

Exhibit A

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S.C. SUPREME COURT

The Grose Law Firm, LLC

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October 19, 2020

Via Email (acox@spartanburgcounty.org) and US Mail

The Honorable Amy W. Cox
Clerk of Court, Spartanburg County
PO Box 3483
Spartanburg, SC 29304-3483

Re: *Daniel W. Spade v. State of South Carolina*
Case Number 2017-CP-42-02372

Dear Ms. Cox:

Enclosed for filing please find Mr. Spade's Rule 59(e), SCRCPP motion, along with a certificate of service.

Thank you for your attention to this matter. If you have any questions or require additional information, please contact me.

With kindest regards, I am

Yours very truly,

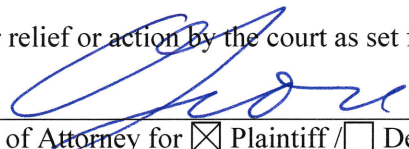
s/E. Charles Grose, Jr.
E. Charles Grose, Jr.

cc: The Honorable J. Mark Hayes, II (via Email and US Mail)
Mr. Daniel W. Spade (via US Mail)
Megan Harrigan Jameson, Esquire (via Email and US Mail)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Spartanburg)
)
Daniel W. Spade)
 Plaintiff,)
 vs.)
)
State of South Carolina)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 7th JUDICIAL CIRCUIT
 CASE NO.: 2017-CP-42-02372

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: <u>Charles Grose, Bar No. 66063</u> Address: <u>404 Main Street, Greenwood, SC 29646</u> Phone: <u>864-538-4466</u> Fax <u>864-538-4405</u> E-mail: <u>charles@groselawfirm.com</u> Other: _____	Defendant's Attorney: <u>SC Attoreny General's Office , Bar No. _____</u> Address: <u>PO Box 11549, Columbia, SC 29211-1549</u> Phone: _____ Fax _____ E-mail: _____ Other: _____									
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)										
SECTION I: Hearing Information Nature of Motion: Rule 59(e), SCRPC Motion Estimated Time Needed: <u>60 min</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO										
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;">  Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant </div> <div style="text-align: right;"> Oct. 19, 2020 Date submitted </div> </div>										
SECTION III: Motion Fee <input type="checkbox"/> PAID – AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <table style="margin-left: 20px; border: none;"> <tr> <td><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</td> </tr> <tr> <td><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party</td> </tr> <tr> <td><input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief</td> </tr> <tr> <td><input type="checkbox"/> Motion for Stay in Bankruptcy</td> </tr> <tr> <td><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)</td> </tr> <tr> <td><input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td>Name of Court Reporter: _____</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> </tr> </table>		<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support	<input type="checkbox"/> Domestic Abuse or Abuse and Neglect	<input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party	<input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief	<input type="checkbox"/> Motion for Stay in Bankruptcy	<input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	<input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions	Name of Court Reporter: _____	<input type="checkbox"/> Other: _____
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JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____									
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED – AMOUNT DUE: \$ _____										

THE STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
)	Case No. 2017-CP-42-02372
Daniel W. Spade,)	
)	Rule 59(e), SCRCP Motion
)	
vs.)	
)	
State of South Carolina,)	
)	
)	
_____)	
)	

To: The Honorable J. Mark Hayes, II, Presiding Judge, Seventh Judicial Circuit

Pursuant to Rule 59(e), SCRCP, Daniel Spade moves this Court for an order altering and amending its order dated May 7, 2020, directing the Attorney General’s Office prepare an order of dismissal, and the order of dismissal dated October 8, 2020, which is substantially identical to the Attorney General’s proposed order. Undersigned counsel received notice of entry of the order of dismissal, via email, on October 8, 2020.¹

The factual and legal analysis set forth in this pleading support granting this motion. By this specific reference, the factual and legal analysis set forth in Mr. Spade’s Memorandum in Support of Application for Post-Conviction Relief (“PCR”), Memorandum in Support of Access to DSS Records, and Objections to Attorney General’s Proposed Order² and Proffer of Attorney General’s Proposed Order are fully incorporated herein.

¹ Because October 18, 2020 was a Sunday, this motion is timely. The Attorney General’s Office also served a copy of the order of dismissal, via US Mail, on October 9, 2020.

² Because the objections to the Attorney General’s proposed order are incorporated by reference, Mr. Spade will not rehash all of the matters raised in that pleading. Although this pleading will highlight some of the matters raised in the objections to the Attorney General’s proposed order, the omission of any specific point is not a waiver of that objection.

I. PROCEDURAL HISTORY.

On June 29-30, 2009, the Honorable Georgia C. Anderson convened a hearing in the Family Court for Spartanburg County regarding Heather and David Jolley's petition to terminate Dany Spade's parental rights. This action was not successful. Judge Anderson issued a final order on January 13, 2010 and a supplemental order on June 29, 2010. Heather Jolley filed another Family Court Action on November 23, 2010.

On May 3, 2011, Investigator Nikki Cantrell and officers of the Prince William County Police Department arrested Mr. Spade at his home in Virginia, charging him with first-degree criminal sexual conduct with a minor involving his daughter P.J.³ ("child").

On January 9, 2012, the Jolleys amended the November 2010 complaint to petition to terminate Mr. Spade's parental rights and to allow David Jolley to adopt this child. N. Douglas Brannon represented the Jolleys. Kenneth P. Shabel represented Mr. Spade. Alexandria Wolf was the guardian ad litem. Beginning on October 15, 2012, the Honorable James F. Farley, Jr. convened a hearing in the Family Court for Spartanburg County. Judge Farley ultimately terminated Mr. Spade's parental rights and allowed Mr. Jolley to adopt the child. Proceedings on Mr. Spade's Rule 60, SCRCF motion are still pending in the Family Court.⁴

The State tried Mr. Spade before the Honorable R. Keith Kelly and a jury on February 24-26, 2014. Barry J. Barnett, Jennifer A.J. Jordan, Kimberly L. Leskanic, and Mr. Brannon represented the State. Mr. Shabel and Shawn M. Campbell represented Mr. Spade. On February

³ The child's name may also appear as P.S., which was her initials prior to the Family Court terminating Mr. Spade's parental rights and her being adopted by David Jolley.

⁴ Mr. Spade filed the Rule 60 Motion *pro se*. Undersigned counsel subsequently entered an appearance. Mr. Brannon continued to represent the Jolleys but subsequently withdrew because of a conflict of interest. *Matter of Brannon*, 428 S.C. 644, 837 S.E.2d 488 (2019). Scott F. Talley currently represents the Jolleys.

26, 2014, the jurors found Mr. Spade guilty of first-degree criminal sexual conduct with a minor. Judge Kelly sentenced Mr. Spade to thirty-five years imprisonment.

