

**RECEIVED**

**FEB 24 2022**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	)	SECOND JUDICIAL CIRCUIT
Stephen Corley, #347938,	)	
Applicant,	)	2019-CP-02-0746
	)	
Vs.	)	<b>MOTION TO GRANT PCR HEARING AND</b>
	)	<b>DENY RESPONDENT'S RETURN AND</b>
State of South Carolina,	)	<b>MOTION TO DISMISS BY WRITTEN ORDER</b>
Respondent.	)	<b>WITH 10 PAGES OF EXHIBITS CITING</b>
	)	McCoy v. STEELE, SUPRA, SC Code Ann. 17-27-45 (c)
_____	)	

This matter comes before this court by way of objections to the Respondent's Return and Motion to Dismiss this Application filed by the Applicant on April 13, 2021.

The Applicant hereby moves this Court to deny Respondent's erroneous attempt to have this PCR Application summarily dismissed. This Return contains erroneous findings of fact, misapplication of law; and the newly discovered evidence does fall under the "Discovery Rule" citing McCoy v. State, 401 S.C. 363, 737 S.E.2d 623 (2013), See also S.C. Code Ann. §17-27-45 (c) which allows one year after the "627 discovery

of 'material facts not previously presented and heard that require vacation of the conviction or sentence 'to file a PCR" 370 Application.

And the Applicant promptly filed this application after making this discovery. He is entitled to the benefit of the "discovery rule" this cannot be conclusively refuted by the record.

This newly discovered evidence is a question of fact which can only be resolved by a hearing ct Delaney v. State, 269 S.C. 555, 556, 238 S.E.2d 679, (1977). He would have been sentenced to a lesser offense.

In Robertson v. State, 418 S.C. 505, 795 S.E.2d (2016) ct. n (1) This court held ("All applicants are entitled to a full and fair opportunity to present claims in one PCR Application citing Odom v. State, 337 S.C. 256, 523 S.E.2d 753, 755 (1999) hold "Successive PCR Applications and Appeals are generally disfavored because they allow an applicant to receive more than one bite at the apple as it were" Id. Citing SC Code Ann. § 17-27-90 (2014) (emphasis added).

In Aice v. State, 305 S.C. 448, 450, 409 S.E.2d 392, 394 (1991) this Court interpreted § 17-27-90 to forbid "a successive PCR Application unless an Applicant can point to a "sufficient reason" why the new grounds for relief he asserts were not raised, or were not raised properly in the first initial PCR action.

This court in Aice acknowledged that there may be "unique circumstances" where a PCR counsel's assistance could be challenged in a successive application Id. ct 451, 409 S.E.2d at 394.

The Applicant incorporates Fishbourne, 427 S.C. 505, 832 S.E.2d 584 (2019) the honorable justice James held "If this were a generic civil action, we would likely be quick to accept the state's preservation argument. However, because the United States Constitution's Sixth Amendment guarantee to a defendant's right to effective assistance of counsel is engrained in PCR cases, we cannot continue to permit a party's procedural shortcoming – such as the failure to file a Rule 59 (e) motion to preserve the PCR issues for Appellate review."

This PCR Application contains genuine material fact that supports a *Prime Facie* case as to a "complete denial" of effective assistance of plea counsel for giving misleading advice to plead guilty when exculpatory evidence was withheld by the state. Citing a Brady Rule 5 disclosure violation see Brady v. Maryland, 373 U.S. 83, S.Ct. 1194 (1963).

The newly discovered evidence is as follows:

1. The Applicant did not receive a Rule 5 Brady disclosure package from trial counsel, by this failure plea counsel failed to give the Applicant proper advice as to his right to take a trial or challenge the state's evidence.
2. Evidence of the Black Box from the truck that clearly supports that the Applicant was not speeding at the time of the crash.
3. At the time of the crash, there was a large tree obstructing the view of the Applicant. While he was passing a vehicle, he was atop of a hill and the limbs of the tree obstructed the visibility of the Applicant. Therefore, he did not see an oncoming car.

4. Counsel failed to use the newly discovered evidence to support a lesser included offense.

Had the Applicant known of this Black Box and the Applicant's attorney had this evidence, he would have not been sentenced to 44 years for 2 counts of causing death by operating a vehicle while under the influence of drugs or alcohol.

