

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

May 3, 2013

Mr. Nathaniel Glenn, Jr., #303567
Broad River Road Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: The State v. Nathaniel Glenn, Jr.
Appellate Case No. 2013-000919
Lower Court Case No. 2002-GS-23-06529

Dear Mr. Glenn:

Your notice of appeal in the above matter has been transferred to the South Carolina Court of Appeals. Therefore, any correspondence that you send relating to this appeal should be addressed to the Court of Appeals at Post Office Box 11629, Columbia, SC 29211.

As to the document that you sent to this Court dated April 29, 2013, which is related to the above appeal, neither this Court nor the Court of Appeals can consider *ex parte* communications about this matter. Instead, any document that you file relating to the above appeal must be accompanied by a proof of service showing that a copy has been served the Office of the Attorney General. Therefore, no action will be taken on your document dated April 29th.

To the extent this document may have been an attempt to file an ethical complaint against a lawyer, please be advised that such complaints should be filed directly with the Commission of Lawyer Conduct. I have enclosed information about filing

RECEIVED
MAY 06 2013

SC Court of Appeals

The Honorable Daniel E. Shearouse
Clerk, State Supreme Court
of South Carolina
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED

MAY 03 2013

S.C. SUPREME COURT

Re: Complaint Against Attorney Joyce K. Monts, Solicitor
Case No. 2002-GS-23-6529

RECEIVED

MAY 06 2013

SC Court of Appeals

Your Honorable Daniel E. Shearouse:

I would like to make a complaint
against Assistant Solicitor, Joyce K. Monts of Greenville County Courthouse
for the following acts that she committed against my defense during my
jury trial July 13, 2004.

- (1) Engaging in conduct that is prejudicial to the administration of justice by allowing the detective to testify falsely and the confidential informant to testify falsely under Oath about the informants arrest record.
- (2) Engaging in or assisting conduct known to be fraud by leading the witness of his statement for the arrest for cocaine, upon court record she stated, "And were you arrested back in 2002 by the City Police Department on a distribution of cocaine charge?" repeated "And in 2002 did Melissa Lawson, did she approach you after your arrest for distribution of cocaine and asked if you wanted to work?" transcript page (47)
- (3) Seeking to influence a judge by means prohibited by law by confirming the detectives and informants false testimony during closing arguments transcript page (74) and allowing tainted evidence of the audio and video surveillance to be joined together, transcript page 35-37 and (exhibits of Greenville County Property and Evidence Sheets).

- (4) Knowingly making false statements of material facts to a judge and jurors by allowing the detective to testify that once they make an arrest of a person selling cocaine they get that person to work so that they could arrest the higher up dealer of that drug transcript pages (25-26) "the confidential informant was arrested for methamphetamines and after drug lab report a month later, he had "No" control substance at all" (exhibits attached).
- (5) Engaging in conduct involving dishonesty, fraud and deceit by allowing the detective to testify that while the informant was on the video footage of August 2, 2002, he had pending criminal charges, transcript pages (44 and 74) as the ~~the~~ Solicitor confirmed that statement during her closing argument. (see exhibits attached) and page (54).
- (6) Eyewitness who was with the confidential informant the night of his arrest. (exhibit attached).

And due to the result of all the above, I received an unfair trial that has prejudiced my defense as they violated South Carolina Code Ann (16-9-10)(A)(1) and (16-9-30), by knowingly and willfully misleading the Judge and jurors under Oath as though I was the higher up dealer of his/the informants arrest, to conclude a guilty verdict.

I declare under penalty of perjury that all the above statements including exhibits are true and correct.

Date: April 29, 2013

S. Nathaniel Glenn, Jr.
Nathaniel Glenn, Jr., #303567
Broad River C. I.
4460 Broadriver Rd.
Columbia, S.C. 29210

RECEIVED

MAY 06 2013

SC Court of Appeals

A Yes, I was.

Q Who were you working with on that day?

A I was working with Detective Carias.

Q What was your assignment that day?

A We were going to make a buy, a controlled buy of -- control purchase of cocaine from Mr. Nathaniel Glenn.

Q Explain to the jury how that works. Is that something you commonly did?

A Yes, ma'am, it is. Just to give a little background, in the unit that I work in, the Vice and Narcotics Unit, we have a street crimes unit which is called the crime reduction unit and we long term investigators. Crime reduction unit is the guys who go out to arrest the guy on the street corner selling drugs or if a citizen calls 911 and complains about drugs in their neighborhood, the crime reduction unit takes care of those problems. They do the street level -- deal with the street level dealers. In long term investigations which is what I was assigned to, we go out, we develop informants. And informants are normally developed by arresting people who decide to cooperate with the police. We confirm who they're supplying, which is the next level of the forces between your mid-level suppliers. We determine who they're buying off of, who they buy their drugs off of, then we go out and we attempt to make purchases of those drugs from these individuals to be able to work our way up the

line.

Q And did you have any contact with Chadwick Teasley?

A Yes, ma'am, we did.

Q How did you come across Mr. Teasley?

A Mr. Teasley was arrested for a narcotics charge earlier that year of 2002.

Q Did you ask him if he wanted to cooperate with you?

A Yes, ma'am. It's an everyday practice that we ask everybody that we come in contact with if they're willing to cooperate with the police. And the reason we do this is simply to get the higher person above them. In this particular case Mr. Teasley decided to make the decision to cooperate with the police.

Q Did you ever serve any warrants on Mr. Teasley?

A No, we did not.

Q And where did you go on August 2nd, of 2002?

A We went to the Crown Plaza located 850 Congaree Road.

Q Is that in Greenville County?

A It is.

Q Who was with you?

A It was myself and Detective Carias.

Q And please describe what were you doing about 3:30 that afternoon.

A Earlier in the day we had set up a time with Mr. Teasley where we would meet him there at the Crown Plaza which is

did request a drug analysis to be done of the substance.

Q Going back to the video, describe what machinery you used to record the video of the incident?