Mr. Spade appealed to the Court of Appeals. C. Rauch Wise and Mr. Shabel represented Mr. Spade. On February 11, 2016, the Court of Appeals convened an oral argument. While the decision was still pending, Mr. Shabel joined Mr. Brannon's law firm and, accordingly, moved to be relieved as counsel, because of the conflict of interest, by petition dated March 11, 2016. On July 6, 2016, the Court of Appeals affirmed Mr. Spade's conviction and sentence. *State v. Spade*, (S.C.Ct.App. Op. No. 2016-UP-352) (Filed July 6, 2016). On August 18, 2016, the Court of Appeals denied Mr. Spade's petition for rehearing.

On October 6, 2016, Mr. Spade filed a petition for writ of *certiorari* to the South Carolina Supreme Court. Mr. Wise represented Mr. Spade. On June 16, 2017, our Supreme Court denied Mr. Spade's petition for a writ of *certiorari*.

On July 13, 2017, Mr. Spade filed a *pro se* PCR application. With the assistance of undersigned counsel, Mr. Spade amended his PCR application on October 2, 2017, December 24, 2018, and May 14, 2019. From May 15-20, 2019, this Court convened an evidentiary hearing.

By written order dated May 20, 2019, this Court ordered the South Carolina Department of Social Services ("DSS") provide the Court with "a complete copy of the DSS file regarding [P.J.] (child), Daniel W. Spade (father), and Heather Smith a/k/a Heather Smith Jolley." After the Court and counsel for the parties reviewed the DSS file, this Court released a copy of the DSS file to the parties by written order dated August 16, 2019.

By written order dated May 7, 2020, this Court made findings of fact, denied Mr. Spade post-conviction relief, and instructed the Attorney General's Office to prepare a formal order. On July 7, 2020, Mr. Spade served his objections to the Attorney General's proposed order and

proffered a copy of the Attorney General’s proposed order. By written Order dated October 8, 2020, the Court dismissed Mr. Spade’s PCR application. This Rule 59(e), SCRC Motion follows.

II. STANDARD OF REVIEW.

Under the first prong of *Strickland v. Washington*, the defendant “must show that counsel’s representation fell below an objective standard of reasonableness,” which must be judged under “prevailing professional norms.” 466 U.S. 668, 688 (1984). “The first prong—constitutional deficiency—is necessarily linked to the practice and expectations of the legal community: The proper measure of attorney performance remains simply reasonableness under prevailing professional norms.” *Padilla v. Kentucky*, 559 U.S. 356, 366 (2010) (internal quotations omitted). “If the State contends the alleged deficiency resulted from a strategic decision made at trial, counsel must articulate a valid reason for employing a certain strategy.” *Freiburger v. State*, 413 S.C. 243, 247, 775 S.E.2d 391, 393 (Ct. App. 2015); *and see Ingle v. State*, 348 S.C. 467, 470, 560 S.E.2d 401, 402 (2002). “Decisions made in ignorance of relevant, available information cannot be characterized as strategic.” *Weik v. State*, 409 S.C. 214, 236, 761 S.E.2d 757, 768 (2014).

The second prong of *Strickland* requires a defendant establish that this deficiency prejudiced him. “The defendant must show that there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* at 694. A reasonable probability is a probability sufficient to undermine confidence in the outcome. *Id.* “In determining whether the applicant has proven prejudice, the PCR court should consider the specific impact counsel’s error had on the outcome of the trial.” *Smalls v. State*, 422 S.C. 174, 188, 810 S.E.2d 836, 843 (2018) (citing *Strickland*, 466 U.S. at 695-96 (explaining that the court must analyze how individual errors of counsel affect the important factual findings in a particular case)). “In addition, the PCR court should consider the strength of the State’s case in light of all the

evidence presented to the jury.” *Id.* (citing *Jones v. State*, 332 S.C. 329, 333, 504 S.E.2d 822, 824 (1998) (“In deciding whether Jones was prejudiced, we must bear in mind the strength of the government’s case . . .,” and “we must consider the totality of the evidence before the jury.”)). “In general, the stronger the evidence presented by the State, the less likely the PCR court will find the applicant met his burden of proving prejudice.” *Id.* “Ordinarily, the existence of ‘overwhelming evidence’ does not automatically preclude a finding of prejudice.” *Id.* 422 S.C. at 189, 810 S.E.2d at 844. “[F]or the evidence to be ‘overwhelming’ such that it categorically precludes a finding of prejudice . . . the evidence must include something conclusive, such as a confession, DNA evidence demonstrating guilt, or a combination of physical and corroborating evidence so strong that the *Strickland* standard of ‘a reasonable probability . . . the factfinder would have had a reasonable doubt’ cannot possibly be met.” *Id.* 422 S.C. at 191, 810 S.E.2d at 845.

In cases, like Mr. Spade’s, where the case turns on the credibility of the witnesses, our appellate courts consistently find prejudice. *See e.g. State v. Anderson*, 413 S.C. 212, 776 S.E.2d 76 (2015) (prejudice found when case turned solely on credibility and there was “no physical evidence of sexual abuse”); *State v. Jennings*, 394 S.C. 473, 716 S.E.2d 91 (2011) (prejudice found when “credibility was the most critical determination of this case”); *State v. Berry*, 332 S.C. 214, 503 S.E.2d 770 (1998) (“These credibility questions and inconsistencies in the witnesses’ testimony make it impossible for this Court to conclude that, without reference to the Polite incident, the evidence of Berry’s guilt is overwhelming or that Berry’s guilt is the only rational conclusion that could be reached from the evidence presented.”).

Due process requires a defendant receive effective assistance of counsel on direct appeal. *Evitts v. Lucey*, 469 U.S. 387, 396 (1985). Effectiveness of appellate counsel is judged under *Strickland*. *Smith v. Robbins*, 528 U.S. 259 (2000). Appellate counsel is ineffective for not raising

a meritorious issue entitling an appellant to relief. *See, e.g., Southerland v. State*, 337 S.C. 610, 524 S.E.2d 833 (1999); *Patrick v. State*, 349 S.C. 203, 562 S.E.2d 609 (2002).

