

Deborah Hubbard - Sarvis - 80267-
SA-B-28
Carnille H H C D
4450 Broad River Rd.
Columbia, SC 29210
April 25, 2022

The Honorable Patricia A. Howard
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED

APR 28 2022

S.C. SUPREME COURT

Re: Deborah Hubbard Sarvis v. State
Appellate Case # 2022-000354
Lower Court Case # 2019-CP-2600989

Dear Ms. Howard:

On April 11, 2022, I received a letter from you instructing me to explain why the determination by the lower court was improper, it was, for the following reasons:

- (1) I am not guilty of Murder!
- (2) None of the grounds that I used were addressed by the Court.
- (3) My PCR was not successive pursuant to SC Codes 17-27-20(4) & 17-27-90 & 17-27-45(c)
- (4) The grounds could not have been asserted before.

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(5) *McQuinn v Perkins* (cited later) was not decided by the U.S. Supreme Court until 2013, unavailable to me much later; this case assisted me re: how to prove that I was actually innocent of murder which I have known for 32 years but could not prove! (See also 2021 PCR remedies 25:9)

(6) On 9-1-90, I was having a yard sale, advertised in the Sun Newspaper (am attempting to get cc:) for the days of 9-6, 9-7, 9-8; who plans a murder & a yard sale on the same day?

Very Truly Yours
Melonch Andrew Sarris
April 25, 2022

cc:
files

Facts

I filed a PCR in 2019 re: conditions of confinement or in the alternate, if relief is not granted, a lethal injection. (see E-1)

I am now 75 years of age with many health issues, heart, lungs, RA etc. In 2015 ~~she~~^I was placed on a drug, nitrofurantoin, for UTI's, prison doctors prescribed the drug for 2 years causing ~~her~~^{me} to be hospitalized 3 times in 2014 with double pneumonia & respiratory failure causing irreparable damage to her ~~my~~^{DHS} lungs. She later received information from the drug company that a person her age should never be prescribed this drug! A lung biopsy was ordered by the hospital pulmonologist for (E-1) out patient care, when prison doctors learned that they were liable, they refused to allow me to have the lung biopsy & treatment, I continue to suffer needlessly, my health continues to deteriorate. (See: Estelle v. Gamble on SCt, 285)

I could not have filed this PCR before because I did not know how the aging at CDC's women's prisons suffer abuse, neglect & unlawful treatment until I became one, we are treated with degraded indifference, deliberate DHS

Pg. 15 of 17

Denied . . .

3. A court ordered lethal injection; if proper drugs are unavailable because of current climate re: death penalty, many other drugs will be suitable.

4. In Blackledge v Perry 417 U.S. 21, 95 S.Ct. 2098, 40 L.Ed. 2d 628 (1974) @ ID 417 U.S. @ 21, 94 S.Ct. @ 2012 ruled. Due Process Clause is offended by those prosecutors who pose a realistic likelihood of "VINDICTIVENESS". That is exactly what my trial was all about which has led to these inhumane tortures that I currently endure. I've fought most of my life for survival, today I am most realistic that I will NEVER obtain JUSTICE in this system which is about helplessness, submission, abuse & powerlessness, it has taken away all my illusions, I am nothing but a number to my keepers and the State of South Carolina, have been since the age of 13.

Conclusion

Applicant realizes that the Courts disfavor successive PCR Applications which places the burden on her to establish that any new ground raised in a subsequent application could not have been earlier raised in previous application. Section 17-27-90 of the South Carolina Code (2018) states in pertinent part: "Any ground finally adjudicated or not ~~waived~~ *
raised or knowingly, voluntarily and intelligently waived in the proceeding *
that resulted in the conviction or sentence or in any other proceeding *
^{DHS} ~~that resulted in the applicant has~~
taken to secure relief, may not be the basis for a subsequent ^{DHS} application, unless *
the Court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental

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denied . . .

3. A court ordered lethal injection; if proper drugs are unavailable because of current climate re: death penalty, many other drugs will be suitable.

4. In Blackledge v Perry 414 U.S. 21, 95-1 Ct 2098, 40 L.Ed. 2d 628 (1974) @ ID 414 U.S. @ 24, 94 S.Ct. @ 2012 ruled. Due Process Clause is offended by those prosecutors who pose a realistic likelihood of "VINDICTIVENESS". That is exactly what my trial was all about which has led to these inhumane tortures that I currently endure. I've fought most of my life for survival, today I am most realistic that I will NEVER obtain JUSTICE in this system which is about helplessness, submission, abuse & powerlessness, it has taken away all my illusions, I am nothing but a number to my keepers and the State of South Carolina, have been since the age of 13.

Med Student Progress Note

HUBBARD, DEBORAH BELINDA - R003125843

E-2

WBC	5.4	(OCT 05)	5.7	(OCT 04)
Hgb	L 10.8	(OCT 05)	11.7	(OCT 04)
Hct	L 31.9	(OCT 05)	L 33.7	(OCT 04)
PR	273	(OCT 05)	253	(OCT 04)
Na	L 135	(OCT 05)	L 133	(OCT 04)
K	3.6	(OCT 05)	4.6	(OCT 04)
CO2	23	(OCT 05)	L 22	(OCT 04)
Cl	108	(OCT 05)	104	(OCT 04)
Cr	0.84	(OCT 05)	0.69	(OCT 04)
BUN	L 9	(OCT 05)	L 9	(OCT 04)
Glucose	89	(OCT 05)	81	(OCT 04)
Ca	L 8.3	(OCT 05)	8.7	(OCT 04)
Troponin	<0.01	(OCT 04)		

Assessment

Mrs. Hubbard is a 71 year old who presented to the emergency department with progressive extreme SOB that has been getting worse over the last 9 days.

Plan

1. Shortness of Breath:

- Acute on chronic dyspnea
- Chest x-ray from Richland showed interstitial lung changes noted primarily in the lung apices bilaterally.
- Chest CT was performed without contrast - it showed nonspecific patterns of interstitial lung disease that predominate in the middle to upper lung abnormality.
- Based on the CT, the differential includes: organizing pneumonia, subacute hypersensitivity pneumonitis, NSIP, subacute or chronic eosinophilic lung disease.
- Patient has no fever, no leukocytosis
- Patient states that she was previously treated for double pneumonia in January 2017 at the self-regional medical center. Records were requested and are still pending.
- Pulmonology consulted - they communicated with pulmonologists at self-regional and her findings there were suggestive of COP, she was treated with steroid and saw improvement. ANA and HIV tests were negative at that time.
- HIV antigen test was ordered - test was non-reactive
- ANA test negative.
- Nitrofurantoin pneumonitis being considered - patient reports being on macrobid for several months for a chronic kidney infection
- Patient was seen by pulmonology and was approved for discharge - patient is to be discharged today (10/9/2017) and will have an outpatient bronchoscopy scheduled for her follow-up. *
- Patient approved for use of nasal cannula at facility upon her return. *

*Refused to take me
per Rafi & McCabe!
DHS*

2. Hypothyroidism:

- Patient has hx of hypothyroidism, followed by Kirkland Correctional
- Will continue home 100mcg Synthroid QD

3. HTN:

- BP 152/69. Will continue to monitor and adjust medication as needed.
- Continue home Amlodipine 10mg QD

4. Anxiety:

- Continue home 20mg Celexa QD

5. GERD:

- Will hold PPI while inpatient.