A The video itself is just simply a video camera like I'm sure one of you guys have, it's just is 8 mm camera. That we -- we're not that high-tech, we simply put it on our shoulder and we zoom in. And we video it. But we also have an audio intelligence device which is what we can listen to the buy with. And it's just a small transmitter box and we record it like on a floppy disk. And it connects -- it transmits to the wire that the informants are wearing.

Q And is that same sound recorded on the video?

A Yes, ma'am.

Q And did you make a VCR video tape for court?

A Yes, I did. I originally had used a 8 mm video tape because that's we use in the video camera. And because of the court having no way to replay it, I simply made a copy and put it on VHS tape for VCR.

Q And did you bring that?

A I did.

(WHEREUPON, State's Exhibit 3 was marked for identification.)

BY MS. MONTS:

Q Detective, I'm handing what's been marked at State's Exhibit 3, can you please identify this?

No objection

A Yes, this is a copy of the video.

MS. MONTS: Your Honor, I move this into evidence.

State's Exhibit 3.

MR. GOLDSMITH: No objection.

THE COURT: Without objection.

(WHEREUPON, State's Exhibit No. 3 was admitted
into evidence.)

BY MS. MONTS:

Q Were the defendant's windows tinted on that Lexus?

A Yes, ma'am, they were.

Q Could you see who was inside?

A When he pulled up you could not see who was inside, the windows were up, they were tinted. When he left his driver-side window was down and I could see directly into the driver-side of the vehicle.

Q On the video it's a very short clip of that, how could you see who it was?

A Detective Carias was doing the video while I was sitting right beside him. So I was actually able to focus on the car why Detective Carias videoed the buy.

Q And is this person who was in the vehicle, driving Nathaniel Glenn's car on that day in the courtroom?

A Yes, ma'am, he is.

Q Where is he?

A Mr. Glenn.

No objection

MS. MONTS: Your Honor, I'd like to publish the tape for the jury at this time.

THE COURT: All right.

(WHEREUPON, State's Exhibit 1, a cassette tape was played.)

BY MS. MONTS:

* Q, Detective, this is State's Exhibit 1, the audio tape, please tell the jury what this is of.

A This is the initial phone call where the informant called Mr. Glenn on the telephone. What you will hear is the voice mail initially picked up as Mr. Teasley was leaving the voice mail, Mr. Glenn beeped in on the call waiting. So he clicked over so you hear the conversation between Mr. Glenn and Mr. Teasley.

Q Once the conversation is over is there more talking?

A There is more talking. We use the actual -- we didn't use a handheld tape recorder and ear piece to record the phone call, simply because we forgot it. So what we did is we recorded off the audio listening device and once we turn it on we don't turn it back off. So you do hear some talking after the phone call. But it's just simply myself and Detective Carias giving Mr. Teasley instructions and wiring him up and stuff like that.

(WHEREUPON, the cassette tape was played.)

A He was simply saying the phone number out loud --

A Yes, he did.

Q He's not just a good citizen wanting to come forward and help out the police and get rid of drugs around the Crown Point Hotel, right?

A I'm not saying he's not a good citizen, he does have a criminal history.

Q Has the criminal history. Has been convicted of criminal enterprises in the past?

A Yes.

* Q And he has pending charges now or had pending charges back in August of 2002?

* A Yes, he did back then.

* Q At the time that he's out here on this video tape he had pending criminal charges?

* A Yes, he did.

Q And what were those charges for?

* A Distribution of cocaine.

Q Distribution of cocaine. And what is the status of those charges today?

* A It was a charge and that charge was dismissed due to the work that Mr. Teasley did.

Q So because of the work that he did these charges were dismissed?

A The charge was dismissed.

Q The charge was dismissed. And he understood that that's

DIRECT EXAMINATION

BY MS. MONTS:

Q Mr. Teasley, do you live in Greenville County?

A Yes.

Q I'm Joyce Monts, have you met with me prior to today?

A Yes, I have.

Q On one occasion?

A Uh-huh.

Q Did we discuss what was going to happen today in court?

A Yes.

* Q And were you arrested back in 2002 by the City Police Department on a distribution of cocaine charge?

A Yes, I was.

Q And did you have already at that time, did you have one conviction for possession of cocaine in 2001?

A Yes.

Q So you had one conviction for drugs?

A Uh-huh.

Q And in 2002 did Melissa Lawson, did she approach you after your arrest for distribution of cocaine and asked if you wanted to work?

A Yes, she did.

Q And what did you say to that?

A I agreed.

Q And why did you agree to work for the police department?

Q And I understand that the distribution charge on you from prior to this incident was never pursued or dismissed?

A Correct.

Q Has anything been said to you about any charges being put against you if you did not testify today?

A No.

Q And is Nat Glenn in the courtroom today?

A Yes, he is.

Q Where is he?

A He's over there.

Q And I understand this is difficult for you today?

A Yes.

Q And why are you testifying today?

A I'm testifying today so that I can try to get a little freedom back that I've lost. And I just want to do what's right by my son. He's my first and I just don't want him to grow up without me. That's all.

Q Do you have lawful employment at this time?

A Yes, I do.

Q How long have you had lawful employment?

A Four years now.

MS. MONTS: Thank you, please answer my questions of Mr. Goldsmith.

///

///

and that would have been your second charge?

A But I've only done time for one.

Q I understand because the second one was dismissed, wasn't it? The distribution was dismissed by these folks over here?

A No.

Q It was not dismissed?

A Distribution?

Q Yes, distribution of cocaine, was that dismissed?

A When I went in the first time I went to jail. That was for a year.

Q I understand that?

A That was 2002. Because it is 2004 now. So I've been in jail a year. And when I got out -- I mean, the charges I had before, they've been already taken care of.

Q Taken care of by your work for the police and your testimony today, is that correct? Is that your understanding?

A To my knowledge?

Q Yes, sir.

A You said 2001? My charges in 2001, I wasn't even -- I wasn't working with them in 2001.