III. ARGUMENT.

A. Threshold Matter.

The hybrid procedure followed by this Court denied Mr. Spade his statutory and constitutional right to have a judicial officer make finding of fact and conclusions of law. *See* Mr. Spade's Objections to the Attorney General's Proposed Order, Section II(A). A comparison of the Attorney General's proposed order with the order of dismissal reveals the following:

- The first three paragraphs introducing the order of dismissal, at 1-2, are identical to the Attorney General's proposed order, except this Court deleted the phrase "before the Honorable Mark J. Hayes, II," changed the word "thorough" to "lengthy," and added footnote 1 acknowledging *Fishburne v. State*, 427 S.C. 505, 832 S.E.2d 584 (2019);
- The section of the order of dismissal, at 2-3, labeled "procedural history," is identical to the Attorney General's proposed order, except this Court added footnote 2 providing some of the history of the family court litigation and added a final sentence stating, "Subsequently, Mr. Grose appeared on applicant's behalf and filed amended applications."
- The section of the order of dismissal, at 4, labeled "summary of facts elicited at trial," is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 4-9, labeled "current proceeding," is identical to the Attorney General's proposed order, except for a formatting change and adding the words "should be."
- The paragraph introducing the section of the order of dismissal, at 9, labeled "findings of fact and conclusions of law," is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 9-13, labeled "ineffective assistance of trial counsel," is substantially identical to the Attorney General's proposed order. This court changed the wording of the final sentence of the opening paragraph and slightly revised the wording of the first full paragraph on page 10 of the order.
- The section of the order of dismissal, at 13-23, labeled "Allegations Pertaining to the Forensic Interviews (Failure to Call Expert Witnesses, Failure to Publish the

Forensic Interviews to the Jury),” is substantially identical to the Attorney General’s proposed order. This court added the second paragraph to this section on page 13, added footnote 9 on page 14, changed the wording or the final sentence of the third full paragraph on page 15, added footnote 10 on page 16, added language to the final sentence of the second full paragraph on page 16, deleted a word from the opening sentence of the third full paragraph on page 16, added the words “sexual assault” and “by the therapist” to the second full paragraph on page 17, deemphasized the word “instead” in the first full paragraph on page 18, and reworded the second full paragraph on page 20. This Court also added the following sentence on page 20, “As mentioned before, the facts of this PCR mean that the substance of the videos and testimony of three (3) experts are collateral to the evidence that established the applicant’s guilty [sic] beyond a reasonable doubt.”

- The section of the order of dismissal, at 23-27, involving allegations pertaining to Special Prosecutor Brannon, is substantially identical to the Attorney General’s proposed order. This court reworded a portion of the first paragraph on page 25 and added the following sentence on pages 25-26: “This email heightens this Court’s opinion that the private family court matter was of a concern higher than the potential criminal allegations.”
- The section of the order of dismissal, at 27-31, involving the trial judge, prosecutor, and Mr. Spade’s counsel instructing the jurors to search for the truth and make sure justice is done, is substantially identical to the Attorney General’s proposed order. This Court altered some of the discussion of the law, including deleting some of the Attorney General’s analysis, and added, “*Beaty*⁵ made clear to the trial bench that such language was not to be argued during a trial to a jury even though, as referenced by applicant, *State v. Daniels*, 401 S.C. 251, 737 S.E.2d 473 (2013) existed” (footnote added).
- The section of the order of dismissal, at 32-37, involving the failure to move for a continuance to have an expert review the records of Meredith Thompson-Loftis, is identical to the Attorney General’s proposed order, except this Court added footnote 13 on page 36.
- The section of the order of dismissal, at 37-41, involving the failure to call available lay and character witnesses, is identical to the Attorney General’s proposed order.
- The section of the order of dismissal, at 41-42, involving the failure to investigate and present evidence that the child’s panic attacks were not related to Mr. Spade, is identical to the Attorney General’s proposed order.
- The section of the order of dismissal, at 43-46, involving the failure to object to improper bolstering, is substantially identical to the Attorney General’s proposed

⁵ *State v. Beaty*, 423 S.C. 26, 813 S.E.2d 502 (2018).

order. This Court added two sentences to the first paragraph in this section, deleted a paragraph, and made some minor stylistic changes.

- The section of the order of dismissal, at 46-47, involving allegations pertaining to Meredith Thompson-Loftis, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 47, involving allegations venue was not proper in Spartanburg County, is identical to the Attorney General's proposed order, except for changing the word "properly" to "proper."
- The section of the order of dismissal, at 48-49, regarding the Special Prosecutor's closing argument, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 48-49, regarding the Special Prosecutor's closing argument, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 49-50, regarding trial counsel advising Mr. Spade not to present any evidence, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 50, regarding the computer forensic evidence, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 51-52, regarding the DSS records, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 52-53, regarding the failure to move to exclude the testing of the child complaining witness, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 53-54, regarding the failure to properly cross-examine the prosecution's witnesses, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 54-55, regarding Cara Linter, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 55-56, regarding sentencing, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 56-57, regarding cumulative error, is identical to the Attorney General's proposed order.
- The section of the order of dismissal, at 57-60, regarding ineffective assistance of appellate counsel, is identical to the Attorney General's proposed order.

- The section of the order of dismissal, at 60-63, regarding allegations of prosecutorial misconduct, is substantially identical to the Attorney General’s proposed order. This court deleted a sentence from the proposed order in the section regarding venue, added a sentence in the section regarding the DSS records, and added a sentence in the section regarding Ms. Lintner.
- The conclusion of the order of dismissal, at 63-64, is identical to the Attorney General’s proposed order.

As seen, most of this Court’s alterations to the Attorney General’s proposed order are stylistic. With very few exceptions, the order of dismissal is identical or substantially identical to the Attorney General’s proposed order. Mr. Spade’s objections to the Attorney General’s proposed order addressed the problems with the proposed order that are now incorporated into the order of dismissal. Because the objections to the Attorney General’s proposed order are incorporated into this pleading by reference, Mr. Spade will not rehash all of the matters raised in that pleading. Although highlighting some of those problems, this motion primarily will address the few substantive changes this Court made to the Attorney General’s proposed order.

B. Footnote 1.

This Court added footnote 1, at 2, to the Attorney General’s proposed order, stating the procedure followed in this case is intended “to comply with the intent and spirit of *Fishburne’s* directives to comply with S.C. Code § 17-27-80 (1976).” This footnote also stated, “[T]his Court also received written input from Applicant’s counsel.” The order of dismissal never specifically identifies Mr. Spade’s Objections to the Attorney General’s Proposed Order, and, therefore, it is impossible to determine whether this Court consider any of the factual and legal analysis set forth in that pleading. For example, the order of dismissal incorporated the legal analysis in the Attorney General’s proposed order without considering the importance of *Weik v. State*, which is discussed in more detail in Subsection D below. Although rejecting the legal analysis in the Attorney

General's proposed order regarding *State v. Daniels*, this Court overlooked the significance of *Daniels*, which will be discussed in more detail in Subsection G below.

C. Footnote 2.

This Court added footnote 2, at 2, to the Attorney General's proposed order, summarizing the history of the contentious Family Court litigation between Mr. Spade, the child's mother, and the soon-to-be adoptive father of the child. This Court states the Family Court procedural history is "not procedurally linked to the success or failure of the [PCR] application." The remainder of this Court's order, however, discusses the importance of the Family Court litigation as the motive to coach the child to fabricate the allegations of child sexual abuse. This court, in fact, acknowledged the persuasive value of the new evidence Mr. Spade presented at the PCR hearing regarding the Family Court litigation and the underlying motive.