6. CAD:

Printed by: Williams, Willa V
Printed on: 10/09/2017 14:23 EDT

PROBLEM LIST:

Problem Description	Onset Date	Chronic	Clinical Status	Notes
Pneumonia	03/31/2017	N		
Fragile skin	03/31/2017	Y		

E-2

Problem List

Classifications

Type	Code	Classification	Entry Date	By	Stop Date
Mental Health	L4	MH-4 (OUTPATIENT)	12/13/2017	Stephanie Mcmillan	12/07/2018
Mental Health	MH	NMH (NO MENTAL HEALTH TREATMENT)	12/07/2018	Stephanie Mcmillan	05/09/2019
Mental Health	L4	MH-4 (OUTPATIENT)	05/09/2019	Pamela Crawford	02/20/2020
Mental Health	L3	MH-3 (AREA MENTAL HEALTH)	02/20/2020	Pamela Crawford	02/20/2020
Mental Health	L3	MH-3 (AREA MENTAL HEALTH)	02/20/2020	Pamela Crawford	

Allergies

Ingredient	Reaction	Medication Name	Comment
NO KNOWN ALLERGIES			

Review of Systems

System	Neg/Pos	Details
Constitutional	Negative	Decreased activity.
Constitutional	Comments	Reports she had a decrease in activity since COVID and mostly stays in the bed and is sedentary. <i>I would really prefer better injection if I don't soon get some relief!</i>
ENMT	Positive	Excessive cerumen (Bilateral), Rhinorrhea, Sinusitis. <i>Plus keeps</i>
ENMT	Negative	Facial pain, Nasal congestion and Taste change. <i>the very worse</i>
Respiratory	Positive	<u>Dyspnea</u> <i>severe, could worse</i>
Respiratory	Negative	<u>Cough</u> <i>severe, could worse</i>
Respiratory	Comments	Reports she has a undiagnosed lung disease. <i>Strict Social Distancing DH</i>
Cardio	Comments	Reports she eats Ramen Noodles most of the time because she does not like going into the cafeteria now during COVID-19. <i>was not receiving H H diet then or now!</i>
GI	Positive	Constipation, Nausea. <i>DH</i>
GI	Negative	Abdominal pain, Diarrhea and Vomiting.
Neuro	Positive	Dizziness, Headache, Lightheadedness.
Psych	Positive	Anxiety.
MS	Positive	<u>Weakness</u> <i>Severe</i>
Reproductive	Positive	The patient is post-menopausal.

Vital Signs

As I awaited the disposition of the PCR, I began research for a habeas corpus as I had known for 32 years that I am unlawfully incarcerated, my trial was a farce, a mockery of justice, I could scarcely bear to read my trial transcripts due to the many Constitutional violations that always left me feeling that I had been raped! However, I forced myself to read them & research new laws, I discovered a case, *McQuinn v. Perkins* 569 U.S. 383, 133 S.Ct. 1924 re: the overturning of a case similar to mine that had previously been barred because of a statute of limitations re: the filing of a habeas corpus if one can demonstrate actual innocence as Perkins did, which led to the U.S. Supreme Court overturning many other deserving cases preventing many cases of miscarriages of justice furthering the writs central purpose "by serving as an additional safeguard against compelling an innocent man to suffer an unconditional loss of liberty" such as myself, who has known for 32 years that she was not guilty of murder, how she can prove it!!

Argument with Evidence

1. Before my trial began in March, 1992 the trial judge ordered the Solicitor and my attorney not to mention the indictment that the

Pa. 5 of 11

Solitor had recently indicted ~~me~~ ^{read me DHS} for that
had occurred 13 months before (see: E-3)

(2) The Solitor immediately disclosed this
order with his own witness, Tammy Marlowe,
asking her "Did ~~she~~ ^{DHS} you ask her why she
killed her husband?" (see: E 4) He obviously
planned this illegal malicious prosecution
of me as he opened this door & kept it open
with these same allegations throughout my
trial with NO objections from my attorney or
the trial judge as trial transcripts show on
pages (205 above) 251, 308, 401, 458, 453 (encl. 6-24),
652, 653, 751 & others), he effectively tried
me for the murder of John Sarvis, which I
was not on trial for, violating my Constitutional
rights of the 6th Amendment's guarantee of a
fair trial by jury & ^{my} due process rights
of the 14th Amendment. His brainwashing of the
jury solely violated the outcome of my trial;
before jury deliberations began the Judge removed
this indictment said it was too prejudicial,
imagine that! (see: E-5)

(3) On 9-7-91, as I was having hard sale,
Leigh Nobles brought me coffee to my house,

E-3

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT FOR
MURDER
(Two Counts)

At a Court of General Sessions, convened on January 2nd, 1992
the Grand Jurors of HORRY County present upon their oath:

*I was indicted for this, after I
was charged w/
Mr. Nobles,
death, quite
some time after
my husband's
death. **

COUNT ONE

That Deborah B. Sarvis did in Horry County on or about December 29, 1990, knowingly, wilfully, intentionally and with malice aforethought kill her husband, John C. Sarvis, by means of shooting him with a .22 caliber pistol and that John C. Sarvis did die in Horry County as a direct and proximate result thereof on or about the 29th day of December, 1990. *

Against the peace and dignity of the State.

And the Grand Jurors of Horry County further present:

COUNT TWO

That Deborah B. Sarvis did in Horry County on or about September 7, 1991, knowingly, wilfully, intentionally and with malice aforethought kill her paramour, Oscar Leigh Nobles, by means of shooting the said Oscar Leigh Nobles multiple times in the back and chest with a .22 caliber pistol and that the said Oscar Leigh Nobles did die in Horry County on September 7, 1991 as a direct and proximate result of said wounds. *

*On page 684 of trial transcripts read why judge would
not send copy of this to jury - too prejudicial!
DHS*

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

[Signature]
SOLICITOR

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APR 03 1992
HEARINGS SECTION
JAMES P. HIOTT,
CHIEF HEARING OFFICER

1 is Ralph Wilson and I'm the solicitor for the 15th
 2 Judicial Circuit and that's Horry and Georgetown
 3 Counties. I am going to be assisted in this trial by
 4 * Julaan Prince. ^{HER COUSIN VISITED ME IN SAIL FOR MONTHS,}
 5 ^{I DID NOT KNOW SHE WAS ASSISTANT SOLICITOR'S RELATIVE.}
 6 SOLICITOR Let me say to you at the outset of this trial ^{DHS}
 7 that every defendant who comes into this courtroom is
 8 presumed to be innocent. The burden rests with the State
 9 of South Carolina to prove that the Defendant committed
 10 the crime for which she is charged and the State must
 11 prove that to you by evidence that comes from the witness
 12 stand and the exhibits that we'll introduce during the
 13 trial, that the individual is guilty beyond a reasonable
 14 doubt. The State will do that in the case of Deborah
 15 Sarvis, prove to you beyond any reasonable doubt that on
 16 September 7, for reasons satisfactory to herself, Deborah
 17 Sarvis took the life of Lee Nobles by shooting him to
 18 death.

18 I say to you also, Ladies and gentlemen, that the
 19 offense of murder is a violent crime and the elements of
 20 that crime are as follows: in order for a person to be
 21 guilty of murder the State must prove to you beyond any
 22 reasonable doubt that one, that the person, that is the
 23 Defendant, did kill another person; that is, as in
 24 shooting or stabbing, and that they did so in Horry County
 25 and that they also did so with what we call malice

I HAD NO MALICE IN
 MY HEART ON 9-7-91,
 LEMMA'S DEATH WAS ACCIDENT!
 DHS

*

1 give me your attention for just a moment, please. The
2 first part of any trial is you being sworn, and you'll be
3 sworn in just a moment. Then after that we go into the
4 next phase of any trial, and that's the opening remarks by
5 the attorneys.

6 Now, the opening remarks by the attorneys has no
7 value to you as far as proof, and that's how you must
8 decide this case, is by proof of witnesses under oath.
9 But the opening remarks by the attorneys is a very
10 intricate part of the trial, for it sets the stage. It
11 tells you what kind of lawsuit you can expect.

12 Now, I've told the attorneys, and I'm reminding
13 them again now, that their opening remarks must be very
14 short and very concise and it will be but, again, it is an
15 intricate part of the trial so listen very attentively as
16 they make their opening remarks to you.

17 After that we go into the next phase of any
18 trial, and that's the witnesses under oath, and that's how
19 you must decide this case. But, again, listen very
20 attentively as the attorneys make their opening remarks to
21 you.

22 Ms. Clerk, you might swear the jury.

23 (WHEREUPON THE JURY WAS SWORN BY THE CLERK.)