Q How about 2002?

A 2002, yeah.

Q Do you remember then? Do you remember 2002?

A Yes.

seat. And the video camera is obstructed, I think, by the window sealer, you know, you can see it on the video. So you only see the actual driver-side window of Nat Glenn's car for a split second. But Detective Lawson is in the front seat of their vehicle, she is looking clear vision through her window. She doesn't have the handicaps that the video camera had. She testified that she saw him in that vehicle.

Now, you can believe all of what she said, part of what she said or none of what she said. Going on to Mr. Teasley, what did he tell you? And I think the Judge will tell you that you can consider his demeanor on the stand. He looked very -- to me and please use your own interpretation, this is me up here, I'm obviously for the prosecution, this is my interpretation. But I believe he was up here because he wanted to do what he needed to do. He made this case, he is on -- Mr. Teasley is on the video going to Nat Glenn's car, purchasing the cocaine for the police. He can't deny that he did that, it's on the tape. There's an audio tape setting up the deal. It's a half an ounce, \$450 worth of powder cocaine. He had a prior possession of cocaine and he had another charge but the officers never served the warrants on I think that's where the confusion came up about whether the charge was dismissed, the warrants were just never served on him. But he knows he could possibly been pursued, a conviction on that charge. So he decided to work.

**Greenville County Department of Community Services
Criminal Justice Support - Property Report**

- 1 - Greenville SO
- 2 - Greenville PD
- DCS - Detention
- Other _____



1. Status - Check one only:
 GS Evidence MM Evidence Found Recovered Safekeeping Other

2. Case No. 2-02-60712

3. Date and Time Impounded 07-16-02/1846

It is mandatory to submit a laboratory analysis request form for all articles requiring laboratory or forensic processing.

P & E use only AC

4. Case Type Abolition of Title

5. Found or Recovered From Location Suspect Complainant Victim
 Person reporting AKA Other _____

6. Where property was impounded (Give exact location - address)
426 N. MAIN ST

7. Owner's Name _____

8. Owner's Address _____

9. Owner's Phone # _____

10. Item #	11. Quantity	12. Description (include make, model and serial numbers)	13. NCIC Hit	
			Yes	No
B	1	Sony m/widisc		
C	1	TDK 8mm tape		

Drug weight/grams _____ Officer's initials _____

P & E Use only Gross weight _____ Evidence clerk's initials _____

14. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

15. Impounding Officer (print full name) B. Carias

16. Star No. 0799 17. Unit No. 83

Signature _____

18. Signature [Signature]

19. Investigating Officer Same

20. Received by: (print name)	21. Signature	22. Reason	23. Date and Time Received
B. Carias	[Signature]	Drop Box	07-16-02/
Jessica Jordan	Jessica Jordan	P/E Storage	7-17-02 0747
MA Lawson	MA Lawson	Investigation	09-17-02 / 1449
R Pruitt	R Pruitt	PE Storage	9/17/02 1600
MA Lawson	MA Lawson	Court	2/12/04 0900
KBennick	KBennick	Storage PE	2/19/04 0845
MA Lawson	MA Lawson	Court	7/13/04 0753
R Pruitt	R Pruitt	PE Storage	7/13/04 1428
G. Bell	[Signature]	Destroyed	11-7-06 0950

AUTHORIZATION FOR DISPOSITION

TYPE OF DISPOSITION:
 Cleared for destruction/auction Items _____
 Release item #s _____ to: _____

Name _____

Address _____

ID# _____

AUTHORIZED BY:
Name (print) _____
Signature _____
Date _____

It is the authorizing officer's responsibility to notify owners to claim property.

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
STATE OF SOUTH CAROLINA,)
V.)
NATHANIEL J. GLENN,)
DEFENDANT,)
_____)

IN THE COURT OF GENERAL SESSIONS
DOCKET NO.: 2002-GS-23-6529

MOTION FOR NEW TRIAL
BASED ON AFTER-DISCOVERED
EVIDENCE, PURSUANT TO RULE
29 (b), SCRCrimP & SCRCP 60 (b)
(1), (3), & (5).

COMES NOW THE DEFENDANT, AND MOVES BEFORE THIS COURT FOR A NEW TRIAL BASED UPON AFTER-DISCOVERED EVIDENCE PURSUANT TO RULE 29 (b), SCRCrimP, AND SCRCP 60 (b), (1), (3), & (5). THE DEFENDANT SUBMITS THAT THE CLERK'S FILES AND ADMISSIONS BY THE SOLICITOR'S OFFICE, THE GREENVILLE COUNTY SHERIFF DEPARTMENT, AND THE STATE'S CONFIDENTIAL INFORMANT ON JULY 13TH, 2004 IN FRONT OF THE HONORABLE EDWARD W. MILLER, JUDGE, AMOUNTS TO AFTER-DISCOVERED EVIDENCE UNDER RULE 29 (b), SCRCrimP, AND SCRCP 60 (b), (1), (3), & (5) TO INCLUDE A DUE PROCESS VIOLATION UNDER BOTH THE STATE AND FEDERAL CONSTITUTION, AND STATE V. SPANN, 334 S.C. 618, 513 S.E. 2D 98 (1999).

PROCEDURAL HISTORY

THE DEFENDANT GLENN IS PRESENTLY CONFINED IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS PURSUANT TO ORDERS OF COMMITMENT OF THE CLERK OF COURT OF GREENVILLE COUNTY. GLENN WAS INDICTED FOR TRAFFICKING COCAINE, INDICTMENT NUMBER 02-6529. IT ALLEGES THAT NATHANIEL J. GLENN DID IN GREENVILLE COUNTY ON OR ABOUT AUGUST 2ND OF 2002, KNOWINGLY SELL, MANUFACTURE, DELIVER OR BRING INTO THE STATE OF SOUTH CAROLINA OR DID KNOWINGLY PROVIDE FINANCIAL ASSISTANCE OR OTHERWISE AIDE, ABET OR CONSPIRE TO SELL, MANUFACTURE, DELIVER OR BRING INTO THE STATE, OR WAS KNOWINGLY IN ACTUAL OR CONSTRUCTIVE POSSESSION OF MORE THAN 10 GRAMS OF COCAINE. HE WAS REPRESENTED BY SKIP GOLDSMITH, ESQUIRE. ON JULY 13TH, 2004 GLENN PROCEEDED TO A JURY TRIAL. GLENN WAS FOUND GUILTY OF TRAFFICKING IN COCAINE. GLENN WAS SENTENCED TO CONFINEMENT FOR (27) YEARS.

