

VOLUME 2 OF 2

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lexington County

Alexander S. Macaulay, Circuit Court Judge

RECEIVED

JAN - 9 2012

S.C. Supreme Court

EDWARD THOMPSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPENDIX

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FORM 5

STATE OF SOUTH CAROLINA)

County of LEXINGTON)IN THE COURT OF COMMON PLEAS
FILED

2004 NOV -8 P 2:52

EDWARD THOMPSON, #280883)

Full name and prison number (if any) of Applicant)

THOMAS H. CONERFORD
CLERK OF COURT
LEXINGTON SC

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

2004-CP32-4128

INSTRUCTIONS B READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention McCormick Correctional Institution -
386 Redemption Way - McCormick, SC 29849
2. Name and location of Court which imposed sentence Lexington County
Court house - 139 Main St. - STE. 107 - Lexington, SC 29072
3. Name(s) of co-defendant(s) (if any) Jedediah Thompson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) See Supporting Memorandum under 'Section 4'

- (b) _____
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) See Supporting Memorandum under 'Section 5'
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Appeal Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. November 6, 2003
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. 2003-UP-648
- ii. _____
- iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) ~

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) See Supporting Memorandum under 'Section 10'
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See Supporting Memorandum under 'Section 11'
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. Appeal
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. S.C. Court of Appeals - 1015 Sumter St. Box 11629,
- ii. Columbia, SC 29211
- iii. _____

iv. _____

(c) the disposition thereof:

i. Appeal Dismissed - Unpublished Opinion

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. November 6, 2003

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. # 2003-UP-648

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. //

iii. //

(b) the proceedings in which each ground was raised:

i. N/A

ii. //

iii. //

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) Common-Pleas Court Proper Forum.
- (b) _____
- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? Yes
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____
18. If you answered Ayes@ to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. John T. Mobley, Austin, Lewis & Rogers, P.A.
508 Hampton St. - Suite 300 - Columbia, SC 29201
- ii. Eleanor Duffy Cleary, SC Office of Appellate
Defense - 1122 Lady St., Suite 940. - Columbia, SC 29201
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. Arraignment, Trial, Sentencing
- ii. Appeal
- iii. _____

ORDER

19. State clearly the relief you seek in filing this application:

To be discharged from my present confinement -
in conformity with § 17-27-80, S.C. Code of Laws;
after Respondent(s) make Return; Evidentiary Hearing

20. Are you now under sentence from any other court that you have not challenged?

NO

2004-CP32-4128

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of LEXINGTON)

VERIFICATION

I, EDWARD THOMPSON, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Ed Thompson

SWORN to and subscribed before me this 1
 day of Nov, 2004

Joyce L. Young (L.S.)
 Notary Public

My Commission Expires: 8 28 2011

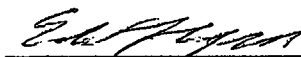
FILED
 2004 NOV -8 P 2:52
 THOMAS H. COMERFORD
 CLERK OF COURT
 LEXINGTON SC

2004-CP32-4128

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, EDWARD THOMPSON, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

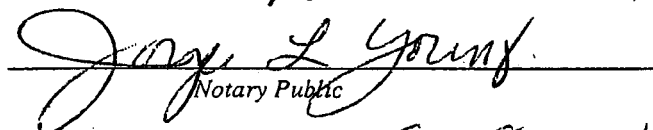
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.



Applicant

SWORN or affirmed to and subscribed before me this

1 day of Nov., 2004.


Notary Public

My Commission Expires: 8 28 2011

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

ORIGINAL

IN THE COURT OF COMMON PLEAS

11th Judicial Circuit

EDWARD D. THOMPSON, #280883
APPLICANT

VS.

STATE OF SOUTH CAROLINA
RESPONDENT

Docket No.: _____

2004-CP32-4128

FILED

2004 NOV -8 P 2:53

THOMAS H. COMERFORD
CLERK OF COURT
LEXINGTON SC

MEMORANDUM OF FACT
AND LAW IN SUPPORT OF 'POST-
CONVICTION' APPLICATION

The above-captioned Applicant submits the instant Memorandum to Support Post-Conviction Relief Application filed in conjunction of each other on below said date in the following particulars:

In Support of Section 4, PCR Application:

Applicant's Indictment Numbers and caption(s) are as follows:

- 01-GS-32-2919 (Armed Robbery)
- 01-GS-32-2920 (Criminal Conspiracy)
- 01-GS-32-2921 (Assault of a High Aggravated

- (a) - Applicant submits that he received Ineffective Assistance of Trial Counsel, in violation of his 6th and 14th Amendment right(s) to the U.S. Constitution.
-

In Support of Section 11, PCR Application:

- (a) - Applicant's Trial Counsel was not acting as the right to 'Effective Assistance' clause of the 6th Amendment holds as 'sufficient'; and this deprived Applicant of due process in that he did not receive the benefit of effective assistance under the Sixth Amendment, where there is a reasonable probability that absent Counsel's error, the results of the trial would have been different.

Supporting Facts:

- During the time preceding Applicant's trial, Counsel was duly advised of Applicant's brothers, a friend, and his Aunt's prospective testimony of Applicant being home on the alleged time and

date of the incident playing video games.

The crux of this issue is that Trial Counsel's failure to raise an alibi defense, when one surely exists, renders Counsel's conduct Deficient Performance — see Strickland v. Washington, 466 U.S. 668 (1984).

The only duty that Counsel is judicially binded to carry out is providing reasonably effective assistance in the defendant's position of having to defend against charges brought by the prosecution, in this, adversarial judicial system — Strickland, *supra*; 6th Amendment, U.S. Constitution.

In the instant case, Counsel's failure to raise an alibi defense, which would've probably got the Applicant acquitted, shows that Counsel was not acting as the 'Counsel' guaranteed Applicant under the 6th Amendment.

This, furthermore, broke down my defense — valid as well as viable defense accorded —, which is equivalent to a break-down of the Adversarial-Testing Process, the basis of 'equal' and 'fair' opportunity to not be subjected to suffering

the horrors of conviction when Applicant had an affirmative defense.