24 OPENING STATEMENT BY SOLICITOR WILSON:

25 ~~Madam Forelady and ladies and gentlemen, my name~~

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A He said, I'm gone stay here.

Q Mr. Grimm, do you recall Ms. Sarvis asking all of you to leave, including Leigh?

A No, ma'am.

SOLICITOR LATER SAID THAT I HAD BEEN PLANNING TO MURDER LEIGH SINCE JULY, YET I ASKED THEM ALL TO LEAVE!! DJH

Q You don't remember that?

A She didn't ask me to leave, cause I was in the kitchen. She was talking to my cousin and said all ya'll got to leave, or something.

* * INCLUDING LEIGH! DJH

Q And you heard her say that, right?

A Uh uh (no). That's what my cousin said.

Q Okay.

A I didn't hear her say nothing.

Q All right. And you didn't hardly know Ms. Sarvis, right?

A That's the first time I met her. Leigh introduced me to her.

Q You didn't hardly pay any attention to her, right?

A No, I went in the kitchen.

Q All right, sir, thank you. Nothing further.

Court: Mr. Grimm, you're excused. Thank you so much for coming. You are excused as far as this case is concerned.

Solicitor Wilson: Tammy Marlowe.

* TAMMY MARLOWE,

BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

1 Q Did you see Ms. Sarvis sitting there with a knife
2 or any other type of weapon?

3 A Uh uh (no).

4 Q Did she, at any time, threaten Mr. Nobles?

5 A No, ma'am.

6 Q All you know is that your cousin, Nub Johnson,
7 came in there and said, we got to go?

8 A Um hum (yes).

9 Q And you left?

10 A Yes, ma'am. We left Leigh and her there.

11 Q Now, did Nub Johnson invite Leigh to go with
12 ya'll?

13 A Ma'am?

14 Q Did your cousin invite Leigh Nobles to go with
15 you?

16 A To her house?

17 Q No, sir.

18 A To the river?

19 Q Yeah.

20 A He asked my cousin to carry him home.

21 Q Okay, sir. After you were at the house, did you
22 or your cousin ask Leigh Nobles if he wanted to go with
23 you to the river?

24 A Yeah, and he said he'd stay there.

25 Q And what did he say?

Tammy*

E-4

1 said to you that he was fighting her, that he would hit
2 her?

3 A She didn't tell me personal things but I've been
4 there when, you know, may be they were fussing,
5 disagreeing.

6 Q Did you ever see her with any bruises on her?

7 A Uh uh (no).

8 Q Did you ever see her with any black eyes?

9 A No, sir.

10 Q What about bruises on her arms or legs or
11 anything -- have you ever seen any of that?

12 A No, sir.

13 Q Have you ever seen Leigh fight anybody in the
14 years you've known him?

15 A No, sir. *HAR. HIM & NKB!*

16 Q At some point in time after Ms. Sarvis here was *SHE WAS N SAIL W/ ME DRUGS!*
17 arrested, did you go to the jail to talk to her? *DHS*

18 A Yes, sir.

19 * Q * Did you ask her why she killed her husband -- why
20 she killed Mr. Nobles? *RW opened the door on purpose!! DHS*

21 A Yes, in so many words, that was what was said.

22 Q Tell the jury what she told you.

23 A She told me that Leigh hit her and she blanked
24 out. THAT's all she told me.

25 Q And she blanked out?

1 A Yeah.

2 Q Did she tell you whether or not she remember what
3 happened?

4 A Other than after he had hit her that she blanked
5 out. That was it.

6 Q I don't have any other questions. Answer any
7 questions Ms. Johns might have for you.

8 CROSS EXAMINATION BY MS. JOHNS:

9 Q What was the purpose of you being at the jail,
10 Ms. Marlowe?

11 A I was in there for trying to attempt to buy crack
12 cocaine.

13 Q Attempting, okay.

14 A But I was never tried for it.

15 Q Now, let me ask you something, Ms. Marlowe. How
16 old are you, first of all?

17 A I'm 21 years old.

18 Q And you live with Nub Johnson?

19 A Yes, ma'am.

20 Q And how old is he?

21 A He's 29.

22 Q All right, and where do you work, ma'am?

23 A Nowhere, right now.

24 Q And where were you working at the time that this
25 occurred?

*Then Nub
stole money
of my
house -
had
wants to
was in jail, so they wanted
me to stay in jail!
DHC*

1 the chair beside the door and she moved out of her chair
2 and went to sit in his. And when he come back he asked
3 her could he have his seat back and she said, no. And he
4 said, well, do you want us to leave and she said, yeah, so
5 we left. *

6 Q So she took his chair?

7 A Yeah.

8 Q And she refused to give it back to him?

9 A *SO TRUE!* Yeah. It was just to make a statement, you know,
10 * *D+S* that she didn't want us there. That was my understanding.

11 Q All right. So as a result of that then, what did
12 you do?

13 A Me and Robert and Robbie Grimm left.

14 Q Now, prior to saying that to you, did she appear
15 to be upset to you?

16 A No, she didn't. She just acted normal.

17 Q How was she dressed, if you recall?

18 A Seems to me like she had a light shirt on and a
19 dark colored pair of pants. It was like knit, real soft
20 material.

21 Q What was, the pants?

22 A The pants and the shirt.

23 Q Okay. Let me show you this and ask you whether
24 or not -- do you know if this is what she had on?

25 A I'm not totally for sure, but I don't think she

1 had that on that day.

2 Q You don't think she did?

3 A It seems like a white shirt to me.

4 Q Okay.

5 A Like a white t-shirt.

6 Q But you're pretty sure that she didn't have that
7 on?

8 A Yeah.

9 Q Now, after she said to Mr. Johnson, yeah, she
10 wanted ya'll to leave, what did ya'll do?

11 A Well, me and Robert and Robbie Grimm left.

12 Q And at the time ya'll left, did she get up?
13 Well, tell me what she did.

14 A She just sit in the chair and Robert went back in
15 the kitchen and told Leigh that we were leaving. And
16 Leigh said, what was going on? I said that Robert said,
17 nothing, he said, but we've got to go.

18 Ms. Johns: Objection, Your Honor, to all this
19 hearsay. *SHE WAS helping me BUT didn't know it D#*
(TAMMY)

20 Q Let me ask you this way, was Ms. Sarvis there
21 present when all these conversations were being said?

22 A She was sitting in the chair next to the door and
23 this was happening between the living room and the kitchen.

24 Q And where were you?

25 A I was going out the front door.

1
2 laying in the middle of the floor, as was the bloody
3 towel, and I moved it. But I didn't put anything behind
4 the refrigerator.

5 Q All right. So wherever they were, you put them
6 there.

7 A Right.

8 Q Is that what you're saying?

9 A Right.

10 Q Now, ma'am, let me ask you in regards to Mr.
11 Nobles' shooting, when you shot Mr. Nobles that particular
12 day. You said that you told whoever was in the blue truck
13 to call the police. Is that what you said?

14 A I did.

15 Q Now, what did you do then from the time that you
16 told him to call the police which was, according to you
17 about 4:00?

18 A I don't know if it was that late or not.

19 Probably 3:30 or 4:00.

20 Q Well, the police didn't get to your house until
21 around 6:00, did they?

22 A That's what the reports say.

23 Q Well, what did you do for them two hours?

24 A I don't know.

25 Q Well, now, you just told me a minute ago that you
remembered sitting out on the porch and you remember

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Q So you picked up the wallet and why did you put the wallet in your purse?

A For the police.

Q For the police?

A Yes.

Q Well, did you give it to them?

A No.

Q Did you tell them about it?

A No, because he came in and started asking me about somebody named Ray. He was saying where's Ray, where's Ray. And that's when he said that ---

Q Well, who did you think he was talking about? ^(Solicitor)

* Had you killed anybody else? X DID NOT KNOW I HAD KILLED ANYONE!

A I didn't know at that point that I had killed Leigh. DHS

Q Now, so since he didn't ask you, you didn't bother to tell him, right?

A I told him that I had tried to call him personally at the Horry County Police. I remember telling him that.