A NOTICE OF APPEAL WAS FILED ON THE DEFENDANT'S BEHALF AT THE SOUTH CAROLINA COURT OF APPEALS. THE APPLICANT SUBSEQUENTLY CHOSE TO WITHDRAW HIS APPEAL. THE COURT ISSUED THE ORDER OF DISMISSAL AND REMITTITUR ON JUNE 23, 2005.

GLENN FILED AN APPLICATION FOR POST CONVICTION RELIEF (PCR) ON FEBRUARY 20, 2006 (DOCKET NO. 2006-CP-23-1230). THE STATES MADE ITS RETURN ON OR ABOUT MAY 2, 2006. THE APPLICANT FILED A SEBSEQUENT AMENDMENT TO HIS APPLICATION- DATED JUNE 26, 2006- IN WHICH HE ALLEGED SEVERAL INSTANCES OF INEFFECTIVE OF TRIAL COUNSEL. **SEE ATTACHED EXHIBIT "A" ORDER OF DISMISSAL.**

ON OR ABOUT JANUARY 10, 2008 DEFENDANT ATTORNEY FILED A MOTION TO ALTER OR AMEND THE JUDGMENT WHICH WAS DENIED ON JANUARY 18, 2008 BY THE HONORABLE G. EDWARD WELMAKER, JUDGE FOR THE THIRTEENTH JUDICIAL CIRCUIT.

A NOTICE OF APPEAL WAS FILED ON JANUARY 24, 2008 WITH THE SOUTH CAROLINA SUPREME COURT. THE SOUTH CAROLINA SUPREME COURT ISSUED ITS ORDERS ON MAY 28, 2009. THE REMITTITUR FOLLOWED ON JUNE 15, 2009.

ON AUGUST 18, 2009 DEFENDANT FILED A WRIT OF HABEAS CORPUS RAISING FOUR GROUNDS FOR RELIEF. ON JANUARY 13, 2010, THE RESPONDENT FILED A MOTION FOR SUMMARY JUDGMENT. BY ORDER FILED JANUARY 14, 2010, PETITIONER WAS ADVISED OF SUMMARY JUDGMENT DISMISSAL PROCEDURE AND THE POSSIBLE CONSEQUENCES IF HE FAILED TO ADEQUATELY RESPOND TO THE MOTION. PETITIONER FAILED TO RESPOND TO THE MOTION AND THE COURT FILED N ORDER ON FEBRUARY 24, 2010, GIVING HIM ANOTHER OPPORTUNITY, THROUGH MARCH 22, 2010, FILE HIS RESPONSE. ON APRIL 5, 2010, THE PETITIONER MOVED FOR AN EXTENSION OF TIME, WHICH WAS GRANTED THROUGH APRIL 22, 2010. THE PETITIONER FILED HIS RESPONSE IN OPPOSITION TO THE MOTION FOR SUMMARY JUDGMENT ON APRIL 5, 2010, AND SUBMITTED ADDITIONAL ATTACHMENT IN SUPPORT OF HIS RESPONSE ON APRIL 9, MAY 14, AND JUNE 8, 2010. ON MAY 28, 2010, HE FILED AN AFFIDAVIT IS SUPPORT OF HIS RESPONSE, AND ON JUNE 28, 2010, HE FILED A "MOTION OF ACTUAL INNOCENCE".

ON JULY 22, 2010, THE HONORABLE KEVIN F. McDONALD, UNITED STATES MAGISTRATE JUDGE RECOMMENDED THAT THE RESPONDENT'S MOTION FOR SUMMARY JUDGMENT (DOC 23) BE GRANTED. THAT RECOMMENDATION WAS GRANTED AND THE APPEALED TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, ON AUGUST 18, 2009. THE DECISION OF THAT COURT IS PENDING AS OF THIS FILING.

IN THE INSTANT MOTION, THE DEFENDANT HAVE MOVED PURSUANT TO THE ABOVE LEGAL AUTHORITIES AND CASE LAW. THAT STATE AND COUNTY LAW ENFORCEMENT HAVE ENGAGED IN ACTIONS TAKEN AS A WHOLE AMOUNTS TO A DENIAL OF EQUAL PROTECTION OF THE LAW. THAT SUCH VIOLATIONS OCCURED DURING THE COURSE OF THE DEFENDANT'S JUDICIAL PROCESS AND DENIED HIM DUE PROCESS. SEE WASHINGTON V. STATE, 478 S.E. 2D 883 (SC 1996).

THE HEREIN ALLEGATION'S, PRESENTS "UNIQUE" COMBINATION OF FACTS AND UNUSUAL CIRCUMSTANCES WHICH WARRANTS REVIEW. THUS, DEFENDANT SHOULD NOT BE PUNISHED FOR THE ACTIONS AND INACTIONS OF HIS APPOINTED ATTORNEY'S THROUGHOUT HIS JUDICIAL PROCESS. IT IS GENERALLY PREFERRED THAT A BLAMELESS PARTY NOT BE DISADVANTAGED (AS HERE) BY THE PROCEDURAL ERRORS OR NEGLECT OF HIS/HER ATTORNEY. HARRIS V. U.S. RR RETIREMENT BD., 198 F3D 139 (4TH CIR. 1999).