This Court, however, overlooked an additional significance of the Family Court proceedings. Because of those proceedings, trial counsel was familiar with much—but not all of—the State's evidence, which highlighted the need for the defense to consult expert witnesses and present a more vigorous defense at Mr. Spade's jury trial. The order of dismissal overlooked this significance of the Family Court proceedings.

D. *Weik v. State*.

Weik is important in this case because this Court excuses trial counsel's performance, based on strategic decisions, even though Mr. Spade alleged trial counsel did not conduct the investigation reasonably necessary to make those decisions. The Attorney General's proposed order did not cite *Weik*. Mr. Spade's objections to the Attorney General's proposed order cited *Weik* fourteen times. The order of dismissal did not address *Weik* at all.

As discussed in Section II, *supra*, when the State seeks to excuse deficient performance based on trial strategy, trial counsel must articulate a valid strategy. *Freiburger* and *Ingle*, *supra*. The order of dismissal, however, overlooks trial counsel's "duty" to conduct an independent and "reasonable investigation." *Ard v. Catoe*, 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007). A "reasonable investigation . . . at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). *Weik* reminds the bench and bar, "Decisions made in ignorance of relevant, available information cannot be characterized as strategic." 409 S.C. at 236, 761 S.E.2d at 768.

Mr. Spade's objection to the Attorney General's proposed order reviewed trial counsel's failure to investigate. Despite Mr. Spade's numerous pleas for trial counsel to retain expert witnesses to respond to the State's expert witnesses, trial counsel failed to consult any expert and never learned how an expert witness would help him defend Mr. Spade. Once this Court considers whether the trial counsel conducted a "reasonable investigation," and considers the importance of *Ard*, *Edwards*, and *Weik* in analyzing the reasonableness of an independent investigation, then the need to grant post-conviction relief becomes apparent.

E. Expert Witnesses & Child Advocacy Center Interviews.

The section of the order of dismissal, at 13-23, labeled "Allegations Pertaining to the Forensic Interviews (Failure to Call Expert Witnesses, Failure to Publish the Forensic Interviews to the Jury)," is substantially identical to the Attorney General's proposed order. Because this section of the order is substantially the same as the proposed order, Mr. Spade's objections to the proposed order already addressed this section of the order; however, this motion also will address the slight revisions to the proposed order.

This court added the second paragraph to this section on page 13 of the order of dismissal regarding the perceived significance of the parties not introducing the videotapes of the interviews during Mr. Spade's jury trial. Although Mr. Spade "offers the videos and the expert analysis to attack the reliability of the interview process," the evidence presented at the evidentiary hearing is far more significant. The videos and expert testimony go to the reliability of the underlying allegations. This Court agreed with Mr. Spade's expert witnesses that the interviews were suggestive. As testified by Dr. Bruck and Dr. Lamb, suggestive interviews can implant false memories that taint the entire proceedings. Dr. Bruck, additionally, testified to matters involving the child's therapy sessions with Meredith Thompson-Loftis, which was not addressed in the order of dismissal.

This Court added footnote 9 on page 14 of the order of dismissal regarding the new evidence Mr. Spade presented at the evidentiary hearing, whether trial counsel was ineffective for failing to present this evidence, and whether Mr. Spade persuaded this Court that the outcome of this trial would have been different. Respectfully, it is impossible to read the factual findings contained in the May 7, 2020 order—now incorporated into the order of dismissal—without concluding this Court would have reached a different result than the jurors after hearing the new evidence.

This Court added footnote 10 on page 15 of the order of dismissal regarding the suggestiveness of the child advocacy center interviews and concluded "the videos in this PCR are collateral to the evidence presented by the State to establish applicant's guilt." This Court also added the following sentence on page 20: "As mentioned before, the facts of this PCR mean that the substance of the videos and testimony of three (3) experts are collateral to the evidence that established the applicant's guilty [sic] beyond a reasonable doubt." As discussed above and in Mr.

Spade's objections to the Attorney General's proposed order, the videos and expert testimony go to the reliability of the underlying allegations.

F. Special Prosecutor.

Regarding the email disclosed during the PCR litigation by the special prosecutor, this Court added the following sentence on pages 25-26 of the order of dismissal: "This email heightens this Court's opinion that the private family court matter was of a concern higher than the potential criminal allegations." As discussed in the objections to the Attorney General's proposed order, at 5, this Court had access to the incident report containing the child's purported initial disclosure to her grandmother. That the child's grandmother, mother, and soon-to-be adoptive father would place the Family Court matter above potential criminal allegations is further evidence of the underlying motive to coach this child to make false allegations. That the attorney for the child's mother and soon-to-be adoptive father—who later became the special prosecutor—would place the Family Court matter above potential criminal allegations is more evidence of the inherent conflict between the duty of loyalty to the parties in a civil action and the special duties of prosecutors in a criminal case.

G. *State v. Daniels*.

The section of the order of dismissal, at 27-31, involving the trial judge, prosecutor, and Mr. Spade's counsel instructing the jurors to search for the truth and make sure justice is done, is substantially identical to the Attorney General's proposed order, except this Court rejected the Attorney General's legal analysis regarding *State v. Daniels*. In place of that analysis, this Court stated, "*Beaty* made clear to the trial bench that such language was not to be argued during a trial to a jury even though, as referenced by applicant, *State v. Daniels*, 401 S.C. 251, 737 S.E.2d 473 (2013) existed." Although rejecting portions of the Attorney General's proposed legal analysis,

including as it pertains to *Daniels*, the order of dismissal overlooks the significance of *Daniels*.⁶ *Teamer v. State*, 416 S.C. 171, 182-83, 786 S.E.2d 109, 114-15 (2016) recognized *Daniels* decided this issue. Because of *Daniels*, “reasonably competent trial counsel should know to object,” *Briggs v. State*, 421 S.C. 316, 325, 806 S.E.2d 713, 718 (2017), to this burden shifting instruction and argument, as well as avoid the burden shifting argument by the defense. This Court apparently believed “trial counsel was without the ‘pointed guidance’ provided by” the *Beaty* opinion. *Thompson v. State*, 423 S.C. 235, 243, 814 S.E.2d 487, 491 (2018). *Thompson* rejected a similar argument regarding the application of *Briggs* to opinion testimony by child advocacy center interviewers. Once this Court recognizes the significance of *Daniels*, the need to grant post-conviction relief is apparent.

