats the investigative pur-
pose of grand juries.

But Wedlock said grand jurors
themselves should share the blame
with Gossett.

"Their duty is to listen to evi-
dence of criminal allegations pre-
sented by prosecutors and witnes-
ses, and to act as a screen against
vindictive prosecutions
unfounded charges," Wedlock said.
"They're not taking that duty
seriously as they should."

Wedlock said the grand jury
foreman or a grand juror "should
have objected and said 'Wait a
minute, I want to hear some specific
evidence why the state thinks this
person has committed a crime.'"

Wedlock did not spare Gossett's
office from criticism.

"They're allowing it to go on," he
said. "They have an ethical obliga-
tion to do justice."

Wedlock said he understood
that Gossett has to be mindful
Judge Kittredge's action against
Ariail, but Gossett wouldn't be
in this position if he had been eval-
uating his cases promptly along.

Tom Langhorne can be reached
at tom.langhorne@shj.com or 58
4511, Ext. 7221.

Ex 10(c)

Ex 10(c)

Grand juries play key role in judicia

By TOM LANGHORNE
Staff Writer

Grand juries like the one that indicted Jerry James Carruth and defendants in 714 other cases Thursday are charged with an important function under the law.

The panel of at least 18 citizens, which is selected every year, determines whether enough evidence exists in a given case to believe a crime has been committed. At least 12 of the 18 must agree that the witnesses before them — usually law enforcement officers — have provided sufficient evidence to grant an indictment, or "true bill."

An indictment then serves as a charging document containing criminal allegations that prosecutors must prove in General Sessions Court.

In most states, prosecutors present cases for indictment to grand juries, but in South Carolina, prosecutors are not allowed to participate in grand jury proceedings. Members of the public also may not attend.

In about half the states, grand juries bring charges for felonies only. In other states, prosecutors have discretion to use grand juries or to file charges on their own.

In South Carolina, grand juries are used to indict all cases — felonies and misdemeanors — that are headed for General

Sessions Court. They meet eight times a year.

To ensure that grand juries consistently include members with experience in the system, six members are carried over from each year to the next.

In the federal court system, grand juries not only issue "true bills" on submitted indictments, they have broad investigative powers as well.

For example, federal grand juries may issue subpoenas compelling individuals to testify before them, and may order the production of documents. In the state court system, grand juries have limited investigative powers, and those powers are rarely exercised.

Like trial jurors, members of grand juries are selected from voter registration or driver license lists. Grand jury members may not serve on trial juries in cases involving defendants they indicted.

In a case in which grand jurors are not persuaded that a crime has been committed, a "no bill" is returned. No bills are rare, and none were recorded Thursday.

The 715 cases were indicted in five hours' time, meaning that grand jurors plowed through an average of 143 of them per hour.

Eldon D. Wedlock Jr., a criminal law professor and legal ethics expert at the University of South Carolina's School of Law, told the Herald-Journal in

2000 that generating a large number of indictments at one time defeats the investigative purpose of grand juries.

"Their duty is to act as a screen against vindictive prosecutions or unfounded charges," Wedlock said. "They're not taking that duty as seriously as they should."

Prosecutors are equally guilty because they are the ones who decide how many cases to present for indictment, Wedlock said. He said seeking indictments en masse runs counter to their ethical obligation to do justice.

Solicitor Trey Gowdy noted that a South Carolina Supreme Court rule requires prosecutors to present all cases for indictment within 90 days, meaning that the number of cases presented for indictment is largely a function of the crime rate.

"If the grand jury met more frequently, it wouldn't need to consider as many cases when it does meet," said Gowdy, a former federal prosecutor.

In the federal system, grand juries either consider or review less than 10 percent of the number of cases reviewed by a typical state court grand jury — but federal grand juries meet almost three times as often.

Tom Langhorne can be reached at 582-4511, Ext. 7221, or tom.langhorne@shj.com.

York County judge: Over 900 indictments can be tossed out

By Christian Henson South Carolina August 17, 2018 @10:58 AM

SHARE

YORK COUNTY, S.C. -- A York County judge has granted a request to toss out more than 900 indictments.

- **A York County judge had decided to grant a request that tosses out more than 900 indictments.**
- **The hearing was held last week.**
- **He denied the request to discharge the grand jury.**

A hearing was held last week.

A detective from the Rock Hill Police Department testified he was the sole witness for 343 cases, even though he was the lead investigator for just 29 of them.

The lawyers who signed the motion to disband the grand jury said on average, the jury would have took about 39 seconds to decide each indictment.

The solicitor argued the grand jury had been meeting for months and their deliberations were short because they were accustomed to the proceedings and a majority of the 904 cases were for minor offenses.

The judge ruled Friday to grant the defendant's motion to quash the indictments.

However, he denied their request to discharge the grand jury.

900 Indictments From 1 Day Thrown Out, but Charges Persist

The more than 900 indictments issued by a South Carolina grand jury in a single day have been thrown out.

Aug. 20, 2018, at 10:11 a.m.

AP

YORK, S.C. (AP) — The more than 900 indictments issued by a South Carolina grand jury in a single day have been thrown out.