THE ALLEGATION'S SET FORTHBELOW PRESENTS A PRIMA FACIE VIOLATION OF DEFENDANT'S CONSTITUTIONAL RIGHTS. ROGERS V. STATE, 261 S.C. 288, 199 S.E. 2D 761 (1973). THE ALLEGATIONS IN THE MOTION MUST BE ACCEPTED AS TRUE UNLESS AND UNTIL SUCCESSFULLY REFUTED. BLANDSHAW V. STATE, 245 S.C. 385, 140 S.E. 2D 784 (1965).

ON THE MATTER SUB JUDICE, THE DEFENDANT IS ALLEGING AFTER-DISCOVERED EVIDENCE THAT WARRANTS A NEW TRIAL AND/ OR VACATION OF HIS CONVICTION. TO PREVAIL ON THIS CLAIM THE DEFENDANT "MUST SHOW THAT THE AFTER-DISCOVERED EVIDENCE: (1) IS SUCH THAT IT WOULD PROBABLY CHANGE THE RESULT IF A NEW TRIAL WERE GRANTED; (2) HAS BEEN DISCOVERED SINCE THE TRIAL; (3) COULD NOT IN THE EXERCISE OF DUE DILIGENCE BEEN DISCOVERED PRIOR TO TRIAL; (4) IS MATERIAL; AND (5) IS NOT MERELY CUMULATIVE OR IMPEACHING". STATE V. NEEDS, 333 S.C. 134, 508 S.E. 2D 857 (1998).

ARGUMENT

BY WAY OF THIS MOTION, THE DEFENDANT IS ALLEGING AFTER-DISCOVERED EVIDENCE DUE TO THE CONDUCT OF STATE OFFICIALS AND THE STATE'S CHIEF INFORMANT. THAT SUCH CONDUCT AMOUNTS TO FRAUD UPON THE COURT, DENIAL OF A FAIR TRIAL AND PERJURY. SEE WASHINGTON V. STATE, 324 S.C. 232, 487 S.E. 2D 883 (1996); GIGLIO, 405 U.S. AT 154-55, 92 S.CT. 763. 478 833

THE DEFENDANT'S TRIAL TRANSCRIPT'S BEARS OUT THE ALLEGATION'S BEFORE THE COURT ARE SUBMITTED AS AN EXHIBIT IN SUPPORT THEREOF. EACH NUMBERED PAGE INDICATED SHOWS WHERE THE PROSECUTOR, INFORMANT, AND POLICE OFFICER'S COMMITTED PERJURY AND FRAUD UPON THE COURT. WHERE THE LAW HOLDS: WHERE THE PROSECUTOR FAILED TO CORRECT THE WITNESS PERJURED TESTIMONY, ALTHOUGH HE CLEARLY (AS HERE) KNEW IT TO BE FALSE. THE SUPREME COURT HELD THAT THE FALSE TESTIMONY USED BY THE STATE IN SECURING THE CONVICTION MAY HAVE HAD AN EFFECT ON THE OUTCOME OF THE TRIAL, AND ACCORDINGLY, REVERSED THE DEFENDANT'S CONVICTION. ID. AT 272, 79 S.CT. 1173, NAPUE V. ILLINOIS, IN THE INSTANT CASE, THE PROSECUTOR FAILED TO CORRECT THE PERJURY AND REPEATED THE WITNESS FALSEHOOD IN HIS SUMMATION. (SEE TRANSCRIPT ATTACHED). THE SUPREME COURT REVERSED THE DEFENDANT'S CONVICTION BECAUSE THERE WAS REASONABLE LIKEHOOD THAT THE PROSECUTOR'S KNOWING USE OF PERJURY ON AN ISSUE SO RELEVANT TO THE WITNESS' CREDIBILITY AFFECTED THE JUDGMENT OF THE JURY. GIGLIO, 405 U.S. AT 154-55, 92 S.CT. 763. THUS, THE GRANT OF A NEW TRIAL BASED UPON A NAPUE VIOLATION IS PROPER ONLY IF (AS HERE) (1) THE STATEMENT IS QUESTION ARE SHOWN TO BE ACTUALLY FALSE; (2) (AS HERE) THE PROSECUTION KNEW THAT THEY WERE FALSE; AND (3) (AS HERE) THE STATEMENTS WERE MATERIAL. UNITED STATES V. BLACKBURN, 9 F.3D 353 357 (5TH CIR. 1993). UNITED STATES V. O'KEEFE, 128 F.3D 885, 893 (5TH CIR. 1997).

THEREFORE, THE DEFENDANT URGES THIS COURT TO CONSIDER HIS CLAIM OF AFTER DISCOVERED EVIDENCE AND THE FOLLOWING TESTIMONY AND EXHIBIT'S THAT ARE BEING PRESENTED AND COULD NOT BE PRESENTED PRIOR TO TRIAL AND SENTENCING: 1) INFORMANT CHADWICK TEASLEY, ARREST REPORT DRUG ANALYSIS FINDINGS; INCIDENT'S REPORT'S OF DET. BOBBY CARIAS AND DET. MELISSA LAWSON, CONCERNING THE AMOUNTS OF FUNDS USED; INCIDENT REPORTS OF THE TIME FRAMES OF THE ALLEGED DRUG MEETING. THE DEFENDANT SUBMITS IT WOULD AMOUNT TO "A DENIAL OF FUNDAMENTAL FAIRNESS SHOCKING TO THE JUDICIAL SENSE OF JUSTICE" IF THIS COURT FAILS TO CONSIDER AND ACT ON THESE ISSUES OF AFTER-DISCOVERED EVIDENCE. SEE JOHNSON V. CATOE, 345 S.C. 389, 401, 548 S.E. 2D 587, 593 (2001) (WALLER, J., DESENTING) (QUOTING BULTER V. STATE, 302 S.C. 466, 468, 397 S.E. 2D 87, 88 (1990)).