Q When you and Leigh were out in the yard, you say, and when you say he pushed you over the books or something --

A Right.

Q -- had he already showed you inside the wallet

1 getting the wallet, so what did you do the rest of that
2 time?

3 A That's what I remember. And then the police came
4 up.

5 Q Well now, ma'am, what I want you to simply do for
6 me is this, after you killed Mr. Nobles, tell me
7 everything you did until the police got there.

8 A I was sitting on my door steps and I had on my
9 bra and my shorts, and that's when I saw his wallet laying
10 over there right in front of the banana tree. And I
11 picked it up and I went back in there and there was a
12 hamburger, like on my hotplate, that I assume that I put
13 on there, and I finished fixing it. I had changed
14 clothes, and I was in the process of changing clothes when
15 Mr. Thompson came up. And I looked around the door and I
16 thought I had put my shirt on ^{OUT OF MY D#3} but he said that I came in
17 my bra, so I probably did.

18 Q Well, at what point did you pick up the wallet in
19 that scenario?

20 A As I was sitting -- when I got up off the steps
21 and started back into the house.

22 Q Was that immediately before the police got
23 there? Just seconds before they arrived? Minutes?
24 Hour? Two hours, what?

25 A Probably just a few minutes.

E-4

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Q And, ma'am, do you remember -- you say with these clothes that you took them off. Did you take them off?

A When he grabbed my arm and he had ripped my shirt, I think that's how I got -- when he ripped my shirt off, that's how I got on into the kitchen.

Q Well, why would you put them behind the refrigerator?

A I didn't put anything behind the refrigerator.

Q Well, now, John couldn't have put them -- Leigh couldn't have put them back there because you had already killed him. So who put them behind the refrigerator?

A I picked the shirt up out of the living room floor and put it over beside the closet and that's where it was when me and the investigators went out there.

Q You remember that now?

A Do I remember what?

Q Picking up the clothes and putting them wherever you say you put them?

A I remember that, yes.

Q When did you remember that?

A When did I remember ---

Q When is the first time that you remembered now that you took these clothes and put them a particular place?

A I knew that that day. I just moved it. It was

-499

cc: this side of Robert D. E-4
EU theatre

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gun, you say that it was in there on the table. Is that where he put it?

A Where who put it, John?

Q No, Leigh. Where did he put the gun, the day that you say he ---

A By the sink in my house.

*Q All right, so he's got a gun and he's after you with his gun, and he lays the gun down on the sink, he's mad with you and he goes out the door, turns his back on you, who's mad with him cause he just beat you up, and he just walks out the door and leave you and the gun in the kitchen. Is that what you want us to believe?

A Yes, I do.

* Nobles was 3x over the limit for drunk plus he used crack!

Q And you grabbed the gun and then you shot him DHS nine times, didn't you? Nine times. Were you in court when the pathologist testified?

A Yes, sir.

Q Did you hear his testimony?

A Yes, sir.

Q Do you recall taking this gun and sticking it to his body, just like this, and -- *

A I don't recall that!

Q -- firing it, do you remember that? You don't remember that?

A *(WITNESS STARTS CRYING.)

* * WHEN WILSON PUT THE GUN ON ME, PULLED THE TRIGGER! DHS



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that day until mid-night when she says she got raped? It takes that long to drive from Conway to Georgetown?

A I have no idea where she was.

Q So you don't know where she was from the time she left Conway -- if she left here around lunch time, until mid-night when she says she got raped, do you?

A No.

Q All right. And you don't know if she had been shackled up in some motel with some man and afraid to go home to her ^{* Solicitor} husband or boyfriend. When you first met her you didn't know if that was the case or not, did you?

A No.

Q In fact, ma'am, when you went there, were you expecting her boyfriend to be at the house?

A She indicated she didn't know if he would be there, so I didn't know either whether or not he would be there.

Q But would it be unusual, in your experiences that women that you've had dealings with -- how long have you been in the Rape Crisis business? Nancy Griffin - Director

A A year and a half. ^{took me home after being raped when I was leaving Nobles! DHS}

Q And would you say that you've worked with a number of women?

A Yes, sir.

Q Would it be unusual then, for a woman that's been

Husband
John
was
dead!
DHS

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No, sir. Anyway, she met him in February, three months after her husband had already been dead.

And you tell me that she is not the most cold-blooded, the most vicious human being that you have ever run across? A woman that is so cold, who is so callous, who is so manipulative, who can go in their home and sit down and eat a hamburger and french fries and drink coffee while her husband or boyfriend is lying on the ground? That's the kind of human being that we're talking about and that we're discussing in this case.

*I was out of it!
Memory lapses,
Trauma, etc.
DHS*

~~So~~ if you want to have sympathy for somebody, have it for John Sarvis and have it for Leigh Nobles, because they've had the misfortune of having known this human being.

A VERY CONFUSED, OUT OF IT WOMAN! DHS

TRAMATIZED!!

Not on trial re: John - Charge was later dismissed after R. Wilson killed it! DHS

You know, just to show you the kind of person she is, she let Leigh Nobles -- and they say, oh, Leigh Nobles beat her up, he was such a bad fellow. Did you hear one person tell you Leigh Nobles was a bad fellow other than Ms. Sarvis? Who said he was a bad fellow? Name me one person that took this witness stand and raised their hand to God Almighty and said Leigh Nobles was a bad fellow. Nobody, except Deborah Sarvis. Not one, single, living, breathing soul.

SEVERAL! DHS

Show me one person -- just one, ladies and gentlemen, just one person who got on this witness stand

1 Q Now, who is she talking about there?

2 A Her ex-husband.

3 Q Her ex-husband -- not John Sarvis and not Leigh
4 Nobles?

5 A That's correct.

6 Q Ma'am, how long have you been with CASA? How
7 long have you worked there?

8 A Approximately three years.

9 Q And, ma'am, in your line of work, do people
10 always tell you the truth about what happens?

11 A Not always.

12 Q Sometimes they'll tell you things that aren't
13 really true, isn't that correct?

14 A That's possible, yes, sir.

15 Q And sometimes they have selfish reasons for doing
16 that, for one reason or another, right?

17 A .Yes, sir.

18 Q Nothing further. Thank you so much.

19 REDIRECT EXAMINATION BY MS. JOHN:

20 Q Ms. Steinbrecher, in your human experience with
21 other people, you can't expect them to be true all the
22 time, can you?

23 A That's true.

24 Q Not even yourself?

25 A That's true.

E-4

YES!
NEIGHBOR
BELLAMY
CASA REPORT!
DHS

1 and said, oh, yeah, I saw her, she came to my house and
2 she had a black eye, she had some bruises on her face, I
3 saw some bruises on her arm. Oh, yeah, he hit her cause I
4 saw some bruises. I wasn't there but I saw them on
5 there. Did you hear one person say that? Not one.

6 *July?* You know, what she did when she went to CASA?
7 You see, she started getting her story straight then,
8 ~~because~~ she knew she was gone kill him. No doubt in my
9 mind. *She knew she was gone kill him, but she needed to
10 have her defense when she did it. What she didn't expect,
11 she didn't expect Mr. Freeman. That was the only thing in
12 her plan that went wrong, and that's the only reason that
13 we're probably having a trial here today, because if Mr.
14 Freeman had not been there she would have covered him up
15 -- and if you remember, she said she had her bag packed?

16 Do you think she's going to CASA? She'd have come in here
17 with some story, I was out of town, I don't know what
18 happened, I came back home and found him in the yard.
19 * Just like poor old John Sarvis -- got found in the yard.
20 While she was where? Out of town. **

21 You think that it's coincidence, folks? She has
22 the audacity, the unmitigated gall to stand in this
23 courtroom and sit on that stand and raise her hand to God
24 Almighty and swear that he gave her this ring, when
25 Officer Knowles told you, in January, in January he told

*Widens
Abuse
front
face
DHS*

Evidence pg. 2 of 3

(12-26-18)^{dit}

Cafeteria, was finally given pass^{dit} from
medical for meals sent to me; also
missed many other groups, Bible studies, etc.