Please take note of the following exhibits that support(s) that the solicitor Strom Thurmond was "misleading and misrepresenting" genuine material fact that supports "prosecutorial misconduct" that deprived Applicant of a fair and meaningful opportunity to be rightly charged for an appropriate crime as follows:

See transcript of record before Honorable William H. Seals Jr., on September 21, 2011 on page 9 lines 6 to 8

The solicitor stated "The Highway Patrol MATE Team would later calculate Mr. Corley's speed at (77 miles an hour)" was not correct and "dangerously misleading".

Now comes genuine material fact that this erroneous conclusion was false. See Exhibit A 1 – 2 S.C. Hwy Patrol MATE Team document ML-135-10 conducted by Investigator Rosado dated February 9, 2011:

page 1 stated the Ford "victims truck" was driving 81.88 miles per hour in a 50 mile an hour zone.

Page 2 stated Nissan driven by the Applicant was driving 11.82 miles per hour at time of impact.

It also concludes on Exhibits B 1-3 that the victim in this case was under the influence of narcotics See NMS Toxicology Report of the victim page 3, he had cocaine / metabolitics 300ng / MI 1 methadone 300 ng/ml ; Phencyclidine 25 ng/ml prepared by Susan Crookham certifying scientist. Also was Amphetamines 1000 ng/ml ; Barbituates 0.30 mcg/ml ; Benzodiazepines 50 nmlmL ; cannabinoids 20 ng/ml in his system.

So on Page 9 lines 9 – 11 The solicitor falsely states that there was no evidence collected that would indicate that Alex Bush (victim) contributed in any way whatsoever to this collision.

The victim was the one speeding and under the influence of narcotics.

See also (Exhibits C 1-5) S.C. Dept. of Trans. Hwy Main. Management System Daily Work Report Page 3 "... on 11/7/14 to perform work, but tree is leaning over the roadway and needs to be taken down by contractor."

This clearly supports that the tree obstructed the Applicant's field of view, and was a factor to this collision. The victim was traveling at (81.88 miles per hour) and the Applicant was driving (11.82 miles per hour) at time of impact. So, therefore, the victim was factor to this collision.

So, the Applicant's attorney in plea offer deprived the Applicant of a lesser included offense charge and PCR counsel's failure to abide by the statutory provisions held in the Uniform Post Conviction Procedure Act, citing S.C. Code Ann § 17-27-10 to 120 citing Rule 71.1 SCRCP. Failure to file for Brady Rule 5 Disclosure, failure to hire or consult with an investigator or expert in obtaining the vital documents did deprive the Applicant of his right to a "full and fair" bite at the apple in Aice Supra.

Also, for PCR counsel's failure to file the mandated Rule 59 (e) motion pursuant to Rule 71.1 (e) SCRCP deprived the Applicant of his issues being preserved for Appellate Review.

And for Appellate Counsel's failure to raise the issues in order to prevent them from being procedurally defaulted in Habeas Corpus review violated Rule 243 (g) SCACR.

These factors violated Sutton v. State, 606 S.E.2d 779, 781 (S.C. 2004) Over ruled on other grounds by Brady v. State, 620 S.E.2d 743 (S.C. 2005). PCR cases are treated differently from traditional civil cases, requiring for example, that Appellate counsel brief all arguable issues despite counsel's belief the Appeal is frivolous and requiring by statute, court appointed counsel for an indigent who is granted a hearing Id. citing Wade, 559 S.E. 2d at 847

Therefore, based on Fishbourne v. State, Supra, PCR counsel's failure to abide by the uniform Post-Conviction Procedure Act citing SC Code Ann § 17-27-10 to 120. Rule 71.1 SCRCP, and failure to file the mandated Rule 59 (e) SCRCP as required by Fishbourne, Supra, and the newly discovered evidence citing McCoy v. State, Supra S.C. Code Ann. § 17-27-45 (c) this newly discovered evidence is outside of the initial record, does fall under the "Discovery Rule" and does require a hearing.

Based on the foregoing, this newly discovered evidence is of genuine material fact, and the Respondent has misrepresented the newly discovered evidence that does establish a lesser included offense charge.

Also, the Respondent cannot place the burden of failure to file any motions or evidence in his initial PCR hearing 2012-CP-02-0471 dated January 23, 2013 due to "hybrid representation" once counsel is appointed, the applicant cannot file anything. Nor can he make the counsel do anything. Citing Miller v. State, 388 S.C. 34, 697 S.E.2d 527 (2010); State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); Jones v. State, 348 S/C/ 13. 558 S/E/2d 517 (2002); State v. Rivera, 402 S.C. 225, 741 S.E.2d 694 (2013); U.S. v. Williams, 323 F.3d 892, (4 th Cir. 2000).