CONCLUSION

BASED UPON THE FOREGOING DEFENDANT MOVES THIS HONORABLE COURT TO CONDUCT A HEARING TO ASCERTAIN THE HEREIN ALLEGATION'S AND FOR SUCH OTHER AND FURTHER RELIEF, THE COURT DEEMS JUST, FAIR AND PROPER.

DATED: May 5, 2011
COLUMBIA, SOUTH CAROLINA

RESPECTFULLY SUBMITTED,
S/ Nathaniel J. Gleen
NATHANIEL J. GLEEN, #303563
BRCI-CONGAREE #104
4460 BROAD RIVER ROAD
COLUMBIA, S.C. 29210

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT I MAILED MY MOTION FOR NEW TRIAL TO THE BELOW LISTED PERSON. BY PLACING SAME IN THE U.S. MAIL AND ADDRESSED AS FOLLOWS:

CLERK OF COURT
GREENVILLE COUNTY COURTHOUSE
305 MAIL STREET
GREENVILLE, S.C. 29601

S/ *Nathaniel J. Glenn*
NATHANIEL J. GLENN, #303563
BRCI-CONGAREE #104
4460 BROAD RIVER ROAD
COLUMBIA, S.C. 29210

SWORN TO AND BEFORE ME THIS

9th DAY OF May, 2011

Susan H. Frye (L.S.)

NOTARY PUBLIC FOR S.C.

My Commission Expires

MY COMMISSION EXPIRES:

March 5, 2018

State of South Carolina

Court of General

County of Greenville

Sessions

Nathaniel Glenn Jr. #303563]

Petitioner.]

]

Vs.]

State of South Carolina.]

Respondent.]

]

Motion To Amend
To Rule 29 (b)
Motion Of New Found
Evidence

The above named Petitioner would respectfully move this court to Amend the following Motion of New and Exculpatory Evidence that contradicted the State's account of the incident's Chain of Custody to his Rule 29 (b). based on the following:

Due towards the New Found Evidence of the VHS video tape Chain of Custody Issue. State vs. Williams. 301 s.c. 369.392 S.E.2d 181 (1990). (a complete chain of custody must be established as far as practicable). The State has not established a practical chain of custody of the video tape which was a critical item used to convict the Petitioner.

Detective Lawson testified that she made a copy of the 8mm video tape and put it on a VHS tape for VCR. Trp.35. Detective Lawson testified that the wire that the informant was wearing was recorded separately onto a floppy disk. Trp. 35.

Detective Lawson testified that they had originally recorded the video with a 8mm camera, hand held in the back seat of the vehicle by Detective Bobby Carias. Trp. 35 and 40.

Detective Lawson testified she obtained the VHS video tape from the Property and Evidence room that morning before trial, Trp. 39.

The first review of the two incomplete evidence sheets that was received several years after the Petitioners trial from (PCR) Attorney Rodney Richey, did not indicate the time frames when Det. Lawson testified that she possessed the evidence up until the date of July 13, 2004. Exhibit (B-1).

May 12, 2008. Petitioner received two complete evidence sheets that indicated Det. Lawson had possession of the Sony minidisc, TDK 8mm tape, and the Sony audio cassette (phone call). From the date of February 17, 2004 until February 19, 2004, but the evidence sheet does not indicate, nor reveal the deposit of a VHS video tape. Exhibit (B-2).

The evidence sheet indicates a broken chain of custody by the following:

February 17, thru February 19, 2004. Det. Lawson signed out the audio and video surveillance for court, but there was not a subpoena ordered for the Petitioner to appear for trial. Next, there was not any discovery of an affidavit allowing the detective to join together the audio and video to alter, rerecord, enhance, duplicate, and change from its original form to persuade the jurors to decide a guilty verdict, then denied the Petitioner the right to examine the original recordings before they were destroyed.

And last, there was no whereabouts of the VHS video tape deposited upon the property and evidence sheets. A review of the property and evidence sheets indicated the detective had possession of the evidence several days under her own authority from the dates of February 17, thru February 19, of 2004.

Proof of chain of custody need not negate all possibility of tampering so long as the chain of possession is complete. *State vs. Carter*. 344 S.C. 419. 544 S.E. 2d. 835 (2001). Here, the chain is not complete and does not negate the possibility of tampering. In applying the Rule, the court found evidence is admissible only where there is a missing link in the chain of possession because the identity of those who handled the evidence. *State vs. Cribb*. 310 S.C. 518. 426 E.E. 2d 306 (1992). There is a missing link in the chain of possession of the audio and video surveillance, as Det. Lawson has not identified accurate possession of the VHS tape to prevent possibility of tampering, nor can possibility of tampering be negated due to the lack of authenticity of the dates displayed on the tape.

To conclude this argument, Det. Lawson submitted prejudicial tainted evidence of the audio and video surveillance that violated the States Federal Constitutional Obligation to disclose evidence favorable to the defense. *Brady vs. Maryland*. 373 U.S. 83 (1963), which stemmed from a false testimony during the Petitioners trial, and the in-court, identification of the illegal video footage was the "fruit" of the scene of the crime. Det. Lawson joined together two separate audio surveillances and two separate video surveillances with prejudice and denied the Petitioner the right under Brady to review and have the original recordings examined by an expert before they were destroyed.

Petitioners next argument is the Prosecutor allowed and confirmed Det. Lawson's and Informant Teasley's false testimony that violated South Carolina Code Ann (16-9-10)(A)(1) "It is unlawful for a person to willfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State," and S.C. Code Ann (16-9-30), " It is unlawful for a person to willfully and knowingly swear falsely in taking any oath required by law that is administered by a person directed or permitted by law to administer such oath".

The State witness Det. Lawson had continuously testified before the jurors that informant Teasley was arrested for possession of cocaine to persuade the jurors that the Petitioner was the higher-up dealer of an ongoing conspiracy of Teasley's arrest Trp. 25,26, and 44.