Twenty-seven lawyers had challenged York County's June indictments, saying grand jurors averaged 39 seconds per case. The Herald cites Circuit Court Judge Dan Hall's Friday ruling that said grand jurors had an "unnecessary and unreasonable burden." Prosecutor Kevin Brackett argued they chose to hear all 904 cases in one day.

But Judge Hall's ruling neither throws out the pending criminal charges against more than 400 people nor orders the seating of a new grand jury.

No appeals have yet been filed.

Brackett's office is consulting with the Office of the Attorney General to determine the order's implications. Defense attorney Gary Lemel says defense lawyers are considering appealing for a new grand jury.

Defense lawyers say an average of 39 seconds per case showed the grand jury failed to properly review the cases. Prosecutors say the June grand jury was lawful and the grand jury chose to work through a 10-hour day to finish the caseload.

However, the ruling does not throw out the pending criminal charges against more than 400 people in the 900-plus cases. The order does not dismiss charges against the defendants that were made when arrested, the order states.

It is "not an order affecting the probable cause when warrants were issued, or probable cause found at preliminary hearings," the order states.

The ruling by Circuit Court Judge Dan Hall, filed Friday, states the community must have confidence the rights of defendants are being upheld and the grand jury has opportunity to properly review cases.

"Public confidence in our system of justice is eroded by the grand jury being asked to act on 904 indictments in a 10-hour period," Hall wrote.

Hall heard arguments from both sides Aug. 10.

It is unclear whether prosecutors or defense lawyers will appeal the ruling. Hall did not order that a new grand jury be seated as defense lawyers wanted.

The Herald's coverage of 27 defense lawyers asking for the indictments to be tossed became a national story after the story was picked up on Fox News, Drudge Report, the New York Times, Washington Post, and hundreds of other media outlets.

Gary Lemel, one of the lead defense lawyers, issued a statement Friday saying the judge's ruling ensures people accused of crimes have their rights upheld.

"We are pleased with the quashing of the indictments and the court's reminder that the prosecution is only one part of the mechanism of the court system," Lemel said. "That part can not burden the other parts, especially while denying rights to defendants."

Prosecutors argued no indictment should be thrown out because the grand jurors had worked hard considering each case and the 39 second average was not applicable because many cases involved multiple defendants and multiple charges.



2 9/2 1/33

Anthony Daniel Wood

735748 A

30

~~Ex 112~~
Spartanburg Co. Clerk of Court
M. Hope Blackley
P.O. Box 3483, Spartanburg, SC. 29304

~~Ex 112~~
3-16-16

RZ: Number Indicted

Dear Ms. Blackley:

Can you please tell me how many people were true billed or
no billed indicted on May 7, 2009.

Your assistance in this matter is greatly appreciated. Thank You!

Respectfully submitted,

15/ ~~A. Briggs~~

Anthony Briggs # 342410

Kirkland Corr. Inst. GPH

4344 Broad River Rd.

Columbia, SC. 29210

CLERK OF COURT
SPARTANBURG, SC.
2016 MAR 21 AM 10:34
M. HOPE BLACKLEY

Ex-13

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-3879
Fax (864) 596-2259

Ex-13

M. Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Anthony Briggs # 342410
Kirkland Corr. Inst. GPH
4344 Broad River Rd
Columbia, SC 29210

Anthony Briggs,

Re: Number Indicted

In response to your request regarding how many people were trubilled on May 7, 2009.
We have estimated 640 that were trubilled that day.
I hope this was of some assistance to you.

Sincerely

KShaw

~~Ex 1A~~
Mrs. Frerison,

3/23/11

This letter is in regards of obtaining a copy of the South Carolina ~~Dep~~ Judicial Dep. Calendar. I would also like to know if the grand jury convened on May 7, 2009 and Aug. 19, 2010 in Spartanburg County? And Lastly I would like to request my transcript from all grand jury proceedings where the grand jury was not deliberating or voting. This is the 2nd letter I've wrote. It is in the utmost urgents that I recieve these documents. Thank you for your time.

Most Respectful
Anthony Briggs

cc: personal



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN FRIERSON
DIRECTOR

MOTTE L. TALLEY
ASSISTANT DIRECTOR

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA
29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-0269
E-MAIL: mtalley@accourts.org

March 28, 2011

Anthony Briggs #342410
LCI CA 28
P.O. Box 205
Ridgeville, SC 29492

Dear Mr. Briggs:

Your request for the court terms for General Session's terms for the dates indicated in your letter is enclosed. The schedule is for that entire week (Monday-Friday) of the date shown at the top of the schedule.

Grand Jury proceedings have historically been held in private and no minutes are maintained or taken when the Grand Jury is deliberating or voting. The only documentation that results from these types of grand jury proceedings is an indictment of true bill or no bill.

- Should you wish to obtain a transcript from Grand Jury proceedings where the Grand Jury was not deliberating or voting, you will need to provide more information for this office to properly determine which court reporter was assigned. Please provide the following information: date, judge's name, county in which proceeding took place, and indictment number (if available). Send your request to the Court Reporting Section of this office.

If you need additional information pertaining to your case may be obtained by contacting the County Clerk of Court where your case was heard concerning dockets, orders, motions, grand juries, true bills, and copies of your file in your case.