Pursuant to Rule 71.1 (e) SCRCP, the burden of proof upon the Applicant according to Patrick v. State, 349 S.C. 203, 562 S.E.2d 609 (2002) is stripped away pursuant to the hybrid representation Rule. Citing State v. Stuckey, Supra ct. n. (3) (This court has previously held that there is no right under the South Carolina Constitution to hybrid representation Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989); State v. Sanders, 269 S.C. 215, 237 S.E.2d 53 (1977) Since there is no right to hybrid representation, substantive documents filed pro se by a person represented by counsel are not accepted unless submitted by counsel citing Foster, 298 S.C. at 307, 379 S.E.2d at 907.

Wherefore, this application cannot be barred as the Respondent has misrepresented, this newly discovered evidence has never been brought to bar or heard and is of genuine material fact to support a hearing as a matter of justice, and as of right citing McCoy v. State, Supra, S.C. Code Ann. § 17-27-45 (c) and citing Fishbourne v. State, Supra.

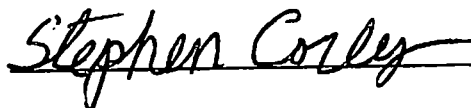
Pursuant to Rule 501 COJC SCACR Cannon 3. Citing the Fifth and Fourteenth Amendment under the United States Constitution the Applicant is "entitled" to an

impartial judge in this case, and he does have a legal right to bring his New evidence to bar.

The Applicant respectfully moves this court to deny the Respondent's erroneous conditional Order of dismissal and Return and motion to Dismiss this Application pursuant to McCoy v. State, Supra, citing S.C. Code Ann § 17-27-45 (c) "Discovery Rule" and citing Fishbourne v. State, Supra, and by written Order grant a PCR hearing with appointment of counsel in the interest of justice, and as of right, citing the Applicant's equal protection of the law clause of the Fourteenth Amendment.

Respectfully submitted,

DATE: 5 / 27 2021



Stephen Corley, pro se Applicant

BRCI - 347938

4460 Broad River Rd.

Columbia, SC 29210-40

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN )  
Stephen Corley, #347938, )  
Applicant, )  
)  
Vs. )  
)  
State of South Carolina, )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
SECOND JUDICIAL CIRCUIT

2019-CP-02-0746

**CERTIFICATE OF SERVICE  
WITH 10 PAGES OF EXHIBITS**

I Stephen Corley #347938 does hereby swear under the penalty of perjury that a true copy of this Motion to Grant PCR Hearing and Appointment of Counsel has been deposited in the U.S. Mail postage pre-paid and addressed to the following parties:

1. The Honorable Clifton Newman Chief Admin. Judge, P.O. Box 516, Kingstree, SC 29556
2. Megan H. Jameson, Senior Asst. Dept. Attorney General, P.O. Box 11549, Columbia, SC 29211-1549

DATE: 5 / 27 / 2021

Respectfully submitted,

Stephen Corley

Stephen Corley, pro se Applicant

BRCI - 347938

4460 Broad River Rd.

Columbia, SC 29210-4012

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 27<sup>th</sup> DAY OF May 2021

[Signature]

NOTARY PUBLIC

My Commission expires: 7 27, 2026

SOUTH CAROLINA HIGHWAY PATROL  
 MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM  
 MAIT Case Notes



ML-135-10

MAIT Case # ML 135-10	Investigator: ROSANO
--------------------------	-------------------------