H. Meredith Thompson-Loftis and Footnote 13.

The section of the order of dismissal, at 32-37, involving the failure to move for a continuance to have an expert review the records of Meredith Thompson-Loftis, is identical to the Attorney General’s proposed order, except this Court added footnote 13 on page 36 of the order of dismissal, concluding “evidence of Cara[Lintner]’s involvement with the [child] is inconclusive, and speculative.” This statement is not consistent with other portions of the order of dismissal regarding law enforcement’s vetting of the allegations the child made involving Ms. Lintner witnessing and participating in the alleged abuse. As discussed in the objections to the Attorney General’s proposed order, the lack of credibility of the child’s allegations involving Ms. Lintner is further exculpatory evidence that should have been presented.

⁶ As set forth in Mr. Spade’s Memorandum in Support of his PCR Application, *Cage v. Louisiana*, 498 U.S. 39 (1990), is the constitutionally controlling authority.

Also, as discussed above and in Mr. Spade's objections to the proposed order, this Court never addressed the ability of an expert witness, like Dr. Bruck, to testify about the child's therapy sessions without having the play the videos of the child advocacy center interviews. Afterall, Ms. Thompson-Loftis testified about the therapy sessions at trial without either party introducing the videos.

I. Improper Bolstering.

The section of the order of dismissal, at 43-46, involving the failure to object to improper bolstering, is substantially identical to the Attorney General's proposed order. This Court added two sentences to the first paragraph in this section, deleted a paragraph, and made some minor stylistic changes.

This order of dismissal, at 43, added a sentence stating this Court agrees with Mr. Spade that testimony about Tabitha Weber's expertise was not necessary, "but it was not improper not to object." Not only was this testimony not necessary, it was objectionable pursuant to *State v. Douglas*, 380 S.C. 499, 671 S.E.2d 606 (2009). Ms. Webber testified that, based on the interviews, which were not introduced into evidence, she contacted law enforcement and recommended the begin therapy. Mr. Spade's Objections to the Attorney General's Proposed Order, Section III(H) addresses additional testimony of Ms. Webber that improperly bolstered and vouched for the child's credibility.

This Court deleted a paragraph from the Attorney General's proposed order making factual findings about the testimony of Kimberly Roseborough and Meredith Thompson-Loftis. This Court's order of May 7, 2020, at 8-9, did not make findings of fact or conclusions of law on this issue, except for stating Mr. Spade

also took issue with the presentation for counselors Roseborough and Thompson-Loftis. The trial record reflects, however, that trial counsel made numerous

objections. Most ruling, unfortunately for [Mr. Spade] were not favorable to him. The trial judge actually limited the testimony of Thompson-Loftis. This Court can find no error for PCR purposes by trial counsel *under the South Carolina jurisprudence that existed at the time of the trial* in the manner in which he objected.

(emphasis added). This statement implies a finding of fact that trial counsel failed to object to improper bolstering based on South Carolina current jurisprudence regarding improper vouching. Perhaps this Court reached this conclusion because our Supreme Court decided *State v. Anderson*, 413 S.C. 212, 776 S.E.2d 76 (2015)⁷ after Mr. Spade’s jury trial—which appears to be incorporated into the order of dismissal, at 43-44. If so, then this Court overlooked *State v. Kromah*, 401 S.C. 340, 37 S.E.2d, (2013), *State v. Jennings*, 394 S.C. 473, 716 S.E.2d 91 (2011), *Smith v. State*, 386 S.C. 562, 689 S.E.2d 629 (2010), *State v. Douglas*, 380 S.C. 499, 671 S.E.2d 606 (2009), and *Dawkins v. State*, 346 S.C. 151, 551 S.E.2d 260 (2001). *See also Briggs and Thompson, supra*.

The prosecution’s overall strategy to bolster and vouch for the child’s credibility, the improper testimony of Kimberly Roseborough and Meredith Thompson-Loftis, and the trial judge’s handling of these objections are discussed in Mr. Spade’s Objections to the Attorney General’s Proposed Order, Section III(H).

J. DSS Records.

The section of the order of dismissal, at 60-63, regarding allegations of prosecutorial misconduct, is substantially identical to the Attorney General’s proposed order, but added, at 62:

The Court notes the extraordinary efforts it took to obtain the DSS file after the PCR hearing occurred. No evidence was presented that suggests the State interfered with the production of the DSS file.

⁷ The order of dismissal focuses on the so-called “blind expert” procedure adopted by *Anderson*. Mr. Spade’s PCR claims relate to the improper bolstering and vouching, not the procedure adopted by *Anderson*.

Mr. Spade, however, presented the Family Court transcript where Investigator Nikki Cantrell testified she obtained the DSS file and provided it to the Solicitor's Office. This Court, furthermore, was troubled by Investigator Cantrell changing her testimony at the evidentiary hearing. This Court must resolve this inconsistent testimony in favor of Mr. Spade. *State v. Pulley*, 423 S.C. 371, 381, 815 S.E.2d 461, 466 (2018) (“[W]e require trial courts to exercise discretion when considering whether contradictory statements from the same witness create legitimate factual issues.”) (citing *Cothran v. Brown*, 357 S.C. 210, 218, 592 S.E.2d 629, 633 (2004) (providing “a court may disregard a subsequent affidavit as a ‘sham,’ that is, as not creating an issue of fact ..., by submitting the subsequent affidavit to contradict that party's own prior sworn statement”) and *McMaster v. Dewitt*, 411 S.C. 138, 144, 767 S.E.2d 451, 454 (Ct. App. 2014) (holding a trial court must exercise discretion to determine whether to accept a “sham” affidavit)). Moreover, “whether the prosecution acted in good or bad faith is irrelevant in determining whether a *Brady* violation occurred.” *State v. Durant*, 430 S.C. 98, 107, 844 S.E.2d 49, 54 (2020) (citing *Brady*, 373 U.S. 83, 87 (1963)).

K. State's Closing Argument.

The section of the order of dismissal, at 48-49, regarding the Special Prosecutor's closing argument, is identical to the Attorney General's proposed order. This Court's order of May 7, 2020, at 9—now incorporated into the order of dismissal—acknowledges a closing argument indicating an accused is “a bad person simply for being arrested and that the jury takes care of ‘good’ people . . . can be constitutionally improper” and the “argument in the present matter can be argue[d] as wrong because it sought to have the jury view the evidence through an emotional lens rather than factual.” This Court specifically found, “More concerning in the present case was

that private counsel acknowledged during the PCR that his motives in making the argument was to appeal to the jury’s sympathies.”

Our Supreme Court has long held, “A solicitor’s closing argument must be carefully tailored so as not to appeal to the personal biases of the jury.” *Von Dohlen v. State*, 360 S.C. 598, 609, 602 S.E.2d 738, 744 (2004) (citing *State v. Copeland*, 321 S.C. 318, 324, 468 S.E.2d 620, 624 (1996) and *State v. Linder*, 276 S.C. 304, 278 S.E.2d 335 (1981)). Our Supreme Court “strongly disapprove[s]” of closing arguments calculated “to improperly arouse the passions and prejudices of jurors, urging them to abandon their sworn role as fair and impartial arbiters of the facts and view the evidence from an improper perspective.” *Id.*, 360 S.C. at 614, 602 S.E.2d at 746.