④ Medical re: evidence 4, 5

⑥ Lock^{up} papers, medical records re: es-
ophagus problems, choking, etc. Severe
punishments at L.I. (Leath).

⑦ Pertinent parts of affidavit from Dr. Rafi
in 2014^{dit} court documents, my chronic health
problems have continued to worsen leaving me
in debilitating pain mentally and physically.
taken from CA 8:148-CV-2664-BHH-SDA re: Rafi;
Patient receives care & treatment for numerous
medical problems, including degenerative changes

1 the State has failed to prove their case.

2 *Judge* Court: All right, I'd respectfully deny your
3 motion and I think there's sufficient evidence to go
4 forward, so we will go forward. Are you ready to proceed?

5 Ms. John: Your Honor, I would need to discuss
6 with the Defendant about taking the stand.

7 Court: All right, let me say something to her
8 right now. Ms. Sarvis, now you have the right to remain
9 silent or you may take the stand if you'd like to, or you
10 may have some other people to take the stand.

11 This would be the time now that you'd put up any
12 defense if you want to. You do not have to put up any.

13 *Base* You have no responsibility at all to prove your
14 innocence. The burden is always on the State. And if
15 you'd like to take the stand then, of course, you may do
16 so. If you do then you would subject yourself just as any
17 other witness would as far as cross-examination. And if
18 you have a record concerning moral turpitude then that
19 might be brought out. I don't know if you have or not,
20 but that might be brought out if there is one.

21 Now, if you choose not to take the stand then I
22 would instruct the jury, and I would order them not to
23 take that into consideration in any way as far as your
24 innocence or guilt, whether or not you take the stand.
25 And I would order them not to even discuss that in any way

cc: this side

cc: 4 writ?

E-5

(E-9)

1 deceased by the Defendant, but that it was done with
2 malice aforethought, and such proof must be beyond a
3 reasonable doubt.

4 Malice is defined in the law of homicide as a
5 term of art. That is a technical term, importing
6 wickedness and excluding just cause or excuse.

7 It is something which springs from wickedness,
8 from depravity, from a depraved spirit, from a heart
9 devoid of social duty and fatally bent on mischief.

10 The word, expressed or implied, does not mean
11 different kinds of malice, Madam Forelady, but merely the
12 manner in which the only kind known to the law may be
13 shown to exist. That is, either by direct evidence or by
14 inference, or indirect evidence.

15 Malice may be expressed, as where previous
16 threats or vengeance or lying in wait or other
17 circumstances shows directly that an intent to kill was
18 really entertained. Malice may also be implied as where,
19 though no expressed intent to kill is proven by direct
20 evidence, it is indirectly but necessarily inferred from
21 facts and circumstances which have been proven.

22 Malice may be implied from the willful,
23 deliberate and intentional doing of an unlawful act
24 without just cause or excuse.

25 In other words, in its general term, malice means

E-5

1 the doing of a wrongful act, intentionally, without
 2 justification or excuse. Of necessity, the law says that
 3 malice may be implied under certain circumstances, even in
 4 the absence of direct evidence as to what was in the
 5 Defendant's heart and mind. It is indirectly but
 6 necessarily inferred from the facts and circumstances that
 7 have been proven.

8 The law says that if one intentionally kills
 9 another with a deadly weapon or during the commission of a
 10 crime or of a felony, the implication of malice may
 11 arise. If facts are proven beyond a reasonable doubt,
 12 sufficient to raise an inference of malice to your
 13 satisfaction, this inference would be simply an
 14 evidentiary fact to be taken into consideration by you,
 15 that is the jury, along with all the other evidence in
 16 this case, and you may give such weight as you determine
 17 it should have. *Malice must be element of murder*

18 You must decide from all the evidence whether
 19 malice is to be inferred. And it will be observed, Madam
 20 Forelady, that there must be malice aforethought. And
 21 while the law does not require that malice shall exist for
 22 any particular length of time before the commission of the
 23 act, it must be aforethought. There must be a combination
 24 of the previous evil intent and the act producing the
 25 fatal result, for the State is not required to prove any

1 deceased by the Defendant, but that it was done with
 2 malice aforethought, and such proof must be beyond a
 3 reasonable doubt.

4 Malice is defined in the law of homicide as a
 5 term of art. That is a technical term, importing
 6 wickedness and excluding just cause or excuse.

7 It is something which springs from wickedness,
 8 from depravity, from a depraved spirit, from a heart
 9 devoid of social duty and fatally bent on mischief.

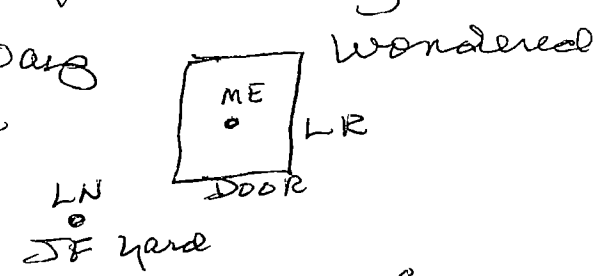
10 The word, expressed or implied, does not mean
 11 different kinds of malice, Madam Forelady, but merely the
 12 manner in which the only kind known to the law may be
 13 shown to exist. ~~That is, either by direct evidence or by~~
 14 inference, or indirect evidence.

15 Malice may be expressed, as where previous
 16 threats or vengeance or lying in wait or other
 17 circumstances shows directly that an intent to kill was
 18 really entertained. Malice may also be implied as where,
 19 though no expressed intent to kill is proven by direct
 20 evidence, it is indirectly but necessarily inferred from
 21 facts and circumstances which have been proven.

22 Malice may be implied from the willful,
 23 deliberate and intentional doing of an unlawful act
 24 without just cause or excuse.

25 In other words, in its general term, malice means

I later learned that he had drugged it, (E-6) we had lived together, then separated after my stay in August at a battered women's shelter (CASA) due to his violence (physical & emotional). Later that evening he & 3 of his friends came to my house, I asked them all to leave, they all did except Leigh Nobles, who attacked me physically, he went outside to talk to one of my hard sale customers, I picked up the gun that he had, thinking it was a starter pistol from one of my hard sale items, began shooting it in my living room, I always wondered why I started shooting it inside my house, now I know that I was trying to scare Leigh away, I continued to shoot, I had NO MALICE in my heart, only FEAR!



(4) Ara Parnell testified re: his years of experience at SLED with firearms to the similarities between these 2 pistols, the gun that Leigh had & the starter pistol, how one could be mistaken for the other. Leigh Nobles death was a tragic accident! (see: E 4)

1 much.

2 CROSS EXAMINATION BY MS. JOHN:

3 Q Mr. Clark, did you ever serve time in North
4 Carolina with Mr. Nobles? *friend of Nobles! DHS*

5 A No, ma'am. He served time in an area -- I hadn't
6 never been there but I was familiar about the place.

7 Q Okay, sir. And you were prescribed sinequan
8 while you were in prison?

9 A I wasn't prescribed, no. I'd buy it bootleg from
10 people that had prescribed it, you know. I didn't do this
11 every weekend. You know, to kill a weekend I'd do some
12 quans, and that would be the deal.

13 Q So you would buy it and, in effect, it made you
14 inebriated?

15 A Yeah, it takes the life out of you.

16 Q Okay. Now, how many of these sinequan -- do they
17 come in capsules? *I know I was out we'll*

18 A The ones I took come in capsules. *drugged me*

19 Q Well, how many of those would you need to take in
20 order to get the effects? *with! DHS*

21 A Well, I'd take 100 miligrams, most of the time
22 when I'd get it. About one would do it.

23 Q Put you away for a weekend, huh?

24 A Well, pretty near so. I mean, you could get up
25 and walk to the messhall or whathaveyou, and come back

1 but, you know, you was out.

2 Q Now, you were good friends with Leigh Nobles
3 before his death?

4 A Yeah.

5 Q And you were good friends with Debbie Sarvis
6 before his death?

7 A Not before. I had met her just a little bit but,
8 friends, you know what I'm talking about, the two times
9 that I was out there with them, yeah, friends.