Date:	Notes:
2/11	
02-01	1200
	$S = \sqrt{30 \times d \times f_{adh}}$
	$S_1 = \sqrt{30 \times 7.8 \times 1.8}$ $S_2 = \sqrt{30 \times 17.2 \times 5}$
	$S_1 = \sqrt{421.2}$ $S_2 = \sqrt{2580}$
	$S_1 = 64.8 \text{ mph}$ $S_2 = 160.6 \text{ mph}$
	$S_c = \sqrt{S_1^2 + S_2^2}$
	$S_c = \sqrt{64.8^2 + 160.6^2}$
	$S_c = \sqrt{4212 + 2580}$
	$S_c = \sqrt{30012}$
	$S_c = 173.2 \text{ mph}$
	Impact Speeds
	$W_1 \times S_1 = W_2 \times S_2 = W_1 \times S_1' + W_2 \times S_2'$
	$4177 \times S_1 = 4047 \times 55 = 4177 \times 11.82 + 4047 \times 17.32$
	$4177 \times S_1 = 222585 = 4937214 + 70094.04$
	$4177 \times S_1 = 222585 = 119466.18$
	$\frac{1177 \times S_1 = 222585}{4177} = \frac{119466.18}{4177}$
	$S_1 = 53.28 = 28.60$
	$S_1 = 53.28 + 53.28 = 28.60 + 53.28$
	( $S_1 = 81.88 \text{ mph}$ )

SOUTH CAROLINA HIGHWAY PATROL  
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM  
MAIT Case Notes



MAIT Case # ML-135-10	Investigator: ROSANO
--------------------------	-------------------------

Date:	Notes:
2011	
02-09	SPEED CALCULATIONS
	Nissan - 3947 lbs Driver = 230 lbs
	WT = 3947 + 230 = 4177 lbs
	Post-Impact Distance = 25.9 feet
	n = 30%
	Ford = 3692 lbs Driver = 165 lbs Pass = 190 lbs
	WT = 4047 lbs
	Post-Impact Distance = 25 Feet (78 ASHA) (172 ACAS)
	n = 30%
	f = .68 f <sub>adj</sub> = .68 * 90 (adjusted 10%) = 61
	f <sub>pass</sub> = 50
	Post-Impact Speed
	Nissan
	$S = \sqrt{30 \times d \times f_{adj}}$
	$S = \sqrt{30 \times 25.9 \times .68}$
	$S = \sqrt{13986}$
	( S = 118.2 MPH )



NMS Labs

3701 Vista Road, PO Box 433A, Willow Grove PA 19080-0437  
Phone: (215) 657-2900 Fax: (215) 617-2572  
e-mail: nms@nmslabs.com

Robert A. Mittleberg, PhD, DAFT, QARCC-TC, Laboratory Director

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EXHIBIT B1 of 3

Toxicology Report

Report issued 01/11/2011 10:00

To: 10161  
The Forensic Science Network  
PO Box 25469

Columbia, SC 29224

Patient Name	BUSH, ALEXANDER, C.
Patient ID	NP
Chain	10754298
Age	24 Y
Gender	Male
Workorder	11000215

Page 1 of 3

Positive Findings:

Compound	Result	Units	Matrix Source
Cocaine	Positive	mcg/mL	Blood
Theobromine	Positive	mcg/mL	Blood

See Detailed Findings section for additional information

Testing Requested:

Analysis Code	Description
80563	Postmortem Toxicology - Urine Screen Add-on (8-MAMM Quantification only)
80828	Postmortem Toxicology - Expanded, blood

Specimens Received:

ID	Tube/Container	Volume/Weight	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	2.5 mL	12/30/2010 00:00	Blood	
002	Gray Top Tube	2.5 mL	12/30/2010 01:00	Blood	
003	Red Top Tube	2.5 mL	12/30/2010 01:00	Vitreous Fluid	
004	Red Top Tube	0.4 mL	12/30/2010 01:00	Vitreous Fluid	
005	Clear Plastic Container	3 mL	12/30/2010 01:00	Urine	

All sample volumes/weights are approximate.

Specimens received on 01/04/2011

Blood-negative alcohols; other compound(s) reported do not appear to be of toxicological significance

Urine-negative drugs of abuse assays

①



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Workorder 11000  
Chain 10754258  
Patient ID NP

EXHIBIT B2 of 3

Page 2 of 3

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Caffeine	Positive	mcg/mL	0.10	001 - Blood	GC/MS
Theobromine	Positive	mcg/mL	50	001 - Blood	GC/MS

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Caffeine (1,3,7-Dox) - Blood

Caffeine is a xanthine-derived central nervous system stimulant. It also produces diuretic and cardiac and respiratory stimulation. It can be readily found in such items as coffee, tea, soft drinks and chocolate. As a reference, a typical cup of coffee or tea contains between 40 to 100 mg caffeine.