IV. CONCLUSION.

For the reasons set forth in Daniel Spade’s Memorandum in Support of Granting Post-Conviction Relief, Memorandum in Support of Application for Post-Conviction Relief, Objections to Attorney General’s Proposed Order and Proffer of Attorney General’s Proposed Order, and this Rule 59(e) motion, this Court should reconsider the order of dismissal, vacate the order of dismissal, grant post-conviction relief, and remand this case to the Court of General Sessions for a new trial.

IT IS SO MOVED.

Respectfully Submitted,

By s/E. Charles Grose, Jr.

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Daniel Spade

October 19, 2020
Greenwood, South Carolina

THE STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
)	Case No. 2017-CP-42-02372
Daniel W. Spade,)	
)	
)	
)	
)	
vs.)	
)	
)	
State of South Carolina,)	
)	
)	
)	
_____)	
)	

Applicant,

vs.

Respondent.

I certify that I have served a copy of this pleading on the State of South Carolina, pursuant to South Carolina Supreme Court Order No. 2020-04-22-01, Section (c)(13), by emailing at copy to counsel, at the AIS email address, as reflected below:

Megan Harrigan Jameson, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211
mjameson@scag.gov
(803) 734-3737

By s/E. Charles Grose, Jr.

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

October 19, 2020
Greenwood, South Carolina

Exhibit B



Spartanburg County Seventh Judicial Circuit Public Index



[Spartanburg County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

The State of South Carolina VS Daniel William Spade

Case Number:	M126199	Court Agency:	General Sessions	Filed Date:	05/20/2011
Case Type:	Criminal-Clerk	Case Sub Type:	365 Day Track		
Status:	Disposed	Assigned Judge:	Wall, Jason Thomas	Disposition Judge:	Kelly, R Keith
Disposition:	Trial Guilty				
Disposition Date:	02/26/2014	Date Received:	05/20/2011	Arrest Date:	05/18/2011
Law Enf. Case:	11040592	True Bill Date:	02/21/2014	No Bill Date:	
Prosecutor Case:		Indictment Number:	2011GS4204171	Waiver Date:	
Probation Case:					

Case Parties

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Campbell, Shawn M.	104 N. Daniel Morgan Ave. Ste. 201 Spartanburg SC 29306				Defendant Attorney		02/24/2014
Cantrell, Nicole	8045 Howard Street Spartanburg SC 29303				Officer		05/20/2011
Jordan, Jennifer A.J.	180 Magnolia St. Spartanburg SC 29306				Solicitor		10/03/2013
Leskanic, Kimberly Lewis	125 Floyd Baker Blvd. Gaffney SC 29340				Solicitor		10/28/2013
<input checked="" type="checkbox"/> R & R Bail Bonding/Ruby L Rice/Palm	P O Box 3332 Spartanburg SC 29304		M		Bond Entity		07/20/2011
<input checked="" type="checkbox"/> Shabel, Kenneth Philip	104 N. Daniel Morgan Ave., Ste. 201 Spartanburg SC 29306				Defendant Attorney		11/06/2012
<input checked="" type="checkbox"/> Spade, Daniel William	10796 Avondale Dr Manassas VA 20111	White	M		Defendant		02/26/2014
Watts, Michael R.	489 Edgewater Drive Gaffney SC 29340				Court Reporter		02/26/2014

Charges

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Spade, Daniel William	0385-Sex / Criminal sexual conduct with minor or Attempt -victim under 11 yrs of age - First degree	0385-Sex / Criminal sexual conduct with minor or Attempt -victim under 11 yrs of age - First degree	02/26/2014

Sentencing

And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	35 yrs cfts						

Associated Cases

Agency	Case #	External	Relationship	Description	Case Filed Date	Disposition Date	Case Status	Disposition
Spartanburg Magistrate	M126199	Y		Associated by Case Transfer	05/25/2011	06/27/2011	Transferred	Transferred

Actions

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Spade, Daniel William	SC Court of Appeals	Filing		07/03/2017-15:41		
Spade, Daniel William	Appeal/Affirmed	Filing		06/27/2017-11:16		
Spade, Daniel William	Filing/Filing Remittitur	Filing		06/27/2017-11:16		
Spade, Daniel William	Order/ORDER	Order		06/21/2017-12:41		
Spade, Daniel William	Filing Jail Transmittal	Filing		07/17/2014-15:25		
Spade, Daniel William	Filing of Exhibit Sheet	Filing		03/25/2014-15:43		
Spade, Daniel William	Filing Custodian of Evidence Registration Form	Filing		03/11/2014-10:30		
Spade, Daniel William	Filing/ Exhibit Sheet	Filing		03/10/2014-16:35		
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		03/10/2014-09:52		
Spade, Daniel William	Notice of Appeal & Proof of Service	Filing		03/06/2014-16:08		
Spade, Daniel William	Verdict Sheet / Sentencing Sheet	Filing		02/26/2014-15:04		
Spade, Daniel William	Active - Non Probation	Filing		02/26/2014-14:32		
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		02/24/2014-14:39	02/26/2014-14:39	
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		02/24/2014-09:35	02/26/2014-09:35	
Spade, Daniel William	Return to Def's Motion in Limine to Exclude Evidence of the	Motion		02/17/2014-16:50	02/26/2014-16:50	
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		02/17/2014-13:27	02/26/2014-13:27	
Spade, Daniel William	Motion For Limine to Exclude Testimony of Meredith T Loftis	Motion		02/11/2014-14:01	02/26/2014-14:01	
Spade, Daniel William	Motion For Limine to Exclude Testimony of Dr Nancy Henderson	Motion		02/11/2014-14:01	02/26/2014-14:01	
Spade, Daniel William	Mot For Limine to Excl Forensic Analysis of Def Blackberry	Motion		02/11/2014-14:00	02/26/2014-14:00	
Spade, Daniel William	Motion For Limine to Exclude Forensic Analysis of Def Laptop	Motion		02/11/2014-13:59	02/26/2014-13:59	
Spade, Daniel	Mot For Limine to Excl	Motion		02/11/2014-	02/26/2014-	