Respectfully,

South Carolina Court Administration

Hope Blekney,

3/23/11

This letter is in regards to obtaining a copy of the South Carolina Judicial Dep. Calendar. Also copies of all docket orders, motions, grand jury schedules and true bills filed in my case. (09-GS-42-2627 and 10-GS-42-4657) And my transcript from all grand jury proceedings where the grand jury was not deliberating or voting. It is in the utmost urgents that I receive these documents. Thank you for your time.

Most Respectful

Anthony Briggs

cc: personal

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2239

M. Hope Blackley
Clerk of Court

March 28, 2011

Mr. Anthony Briggs #342410
LCI - CA28
PO Box 205
Ridgeville, SC 29427

Mr. Briggs,

We are in receipt of your letter in reference to copies from our office. Please note that all copies are \$1.00 per page that must be paid in advance. You will need to contact the court reporter in order to receive a copy of your transcript. You can make that request to Linda Moffitt at 800 Belcher Road, Boiling Springs, SC 29316. Please be advised that this office does not provide Judicial Calendars or Grand Jury schedules. If we can be of further assistance to you please let us know.

TSC/ Deputy Clerk

Hope Blackley,

this date

April 6, 2011

On what day did the grand jury convene on in Spartanburg County May 7, 2009 or May 11, 2009. Also who was the court reporter for indictment 09-GS-42-2627, and who was the judge?

this date

Also on what day did the grand jury convene on in Spartanburg County Aug. 19, 2010 or Aug. 23, 2010? Who was the court reporter and the judge for indictment 10-GS-42-4657? and How many others were indicted on that day? ~~Page 20~~

Lastly It is in the utmost urgents that I receive the above stated. I would also like to thank you for your time.

We do not give out any other information regarding Grand Jury

Respectfully Submitted,

Anthony Neil Briggs

cc: Cindi Whitenight
Sr. Chief Administrative Ass.

cc: personal

2010 GS42 4657 - Judge Cole
2009 GS42 2627 - Court Reporter: Linda Moffitt

5/9/11

Linda Moffitt,

This letter is in regards of obtaining a copy of the transcript from where the grand jury was not voting or deliberating on May 7, 2009 and Aug. 19, 2010. Pertaining to § 14-7-1700 and § 14-7-1720 A(4)(5) it's the defendant's rights to be provided with these materials. It is in the utmost urgents that I receive these documents and all documents from the grand jury proceeding where they were not voting or deliberating.

Thank You for Your time.

Anthony Neil Bui

CC: personal
CC: Rosalyn Frierson
SC Court Administration

Ex-20

LINDA D. MOFFITT

Circuit Court Reporter
800 Belcher Road
Spartanburg, SC 29316

May 27, 2011

Mr. Anthony Briggs #342410
LCI AB/31
P. O. Box 205
Ridgeville, SC 29427

Dear Mr. Briggs:

In reference to your letter concerning the grand jury, there is no court reporter assigned to report anything concerning the grand jury, therefore there would be no record available.

Thank you.

Sincerely yours,


Linda D. Moffitt
Circuit Court Reporter

Jean Toal.

6/3/11
RECEIVED

RECEIVED

JUN 08 2011

This letter is in regards of inquiring ^{into} ~~of~~ the grand jury minutes when they were ~~not~~ ^{not} voting or deliberating. Also a copy of the Grand Jury ^{S.C. SUPREME COURT} ~~minutes~~ for Spartanburg County for May of 2009 and Aug of 2010. I also need the grand jury empanelment docket, and copy of witness transcript.

§ 14-7-1700 - It is the defendant's right to have a copy furnished to him, and a court reporter shall record all proceedings except when the grand jury is ^{not} voting or deliberating. Exceptions to this will be found in § 14-7-1720 A(4,5).

Evans v. State (SC 2005) 363 SC 495, 611 SE2d 510.

Lastly I need to know who the court report was that was as assigned to record, so I can make arrangements for my transcript. For Indictments 2009-GS-42-2627 and 2010-GS-42-4657. Thank you for your time.

Most Respectfully,

Anthony Briggs

cc: Cindi Whitenight
Sr. Chief Administrative Ass.
180 Magnolia St. Spartanburg, SC 29301

cc: Rosalyn Frierson
Director

South Carolina Court Administration
1015 Sumter St., Suite 200, Columbia, SC. 29201

cc: personal

Court Reporter: Linda Moffitt
800 Belcher Rd
Boiling Springs, SC 29316

FILED
CLERK OF COURT
SPARTANBURG COUNTY
M. HOPE BLACKLEY
2011 JUN 14 AM 11:05

Honorable Judge Couch,

This letter is in regards to inquiring copies
of your grand jury schedule for Spartanburg County,
of the months Aug. 2010 and May 2009.
Thank You for Your time

Most Respectfully

Anthony
Bligg

cc: Rosalyn Frierson
South Carolina Court Administration
cc: personal



State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

Roger L. Couch
Judge

Post Office Box 2614
Spartanburg, SC 29304-2614
Phone: (864) 596-2285
Fax: (864) 562-4234
rcouchj@sccourts.org

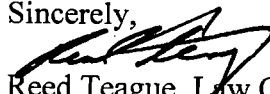
May 13, 2011

Anthony Briggs
LCI
P.O. Box 205
Ridgeville, SC 29427

Mr. Briggs:

In response to your letter addressed to Judge Couch, I have attached the information requested. Please contact Judge Couch if you need further assistance.