Had Counsel raised this alibi defense, there is a reasonable probability that the jury would've thoroughly reviewed the evidence from 'both' sides - 'equal', 'fair' - and probably would've acquitted Applicant; a reasonable probability is a probability sufficient to undermine confidence in the outcome - Strickland, *supra*.

Applicant submits that he has shown Cause and Prejudice, under Strickland, to be entitled to relief requested in Application conjoining this 'Memorandum'.

- CONCLUSION -

For the foregoing reasons, Applicant is entitled to an Evidentiary Hearing on the merits of the above claim(s), to determine if he is entitled to relief from violations of his 6th and 14th Amendment rights to the Effective Assistance of Counsel at Trial.

Respectfully Submitted

4/ Edward Thompson

EDWARD THOMPSON, #280883

M.C.I. F-4-145-B

386 Redemption Way

McCormick, SC 29894

11 - 1 - 04

DATE

2004-CP32-4128

PROOF OF SERVICE

I, EDWARD THOMPSON, declare — under 28
U.S.C.A. § 1746 — that I did deposit a
 Post-Conviction Application with (6) Page
 Supporting Memorandum into the McCormick C.I.
 Mailroom system to be forwarded through
 the U.S. postal service by sufficient
 postage to:

Clerk, Court of Common Pleas
 Lexington County Courthouse
 139 Main Street
 Suite 107
 Lexington, SC 29072

2004 NOV - 8 P 2:53
 THOMAS H. COMERFORD
 CLERK OF COURT
 LEXINGTON SC

FILED

s/ Edward Thompson

Edward Thompson #280883
 McC.I. F.4-145.B
 386 Redemption Way
 McCormick, SC 29849

11 - 1 - 04

DATE

1 State of South Carolina

2 In the Court of Common Pleas/Non Jury

3 County of Lexington

4
5 Edward Thompson,

6 Applicant

7 V.

8 State of South Carolina,

9 Defendant.

10
11 BEFORE : The Honorable William P. Keesley, Judge.

12
13 APPEARANCES:

14 For the plaintiff: Cameron B. Littlejohn, Jr., Esquire

15 For the state: Sabrina Todd, Assistant Attorney General

16
17 04-CP-32-4128

18
19 July 27, 2006

20
21 court reporter: smokey perry

22
23
24
25



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1 The Court: Y'all ready?

2 Mr. Littlejohn: Yes, Your Honor.

3 The Court: Ms. Todd, you need to put something on the record?

4 Ms. Todd: Yes, Your Honor. I just received information from which can run background
5 reports on some of Mr. Thompson's witnesses. I received their names yesterday, but not enough
6 information to run background reports. I can go to the Solicitor's office and try to do that real quick and
7 have them run it for me, but I'm gonna need to go back and retrieve those before I can cross examine
8 those witnesses.

9 The Court: All right. Can we just take a break.

10 Ms. Todd: Yes, Your Honor.

11 The Court: Can you run 'em over there and let 'em get started and then--

12 Ms. Todd: Yes, Your Honor.

13 The Court: --I'll take a break before the cross-examination begins? Is that fair?

14 Ms. Todd: Yes, Your Honor. (there was a brief recess)

15 The Court: Okay. Are we ready now?

16 Ms. Todd: I apologize for the delay, Your Honor.

17 The Court: No problem.

18 Ms. Todd: I have a little bit of a difficulty today. The lady who is taking notes for me has
19 stepped out of the courtroom, and she'll be right back I think.

20 The Court: Okay. (there was a brief recess) Okay. Ready?

21 Ms. Todd: Yes, Your Honor.

22 The Court: This is in the matter of Edward Thompson versus State of South Carolina. The
23 matter is before The Court on application for post conviction relief. Is the applicant ready to proceed?

24 Mr. Littlejohn: He is, Your Honor.

25 The Court: Any amendments to the petition?

1 Mr. Littlejohn: No, Your Honor. I've discussed that with Mr. Thompson, and that would be the
2 sole issue we would present to The Court.

3 The Court: The State ready to proceed?

4 Ms. Todd: Yes, Your Honor.

5 The Court: Do either of you wish to make opening statements or do you want to go straight into
6 it? Testimony.

7 Mr. Littlejohn: Your Honor, we're ready to go straight into the testimony.

8 The Court: Ms. Todd, you want to make an opening?

9 Ms. Todd: Your Honor, just for The Court's edification, I'd be happy to provide a little
10 procedural history of the case?

11 The Court: Sure.

12 Ms. Todd: Mr. Thompson was tried and convicted on two counts of armed robbery, two counts
13 of kidnapping, one count of assault and battery of a high and aggravated nature, and one count of criminal
14 conspiracy. His sentences were 30 years on the armed robberies and the kidnappings and the assault and
15 battery of a high and aggravated nature was ten years. Those were all concurrent, and his criminal
16 conspiracy conviction he received a 5-year consecutive sentence for that. He was tried before the
17 honorable Marc Westbrook in October of 2001. He had had a direct appeal which was dismissed I believe
18 pursuant to Anders and he's filed this application. He was represented at trial by Mr. John Mobley.

19 The Court: Do you wish to make an opening statement now, Mr. Littlejohn, or are you ready to
20 proceed?

21 Mr. Littlejohn: No, Your Honor. I'm satisfied with the procedural history. We're ready to
22 proceed.

23 The Court: Call your witness, please.

24 Mr. Littlejohn: We call Edward Thompson.

25 The Court: Mr. Thompson, I need for you to come around, please, and let the clerk swear you.

EDWARD THOMPSON - DIRECT BY MR. LITTLEJOHN

EDWARD THOMPSON, being duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. LITTLEJOHN

Q Mr. Thompson, where are you presently incarcerated?

A McCormick correctional institution.

Q And I believe you are doing a 30-year sentence based on your conviction in October 2001?

A Yes, sir, I am.

Q Okay. Prior to being convicted in Lexington County on those charges, where did you live?