10 Q All right, Mr. Clark, when you were out at J.
11 Reuben Long, you knew that Debbie Sarvis was out there?

12 A Oh, yes, ma'am.

13 Q And did she ever try to get you to come over
14 there to visit her or did you do that voluntarily?

15 A I went there, I was visiting a friend of mine
16 there, and it was Saturday, and one day I went up there
17 and a girl said Debbie would like to see me. And so I
18 started visiting her then.

19 Q Now, let me ask you this, when you got out of J.
20 Reuben Long, you had talked to Debbie about moving into
21 the house, didn't you?

22 A Right. You know, say a month or so, I was kind
23 of running from here to there, sleeping in the car, you
24 know, and the whole nine yards and she said, well, why
25 don't you go over there and rent the house. It's \$65 a

*

E-M

*Ara Parnell - SLED,
DHS*

1 A They sure don't. Weapons which are of similar
2 manufacture, for instance if there were ten high-standard
3 sentinals made at approximately the same time, they would
4 look approximately the same. Other brands, different
5 length barrels, there are a lot of variations.

6 Q Okay, sir. Take a look at that item and tell me,
7 does that look like a .22?

8 A Yes, ma'am, looking at it from the side you could
9 conclude that it possibly would be a .22. It's, however,
10 a starter pistol.

*Q RUCWZ * **

11 Q ~~I don't have any further questions.~~

12 REDIRECT EXAMINATION BY SOLICITOR WILSON:

13 Q Could this pistol that you just examined have
14 fired any of the rounds we just talked about?

15 A No, sir. They were all fired by State's Exhibit
16 #12 and no other weapon. That particular weapon there
17 will not fire a live cartridge. There's a block in the
18 barrel which prevents anything from coming out of it.

19 Q So this couldn't shoot anybody or kill anybody?

20 A No, sir.

*wasnt firing to just
scare him away! DHS*

21 Q No other questions.

22 Court: Anything else of Mr. Parnell?

23 Ms. Johns: Nothing else of Mr. Parnell. Thank
24 you.

25 Court: All right, Mr. Parnell, thank you so much

Law

The S.C. Supreme Court has long defined "malice" as the intentional doing of a wrongful act without legal justification or excuse. (See: State v. Foster 166 S.C. 469, 476, 45 S.E. 1, 4 (1903).

The Solicitor did not prove malice! (see: SC Code Ann 16-3-10 ^{MURDER DHS} ↓), the killing of any person with malice aforethought either express or implied. He placed the burden of proof on me violating due process which required placing the burden of proof beyond reasonable doubt on prosecutor, (USCA Const. Amend 5, 14). The error which occurred was not harmless, there was sufficient evidence in my assertions that I did not murder Lizzy Nobles. (see: Smart v Leeke 856 F.2d 609) In S.C., the killing, even if in-tentional, in it of itself does not constitute a crime, especially the crime of murder. In order to make out a crime, it is necessary to demonstrate the combined effect of killing with malice (para. 10). (See: Reed ^{DHS} U.S. v. Reed 10. F.4th 314, 2021, WL 3746805 (56) a Prosecutor's improper closing arguments might so infect a trial with unfairness as to make the resulting conviction a denial of due process, U.S. Const. Amend. 5. (also 57) So

show plain error, a defendant must demonstrate
(1) there is an error (2) the error is clear &
obvious (3) affected the outcome of the Court
proceeding (4) seriously affects the fairness,
integrity or public reputation of judicial. FRCP
52(b)

See: PCR Remedies 25:9 re: actual innocence
exception, recent information ⁽²⁰²¹⁾, I included in
my last response to A.G. Ray, no response!
I have filed several PCR's, most of the
grounds have been ignored, the Court calls this
successive, I call it due diligence, I am an
ignorant layman of the law & can only file
once I learn how to express proof by law of
the numerous Constitutional violations at my
trial, showing my diligence in my attempts to
get relief from my wrongful conviction, only
in PCR # 3 did I come close, re: Cotter v State,
I finally obtained an evidentiary hearing where
I presented many proofs that my attorney gave
me re: the life sentence requirement before parole
eligibility, (20 years), however, when she took the
stand, she lied, informed the Court that she
had informed me that there was a "2 strikes
law on the books", who do you think the Judge
believed?

Pg. 9 of 11

Reads in pertinent part . . .
In *Sawyer v. Whitley* 112 S.Ct. 2514, the Supreme Court held that: (1) in order to demonstrate actual innocence to permit Court to consider merits of abusive claims that fail cause & prejudice requirement, as well as successive claims, petitioner must show by clear & convincing evidence that but for Constitutional Error, no reasonable juror would have found petitioner eligible under appealable state law; (4) "miscarriage of justice" exception which permits Court to hear habeas petitioners successive, abusive or defaulted claim if failure to hear claim would result in "miscarriage of justice" applies where petitioner is actually innocent of the crime of which he was convicted. Why would this not apply to State Courts as well? DHS

Black's defines: actual innocence as a criminal defendant's statement or legal position that as a matter of fact she has no culpability in the matter charged. Culpability - Moral blame worthiness, the quality of being culpable. The mental state that must be proved for a defendant to be held liable for a crime. Criminal Culpability under the Model Penal Code requires proof that the defendant acted purposely, knowingly, recklessly, or negligently as the law may require to each material element of the offense. Model Penal Code 2.02. Mens Rea - the state of mind

that the Prosecutor, ^{DHS} ~~was~~ to secure a conviction, must prove that a defendant had been committing a crime. The Solicitor proved none of the necessary elements required! He began ^{DHS} my prosecution with false innuendos ^{accusations} that he ended with what a horrible person I was, (his opinions but no proofs!) He placed the burden of proof on me, (see: Cup v Naughton 476 F.2d 845, 844, ⁱⁿ which the Court stated: "This is so repugnant to the American concept it is offensive to any fair notion of due process of law.")

The trial judge erred in not severing the indictments, I should have been granted the entitlement of putting the state to the test of proving each case individually, that right was prohibited for me. (see: Richardson v. S.C. 2010 W.L. 1346420.) As a matter of fact, I did get the indictment for the murder of John Sarris dismissed later!! (E-8)

Conclusion

The preceding grounds were new, my attorney died under oath (see: E-9) when she swore that "she opened the door to indictment # 1 (I believed her until recently), she knew that Solicitor Wilson opened the door, clearly on in my trial, and she was the Judge stepped him! I pray that you can

E-8

STATE OF SOUTH CAROLINA)
COUNTY OF _____)

IN THE COURT OF COMMON PLEAS

Petitioner,)
-v-)
State of South Carolina,)
Respondent,)

MOTION WITH PETITION FOR A
"FAST AND SPEEDY TRIAL"

Please be advised that Petitioner does hereby MOTION and PETITION upon this Court for a "Fast and Speedy Trial" and disposition of any and all untried indictments, information and complaints on the basis of which Detainers/Warrants, Holds, Notices which may have been lodged against myself. This request is made in order that Petitioner will not have to defend a stale prosecution in the future, and is made pursuant to the 6th Amendment of the United States Constitution, Article I, Section 14 of the South Carolina Constitution and the Interstate Agreement on Detainers Section 17-11-10 Article III of the Code of Laws of South Carolina (1976).

s/ Deborah Hubbard - Jarvis

SWORN TO BEFORE ME

This 7 day of July, 1994
Michelle H. Eagle
NOTARY PUBLIC FOR SOUTH CAROLINA

upon entering SCDC I began using law library - I learned that I could file this re: Court ~~the~~ murder charge pending - I did.