Following the oral ingestion of 120 and 300 mg of caffeine, reported peak plasma concentrations of the drug averaged 3.0 mcg/mL (range, 2.0 - 4.0 mcg/mL) and 7.9 mcg/mL (range, 6.0 - 9.0 mcg/mL), respectively. A single oral dose of 500 mg produced a reported peak plasma concentration of 14 mcg/mL after 30 min.

Reported concentrations of caffeine in caffeine-related fatalities averaged 183 mcg/mL (range, 78 - 344 mcg/mL).

The reported qualitative result for this substance is indicative of a finding commonly seen following typical use and is usually not toxicologically significant.

2. Theobromine (Xanthose) - Blood

Theobromine is a methylxanthine alkaloid found in tea and cocoa products and has been reported to pass into the breast milk of nursing mothers. Theobromine has the general properties of the xanthines, including diuretic and smooth muscle stimulation.

Sample Comments:

001 COUNTY AIKEN

Chain of custody documentation has been maintained for the analyses performed by NMS Labs.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded six (6) weeks from the date of this report and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 11000216 was electronically signed on 01/11/2011 09:10 by:

*Juanita Crookham*  
Susan Crookham  
Certifying Scientist

Analysis Summary and Reporting Limits:

Acute 0350U - Postmortem toxicology - Urine Screen Add-on (B-MAM Quantification only)

Analysis by Enzyme Immunoassay (EIA) for:

Compound	Rpt. Limit	Compounds	Rpt. Limit
Amphetamines	1000 ng/mL	Benzodiazepines	50 ng/mL
Barbiturates	0.10 mcg/mL	Cannabinoids	25 ng/mL

2



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Workorder 1100  
Chain 10764258  
Patient ID NP

EXHIBIT B3 of 3

Page 3 of 3

**Analysis Summary and Reporting Limits:**

Compound	Rpt. Limit	Compound	Rpt. Limit
Cocaine / Metabolites	300 ng/mL	Phencyclidine	25 ng/mL
Methadone	300 ng/mL	Propoxyphene	300 ng/mL
Opiates	300 ng/mL		

Acute 86628 - Postmortem Toxicology - Expanded, Blood

-Analysis by Colorimetry (C) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Salicylates	200 mcg/mL		

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Benzodiazepines	100 ng/mL	Cocaine / Metabolites	20 ng/mL
Cannabinoids	10 ng/mL	Opiates	20 ng/mL

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Buprenorphine / Metabolite	0.50 ng/mL		

-Analysis by Gas Chromatography/Mass Spectrometry (GC/MS) for: The following is a general list of compound classes included in the Gas Chromatographic screen. The detection of any particular compound is concentration-dependent. Please note that not all known compounds included in each specified class or heading are included. Some specific compounds outside these classes are also included. For a detailed list of all compounds and reporting limits included in this screen, please contact NMS Labs.

Amphetamines, Analgesics (opioid and non-opioid), Anesthetics, Anticholinergic Agents, Anticonvulsant Agents, Antidepressants, Antiemetic Agents, Antihistamines, Antiparkinsonian Agents, Antipsychotic Agents, Anxiolytics (Benzodiazepine and others), Cardiovascular Agents (non-digitalis), Hallucinogens, Hypnotics/Sedatives (Barbiturates, Non-Benzodiazepine Hypnotics and others), Muscle Relaxants, Non-Steroidal Anti-Inflammatory Agents (excluding Salicylates) and Stimulants (Amphetamine-like and others)

-Analysis by Headspace Gas Chromatography (GC) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Acetone	1.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

Demi Garvin, Pharm.D., D-FTCB

Digitally signed by Demi Garvin, Pharm.D. D-FTCB  
DN: cn=Demi Garvin, Pharm.D., D-FTCB, o=Forensic Science Network LLC, c=US  
Date: 2011.01.13 20:54:44 -0500

3

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
HIGHWAY MAINTENANCE MANAGEMENT SYSTEM

Daily Work Report

EXHIBIT C1065

<u>Organization Unit</u>	<u>District</u>	<u>Date</u>	<u>Report No.</u>
70220 AIKEN -NEW ELLENTON AREA	SEVEN	THURSDAY - FEB 05, 2015	10495081

<u>Activity</u>	<u>Work Description</u>	<u>Work County</u>	<u>Asset Group</u>
408 TREE REMOVAL	FALLEN		

<u>Asset</u>	<u>Special Event</u>	<u>Project Number</u>
		402

<u>Type</u>	<u>Route</u>	<u>Aux</u>	<u>Begin MP</u>	<u>End MP</u>	<u>Length</u>	<u>Direction</u>	<u>Position</u>	<u>Off System Description</u>
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Units of Accomplishment:            6.000    UOM:EACH                            Accident:N

Daily Cost:	<u>Labor</u>	<u>Equipment</u>	<u>Material</u>	<u>Total</u>
	146.	39.	0.	185.