A In Irmo.

Q Okay. Who did you live with?

A My mother.

Q Okay. And I believe you have brothers?

A Yes, sir, I do.

Q And who are your brothers?

A They are Elvin (phonetic) Thompson and Anthony Thompson.

Q Okay. I believe Elvin is your twin brother?

A Yes, sir, he is.

Q Okay. In July of 2000 what were you -- what were you doing for a living?

A In July 2000?

Q Yes, sir.

A I believe I was workin' at McDonald's in Irmo.

Q Okay. Now in August 2000 were you arrested for -- and charged with the armed robbery of the Blockbuster video store?

A Yes, sir, I was.

Q And I believe it was alleged that that robbery took place on July -- the -- the early morning

EDWARD THOMPSON - DIRECT BY MR. LITTLEJOHN

1 hours of July 6th 2000?

2 A Yes, sir.

3 Q Okay. Now after you were arrested and charged with that robbery and other offenses, did you
4 retain an attorney?

5 A Yes, sir, I did.

6 Q Who did you retain?

7 A Mr. John Mobley.

8 Q Okay. And do you recall when you first met with Mr. Mobley?

9 A The exact date?

10 Q No, just roughly.

11 A Yes, sir. Very vaguely.

12 Q Okay. Was that shortly after you were released on bond?

13 A Yes, sir.

14 Q Okay. Now in preparing for your defense on these charges, how many times did you meet with
15 Mr. Mobley? Do you recall?

16 A From the time I made bond up to the time of the trial, two or three.

17 Q Two or three?

18 A Yes, sir.

19 Q All right. Did you discuss your case with Mr. Mobley?

20 A Yeah, we did.

21 Q Did Mr. Mobley show you the discovery material in the case?

22 A Yes, sir.

23 Q Okay. So you had access to the discovery material?

24 A Yes, sir.

25 Q Now did you provide Mr. Mobley with a defense or did you tell him about a potential defense?

EDWARD THOMPSON - DIRECT BY MR. LITTLEJOHN

1 A Well, at the time I was a layman to the law, so I was really countin' on him to come up with a
2 defense.

3 Q Okay.

4 A But I maintained my innocence from the beginnin'.

5 Q Right.

6 A And we briefly discussed an alibi.

7 Q Okay.

8 A Durin' one of our meetings.

9 Q All right. What do you mean you briefly discussed? What did you -- what did you inform Mr.
10 Mobley of?

11 A What I informed him of alibi witnesses and what we were doin' at the time--

12 Q Okay.

13 A --that this incident supposedly occurred.

14 Q All right. Tell The Court what you told Mr. Mobley about your whereabouts when the robbery
15 took place.

16 A I was at home at my mother's house. My father, my mother, my two brothers and a friend of
17 mine Raymond Robinson (phonetic) was also present at the house.

18 Q Okay. And this was on the night that the robbery took place.

19 A Yes, sir.

20 Q Okay. And you told Mr. Mobley about this.

21 A Yes, sir.

22 Q Okay. Now when you met with Mr. Mobley, were there other family members with you?

23 A Yes, sir, there was.

24 Q Okay. Did they participate in this discussion concerning the alibi defense?

25 A There was only one family member there and that was my twin brother Elvin.

EDWARD THOMPSON - DIRECT BY MR. LITTLEJOHN

1 Q Okay.

2 A And he asked Elvin a few questions.

3 Q All right. Now do you know during the time period going -- between your meeting with Mr.
4 Mobley preparing your defense and when the trial was held, do you know if Mr. Mobley contacted any of
5 your other family members that were there on the night of the robbery there at your mother's house?

6 A No, sir, I do not.

7 Q Okay. Now, Mr. Thompson, your record reflects that you were not present during your trial.

8 A Yes, sir, that is correct.

9 Q Briefly tell The Court why you were not present.

10 A Well, at the time the trial came about, I was undergoin' a lotta different things. I had a lotta
11 different things that were happenin' at the time of the trial. For one, my daughter was just born, my first
12 child. My father was just diagnosed with cancer. And all this stuff just landed at once. All of it become a
13 part of reality at once, and I -- up to the (unintelligible) I never thought this was gonna even make trial
14 because, you know, I was bein' told that it was probably more than likely wasn't gonna make trial so I
15 mean I just---

16 Ms. Todd: Hearsay.

17 The Court: Sustained.

18 Q Okay. In any event you didn't -- you weren't there when your trial was held.

19 A Yes, sir.

20 Q Now later after you were convicted, did you turn yourself in?

21 A Yes, sir, I did.

22 Q When was that?

23 A I'm not sure about the specific date. I think it was November 30th of 2001 if I'm not mistaken.

24 Q And then your conviction was in October 2001. Is that right?

25 A Yes, sir.

EDWARD THOMPSON - DIRECT BY MR. LITTLEJOHN

1 Q Now, Mr. Thompson, have you had occasion to review the transcript of your trial?

2 A Yes, sir, I have.

3 Q On a number of occasions?

4 A Yes, sir, over the last four years.

5 Q Okay. And was your alibi defense ever presented according to the transcript?

6 A No, sir, it was not, but it was a question about that about defense, I'd like to direct The Court's
7 attention to page 427 lines 22 through 25.

8 Q Now what is -- what would you like to direct The Court to?

9 A It's where the jury sent out a note to The Court durin' the final deliberation askin' if I had an
10 alibi for the night of the robbery.

11 Q Okay.

12 A And the judge instructed the jury that they couldn't consider it because it wasn't raised by the
13 defense.

14 Q Okay. And I believe the transcript reflects that after that the jury retired to deliberate--

15 A Yes, sir.

16 Q --and found you guilty.

17 A Yes, sir.

18 Q Mr. Thompson, you and I have discussed your application and decided to present the issue of
19 whether you denied effective assistance of counsel because your alibi defense was not presented. Is that -
20 - that's the issue you want The Court to decide today?