Sincerely,


Reed Teague, Law Clerk

Ex 23(a)
STATE OF SOUTH CAROLINA

7th Judicial Circuit Court

COUNTY OF SPARTANBURG

Administrative Order

IN RE:

Grand Jury Reporting Dates

Whereas the terms of General Sessions Court Spartanburg County for the period of January 1, 2010 through June 30, 2010 have been set by order of the Chief Justice of the South Carolina Supreme Court.

IT IS THEREFORE ORDERED that the Grand Jury for Spartanburg County shall report to the Spartanburg County Courthouse for service at 9:00am on each of the following dates, unless otherwise by order of the Chief Justice for Administrative purposes:

Friday, January 15, 2010
Thursday, February 18, 2010
Thursday, March 25, 2010
Thursday, May 6, 2010
Friday, June 11, 2010

IT IS SO ORDERED.


Honorable Roger L. Couch
Administrative Judge
Seventh Judicial Circuit

Spartanburg, SC

September 30, 2009

STATE OF SOUTH CAROLINA

7th Judicial Circuit Court

COUNTY OF SPARTANBURG

Administrative Order

IN RE:

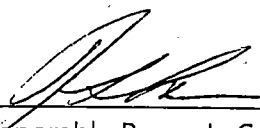
Grand Jury Reporting Dates

Whereas the terms of General Sessions Court Spartanburg County for the period of July 1, 2010 through December 31, 2010 have been set by order of the Chief Justice of the South Carolina Supreme Court.

IT IS THEREFORE ORDERED that the Grand Jury for Spartanburg County shall report to the Spartanburg County Courthouse for service at 9:00am on each of the following dates, unless otherwise by order of the Chief Justice for Administrative purposes:

Thursday, July 22, 2010
→ Thursday, August 19, 2010
Thursday, September 30, 2010
Friday, October 22, 2010
Wednesday, November 24, 2010

IT IS SO ORDERED.



Honorable Roger L. Couch
Circuit Court Judge
Seventh Judicial Circuit

Spartanburg, SC

4/22 2010

2010 APR 22 PM 2:36

Ex 25
STATE OF SOUTH CAROLINA

7th Judicial Circuit Court

COUNTY OF SPARTANBURG

Administrative Order

IN RE:

Grand Jury Reporting Dates

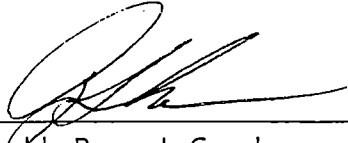
Whereas the terms of General Sessions Court Spartanburg County for the period of January 1, 2009 through June 31, 2009 have been set by order of the Chief Justice of the South Carolina Supreme Court.

IT IS THEREFORE ORDERED that the Grand Jury for Spartanburg County shall report to the Spartanburg County Courthouse for service at 9:00am on each of the following dates, unless otherwise by order of the Chief Justice for Administrative purposes:

Friday, January 9, 2009
Thursday, February 19, 2009
Thursday, March 26, 2009
→ Thursday, May 7, 2009
Thursday, June 4, 2009

IT IS SO ORDERED.

FILED
CLERK OF COURT
2009 SEP 26 AM 10:14
JACOB KITCHENS


Honorable Roger L. Couch
Administrative Judge
Seventh Judicial Circuit

Spartanburg, SC

9/26 2008

2/12/12

South Carolina Court Administration
South Carolina Supreme Court
Court Reporting Section
1015 Sumter Street
Suite 200
Columbia, South Carolina 29201

RE: impaneling documents and supporting materials

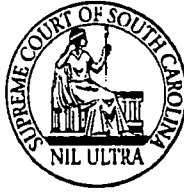
To: Court Reporting Section:

This letter is in regards to inquiring a copy of the grand jury impaneling documents and supporting materials. When the grand jury convened on May 7, 2009 for indictment number 09-GS-42-2627, and August 19, 2010 for indictment number 10-GS-42-4657. In Spartanburg County.

Pursuant to § 14-7-1700; § 14-7-1720 (A) (4) (5); Evans v. State (SC 2005) 363 SC 495; 611 SE.2d 510; criminal Law (Key) 627.9(1); Grand Jury (Key) 41.53(3); it is the defendants right to have a copy furnished to him by the state if requested. I have requested these items several times from the clerk of court of Spartanburg County, Court Administration, and even Jean Toal. Can you please abide by State and Federal law and furnish me a copy of the Above stated. Thank You for your time.

Sincerely,

Anthony Bigg



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

1015 SUMTER STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

February 16, 2012

Anthony Briggs #342410
Lieber Correctional Institution
AB/11
PO Box 205
Ridgeville, SC 29472

Dear Mr. Briggs:

Your inquiry has been received by this office and has been forwarded to this section for response.

Unfortunately, Court Administration cannot assist you with your request because this office does not maintain or have ready access to the records you have requested.

Should you desire additional assistance, please do not hesitate to contact this office.

Sincerely,
Court Services Section

Oct. 29, 2015

South Carolina Supreme Court
South Carolina Court Administration
Rosalyn Frierson
1015 Sumter St., Suite 200
Columbia, SC 29201

28

RE: Impaneling documents and supporting materials.