<u>Number</u>	<u>Description</u>	<u>Org/UOM</u>	<u>Quantity</u>	<u>Hours</u>	<u>Unit Cost</u>	<u>DWR Cost</u>
Labor						
10055234	TAYLOR JOHN C	70220		5.0		146.
Equipment						
010-03-0342	TRK, 1 TON UTILITY CREW C	70220		5.0	7.74	39.
Material						

DWR Comment: CUT UP AND REMOVED TREES FROM RIGHT-OF-WAY. ALSO INSPECTED TREES THAT HAD BEEN CUT DOWN BY CONTRACTORS NEEDS TO BE PICKED UP

<u>Type</u>	<u>Route</u>	<u>Aux</u>	<u>Begin MP</u>	<u>End MP</u>	<u>Length</u>	<u>Direction</u>	<u>Position</u>	<u>Off System Description</u>
<u>Report No.</u>	<u>Labor Cost</u>	<u>Equipment Cost</u>	<u>Material Cost</u>	<u>Total Cost</u>	<u>Accomplishment</u>			
<u>Work County</u>	<u>Beat</u>		<u>Asset</u>					

						<u>Work Request Number</u>	<u>Requested Date</u>	
S	576 00	1.64	1.65	.01	E	RIGHTWY		
	10495089	49.		13.		0.	62.	2.000
AIKEN								
						832544	01/27/2015	
S	218 00	.62	.62	.00	W	RIGHTWY		
	10495100	24.		7.		0.	31.	1.000
AIKEN								
						833912	02/02/2015	
						833903	02/02/2015	
S	218 00	.86	.86	.00	E	RIGHTWY		
	10495102	24.		7.		0.	31.	1.000
AIKEN								
						833912	02/02/2015	
						833903	02/02/2015	
SC	4 00	2.44	2.44	.00	E	RIGHTWY		
	10495136	24.		7.		0.	31.	1.000
AIKEN								
						833929	02/02/2015	
						833922	02/02/2015	

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
HIGHWAY MAINTENANCE MANAGEMENT SYSTEM  
Daily Work Report

EXHIBIT C20F5

<u>Organization Unit</u>	<u>District</u>	<u>Date</u>	<u>Report No.</u>
70220 AIKEN -NEW ELLENTON AREA	SEVEN	THURSDAY - FEB 05, 2015	10495081

<u>Activity</u>	<u>Work Description</u>	<u>Work County</u>	<u>Asset Group</u>
408 TREE REMOVAL	FALLEN		

<u>Asset</u>	<u>Special Event</u>	<u>Project Number</u>
		402

<u>Type</u>	<u>Route</u>	<u>Aux</u>	<u>Begin MP</u>	<u>End MP</u>	<u>Length</u>	<u>Direction</u>	<u>Position</u>	<u>Off System Description</u>
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Units of Accomplishment:      6.000      UOM:EACH      Accident:N

<u>Daily Cost:</u>	<u>Labor</u>	<u>Equipment</u>	<u>Material</u>	<u>Total</u>
	146.	39.	0.	185.

<u>Type</u>	<u>Route</u>	<u>Aux</u>	<u>Begin MP</u>	<u>End MP</u>	<u>Length</u>	<u>Direction</u>	<u>Position</u>	<u>Off System Description</u>
-------------	--------------	------------	-----------------	---------------	---------------	------------------	-----------------	-------------------------------

<u>Report No.</u>	<u>Labor Cost</u>	<u>Equipment Cost</u>	<u>Material Cost</u>	<u>Total Cost</u>	<u>Accomplishment</u>
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<u>Work County</u>	<u>Beat</u>	<u>Asset</u>
--------------------	-------------	--------------

							<u>Work Request Number</u>	<u>Requested Date</u>
--	--	--	--	--	--	--	----------------------------	-----------------------

SC	4 00	5.55	5.55	.00	W	RIGHTWY		
	10495145	24.		7.			0.	31.
AIKEN							833929	02/02/2015
							833922	02/02/2015

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
HIGHWAY MAINTENANCE MANAGEMENT SYSTEM

Work Request Report

EXHIBIT C3 of 5

Work Request No. 807898      Date: 11-SEP-14      Time: 11:12 AM

Requested Work: COME AND REMOVE OVER HANGING LIMB.  
THIS OVER HANGING LIMB IS ACROSS FROM HORSE HEALTH.