21 A Yes, sir.

22 Q Okay. And I believe we discussed there -- there were no other issues that you wanted to raise.

23 A Yes, sir.

24 Q Okay. And would you explain to Judge Keesley how you think your rights were -- were
25 violated by not having effective assistance of counsel.

EDWARD THOMPSON - DIRECT BY MR. LITTLEJOHN

1 A Yes, sir. Judge Keesley, sir, my (unintelligible) of rights from the sixth amendment of United
2 States Constitution was guaranteed direct and effective assistance of counsel. A 5-day jury trial was
3 conducted and this was introduced--

4 Ms. Todd: I object to the applicant reading to The Court.

5 A A 5-day jury trial was conducted in which evidence was introduced by both sides: the defense
6 and the state. In the jury's final deliberations they sent out a note to The Court askin' if I had a alibi for
7 the night of the robbery. The judge then instructed the jury that they couldn't consider the alibi because it
8 wasn't raised by defense counsel. If the alibi was raised there's a reasonable probability the outcome of
9 the trial could've been different in an alibi which counsel and I briefly discussed in one of our meetin's
10 leadin' up to the trial surely did exist.

11 Q All right. Mr. Thompson, please answer any questions that the state may have.

12 A Certainly.

13 The Court: Cross.

14 CROSS-EXAMINATION

15 BY MS. TODD

16 Q Mr. Thompson, you're not disputing that the crime in question occurred. Correct?

17 A I'm not dispute -- I'm not disputin' it happened.

18 Q Okay. Thank you.

19 Ms. Todd: I have nothing further at this time.

20 The Court: Redirect?

21 Mr. Littlejohn: Nothing on redirect, Your Honor.

22 The Court: Thank you, sir. You may step down.

23 Mr. Littlejohn: Your Honor, we call Anthony Thompson.

24 The Court: All right. Come around, please.

25 ANTHONY THOMPSON, BEING DULY SWORN, TESTIFIES AS

ANTHONY THOMPSON - DIRECT BY MR. LITTLEJOHN

1 FOLLOWS:

2 DIRECT EXAMINATION

3 BY MR. LITTLEJOHN

4 Q Mr. Thompson, where do you live, please, sir?

5 A [REDACTED]

6 Q Okay. And where is Foxfire Drive?

7 A [REDACTED] South Carolina.

8 Q Okay. How old are you, sir?

9 A 26.

10 Q Where are you employed?

11 A I own my own landscapin' business.

12 Q Okay. What's the name of your business?

13 A Thompson Lawncare.

14 Q How long have you been doin' that kind of work?

15 A About a year.

16 Q About a year?

17 A Yeah.

18 Q And, Mr. Thompson, do you have any prior record?

19 A No, sir.

20 Q Okay. Anthony, I believe your brother is Edward Thompson the applicant in this case?

21 A Yes, sir.

22 Q Now he was convicted, as you know, of a robbery at the Blockbuster video store which occurred
23 during the early morning hours of July 6, 2000.

24 A Yes, sir.

25 Q Do you remember the evening of July 5th and the early morning hours of July 6th?

ANTHONY THOMPSON - DIRECT BY MR. LITTLEJOHN

- 1 A I remember we was at the house on the back of the deck, all of us, me, Elvin, Raymond and Ed
2 (phonetic) we was out on the back of the deck just havin' a good time and we went in the house and
3 played a game and went to sleep.
- 4 Q Okay. Was anybody else at the house?
- 5 A My mom and my dad.
- 6 Q Okay. And I believe your dad is deceased now?
- 7 A Yes, sir.
- 8 Q Okay. Was Edward there the whole evening?
- 9 A Yes, sir.
- 10 Q Was he there during the course from midnight until the next morning?
- 11 A Yes, sir, as far as I can remember.
- 12 Q Okay. Now you have a cousin who's Jedediah Thompson?
- 13 A Yes, sir.
- 14 Q Was he over there at the house that evening?
- 15 A (unintelligible)
- 16 Q Okay. Did you happen to see him later after that?
- 17 A No, sir.
- 18 Q Okay. Is there any doubt in your mind that Edward was at the house that entire evening?
- 19 A He was.
- 20 The Court: Back up just a little bit.
- 21 A All right.
- 22 The Court: It distorts when you get that close.
- 23 A He was at the house.
- 24 Q He was at the house?
- 25 A Yes, sir.

ANTHONY THOMPSON - DIRECT BY MR. LITTLEJOHN

1 Q Now you -- you know that he -- that your family retained Mr. Mobley to represent him on those
2 charges?

3 A Yes, sir.

4 Q Okay. Did you ever have any contact with Mr. Mobley concerning the fact that Edward was at
5 the house that evening?

6 A No, sir.

7 Q Did he ever contact you concerning the alibi defense?

8 A No. He can tell you he didn't. I mean I don't even know him.

9 Mr. Littlejohn: Those are all the questions I have for this witness, Your Honor.

10 The Court: Cross.

11 Ms. Todd: Your Honor, if I may step out to the Solicitor's office for a moment.

12 The Court: Oh, I'm sorry. Yes, ma'am. We're at ease for a couple of minutes. (there was a
13 brief recess) You ready?

14 Ms. Todd: Yes, Your Honor.

15 The Court: Okay.

16 CROSS-EXAMINATION

17 BY MS. TODD

18 Q Mr. Thompson, just to make sure I have my notes correct, it's Anthony Thompson?

19 A Yes, ma'am.

20 Q Did you ever try to speak with Mr. Mobley regarding your brother's case?

21 A No, ma'am. He never did ask me anything so--

22 Q Did you try and contact him?

23 A No, ma'am.

24 Q Did you know that your brother was charged with all of these offenses?

25 A Yes, ma'am.

ANTHONY THOMPSON - CROSS BY MS. TODD

1 Q So you knew that he was facing these quite serious offenses.

2 A Yes, ma'am.

3 Q But you didn't try and reach him?

4 A No, ma'am.

5 Q Why is that?

6 A He's supposed to try and reach me. He had talked about (unintelligible) but he never did get in
7 contact with me.

8 Q Okay. And you never made any attempt to see him.

9 A No, ma'am. He never did make no attempt to see me.

10 Q Okay. And you remember this day in particular?

11 A Yes, ma'am, just like I said before we was out on the back deck—

12 Q Uh-huh.

13 A --talkin', havin' a good, me, my brother, Elvin, Raymond Robinson.

14 The Court: You're really gettin' too close to that microphone.

15 A And then we went in the room, played a game for a little bit. Raymond went home. My brother
16 he had to go to job corp the next day.