Dear Ms. Frierson:

I'm requesting a copy of any and all orders signed by the Chief Justice of South Carolina pertaining to defendants right to obtain impaneling documents and supporting materials from Grand jury proceedings pursuant to Evans v. State 611 S.E.2d 570 ; 363 SC 495. Your assistance in this matter is greatly appreciated. Thank You.

Respectfully Submitted,

15/

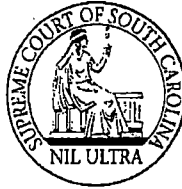
~~Anthony Briggs~~

Anthony Briggs # 342410

Perry Corr. Inst.

430 Oaklawn Rd.

Petzer, SC 29669.



South Carolina Court Administration

South Carolina Supreme Court
Columbia, South Carolina

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

November 19, 2015

Anthony Briggs #342410
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Dear Mr. Briggs:

This responds to your letter dated October 29, 2015. Please be advised that Court Administration cannot assist you with this matter. Court Administration cannot provide copies of documents that are not in our custody.

* To the extent that any of the county grand jury records you are seeking may exist, they would be in the custody of clerk of court and any request for those documents would need to be made to that clerk of court. Please note that grand jury proceedings have historically been held in private and no minutes are maintained or taken when the Grand Jury is deliberating or voting. The only documentation that results from these types of grand jury proceedings is an indictment of true bill or no bill. Please see *Anderson v. State*, 338 S.C. 629, 527 S.E.2d 398 (2000) (clerk of court is under no duty to provide a transcript of the proceedings before the county grand jury); *Ex parte McLeod*, 272 S.C. 373, 252 S.E.2d (1979) (In a case involving a county grand jury, the Court stated "the investigation and deliberations of a grand jury should be conducted in secret, and that for most intents and purposes all its proceedings are legally sealed against divulgence" and denied the Attorney General's request to have a court stenographer present during the presentation of evidence to the grand jury based on this rule of secrecy.)

As to the terms of the circuit court, information regarding the terms of the circuit court back to 2002 are available on the South Carolina Judicial Department Website at www.sccourts.org/calendar/scmapimg.cfm.

Sincerely,
Court Services Section/ar

12-108✓

Spartanburg Co. Clerk of Court
 Hope Blackley
 Spartanburg Co. Court House
 180 Magnolia St.
 P.O. Box 3483
 Spartanburg, SC 29304-3483

4-26-16

2016 MAY -4 AM 11

M. HOPE BLACKLEY

RE: Dates of Presiding Judge

Dear Ms. Blackley:

Can you please tell me if open court was held for General Sessions and ~~the~~ the name of the Presiding Judge for the dates of May 7, 2009 and August 19, 2010.

Also, can you please tell me if open court was held for General Sessions and the name of the Presiding Judge for the dates of May 11, 2009 and August 23, 2010.

Your assistance in this matter is greatly appreciated. Thank you!

Respectfully Submitted,

/s/ ~~Anthony Briggs~~

Anthony Briggs #342410
 Kirkland Corr. Inst. (CPIH)
 4344 Broad River Rd.
 Columbia, SC 29210

Enclosed are the dates/information.

We will not repeatedly send you this information

as you have requested other *Jury Camp* documents.

No General Sessions on May 7, 2009
 or

August 19, 2010

Ex-81

04-2627

4-16-16 Ex-81

Circuit Court Jury Coordinator
Spartanburg Co. Court House
180 magnolia St.
P.O. Box 3483
Spartanburg, SC. 29304-3483

FILE
START

2016 APR

M. HOFF

10-465

RE: Grand Jury Impanelment Documents when the Grand Jury
was not voting or Deliberating.

Dear Sir/Madam :

I wrote you a letter on 3-29-16 requesting the grand jury
impanelment documents when the grand jury was not voting or deliberating for
the dates of May 7, 2009 and August 19, 2010.

which consist of the drawing, summoning, and impanelment of jurors.
Your letter dated March 8, 2016 responding to my request, requesting
these documents, you stated "This information does not exist"

Is there any records stating that the Court of General Sessions
was open for the grand jurors to convene on May 7, 2009 and
August 19, 2010? If there is can you please clock stamp them and
send me a copy. Also can you please clock stamp my letter in response.

Your assistance in this matter is appreciated. Thank you so
very much.

Respectfully Submitted,

13/ Anthony Briggs

Anthony Briggs # 342410
Kirkland Corr. Inst. (GPH)
4344 Broad River Rd.
Columbia, SC. 29210

Ex 32

Ex 32

Circuit Court Jury Coordinator
Spartanburg Co. Court House
180 Magnolia St.
P.O. Box 3483
Spartanburg, SC. 29304-3483

SP

2016 APR 28

M. HOPE

4-16-16

RE: Grand Jury Forepersons Name

Dear Sir/ma'am:

Can you please tell me the grand jury forepersons name that served on the dates of May 7, 2009 and August 19, 2010.

Your assistance in this matter is greatly appreciated. Thank you so very much!