My Commission Expires: 12-5-94

DH-9-12-13

CERTIFICATE OF SERVICE

The Petitioner hereby certifies that he/she served a copy of his/her MOTION WITH PETITION FOR A FAST AND SPEEDY TRIAL, by mailing a copy of same, postage pre-paid and addressed as follows:

Clerk of Court:

Solicitor:

S.C.D.C. Headquarters
Records Department
4444 Broad River Road
Columbia, South Carolina
29210

(6)
5/17



PUBLIC DEFENDER OF HORRY COUNTY

E-8

Thursday, April 18, 1996

Deborah Sarvis
Women's Correctional Institute
Columbia SC 29210

RE: State v. Deborah Sarvis
Our File No: 91-09-2726

CHARGE: MURDER / WARRANT #D177618

Dear Deborah Sarvis :

Please be advised that the above charge(s) against you have been either:

_____ REMANDED TO THE MAGISTRATE'S COURT. THIS OFFICE DOES NOT REPRESENT CLIENTS IN LOWER COURTS.

X _____ DISMISSED BY THE SOLICITOR, WHICH MEANS THE CHARGE(S) AGAINST YOU IS/ARE ENDED. (The above case has been Nolle Prossed with leave to Restore.)

_____ DISMISSED AT THE PRELIMINARY HEARING, WHICH MEANS THAT THE CHARGE(S) AGAINST YOU IS/ARE ENDED.

_____ PLACED ON THE CONTINGENCY DOCKET, WHICH MEANS THAT THE SOLICITOR CAN CALL THE CHARGE(S) IN THE FUTURE.

If your case has been remanded to Magistrate's Court, you will receive a notice from the Magistrate's Court notifying you of your court date. You can either plea guilty or request a jury trial. Since this office does not represent clients in lower court, you may represent yourself, or retain an attorney. AS OF THIS DATE YOUR FILE IS CLOSED IN THIS OFFICE IF YOU HAVE NO OTHER PENDING CHARGES REMAINING, IF YOU HAVE OTHER CHARGES YOUR FILE REMAINS OPEN.

Sincerely,

Barbara Pratt

Barbara K. Pratt
PUBLIC DEFENDER

(6)

7/7/96

Mr. Public Defender! DHS E-9

1 corroborate the fact that Leigh Nobles had the potential
2 to kill, so it was a judgment call, and whether or
3 not she specifically had asked me not to go into it,
4 she may have. Whether I had specifically said, you
5 know, "Yes, we're going to go into it," you know, I --
6 I don't recall doing that. I -- I do recall struggling
7 with it with Debbie.

8 Q. Did you understand -- I'm sorry. I didn't
9 mean to cut you off.

10 A. No, I -- no, you didn't cut me off. Go ahead.

11 Q. Okay. I've got a bad habit of that. I'm
12 sorry.

13 A. I was rambling.

14 Q. You understand, or did you understand, the
15 ramifications of proceeding that way?

16 A. I understood that if -- I understood that if
17 the death of John Sarvis was to be touched upon, that
18 the door would be open for the solicitor to go into
19 that.

20 Q. And he drove a truck right through that,
21 didn't he? *TJ DHS after Solicitor opened door!*

22 A. He did. I don't know that it hurt the case
23 any more than it would have if he had not though.

24 Q. Why do you say that, ma'am?

25 A. Because it's my opinion that even without



*Social RWT - which was why he
opened door w/out any objection from T.J.*
She is a liar!
She knows the
decision the
jury! She is a
friend of Ralph
Williams, it will
always believe their
planned this
instructions of
DHS*

*Any idiot law
student would have
objected to his malicious
prosecution! Why didn't she?
DHS*

FORM 2011 PERIOD - 1 800 871 4039

1 that evidence, that we had an eye witness, we had a ^{JF Confused, hearing &}
 2 Leigh Nobles that was in Debbie's yard, and it's ^{seeing}
 3 clear in my mind that he abused her without a doubt, ^{problems,}
 4 but there were nine bullets in him, and I believe that
 5 the jury believed that he had beaten her for months,

6 but---
 7 Q. ^{FEAR} You don't think they were able to understand
 8 the battered woman syndrome?

9 A. I think they understood that Debbie was
 10 battered, but I don't think that they thought that at
 11 the time that he was killed that maybe that might not
 12 have amounted to self-defense. I think they had a
 13 problem with self-defense: moreso than the battered woman
 14 syndrome. ^{Sanis thive FEAR -}

15 Q. This witness that -- was that Freeman? ^{Had to believe IMMINENT DANGER, if Leigh}

16 A. Yes, it was. ^{Accidentally Nobles had not been killed on 9-11-91, he would have beaten me to death,}

17 Q. Okay. You heard the testimony earlier. Did ^{as drunk as he was - that's when he was}
 18 you pursue any of those angles or information that your
 19 client had provided you regarding Freeman's drug ^{MOST VIOLENT! DHS}
 20 problems?

21 A. We may or may not have. I -- I don't know.
 22 I know that Freeman had made a statement to the police
 23 department within hours of the incident occurring.
 24 I know that when he testified, for the most part, his
 25 testimony was consistent with his statement. I also

FD-302 (Rev. 1-25-60)

E-9

1 long. We -- we -- we went into everything that we could.
 2 possibly go into with regard to the abuse, and the only
 3 thing that we had not touched on was her theory that
 4 Leigh was -- was either the killer of her husband or had
 5 something to do with it, and I was apprehensive about
 6 it. I think you can tell by the transcript it was one
 7 of the last things that I touched upon, and I think that
 8 there was an inference made there, and the solicitor
 9 took the matter up outside of the presence of the jury,
 10 and, you know, the judge had basically said, you know, I
 11 had opened the door, and I had realized that, and -- and
 12 we had to take it from there. *LIBR!*

13 Q. So you did have an opportunity to discuss with
 14 Ms. Sarvis that you might possibly bring it up if you
 15 thought it was helpful?

16 A. Yes.

17 Q. And she appeared to understand that when you
 18 were telling her that?

19 A. Well, let me -- let me think about this now.
 20 If -- if we discussed it and whether or not we thought
 21 it would be helpful. I don't think we discussed whether
 22 or not it would be helpful, Mr. Bullard. I don't -- I
 23 really don't think we discussed that.

24 Q. Did you discuss the fact that it might be
 25 brought out?

I refused to do it!!
 DHS

*one of the
 1/2 things
 Solicitor
 touched
 on!
 DHS*

** just
 this
 *
 Why did
 she take
 the blame
 for Solicitor
 Wilson?
 DHS*

Mr attorney DHS

THERESA JOHNS

CROSS BY MR. BULLARD

E-9

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and beat her and things of that nature?

A. Yes, sir.

Q. And that was adequately, as far as you're concerned, brought out at trial?

A. Yes, I think that was adequately brought out at trial.

Q. Okay, and, again, I believe you said earlier that you don't -- in your opinion you were sure the jury believed that she had been beaten---

A. Yes.

Q. ---and abused by Mr. Nobles?

A. Yes, absolutely I do. I do, and I think everybody in the courtroom believed that as well, not just the jury.

Q. Now, as to the solicitor's closing, when he mentioned something about the murder of Ms. Sarvis' husband, did you feel you needed to object to that?

A. I could have, but I felt certain that it would have been overruled because the solicitor or any attorney is allowed to argue inferences based on testimony and other evidence at trial. I don't think the fact that he mentioned something about Debbie killing Leigh just like she did Poor Old John, the jury had already been instructed that the solicitor's argument and my argument was not testimony, so it --

*Jury could not ignore this. It can not bring a bell!
DHS
LIAR!*

*No testimony or evidence that I killed John Sarvis!
DHS*

Pg. 11 of 11

ascertain that the determination by the lower Court was improper, that I have proven that I am actually innocent of MURDER! (See: PCR Remedios 25:9/2021)

In the Court's Final Order of Dismissal, the last 4 lines on page 1 were not the grounds that I used in my PCR Motion for ^{new evidence}, I said nothing re: the justification defense of me or Rome! Nor re: Judges' charge re: actual innocence, in my motion to the Court, I said that I was not guilty of MURDER due to NO MALICE as I thought that I was shooting a starter pistol (E-10) which the law says makes me actually innocent of any crime re: my state of mind on 9-7-'91, as the trial transcripts prove! Solicitor's comments/opinions & his brainwashing of the jury are not my truths! (E-10)

Respectfully Submitted,

Delmar Hubbard - Sarvis

April 25, 2022

cc:
files

1 I'm standing between the bathtub area, which he was
2 talking about the refrigerator was, and I'm standing there
3 and he got me in there and he's still saying that he wants
4 some Goddamn money. And I told him, Leigh, I don't have
5 any money, and he grabbed me and he said, you'd better get
6 on the Goddamn stick about that insurance money or you're
7 gonna have a pair of fucking scissors stuck up your nose
8 like John. And he knocked me into the floor.