17 Q What time did Raymond go home?

18 The Court: Which brother you talkin' about?

19 A Elvin.

20 The Court: Okay. Go ahead. I'm sorry.

21 A I'd say about 1:30. Yeah. Then I went to sleep. That was that. That's all I can remember. I
22 mean we talkin' about four years ago so---

23 Q Right. But you seem to have a pretty good recollection of the day. Is that because you found
24 out that your brother was charged, Mr. Edward Thompson was charged with these crimes? Is that why
25 you can remember that well?

ANTHONY THOMPSON - CROSS BY MS. TODD

1

2

3

A Yes, ma'am.

4

Q And he told you about being accused of all this. You're aware of that.

5

A Yes, ma'am.

6

Q And you and your brother have a good relationship?

7

A Yes, ma'am.

8

Q Were you present at his trial?

9

A No, ma'am. My son was sick at the time so I had tend to my family.

10

Q Okay. But you knew when the trial was?

11

A We talkin' four years ago so I mean -- I really didn't know when the trial was to tell you the truth.

12

13

Q So -- but you said your son was sick at the time.

14

A Yeah.

15

Q So you must have--

16

A I was with my family. Yeah, I was with my family so at the time I was in Winnsboro so you know.

17

18

Q Okay.

19

The Court: You were in Williamsburg?

20

A Winnsboro, South Carolina.

21

The Court: Oh, okay. I'm sorry.

22

Q And you're sure about your memory.

23

A Yes, ma'am.

24

Q And you said that as far as you know your brother was there all night, Edward was there all night.

25

A Yes, ma'am.

Q How do you say as far as you know? You said at some point you went to bed too. Right?

ANTHONY THOMPSON - CROSS BY MS. TODD

1

2 A Yeah. He went to sleep before me; then I went to sleep.

3 Q Is it possible that you're wrong on the time frame?

4 A We talked four years ago so, I mean, you know, I don't -- and--

5 The Court: What was your answer?

6 A Not really. I don't know.

7 Q You're not sure?

8 A No, I'm not sure.

9 Q You're not sure if your brother was there at the time the Blockbuster was robbed?

10 A I don't even know what time it was robbed.

11 Q You don't know what time it was robbed?

12 A No, ma'am.

13 Q Or whether he was there around midnight on--

14 A He was there -- he was there 'cause Raymond had left the house at 1:30.

15 Q Uh-huh.

16 A He was still there.

17 Q And you remember this very distinctly because why?

18 A We was all playin' a game together.

19 Q Playing a game. And where was your mom at the time?

20 A She was at home.

21 Q Where was she?

22 A She was in her bedroom.

23 Q She was in the bedroom?

24 A Yeah.

25 Q And do you know what time she retired to the bedroom?

A Not really. Just like I was sayin' we talkin' about four years ago so--

ANTHONY THOMPSON - CROSS BY MS. TODD

1 Q So you remember when Raymond left.
2

3 A Yeah.

4 Q And you're saying Edward was there at that time.

5 A Yes, ma'am.

6 Q But you can't remember when your mom went to bed.

7 A She had her room door closed so I can't see through the door.

8 Q You're not sure what time she went to her bedroom?

9 A No. We was playin' a game so I really wasn't payin' attention and focus on all that.

10 Q Okay. Thank you very much. I have nothing further.

11 The Court: Redirect?

12 REDIRECT EXAMINATION

13 BY MR. LITTLEJOHN

14 Q Anthony, just to clarify, you say you and your brother Elvin and Raymond and your brother and
15 Edward were all there playing games?

16 A Yes, sir.

17 Q At 1:30?

18 A Yes, sir.

19 Q That would include the area right around midnight?

20 A Yes, sir.

21 Q Edward was at the house?

22 A Yes, sir.

23 The Court: Recross?

24 RECROSS EXAMINATION

25 BY MS. TODD

Q I believe you also stated just a few minutes ago you can't be really sure about time frames

ELVIN THOMPSON - DIRECT BY MR. LITTLEJOHN

1 because it was a long time ago. Is that correct?