Activity: 405 LIMB MANAGEMENT      Work Descr:      Priority: 60 DAYS

Directions: ON HIGHWAY SC-302 BEFORE COUCHTON PASS AIKEN ELECTRIC COOPERATIVE  
IN THE BOTTOM ACROSS FROM HORSE HEALTH.

<u>District</u>	<u>Work County</u>	<u>Cong. Dist.</u>	<u>Road Name</u>
7	AIKEN	2	

<u>Type</u>	<u>Route</u>	<u>Aux</u>	<u>Begin MP</u>	<u>End MP</u>	<u>Dir.</u>	<u>Position</u>	<u>Off System</u>	<u>Description</u>
SC	4	00	2.44	2.44	E			RIGHTWY

Reported By: BOBBY WITHITE

Address: 140 CONES DRIVE

City: AIKEN

State: SC

Zip: 29801-0000

Home Phone:

Work Phone: (803)215-9436

Assessment: WENDY WENT OUT ON TODAY 9-11-14 AND LOOKED AT THIS (CYS).  
CONSTRUCTION IS IN THIS AREA RESURFACING. FOUND NO IMMEDIATE DANGER.  
ASSESSED AGAIN BY JC.TAYLOR ON 11/07/2014 TO PERFORM WORK BUT TREE  
IS LEANING OVER THE ROADWAY AND NEEDS TO BE TAKEN DOWN BY  
CONTRACTOR. CONTRACTOR (KERVIN) CUT DOWN TREES. THE OVERHANGING  
LIMB DESIGNATED IN THE WORK REQUEST WAS PART A TREE CUT DOWN BY  
CONTRACTOR. TREE DEBRIS TO BE REMOVED BY SCDOT.

Assessed by      Meets Objective      Recommend for Approval      SCDOT Approval

02-12 / 0214

Date Certified:

PE#

PE Name:

Responsible Org: 70220-AIKEN -NEW ELLENTON Closed: 28-JAN-15  
16-JUL-15 08:46:55      1 of 1

2015

EXHIBIT C4 of 5

Aiken County Maintenance Inspection - Trees

P.O. No.	INSPECTOR: William Steele 8.1.532	P.C.
Road No. or Inspection Area	County: Aiken	Ro.

Weather Sunny	Temperature 50 °F	Days Charged	Days to Date	Wa
---------------	-------------------	--------------	--------------	----

Work Performed By Crew	Kervin Tree Service	Location		Wo
		B.M.P.	E.M.P.	
5-218 3 Pines		.63	.86	
SC-4 5 Oaks 1 Pine		2.40	5.55	

Remarks: Contractor to take down trees and DOT to haul off Debris

Damages:

Name of Crew Members & Equipment:

Jeff Kervin - Owner  
 5 Employees  
 1 Blue Key Truck  
 1 Pick up - Trailer and Cabcat

Indicate Any Traffic Control Deficiencies & Action:

Page 18 of 19

Date: 1/28/15 Day Wednesday

Inspector Title: AGT III

RME Jeff Tomlin

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION  
HIGHWAY MAINTENANCE MANAGEMENT SYSTEM  
Work Request Selection Report

District   Org. County   Responsible Organization Unit   Activity   Work Description  
7   02       408

Work County   Congressional District   Status   Priority   Work Req. No.  
AIKEN

Type   Route   Aux   Begin MP   End MP   Off System   Road Name  
SC   4   00   1.47   2.47

From Reported Date   To Reported Date   Days Old   Requestor Type   Reported By   Area Code   Phone No.  
10/17/2003   07/15/2015

From Completion Date   To Completion Date   Type   Certification Status

<u>Work Req. No.</u>	<u>Reported Date</u>	<u>Activity</u>	<u>Work Description</u>		<u>Priority</u>	<u>Requestor Type</u>	<u>Reported By</u>	<u>Work County</u>
	<u>Road Name</u>		<u>Type</u>	<u>Route</u>	<u>Aux</u>	<u>Begin MP</u>	<u>End MP</u>	
833922	02/02/2015	408 - TREE REMOVAL	FALLEN	SC	4	00	2.44	2.44

District: 7

Org. County: 02 - AIKEN

Responsible Org. Unit: 70220 - AIKEN - NEW ELLENTON AREA

833922   02/02/2015   408 - TREE REMOVAL   FALLEN   60 DAYS   SCDOT INSPECTOR WILLIAM STEELE   AIKEN

Requested Work: REMOVE DEBRIS FROM TREES CUT DOWN BY CONTRACTOR IN RIGHT OF WAY.