Respectfully Submitted,

/S/ ~~A Briggs~~

Anthony Briggs # 342410

Kirkland Corr. Inst. (GPH)

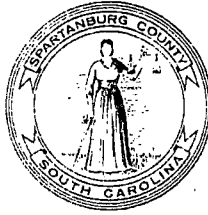
~~Columbia, SC~~

4344 Broad River Rd.

Columbia, SC, 29210

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2259

Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

April 27, 2016

Anthony Briggs #342410
KCI GPH
4344 Broad River Road
Columbia, SC 29210

RE: Grand Jury Request (2009GS4202627;2010GS4204657)

Dear Mr. Briggs,

We are in receipt of your letters requesting information in reference to the grand jury. Please be advised that you have been provided with the only documentation that is available from our office. You have also been provided the requested grand jury information from May 2009 and August 2010. The information that **does not exist** is the drawing, impanelement and the juror summons. Please note that any additional copies received from this office will cost \$1.00 per page that must be paid in advance. I apologize for any inconvenience this may cause.

Tanya Camp

Tanya Camp
Court Supervisor



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

ROSALYN W. FRIERSON
DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-1355
E-MAIL: rfrierson@sccourts.org

May 17, 2016

Mr. Anthony Briggs, #342410
Kirkland Corr. Inst. (GPH)
4344 Broad River Road
Columbia, South Carolina 29210

Re: Your correspondence received May 16, 2016

Dear Mr. Briggs:

In response to your recent request for orders relating to "special" terms of General Sessions Court outside of the schedule set by §14-5-820, please be advised that with the adoption of the amendments to Article V of the South Carolina Constitution in 1973, the Chief Justice sets all terms of the Court of General Sessions. Article V, §4 of the South Carolina Constitution provides that "The Chief Justice shall set the terms of any court and shall have the power to assign any judge to sit in any court within the unified judicial system." Under the current constitutional provision, all terms of the circuit court are set by the Chief Justice and there are no "special" terms.

As a courtesy, this office previously provided you with copies of other documents on November 13, 2015. If you wish for this office to provide additional documents to you, you will be charged per the enclosed Supreme Court Order relating to copies and mailing. In order to receive a copy of the Chief Justice's Order setting the terms for the second half of 2013, as well as a copy of the calendar for September 2013 (3 pages of documents), you will need to forward a money order payable to the SC Judicial Department in the amount of \$1.15.

Please note that all terms of court for the time frame you seek (2013), as well as all terms dating back to 2002 are available on the South Carolina Judicial Department

~~EX-35~~

Clerk of Court of Spartanburg County
180 magnolia, SE
Spartanburg, SC 29303

6-11-19

~~EX-35~~

RE: Drawing of grand jury members.

Dear Clerk,

Can you please tell me if the grand jury for the term of January 1, 2009 through June 13, 2009 was drawn during the last term of General Sessions Court in December 2008.

Also, can you please time clock stamp and send me a copy of this letter with your response to the below stated address. Your assistance in this matter is greatly appreciated.

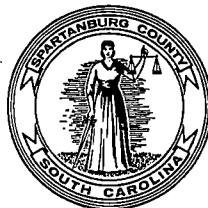
Respectfully Submitted /s/ Anthony Briggs
Anthony Briggs # 342410
Brook River Correctional Institution
Inmate 2109
4344 Brook River Rd.
Columbia, SC 29210

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUN 14 PM 3:08

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Phone (864) 596-2591
Fax (864) 596-2259



Amy W. Cox
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Date: 6/14/2019

Name: Anthony Briggs

We have received your letter on 6/14/2019. The applicable response is checked below.

- ☐ I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Solicitor's Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- ☐ I suggest you contact the Spartanburg County Jail @ 950 California Ave, Spartanburg, SC 29303.
- ☐ A copy of your letter has been forwarded to the Public Defender's Office.
- ☐ A copy of your letter has been forwarded to the Solicitor's Office.
- ☐ I suggest you contact your attorney.
- ☐ Please provide us with the original document.
- ☐ The reference case is not a General Sessions case.
- ☐ Grand Jury proceedings are held in private.
- ☐ Please provide us with a warrant or indictment number.
- ☐ Due to the large volume of requests, this office no longer conducts criminal records research.
- ☐ Case History print-out enclosed.
- ☐ A court date has not been scheduled for your case(s).
- ☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)
- ☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check money order in the amount of \$_____.
- ☒ Other: Grand Jury for January 2009 through June was pulled in January 2009

If we can be of further assistance to you please let us know.

KS
General Sessions Clerk

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUN 14 PM 3:08

~~EX-154~~
Clerk of Court of Spartanburg County
Amy W. Cox
180 Magnolia St.
Spartanburg, SC. 29303

~~EX-154~~
6-25-19

RE: Drawing of Grand Jury

Dear Ms. Cox,

Can you please tell me on what day in January 2009 the grand jury was drawn.

Also, can you please tell me on what day the first term of general sessions court convened on in January 2009?

Lastly, can you please time clock stamp and send me a copy of this letter with your response to the below stated address. Your assistance in this matter is greatly appreciated.

Respectfully submitted,

15/ ~~42 Briggs~~
Anthony Briggs # 342410
Broad River Correctional Institution
Mauldin 2109
4460 Broad River Rd.
Columbia, SC. 29210

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUL -1 PM 3:28

5-38
Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Spartanburg County

5-38
Phone (864) 596-2591
Fax (864) 596-2259



Amy W. Cox
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Date: 7/1/2019

Name: Anthony Briggs

We have received your letter on 7/1/2019. The applicable response is checked below.