2 A Yes, ma'am.

3 Q Okay. Thank you very much.

4 The Court: Anything further of this witness?

5 Mr. Littlejohn: No, Your Honor.

6 The Court: Thank you, sir. You may step down. All right.

7 Mr. Littlejohn: Call Elvin Thompson.

8 The Court: Come around, please.

9 ELVIN THOMPSON, BEING DULY SWORN, TESTIFIES

10 AS FOLLOWS:

11 DIRECT EXAMINATION

12 BY MR. LITTLEJOHN

13 Q Elvin, where do you live, please, sir?

14 A 7456 Eastwood (phonetic) Drive, Irmo, South Carolina.

15 Q Who do you live with?

16 A My mother.

17 Q Okay. How long have y'all lived at that house?

18 A About 15 years.

19 Q 15 years? Is this your twin brother Edward over here---

20 A Yes, sir.

21 Q ---the applicant? Okay. Elvin, what kind -- what do you do right now?

22 A I'm a security officer and I'm workin' part time in a car wash.

23 Q Okay. Where are you a security officer?

24 A I got my own business.

25 Q Uh-huh. Okay. How long you been doin' that?

ELVIN THOMPSON - DIRECT BY MR. LITTLEJOHN

- 1 A Five years.
- 2 Q Okay. Elvin, let me -- let me draw you back to the year 2000. Do you remember Edward got
- 3 arrested for robbin' the Blockbuster back in August 2000?
- 4 A Yes, sir.
- 5 Q You remember that?
- 6 A Yes, sir.
- 7 Q Okay. As a result of that your family hired Mr. Mobley?
- 8 A Yes, sir.
- 9 Q Okay. Did you have occasion to go with your brother to talk with Mr. Mobley?
- 10 A Yes, sir.
- 11 Q Okay. Did you talk to Mr. Mobley about where your brother was the night that the Blockbuster
- 12 got robbed?
- 13 A Yes, sir.
- 14 Q What -- what'd you tell him?
- 15 A I told him he was home with us. We was all on the back deck just chillin' havin' a good time
- 16 'cause I had to go back the next day, and we was all celebratin' 'cause I was about to finish my trainin'.
- 17 Q Okay. And you were about to go back to what?
- 18 A To job corp in Kentucky.
- 19 Q Okay. And you had to go back that next morning?
- 20 A Yes, sir.
- 21 Q The morning that the Blockbuster was robbed.
- 22 A Yes, sir.
- 23 Q Okay. Now did Mr. Mobley ask you any questions about what happened at the house that night
- 24 or who was there or anything of that nature?
- 25 A No, sir.

ELVIN THOMPSON - DIRECT BY MR. LITTLEJOHN

1 Q Okay. After that did you have any further contact with Mr. Mobley concerning your brother's
2 whereabouts when the Blockbuster was robbed?

3 A No, I can't recollect.

4 Q Okay. You don't remember talkin' to him again?

5 A No, I only remember talkin' to him one time.

6 Q Okay. Elvin, did you go to your brother's trial when he was tried in October of 2001?

7 A Yes, sir, 'cause I was finished then and I came -- you know, I came back down.

8 Q All right.

9 A And I went.

10 Q Did Mr. Mobley talk to you during the trial at all?

11 A No, sir.

12 Q Okay. Were you ever called as a witness, as an alibi witness?

13 A No, sir.

14 Q Let me back up a second. Elvin, on the night that the Blockbuster got robbed, who all was
15 present at your mom's house?

16 A It was me, my best friend Raymond Robinson, my dad and my mom and that was it and my
17 younger brother Tony.

18 Q Okay. And did you tell Mr. Mobley this that time that you met with him?

19 A I believe I did. I can't really recollect.

20 Q Okay. You don't recall whether you told him everybody that was at the house?

21 A Yeah, I can't really recollect.

22 Q Right around midnight that evening, was Edward at the house?

23 A Yes, sir.

24 Q Okay. And how late did y'all stay up or how -- how do you know he was there at midnight?

25 A I knew they was there at midnight because they sat there for me to get up the next mornin' and

ELVIN THOMPSON - DIRECT BY MR. LITTLEJOHN

1 he woke me up the next mornin' so I could catch the plane back.

2 Q Okay. So y'all all spent the night there other than Raymond?

3 A Yeah. As a matter of fact me and Ed (phonetic) shared a room so he woke me up the next
4 mornin' where I could catch my flight back.

5 Q Okay.

6 A Yeah. And that was seven o'clock in the mornin' so I'm pretty sure that nobody wouldn't stay
7 up till seven o'clock in the mornin', you know, stay up till 1:30 if they got to get the person up the next
8 mornin' at 7.

9 Q Okay.

10 A 'Cause my brother had woke me up 'cause we were roommates.

11 Q But y'all were all there at the house playing games and what-have-you---

12 A Yes, sir.

13 Q ---till around midnight?

14 A Yes, sir.

15 Q Okay. Thank you, sir. Please, answer any questions the state may have.

16 The Court: Cross.

17 CROSS-EXAMINATION

18 BY MS. TODD

19 Q Mr. Thompson, what did you tell Mr. Mobley regarding that night about what -- the time frame?

20 A Repeat that question.

21 Q Can you tell me what you told Mr. Mobley about what your brother was doing that night, about
22 how you could serve as an alibi witness.

23 A He was just -- he was there with us that day you know.

24 The Court: Back up from the microphone.

25 A He was there with us that night.

ELVIN THOMPSON - CROSS BY MS. TODD

- 1 Q Did you tell him about that you thought he was there all night?
- 2 A He was there all night, ma'am. We shared a room.
- 3 Q Okay. All right. But did you tell Mr. Mobley that?
- 4 A Yeah, I told him that.
- 5 Q You told him that -- that your brother Edward was there all night long.
- 6 A Yes, ma'am.
- 7 Q And you're sure about that.
- 8 A I'm positive.
- 9 Q Okay. Now you said you had a flight to catch the next morning?
- 10 A Yes, ma'am.
- 11 Q So is that how you remember this day?
- 12 A Yes, I remember it very vague.
- 13 Q At some point you did go to sleep though.
- 14 A Yeah.
- 15 Q And you don't know what your brother was doing while you were sleeping.
- 16 A No, ma'am.
- 17 Q And you're---
- 18 A I also know that he woke me up to catch my plane at 7 o'clock.
- 19 Q 7 o'clock. Okay. And as far as the time that you went to sleep, when was that?
- 20 A I went to sleep a little bit before they did like 12:30 or 1.
- 21 Q Okay.
- 22 A Yeah.
- 23 Q So you don't know where your brother was at that time.
- 24 A No, ma'am.
- 25 Q And I mean by that your brother Edward. You're not sure what you told Mr. Mobley about who

ELVIN THOMPSON - CROSS BY MS. TODD

1 else was there. Correct?