The Petitioners defense was prejudiced by Det. Lawson's testimony of the following after discovered evidence:

1. Lawson's and Teasley's testimony on record was that Teasley's arrest was for distribution of cocaine, but March 6, 2002 he was arrested for methamphetamine Exhibit (A-1), Arrest warrant.
2. Lawson testified that Teasley had pending charges August 2, 2002, as the video footage was played before the jurors, but May 20, 2002, the informant charges were dismissed. Exhibit (A-2), Disposition sheet.
3. Teasley's crime laboratory report from the result of his arrest March 6, 2002, was No Controlled Substance Detected-March 25, 2002. Exhibit (A-3). Crime lab report.

Upon the conclusion of the States testimony from Teasley to Prosecutor Joyce Monts and the Prosecutor's closing argument. Prosecutor Monts stated during trial of her and Teasley's previous meeting. Trp. 47. Prosecutor continued questioning the witness of his distribution of cocaine charge was not dismissed. Trp. 54. During closing arguments, Monts stated that Teasley could have been pursued a conviction on the distribution of cocaine charge. Trp.74

To conclude this argument, the Prosecutor had willfully and knowingly withheld discovery from the Petitioner with deliberate indifference and the witnesses had intentionally misled the jurors.

The State witnesses misleading testimony had prejudiced the Petitioners defense. Berger vs. United States. 295 U.S. 78.88 (1935). "It is as much [a prosecutor's] duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one".

The Petitioner's constitutional rights were violated when the prosecutor, detective, and informant established the conscious disregard for the consequences of their actions once the "deliberate indifference" was committed during their false testimony and presentment of tainted evidence before the Petitioners jury trial.

Therefore, the Petitioner Prays before Your Honorable Court that his sentence and conviction to be Vacated for New Trial.



Nathaniel Glenn Jr. #303563

Broad River C.I.

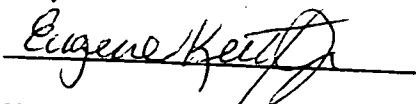
4460 Broad River Rd.

Columbia, S.C. 29210

Sworn To And Subscribed before

Me this 29 day of

April, ~~2011~~, 2013



Notary Public of South Carolina

My Commission Expires: April 4, 2016

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
Robert M. Ariail

March 4, 2004

James L. Goldsmith, Jr., Esquire
PO Box 1434
Travelers Rest, SC 29690

Re: State v. Nathaniel Glenn

Dear Skip:

This is to confirm that in the courtroom today, I gave you the videotape of his two (2) pending drug charges.

Sincerely,

A handwritten signature in cursive script that reads "Joyce K. Monts".

Joyce K. Monts
Assistant Solicitor

JLK/bk
Enclosures

)
)
State of South Carolina)

County of Greenwood)

Affidavit of

Timothy Murray

I, Timothy Murray having been first duly sworn, testify and depose as follows:

1. On March 6, 2002, Chadwick Teasley was arrested for being in possession of a white powder substance that the officers tested to be positive for methamphetamine.
2. This incident occurred in the parking lot of the Parker Brothers Night Club off of Howell road in Greenville, S.C.
3. That night I was standing near the arrest incident and I was watching as Chad Teasley and his cousin was being arrested for the baking powder of which the officers had assumed was methamphetamine, and they were both charged with being in possession of illegal drugs.

4. Before the incident of their arrest had occurred, I personally knew that Teasley was not in possession of any illegal substance of Methamphetamine nor cocaine.

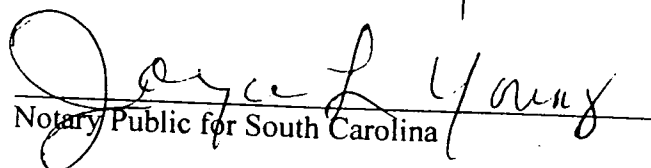
5. And several months after his arrest, all his charges were deposed of upon the circumstances that the white powder was lab tested to be no controlled substance.

Wherefore, I certify that the above account of events are true and correct to the best of my recollection.



Timothy Murray
McCormick C.I.
386 Redemption Way
McCormick, S.C. 29899

Sworn to and subscribed before
me this 24 day of July, 2009



Notary Public for South Carolina

My Commission Expires: 8 28 2011

EXHIBIT

A-1

ARREST WARRANT

H-149122 U 8-02

STATE OF SOUTH CAROLINA

County/ Municipality of
GREENVILLE

THE STATE 03-640314
against

Chadwick Andre TEASLEY

Address: 527 Lincoln Rd. 29087
Taylor SC

Phone: _____ SSN: 252-31-0057

Sex: M Race: D Height: 66" Weight: 200

DL State: _____ DL #: _____

DOB: 06-09-1974 Agency ORI#: 2230000

Prosecuting Agency: GCSO

Prosecuting Officer: S. Rhea

Offense: P.W.I.D. Methamphetamine

Offense Code: _____

Code/Ordinance Sec. 44-53-375

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of _____

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

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Chadwick Andre Teasley
on 3-6-02

Wm. B. Bourgeois 611 C-23
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: Reid

~~Signature~~

STATE OF SOUTH CAROLINA

County/ Municipality of
GREENVILLE

AFFIDAVIT

Personally appeared before me the affiant J. Cianciarano for S. Rhea who
being duly sworn deposes and says that defendant Chadwick Andre Teasley
did within this county and state on 03-06-02 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of GREENVILLE)
in the following particulars:

DESCRIPTION OF OFFENSE: P.W.I.D. methamphetamine

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT Chadwick Andre Teasley was found to be
IN POSSESSION of approximately 8.3 grams of a white powder
substance field tested positive for methamphetamine. This
incident occurred in the parking lot of Parker Bros. #741
Howell Rd. which is located in Greenville County.