William	Family CO for Term of Parental Rights			13:59	13:59	
Spade, Daniel William	Motion For Limine to Exclude Evidence of Internet Searches	Motion		02/11/2014-13:58	02/26/2014-13:58	
Spade, Daniel William	Service/Acceptance Of Service	Filing		02/11/2014-13:57	02/26/2014-13:57	
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		02/10/2014-14:46	02/26/2014-14:46	
Spade, Daniel William	Motion for Admission of an Out-of-Court Statement of a Child	Motion		02/07/2014-08:49	02/26/2014-08:49	
Spade, Daniel William	Motion in Limine for Compliance with Rape Shield Law	Motion		02/07/2014-08:49	02/26/2014-08:49	
Spade, Daniel William	Notice of Motion & Motion in Limine to Exclude 3rd Party	Motion		02/07/2014-08:48	02/26/2014-08:48	
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		01/30/2014-16:26	02/26/2014-16:26	
Jordan, Jennifer A.J.	Roster/Notice of Case Roster Publication Sent	Action		01/28/2014-08:02	02/26/2014-08:02	
Leskanic, Kimberly Lewis	Roster/Notice of Case Roster Publication Sent	Action		01/28/2014-08:02	02/26/2014-08:02	
Shabel, Kenneth Philip	Roster/Notice of Case Roster Publication Sent	Action		01/28/2014-08:02	02/26/2014-08:02	
Spade, Daniel William	Notice of Bond Letter Sent	Filing		01/28/2014-00:00	02/26/2014-00:00	
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		11/14/2013-12:08	02/26/2014-12:08	
Spade, Daniel William	Order/Order For Continuance	Order		10/28/2013-10:02	02/26/2014-10:02	
Shabel, Kenneth Philip	Roster/Notice of Case Roster Publication Sent	Action		10/09/2013-08:00	02/26/2014-08:00	
Jordan, Jennifer A.J.	Roster/Notice of Case Roster Publication Sent	Action		10/09/2013-08:00	02/26/2014-08:00	
Spade, Daniel William	Notice of Bond Letter Sent	Filing		10/09/2013-00:00	02/26/2014-00:00	
Spade, Daniel William	Order on Defendant's Motion to Compel and Bond Modification	Order		07/09/2013-16:07	02/26/2014-16:07	
Spade, Daniel William	Order/Order For Date Certain	Order		07/08/2013-00:00	02/26/2014-00:00	
Shabel, Kenneth Philip	Roster/Notice of Case Roster Publication Sent	Action		05/06/2013-13:00	02/26/2014-13:00	
Jordan, Jennifer A.J.	Roster/Notice of Case Roster Publication Sent	Action		05/06/2013-13:00	02/26/2014-13:00	
	Notice of Bond Letter Sent	Filing		05/06/2013-00:00	02/26/2014-00:00	
Spade, Daniel William	Motion hearing on list but rescheduled	Motion		04/12/2013-12:00	02/26/2014-12:00	
Spade, Daniel William	Motion/Motion for Bond Modification &	Filing		03/20/2013-00:00	02/26/2014-00:00	

	To				
Spade, Daniel William	Certificate/Certificate of Service	Filing		03/20/2013-00:00	02/26/2014-00:00
Spade, Daniel William	Order on Defendant's Motion to Compel/Bond Modification	Order		02/27/2013-11:42	02/26/2014-11:42
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		02/27/2013-00:00	02/26/2014-00:00
	Notice of Bond Letter Sent	Filing		01/30/2013-00:00	02/26/2014-00:00
Shabel, Kenneth Philip	Roster/Notice of Case Roster Publication Sent	Action		01/29/2013-08:30	02/26/2014-08:30
Jordan, Jennifer A.J.	Roster/Notice of Case Roster Publication Sent	Action		01/29/2013-08:30	02/26/2014-08:30
Spade, Daniel William	Motion/Defendant's Motion Discovery To Compel Discovery	Motion		01/02/2013-15:33	02/26/2014-15:33
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		10/18/2012-00:00	02/26/2014-00:00
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		10/15/2012-00:00	02/26/2014-00:00
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		10/15/2012-00:00	02/26/2014-00:00
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		06/22/2012-00:00	02/26/2014-00:00
Spade, Daniel William	Affidavit/Affidavit of Discovery - IMAGE	Filing		12/12/2011-00:00	02/26/2014-00:00
Shabel, Kenneth Philip	Notice of Case Roster Publication Sent	Action		10/20/2011-17:51	02/26/2014-17:51
Jordan, Jennifer A.J.	Notice of Case Roster Publication Sent	Action		10/20/2011-17:51	02/26/2014-17:51
Jordan, Jennifer A.J.	Notice of Case Roster Publication Sent	Action		08/30/2011-09:29	02/26/2014-09:29
Shabel, Kenneth Philip	Notice of Case Roster Publication Sent	Action		08/30/2011-09:29	02/26/2014-09:29
Shabel, Kenneth Philip	Notice of Case Roster Publication Sent	Action		08/30/2011-09:18	02/26/2014-09:18
Jordan, Jennifer A.J.	Notice of Case Roster Publication Sent	Action		08/30/2011-09:18	02/26/2014-09:18
Spade, Daniel William	Filing Of IMAGE OF BOND	Filing		07/20/2011-00:00	02/26/2014-00:00
Spade, Daniel William	ORDER-BAIL/BOND-DEF MAY HAVE NO CONTACT W/VICTIM OR FAMILY	Order		07/15/2011-13:26	02/26/2014-13:26
Spade, Daniel William	Motion for Bond Hearing	Filing		07/11/2011-00:00	02/26/2014-00:00
Jordan, Jennifer A.J.	Notice of Case Roster Publication Sent	Action		06/28/2011-14:48	02/26/2014-14:48
Shabel, Kenneth Philip	Notice of Case Roster Publication Sent	Action		06/28/2011-14:48	02/26/2014-14:48
Spade, Daniel William	Filing/Filing Of Motion for Bond Hearing	Filing		06/15/2011-14:10	02/26/2014-14:10
Spade, Daniel William	Affidavit/Affidavit of Discovery	Filing		06/07/2011-14:28	02/26/2014-14:28

Spade, Daniel William	Filing/Filing Of Requests for Disclosure	Filing		06/02/2011-10:26	02/26/2014-10:26	
Spade, Daniel William	Filing/Filing Of Request & Notice of Motion Pursuant to	Filing		05/18/2011-12:01	02/26/2014-12:01	
Spade, Daniel William	Filing/Filing Of Request & Notice of Motion Pursuant to	Filing		05/18/2011-12:00	02/26/2014-12:00	
Spade, Daniel William	Filing/Filing Of Motion for Bond Hearing	Filing		05/18/2011-11:58	02/26/2014-11:58	
Spade, Daniel William	Filing/GS Initial Case File	Filing		09/10/2010-11:23	02/26/2014-11:23	

Financials

Summary

Fine/Costs:	\$133.90	Total Paid for fine/costs:	\$0.00	Balance Due:	\$133.90
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Costs