2 A Yes, ma'am.

3 Q When you went to his trial, you noticed that your brother wasn't present. Correct?

4 A Yes, ma'am.

5 Q And did you stay for the whole trial?

6 A Just parts of it.

7 Q Parts of it? What parts did you watch?

8 A I just -- I went to -- actually I didn't go to the trial. I went to the sentencing.

9 Q Oh, you just went to the sentencing?

10 A Yes, ma'am.

11 Q So you didn't go to the trial.

12 A No, ma'am.

13 Q And when you testified earlier you just misunderstood the question?

14 A Yes, ma'am.

15 Q Okay. Did you know when the trial was?

16 A No, ma'am.

17 Q Did you try and keep in contact with Mr. Mobley regarding your ability to testify for your
18 brother?

19 A No, ma'am.

20 Q Did your brother ask you to serve as an alibi witness at his trial?

21 A Did my brother ask me?

22 Q Did Edward ask you?

23 A Yes, ma'am.

24 Q He did ask you to—

25 A Yes, ma'am.

ELVIN THOMPSON - CROSS BY MS. TODD

1 Q ---serve as an alibi witness at his trial?

2 A Yes, ma'am.

3 Q Do you remember when that was?

4 A No, ma'am, I don't recollect.

5 Q Okay. Now when -- you said that he was arrested in August. Do you remember when in
6 August he was arrested?

7 A No, I don't.

8 Q So but whenever he was arrested you were able to remember what he was doin' on the night that
9 the Blockbuster was robbed.

10 A Yes, ma'am.

11 Q And did you get together with your family members to try and figure that out?

12 A No, ma'am.

13 Q How did you -- how did you remember?

14 A The reason I remember because I was here -- I was home on my training, you know, home for
15 my trainin' and we was all together 'cause it was around the 4th of July and I had to go back and that's
16 why I remember.

17 Q Okay. And you're certain about the time. You couldn't be confused about the time?

18 A No, ma'am.

19 Q But you don't remember what you told Mr. Mobley about who was there or remember when
20 your brother was arrested or anything like that.

21 A No, uh-uh.

22 Q Did you have any record of your flight to go back?

23 A No, they kept record (unintelligible) on the plane.

24 Q And when did you fly?

25 A When did I fly?

ELVIN THOMPSON - CROSS BY MS. TODD

- 1 Q Uh-huh.
- 2 A It was like for the 4th of July break back in -- back in like 2 -- 2000.
- 3 Q What day was it that you flew.
- 4 A It was the break over the 4th of July holiday. I can't really remember.
- 5 Q You don't remember what day you flew back?
- 6 A No, uh-uh.
- 7 Q Okay. So then you aren't sure that the day that your brother woke you up at 7 o'clock in the
- 8 morning was July 6th.
- 9 A No, I flew back on the plane July the 6th. I flew back that day.
- 10 Q Okay. I thought you just said you didn't remember.
- 11 A I was gettin' the questions confused.
- 12 Q Okay. Okay. So you're sure you flew back on July---
- 13 A Yeah. Yeah, 'cause I was home for about a week before then and then I flew back. I had to be
- 14 back before the 10th, so I flew back by like the 6th or the 7th. I can't really remember bein' a long while.
- 15 Q So you flew back on the 6th or the 7th.
- 16 A Yes, ma'am.
- 17 Q Okay. Thank you very much. I have nothing further.
- 18 A All right.
- 19 REDIRECT EXAMINATION
- 20 BY MR. LITTLEJOHN
- 21 Q Just briefly, Elvin. You said you went to bed on July 6th at about 12:30 a.m.? 12:30 or 1?
- 22 A Yeah.
- 23 Q Okay. Was Edward there at the house up until the time you went to bed?
- 24 A Yeah.
- 25 Q The whole evenin'.

ELVIN THOMPSON - RECROSS BY MS. TODD

1 A Yeah.

2 Q Thank you, sir.

3 The Court: Recross.

4 RECROSS EXAMINATION

5 BY MS. TODD

6 Q He was there at 12:30 to the best of your recollection the night before you flew. Correct?

7 A Yes, ma'am.

8 Q You -- you were out playing cards or whatever will 12:30 in the morning; you went to bed
9 'cause you had a flight to catch.

10 A Yeah.

11 Q And that may or may not have been July 7th.

12 A I can't remember. I mean if I could get it -- I can get it for it to you now. I can get back --
13 probably get some (unintelligible) my flight but as far as I remember I can't remember the day.

14 Q Have you brought that with you today?

15 A No, ma'am.

16 Q Okay. Thank you very much.

17 The Court: Anything further of this witness?

18 Mr. Littlejohn: No, Your Honor.

19 The Court: Thank you, sir. You may step down.

20 Mr. Littlejohn: Your Honor, we call Evelyn Thompson.

21 The Court: Come around please.

22 EVELYN THOMPSON, BEING DULY SWORN,

23 TESTIFIES AS FOLLOWS:

24 DIRECT EXAMINATION

25 BY MR. LITTLEJOHN

EVELYN THOMPSON - DIRECT BY MR. LITTLEJOHN

- 1 Q Ms. Thompson, where you live, please, ma'am?
- 2 A [redacted] (phonetic).
- 3 Q And that's in Irmo?
- 4 A Yes, it is.
- 5 Q And I believe Edward is your son?
- 6 A Yes, he is.
- 7 Q And Anthony and Elvin who just testified those are also your sons.
- 8 A Yes, sir.
- 9 Q Okay. Elvin and Edward are twin brothers?
- 10 A Yes, they are.
- 11 Q Ms. Thompson, do you recall when Edward got arrested for the armed robbery Blockbuster
- 12 video store?
- 13 A Yes, sir.
- 14 Q Okay. Now that robbery occurred on the late evening, late night of July 5th, July 6th. Do you
- 15 recall that evening whether Edward was at your house or not?
- 16 A I recall that night. I have a sickness it's sleepless (phonetic) and I went to bed early.
- 17 Q Uh-huh.
- 18 A I got up to get some water. I always peep out my kitchen window. And I peeped out and I saw
- 19 'em all sittin' on the deck playin' cards and havin' a good time.
- 20 Q Okay. Who all was there?
- 21 A Elvin, Edward, Anthony and Raymond.
- 22 Q You know roughly what time this was that you woke up?
- 23 A No, sir. I wake up all kinda odd hours.
- 24 Q Okay. But you'd gone to bed sometime that evening?
- 25 A Yes, sir.