Directions: ON SC-4 (WAGENER RD.) BETWEEN AIKEN ELECTRIC COOP AND COUCHTON ACROSS FROM HORSE HEALTH.

Assessment: REMOVE DEBRIS FROM TREES CUT DOWN BY CONTRACTOR.

Page 19 of 19

EXHIBIT CS 015

Stephen Corley #347938  
BCEI (Marion # 240 B  
4460 Broad River Road.  
Columbia, SC 29210

May 1 2021

The Honorable Clerks Office  
In the Court of Common Pleas  
PO Box 583  
Aiken, SC 29802-0583

RE: Stephen Corley #347938 v. State of South Carolina, Case No. 2021-CP-02-0746  
Motion to Grant PCR Hearing and Appointment of Counsel

Dear Honorable Clerk,

Please find enclosed for filing in this Court, the above cited Motion  
(Original) and 1 true copy to be clock stamped and returned to  
Applicant. Along with 10 pages of Exhibits

Please note by this correspondence, the Honorable Clerk Newman,  
and the Respondent has been served as required by law

Respectfully Submitted  
Stephen Corley  
Pro-se Applicant

EXHIBIT D

1 a mile east of the Aiken Electric Cooperative, Alex and  
2 Katie who were both wearing seat belts and headed  
3 eastbound in Alex's 2001 red Ford Explorer, was struck  
4 head-on by a gray 2009 Nissan Pathfinder traveling in the  
5 wrong lane and driven by the Defendant, Mr. Corley.

6 The Highway Patrol MATE team would later calculate  
7 Mr. Corley's speed at impact at 77 miles an hour. The  
8 posted speed limit is 50 miles an hour.

9 No evidence was collected that would indicate that  
10 Alex Bush contributed in any way whatsoever to this  
11 collision.

12 Judge, at this time we'd like to show you some slides  
13 of the scene and of the collision.

14 The red car would represent the Explorer traveling  
15 east on Highway 302, and the gray car being Mr. Corley's  
16 2001 Pathfinder traveling west on 302.

17 There's the impact.

18 And that's where both vehicles rested following the  
19 collision.

20 Unit one being the Explorer, unit two being the Nissan  
21 Pathfinder.

22 Judge, this is looking westbound into Aiken, up  
23 Highway 302. The Explorer on the left was the vehicle  
24 driven by Mr. Bush. The Nissan Pathfinder on the right  
25 driven by Mr. Corley.

1 That's Mr. Bush's Explorer.

2 That's Mr. Corley Pathfinder.

3 Another photograph of the Pathfinder,

4 That's the point of impact on Highway 302 in the  
5 eastbound lane.

6 That's the front of Mr. Bush's Explorer.

7 Your Honor can see here, there's full airbag  
8 deployment both on the driver's side and on the passenger  
9 side. Your Honor, the impact, as you can see, was simply  
10 extraordinary and not survivable. Both Mr. Bush and  
11 Ms. Scott would have their seat belts cut off of them  
12 prior to being extracted from the Explorer.

13 Judge, EMS received this call at 6:25 p.m. They  
14 arrived on the scene at 6:37 p.m., approximately 12  
15 minutes after they were called out. The State Troopers on  
16 the scene would note an odor of an alcoholic beverage  
17 emitting from Mr. Corley's Pathfinder.

18 An ambulance carrying Mr. Corley departed the scene at  
19 7:15 p.m. EMS run sheets would later reflect that  
20 Mr. Corley admitted to drinking, smelled of alcohol and  
21 was combative in the ambulance with emergency personnel.

22 Mr. Corley's blood was drawn at 8:35 p.m. at MCG,  
23 approximately two hours and 15 minutes after the  
24 collision. It was analyzed by SLED on January 19th of  
25 this year revealing a .133 blood-alcohol content.