Description	Cost Code	Amount	Charge Action	Disbursed Amount
Fine to State 44%	AFINES	\$0.00		\$0.00
Fine to General Fund	AFNEGF	\$0.00		\$0.00
Victim Services Asm 38.0013% / 5.7831%	ASMVIC	\$0.00		\$0.00
Victim Conviction Surcharge \$100 / \$25	CVSRCH	\$100.00		\$0.00
Law Enforcement Funding Surcharge \$25	LEFSUR	\$25.00		\$0.00
SC Criminal Justice Academy Training	SCCJAT	\$5.00		\$0.00
State Assessment	STAASM	\$0.00		\$0.00
Collection Fee 3%	CFEE3%	\$3.90		\$0.00

Payments

Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
None				

Bonds

Bond Information

Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2011BD4200100260	07/20/2011		Couch	Professional	\$75,000.00		\$0.00	

Post Information

Bond Id	Bond Type	Amount	Date Posted	Posted By
2011BD4200100260	Professional	\$75,000.00	12/08/2011	R & R Bail Bonding/Ruby L Rice/Palm

Exhibit C

STATE OF MARYLAND)
)
)
 COUNTY OF ST. MARY’S) AFFIDAVIT OF RODNEY E. SPADE &
) CAROLE ANN SPADE

Rodney E. Spade and Carole Ann Spade, being first duly sworn, swears and affirms that the following is true to the best of our knowledge:

1) We are the parents of Daniel Spade. We live at 45892 Kristi Lynn Ct., Lexington Park, Maryland.

2) We are retired from the pastorate (Rodney) here in our county. Carole Ann retired from over 25 years teaching in our local Christian school. We have been residents of St. Mary’s Co. since 1988. Though retired, we still do some part-time work to pay monthly expenses.

3) Our purpose is to request your consideration to bond our son, Daniel Spade, into our care in Maryland. We are willing to accept this this responsibility and ensure Daniel complies with any bond conditions set by the Court.

3) As his parents, we are both in our seventies and find traveling long distances increasingly challenging. Our daughter, Christy Trumpower lives nearby, and our homes would provide needed accommodation for Daniel.

4) In addition, Daniel has some significant health needs needing to be addressed. We have already begun an avenue here to help provide financial provision for this to be done.

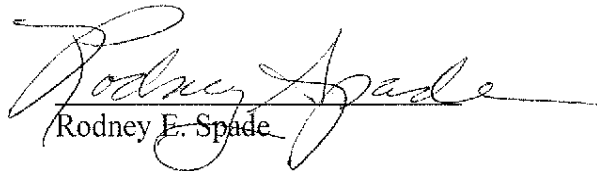
5) We have no relatives in South Carolina to provide either housing or long-term care for Daniel. If he is remanded to remain in-state, we would certainly comply, but it would be at great hardship for us to do so.

6) Prior to his trial, the Court of General Sessions for Spartanburg County released Daniel on bond and allowed him to live in Maryland. Daniel’s original bond to Maryland was

carried out faithfully, and he appeared for his jury trial. We will do so again, should you entrust our son's care into hands.

7) Thus, we fervently ask for your thoughtful mercy to this end.

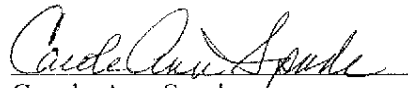
Further affiants sayeth naught.


Rodney E. Spade

Sworn to and subscribed before me

this 11 day of April, 2022


NOTARY PUBLIC FOR MARYLAND
My Commission Expires: 11-14-2023


Carole Ann Spade

Sworn to and subscribed before me

this 11 day of April, 2022


NOTARY PUBLIC FOR MARYLAND
My Commission Expires: 11-14-2023

Exhibit D

STATE OF MARYLAND)
)
)
COUNTY OF ST.MARY'S)

AFFIDAVIT OF JOSHUA P. TRUMPOWER &
CHRISTINE E. TRUMPOWER

Joshua P. Trumpower and Christine E. Trumpower, being first duly sworn, swears and affirms that the following is true to the best of my knowledge:

1) We are the sister and brother-in-law of Daniel Spade. We live at 45968 Rolling Road, Lexington Park, Maryland.

2) Joshua is an employee of the Department of the Navy at the Patuxent River Naval Air Station where he has worked for 19 years. This is located in Lexington Park Md. Christine is a stay-at-home mom but does part-time work at Faith Bible Church in Mechanicsville, Md.

3) Our purpose is to request your consideration to bond our brother, Daniel Spade, into our care in Maryland. We are willing to accept this responsibility and ensure Daniel complies with any bond conditions set by the Court.

4) As his siblings, we can provide a healthy, supportive, and loving environment for Danny to reside. We will be able to provide for his physical, emotional, and spiritual needs. We gladly accept responsibility in making sure Danny makes all court appearances as needed in South Carolina

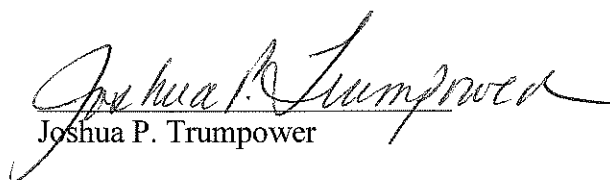
5) In addition, Daniel has some significant health needs needing to be addressed, such as PTSD and back injury, we will provide the transportation to get him to mental health appointments to help him to process, deal and heal.

6) We have no relatives in South Carolina to provide either housing or long-term care for Daniel. If he is remanded to remain in-state, we would certainly comply, but it would be at great hardship for us to do so.

7) Prior to his trial, the Court of General Sessions for Spartanburg County released Daniel on bond and allowed him to live in Maryland. Daniel's original bond to Maryland was carried out faithfully, and he appeared for his jury trial. We will do so again, should you entrust our loved one's care into our hands.

8) Thus, we fervently ask for your thoughtful mercy to this end.

Further affiants sayeth naught.

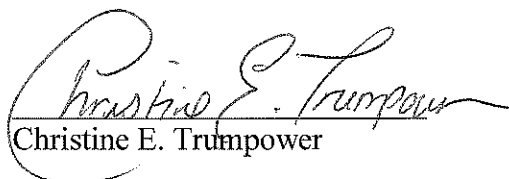

Joshua P. Trumpower

Sworn to and subscribed before me

this 11th day of April, 2022

Celeste Dimitra Pullias
NOTARY PUBLIC FOR MARYLAND
My Commission Expires: August 5, 2023

CELESTE DIMITRA PULLIAS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 5, 2023


Christine E. Trumpower

Sworn to and subscribed before me

this 11th day of April, 2022

Celeste Dimitra Pullias
NOTARY PUBLIC FOR MARYLAND
My Commission Expires: August 5, 2023

CELESTE DIMITRA PULLIAS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 5, 2023