9 And when he did that, my nose started bleeding
10 and I just kind of put my arm over my head, like this, and
11 I was laying in the floor. He went out the back door and
12 came back in almost immediately. When he came back in he
13 had a gun in his hand. Well, I thought it was that
14 starter pistol and I remember thinking, how in the hell is
15 he gone kill me with that starter pistol?

16 *Startle* About the time that he was coming in the back
17 *Door* door, somebody was knocking on the front door. And I saw
18 him put that start -- the gun -- over there around where
19 the bags were. He went on to the front door and I went up
20 and picked up the gun and that's the last thing I remember
21 until I was sitting on my front door step with my bra and
22 shorts on.

23 Q Do you remember the names, Barbara and Russell?

24 A Yes.

25 Q How does that trigger your memory?

E-10

1 happened without calling his name or going into his
2 situation.

3 Q. Okay. You've alleged in your application that
4 your lawyer failed to object on the self-defense charge.
5 Can you tell me what you mean by that?

6 A. Are you talking about No. 4?

7 Q. Yes, ma'am.

8 A. I would -- I would need my transcripts. I
9 had, when I was doing this PCR, I've spent the last four
10 years just trying to block all this out, and I would
11 need my transcripts on page 678. When I prepared this,
12 this was on the advice of Mr. Stacey from the Appellate
13 Defense, and the Court referred to some indication of
14 self-defense and possible self-defense. This was
15 subject to objection as a comment on the weight of the
16 evidence. The Court's charge that the evidence must
17 show that the defendant's belief that she was in
18 imminent danger, not that she was in such danger. The
19 battered woman syndrome, even though I was in very much
20 danger that day as -- because Leigh had brought a weapon
21 to my house, * I ^{DHS} was very afraid of him because he had
22 tried to kill me about two months prior to this, and I
23 had to stay at the CASA home for abused women in Myrtle
24 Beach. I think there was some question in Mr. Stacey's
25 mind about how this---

STILL
TRAUMATIZED
FROM
WILSON
PUTTING
THE GUN
ON ME
& PULLING
TRIGGER
NO OBJECTION

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Q Now, after you killed him, after you killed him, ma'am. After you killed him, didn't you set out on your mission to prepare your defense? Didn't you?

* A (No Response.)

Q First, you took the bullets from this gun, didn't you? You took all of them from this gun and you put them in this particular vase right here. You remember doing that, don't you?

A No, I do not.

Q You don't remember doing that? Taking the nine bullets from this gun, the empty shells, and pouring them in here and then covering it up on the outside? You don't remember doing that?

A No, I don't.

Q And do you remember then, ma'am, taking the wallet that he had dropped in the yard. Do you remember picking that up and taking it inside the house and putting it in your purse? Do you remember that?

A When I was sitting on my steps in my bra and shorts, I saw Leigh's wallet laying right between my steps and the banana tree and I picked it up to see if that was the i.d. that I thought it was, and it was, and I found that social security card in there, too.

I went inside and I started packing a bag. For some reason I thought I was going to CASA. I thought the

1 The bedroom area was the same way. It was not -- there
2 were not things thrown around or strewed from one end to
3 the other. It had some organization to it. However, it
4 is not what I would consider neat and clean, but it did
5 have organization.

6 Q Did you find any items that were overturned or
7 broken or anything like that?

8 A We went through the entire house and I don't
9 recall any items being overturned or broken.

10 Q In regards to Ms. Sarvis, as I understand you
11 took some photographs of her at the jail on the evening of
12 the 7th, you said around 9:00?

13 A Yes, sir.

14 Q All right, sir. Would you review those
15 photographs for me, please. During the time that you were
16 with her -- and you said you were with her for how long?

17 A About an hour and a half.

18 Q Did you see any marks or bruises on her?

19 A Yes, sir, I did.

20 Q All right, where was that?

21 A * I saw a bruise on her right, inside of her upper
22 arm and a small -- it wasn't a bruise -- it looked like a
23 scratch, a small scratch on the left side of her neck,
24 just below the jaw line. *More bruise showed up next day.*

25 Q And those bruises would be reflected in that *DHS*

1 A Not in my presence, no, sir.

2 Q Then I won't ask any questions about it.

3 Court: Do not. Nothing about it. Anything else?

4 Q No, sir.

5 Court: All right, let's take 15 minutes.

6 Court'll be in recess for 15 minutes.

7 (WHEREUPON A BREAK WAS TAKEN BY THE COURT.)

8 Court: Are we ready to go forward?

9 Solicitor Wilson: Yes, sir.

10 Court: Invite the jury to come in.

11 (WHEREUPON THE FOLLOWING TAKES PLACE IN THE
12 PRESENCE OF THE JURY.)

13 Court: Yes, sir, Mr. Solicitor, you may continue.

14 Q Officer Knowles, when you were at the house on
15 that particular evening, would you just generally describe
16 to us, if you would, whether the house was disturbed in
17 any way or whether things appeared to be normal to you.
18 Just explain that to us, what you found in that regard.

19 A Upon my arrival the house was secured until we
20 could secure the search warrant. We came back and a team
21 of officers, myself and I believe two or three others were
22 assigned the task of searching the interior of the house.
23 The living room area was, and I guess the way to put this,
24 was -- it was a lot of stuff but it had an organization to
25 it. It was a lot of stuff inside the living room area.

1 At that point, like I said this was about 1:30 in
 2 the afternoon, I did drink a couple of beers with Mr.
 3 Freeman and he left and took the beer with him. He may
 4 have left one. I don't know how many he left. But after
 5 he left I took another Unisom, a couple of more Unisoms
 6 and I laid down on the couch and I was trying to get some
 7 rest.

8 Probably around 3:00 I heard a car out there, or
 9 I heard the doors slamming and I thought it was a car and
 10 I figured it was another yard sale, some of those people.
 11 So I went out there and Leigh and Nub and Tammy and this
 12 other guy were getting out of that truck and Leigh was
 13 coming in and he had like a half-gallon of Vodka. And I
 14 could immediately see that Leigh was messed up. (He was
 15 * more messed up than I had ever seen him before. * He went
 16 into the kitchen, and I think the other guy went in there
 17 with him, and I asked them all to leave, including Leigh.
 18 And all of them left except Leigh, and he refused to leave.

19 After they left, when he came back into the
 20 living room he was mad, because I had said something to
 21 them and they had left with the liquor. And, like I said,
 22 the day before I had had a yard sale and I'd made like
 23 \$145. Well, after he left I had it in my shirt pocket and
 24 I found out that he had stolen \$100.

25 After Nub and them left and he came into the

*Why would I have asked Leigh to
 leave if I had been planning to
 kill him as the Specter had said or*

pg — ?

Pg. 11 (b)

Re Case # 2019 CP 2600989

Why This Court Should Not Prohibit Me
From Future Filings . . .

Due to the updating of laws such as PCR
Remedies 25:9 vs: Actual Innocence Exception (2021)
and the U.S. Supreme Court updates I would
hope to have the opportunity to continue to pursue
Justice due to the fact that I am not guilty of
Murder and have been unlawfully incarcerated
for 32 years.

I have learned much about the S.C. &
Constitutional laws but continue to be an
ignorant layman of the laws & will continue
to educate myself with the few tools available
to me vs: the mockery of Justice that I was
forced to endure in March, 1992 by Judge Floyd,
Solicitor Ralph Wilson & my attorney Theresa Jones, who
were all in collusion vs: the vindictive, malicious
prosecution that they forced me to participate in, for
reasons known only to the 5 of us!

cc:
files

Respectfully Submitted,
Damon Michael Sarris
April 25, 2022