- ☐ I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Solicitor's Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- ☐ I suggest you contact the Spartanburg County Jail @ 950 California Ave, Spartanburg, SC 29303.
- ☐ A copy of your letter has been forwarded to the Public Defender's Office.
- ☐ A copy of your letter has been forwarded to the Solicitor's Office.
- ☐ I suggest you contact your attorney.
- ☐ Please provide us with the original document.
- ☐ The reference case is not a General Sessions case.
- ☐ Grand Jury proceedings are held in private.
- ☐ Please provide us with a warrant or indictment number.
- ☐ Due to the large volume of requests, this office no longer conducts criminal records research.
- ☐ Case History print-out enclosed.
- ☐ A court date has not been scheduled for your case(s).
- ☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)
- ☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$_____.

☒ Other: I do not have a specific date the Grand Jury was drawn.

I no longer have a calendar for 2009 General Session ct.

If we can be of further assistance to you please let us know.
General Sessions Clerk

Clerk of Court of Spartanburg County
180 Magnolia St.
Spartanburg, SC. 29304

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2019 JUN 21 PM 1:25

RE: Grand jury Roll

Dear Clerk of Court,

Can you please tell me, do you have in your records a roll of the grand jurors who convened on May 7, 2009.

If you would please send me a copy of this letter clocked in with your reply.

Your assistance in this matter is greatly appreciated.

Respectfully Submitted,

15/ ~~Anthony Briggs~~
Anthony Briggs # 342410
Broad River Correctional Institution
Moultrie 2109
4344 Broad River Rd
Columbia, SC. 29210

Spartanburg County

Ex 40
Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



Ex 40
Phone (864) 596-2591
Fax (864) 596-2259

Amy W. Cox
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Date: 6/21/2019

Name: Anthony Briggs

We have received your letter on 6/21/2019. The applicable response is checked below.

- ☐ I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Solicitor's Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- ☐ I suggest you contact the Spartanburg County Jail @ 950 California Ave, Spartanburg, SC 29303.
- ☐ A copy of your letter has been forwarded to the Public Defender's Office.
- ☐ A copy of your letter has been forwarded to the Solicitor's Office.
- ☐ I suggest you contact your attorney.
- ☐ Please provide us with the original document.
- ☐ The reference case is not a General Sessions case.
- ☐ Grand Jury proceedings are held in private.
- ☐ Please provide us with a warrant or indictment number.
- ☐ Due to the large volume of requests, this office no longer conducts criminal records research.
- ☐ Case History print-out enclosed.
- ☐ A court date has not been scheduled for your case(s).
- ☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)
- ☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$_____.
- ☒ Other: **Grand jury proceedings are held in private. According to Ex parte McLeod, 272 S.C. 373, 252 S.E2d (1979), In a case involving a county grand jury, the Court stated "the investigation and deliberations of a grand jury should be conducted in secret, and that for most intents and purposes all its proceedings are legally sealed against divulgence".**

If we can be of further assistance to you please let us know.

KS

General Sessions Clerk

~~Ex 41~~
Clerk of Court of Spartanburg County

6-28-19

~~Ex 41~~

Amy W. Cox
180 Magnolia St.
P.O. Box 3483
Spartanburg, SC 29304-3483

RE: Grand jury drawing, balloting, empaneling, jury summons, and
Attendance Roll.

Dear Ms. Cox,

Can you please provide me with the grand jury drawing, balloting,
empaneling, jury summons, and attendance roll for the term of January
2009 through June 2009.

Lastly, can you please time clock stamp and send me a copy of
this letter with your response to the below stated address. Your assistance in
this matter is greatly appreciated.

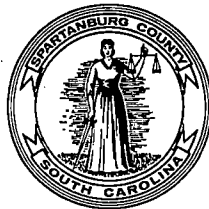
Respectfully Submitted,

15 / Anthony Briggs
Anthony Briggs #342410
Broad River Correctional Institution
Moultrie 2109
4460 Broad River Rd.
Columbia, SC 29210

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUL -5 PM 1:16

~~Ex-42~~
Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Spartanburg County



42
Phone (864) 596-2591
Fax (864) 596-2259

Amy W. Cox
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

Date: 7/5/2019

Name: Anthony Briggs

We have received your letter on 7/5/2019. The applicable response is checked below.

☐ I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.

☐ I suggest you contact the Solicitor's Office @ 180 Magnolia Street, Spartanburg, SC 29306.

☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.

☐ I suggest you contact the Spartanburg County Jail @ 950 California Ave, Spartanburg, SC 29303.

☐ A copy of your letter has been forwarded to the Public Defender's Office.

☐ A copy of your letter has been forwarded to the Solicitor's Office.

☐ I suggest you contact your attorney.

☐ Please provide us with the original document.

☐ The reference case is not a General Sessions case.

☐ Grand Jury proceedings are held in private.

☐ Please provide us with a warrant or indictment number.

☐ Due to the large volume of requests, this office no longer conducts criminal records research.

☐ Case History print-out enclosed.

☐ A court date has not been scheduled for your case(s).

☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)

☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$_____.

☒ Other: Grand jury proceedings are held in private. According to Ex parte McLeod, 272 S.C. 373, 252 S.E2d (1979), In a case involving a county grand jury, the Court stated "the investigation and deliberations of a grand jury should be conducted in secret, and that for most intents and purposes all its proceedings are legally sealed against divulgence".