COMPUTER ENTERED

Sworn to and subscribed before me

on 3-6-2002

Signature of Issuing Judge

Signature of Issuing Judge

Signature of Affiant

Affiant's Address: 4000 E. 11th St. Greenville SC 29601

Affiant's Telephone: 271-5210

STATE OF SOUTH CAROLINA

County/ Municipality of
GREENVILLE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 03-06-02 defendant Chadwick Andre Teasley
did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of GREENVILLE) as set forth below:

DESCRIPTION OF OFFENSE: P.W.I.D. methamphetamine

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)

Signature of Issuing Judge

Judge Code: 5147

Judge's Address _____

Judge's Telephone _____

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

EXHIBIT

A-2

NOT INDICTED

General Sessions Docket

GS-23

Name: CHADWICK ANDRE TEASLEY Warrant/Ticket #: H149122

AKA:

Date of Arrest: 3/6/2002

Address: 527 LINCOLN RD

Date of Offense: 3/6/2002

Date Rec. by Clerk:

GREENVILLE, SC 00000-0000

Magistrate: 5833

SSN#: 250-31-0054

Counts:

Code:

Sex: M Race: B

DOB: 6/9/1974

DL#: 007315284

Disposition Information

1. Transmitted to SOL & SCCA:
2. Disp Received by Clerk:
3. Date of Disposition:

MAY 29 2002

Disposition: 1 Guilty Plea

2 Trial Guilty

3 Trial Not Guilty

4 Dism/Nol Pros/Pros Ended Explain: Lack of Evidence

5 PTI Explain: _____

5 Judicial Commitment Explain: _____

6 Judicial Dismissal

7 Remanded Explain: _____

8 Dismissed at Prelim

8 No Bill

9 Failure to Appear Explain: _____

0 Other Explain: _____

Judge: _____

Court Reporter: _____

Defense Atty: _____

Solicitor: JMK

Counts: _____ Code: _____

Sentence: _____

EXHIBIT

A-3

EXHIBIT

B-1

**Greenville County Department of Community Services
Criminal Justice Support - Property Report**

- 1 - Greenville SO
- 2 - Greenville PD
- DCS - Detention
- Other

1. Status - Check one only:

- GS Evidence
- MM Evidence
- Found
- Recovered
- Safekeeping
- Other

3. Date and Time Impounded

18-02-12/1558

It is mandatory to submit a laboratory analysis request form for all articles requiring laboratory or forensic processing.

P & E use only

2. Case No.

2-02-65041

4. Case Type

Narcotics Issues

5. Found or Recovered From

- Location
- Suspect
- Complainant
- Victim
- Person reporting
- AKA
- Other

6. Where property was impounded (Give exact location - address)

426 N. MAIN ST.

Name

7. Owner's Name

8. Owner's Address

9. Owner's Phone #

10. Item #	11. Quantity	12. Description (include make, model and serial numbers)	13. NCIC Hit	
			Yes	No
B	1	SONY minidisc		
C	1	TAK 8mm tape		
D	1	SONY audio cassette (phone call)		

Drug weight/grams

Officer's initials

P & E Use only
Gross weight

Evidence clerk's initials

14. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

15. Impounding Officer (print full name)

16. Stan No.

17. Unit No.

Signature

18. Signature

19. Investigating Officer

20. Received by: (print name)

21. Signature

22. Reason

23. Date and Time Received

Tony Kusko

Tony Kusko

Pro storage

3/2/02 1640

AUTHORIZATION FOR DISPOSITION

TYPE OF DISPOSITION:

- Cleared for destruction/auction
- Release item #s _____ to: _____

AUTHORIZED BY:

Name (print) _____

Signature _____

Date _____

Name _____

Address _____

ID# _____

It is the authorizing officer's responsibility to notify owners to claim property.

EXHIBIT

B-2

**Greenville County Department of Community Services
Criminal Justice Support – Property Report**

- 1 - Greenville SO
- 2 - Greenville PD
- DCS - Detention
- Other _____

1. Status - Check one only:

GS Evidence MM Evidence Found Recovered Safekeeping Other

2. Case No.

2-02-65041

3. Date and Time Impounded

18-02-02/1558

It is mandatory to submit a laboratory analysis request form for all articles requiring laboratory or forensic processing.

P & E use only

AC

4. Case Type

Narcotics Takest

5. Found or Recovered From

Location Suspect Complainant Victim
 Person reporting AKA Other

6. Where property was impounded (Give exact location - address)

426 N. MAIN ST.

Name

7. Owner's Name

8. Owner's Address

9. Owner's Phone #

10. Item #

11. Quantity

12. Description (include make, model and serial numbers)

13. NCIC Hit
Yes No

10. Item #	11. Quantity	12. Description (include make, model and serial numbers)	13. NCIC Hit	
			Yes	No
B	1	SONY MINIDISC		
C	1	TAK 8mm tape		
D	1	SONY AUDIO CASSETTE (phone call)		

5/6/02

Drug weight/grams

Officer's initials

P & E Use only
Gross weight

Evidence clerk's initials

14. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.

Signature

20. Received by: (print name)

21. Signature

15. Impounding Officer (print full name)

18. Signature

22. Reason

16. Star No.

17. Unit No.

19. Investigating Officer

23. Date and Time Received

Long Vinkus	Long Vinkus	PE storage	8/2/02	1640
MA LAWSON	MA	Investigation	09/17/02	1449
R Pruitt	R Pruitt	PE storage	9/17/02	1600
MA Lawson	MA Lawson	court	9/27/02	1704 0920
R BEMMICK	R BEMMICK	PE storage	2/19/04	945
MA Lawson	MA	court	7/13/04	1753
Shirley Klein	Shirley Klein	court	7/13/04	1345
MA Lawson	MA	Transport P&E	7/13/04	1415
R Pruitt	R Pruitt	PE storage	7/13/04	1430
C.R. Brock	C Brock	PE storage	8-8-07	1106

TYPE OF DISPOSITION:

- Cleared for destruction/auction
- Release item #s _____ to:

Name _____

Address _____

ID# _____

AUTHORIZATION FOR DISPOSITION

AUTHORIZED BY: _____

Name (print) _____

Signature _____

Date _____

It is the authorizing officer's responsibility to notify owners to claim property.