If we can be of further assistance to you please let us know.

General Sessions Clerk

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUL -5 PM 1:16

~~EX-173~~
Clerk of Court of Spartanburg County
Amy W. Cox
180 Magnolia St., P.O. Box 3483
Spartanburg, SC 29304 - 3483

7-10-19 ~~EX-43~~

RE: Grand Jury Qualification

Honorable Cox,

Can you please tell me on what date the grand jurors for the term of January 2009 through December 2009 were qualified by a judge and can you please give me that judge's name.

Further, you keep quoting ~~ex parte~~ MS Leach, 272 S. 373, 262 S. 2d 197 to me. That case is speaking about the investigation and deliberations are secret. I'm not requesting none of that information.

What I'm seeking is public information, the qualifications of the grand jurors pursuant to § 14-7-1530; In re Grand Jury Subpoena 920 F.2d 235 US Court of Appeals 4th Cir 1990 (Grand Jury secrecy rule protects from disclosure only essence of what takes place in grand jury room, in order to preserve freedom and integrity of deliberative process). Also MS Han v. V.C.-I.R. 558 F.3d 326 4th Cir (2009) (It is common sense proposition that secrecy is no longer necessary when the contents of grand jury matters have become public).

Lastly, can you please send me a copy of this letter clocked in with your reply clocked in to the below stated address.

Your assistance in this matter is greatly appreciated!

Respectfully submitted,

16/

Anthony Briggs

Anthony Briggs # 342410
Broad River Correctional Institution
McClure 2109
4460 Broad River Rd
Columbia, SC 29210

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2259

Clerk of Court

Gail Moffitt
Assistant Clerk of Court

August 13, 2019

Anthony Briggs #342410
Moultrie 2109
4460 Broad River Road
Columbia, SC 29210

- ☐ I suggest you contact the Probation Office @180 Library Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Solicitor's Office @ 180 Magnolia Street, Spartanburg, SC 29306.
- ☐ I suggest you contact the Public Defender's Office @ 366 N. Church St., Spartanburg, SC 29306.
- ☐ I suggest you contact the Spartanburg County Jail @ 950 California Ave, Spartanburg, SC 29303.
- ☐ I suggest you contact the Sheriff's Department @ 8045 Howard St., Spartanburg, SC 29306
- ☐ A copy of your letter has been forwarded to the Public Defender's Office.
- ☐ A copy of your letter has been forwarded to the Solicitor's Office.
- ☐ I suggest you contact your attorney.
- ☐ The reference case is not a General Sessions case.
- ☐ Grand Jury proceedings are held in private.
- ☐ Please provide us with a warrant or indictment number.
- ☐ Case History print-out enclosed.
- ☐ A court date has not been scheduled for your case(s).
- ☐ A Plea/Trial date has been scheduled for _____. (This date is subject to change)
- ☐ All copies are \$1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of \$_____.
- ☐ Please refer to our website for further assistance www.spartanburgcounty.org select SERVICE - COURT SERVICES – PUBLIC INDEX.

Other: we are in receipt of your letters since 2016 requesting grand jury information, please be advised that we cannot provide you with the information that you are requesting. We apologize for any inconvenience.

If we can be of further assistance to you please let us know.

General Sessions Clerk

State of South Carolina

IN The Court of Appeals

Appeal From Spartanburg County

Honorable R. Keith Kelly Circuit Court Judge

The State,

Respondent,

v.

Anthony Briggs,

Appellant

Appellate Case No. 2019-000632

Certificate of Service

The undersigned hereby certifies that a true copy of Appellant's Pro Se Brief and Designation of Matter in the above referenced case has been served upon The South Carolina Court of Appeals, Jenny Abbott Kitchings, Clerk, Post Office Box 11629, Columbia, SC 29211 this 30th day of March, 2020

Pro Se, Anthony Briggs

State of SC County of Richland
The foregoing instrument was acknowledged before me
this 30th day of March, 2020
by [Signature]
My Commission Expires 7-27-2024

RECEIVED

APR 03 2020

SC Court of Appeals

Anthony Briggs #342410
Broad River Correctional Institution
4400 Broad River Rd.
Columbia, SC, 29210

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
P.O. Box 11629
Columbia, SC. 29211

RE: Case NO 2019-000632 Pro-Se Brief of Appellant

Dear ms. Kitchings:

Please find for filing, Appellant's Pro-Se Brief, with supporting exhibits.

Also can you please send a clock-in copy to the below stated address.

Your assistance in this matter is greatly appreciated. Thank you.

Respectfully Submitted,

/s/

~~Anthony Briggs~~

Anthony Briggs # 342410
Broad River Correctional Institution
4460 Broad River Rd
Columbia, SC. 29210

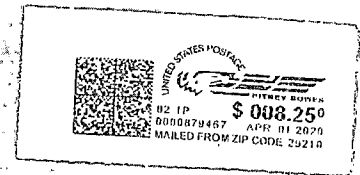
Dated: 3/30/2020

RECEIVED

APR 03 2020

SC Court of Appeals

Anthony Briggs # 342410
Broad River Correctional Institution
4460 Broad River Rd
Columbia, SC 29210



RECEIVED
APR 08 2020
SC Court of Appeals

South Carolina Court of Appeals
Jenny ABBOTT Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