EVELYN THOMPSON - DIRECT BY MR. LITTLEJOHN

- 1 Q All right. Do you know whether Edward ever left the house that evening?
- 2 A To mind -- to my mind I don't think he did.
- 3 Q And you woke up the next morning?
- 4 A Yes, sir, I woke up the next mornin' because I had to go with my sister-in-law to carry Elvin back
- 5 to the airport.
- 6 Q Okay.
- 7 A So I got up kinda early.
- 8 Q He had to catch a flight that morning?
- 9 A Yes, sir.
- 10 Q Okay. He was in job corp at the time?
- 11 A Yes, he was.
- 12 Q Okay. Now, Ms. Thompson, after Edward got arrested on these charges, I believe you and your
- 13 family hired Mr. Mobley to represent Edward?
- 14 A Yes, sir.
- 15 Q Okay. Did you meet with Mr. Mobley concerning Edward's charges?
- 16 A I was there.
- 17 Q Okay. How many times did you meet with him?
- 18 A I met with him just once I saw him.
- 19 Q Just once?
- 20 A Uh-huh.
- 21 Q Now did you have a discussion with him concerning Edward's whereabouts the night of the
- 22 robbery?
- 23 A He didn't ask me anything.
- 24 Q Okay.
- 25 A No, he didn't.

EVELYN THOMPSON - DIRECT BY MR. LITTLEJOHN

- 1 Q Was there a discussion in front of you about Edward's whereabouts on the night of the robbery?
- 2 A It was discussion but I can't tell you about any whereabouts at that time.
- 3 Q Uh-huh.
- 4 A I don't think it was at that time---
- 5 Q Okay.
- 6 A ---when I was there.
- 7 Q All right. You say Mr. Mobley never asked you any questions?
- 8 A No, he didn't. I apologize to my son and Mr. Mobley.
- 9 Q Okay.
- 10 A 'Cause they didn't ask me and at the time sick myself and my husband just had got diagnosed
- 11 can - with can - havin' cancer.
- 12 Q Uh-huh.
- 13 A So---
- 14 Q Okay. Did you go to Edward's trial when he was actually tried?
- 15 A No, sir.
- 16 Q Okay. Did you know when he was tried?
- 17 A It coulda been in August. I don't remember.
- 18 Q So you weren't - you weren't called as a witness during his trial then.
- 19 A No, sir, I wasn't.
- 20 Q Okay. Were you there when he was sentenced?
- 21 A Yes, I was.
- 22 Q Okay. Thank you, Ms. Thompson. Please answer any questions the state may have for you.
- 23 The Court: Cross.
- 24 Ms. Todd: I have nothing for this witness.
- 25 The Court: Thank you, ma'am. You may step down.

RAYMOND ROBINSON - DIRECT BY MR. LITTLEJOHN

1 A Okay. Thank you.

2 Mr. Littlejohn: Raymond Robinson.

3 RAYMOND ROBINSON, BEING DULY SWORN, TESTIFIES AS

4 FOLLOWS:

5 DIRECT EXAMINATION

6 BY MR. LITTLEJOHN

7 Q Where do you live, Mr. Robinson?

8 A (phonetic) Drive, Irmo, South Carolina.

9 Q Okay. Now is that down the street from the Thompsons?

10 A It's right around the corner.

11 Q Right around the corner.

12 A Yes, sir.

13 Q How long have you lived there?

14 A All my life. I'm 27 years old, so I lived there every year but a year when I went to school in
15 Virginia.

16 Q All right. How far'd you go in school?

17 A Post grad. It's after you graduate and then you go into your freshman year.

18 Q Okay.

19 A It's like a preparatory school. I was goin' there, then I was gonna go off to college.

20 Q All right. What kinda -- what kinda work do you do?

21 A I'm a cook at Zaxby's.

22 Q Okay. Mr. Robinson, how long have you known the Thompson's?

23 A All my life.

24 Q Okay. And I believe Edward's one of your good friends?

25 A Yeah, that's my best friend in the world.

RAYMOND ROBINSON - DIRECT BY MR. LITTLEJOHN

- 1 Q Also Anthony and Elvin?
- 2 A Yes.
- 3 Q Okay. Now the night that the Blockbuster video store got robbed July 5, July 6--
- 4 A Yes, sir.
- 5 Q ---2000, where were you that night?
- 6 A Over at the residence of the Thompsons.
- 7 Q Okay.
- 8 A Yes.
- 9 Q Who all was there?
- 10 A Me and Ed, Elvin, his mother, his dad, his other brother.
- 11 Q Okay. Do you remember about what time you got there?
- 12 A I got there early that day. I can't remember what time I got there but I know I left real late
- 13 because Elvin had to go back to school that next day, back to job corp in Kentucky.
- 14 Q Okay.
- 15 A And I don't wanna really stay there and keep 'em up that late you know.
- 16 Q All right. About what time did you leave? Do you remember?
- 17 A I left about 1:30.
- 18 Q About 1:30?
- 19 A Yes.
- 20 Q Was Edward there at the house?
- 21 A Yes, he was.
- 22 Q Had he been at the house the whole evening?
- 23 A Yeah, he was at the house the whole day.
- 24 Q What were y'all doin'?
- 25 A We was out on the back deck, everybody was just sittin' around chillin' 'cause Elvin, like I said,

RAYMOND ROBINSON - DIRECT BY MR. LITTLEJOHN

1 had to go back to school that next day, you know, up to Kentucky to his job corp, and we came in and
2 started playin' a game, you know, and I was sittin' around with them inside playin' a game or whatever,
3 and it was gettin' real late and I had to go home too so.

4 Q Okay. Now, Mr. Robinson, were you ever contacted by Mr. Mobley, who's Edward's—

5 A No, I wasn't. I don't even know the man.

6 Q Okay. Did anybody ever ask you to be a witness for Edward at his trial?

7 A You.

8 Q Okay. His trial back in 2001.

9 A No, sir.

10 Q Okay. All right. Thank you, Mr. Robinson.

11 A Okay.

12 The Court: Cross.

13 CROSS-EXAMINATION

14 BY MS. TODD

15 Q Did Mr. Thompson Mr. Edward Thompson ask you to serve as a witness for him?

16 A Yes, when Mr. Mobley called -- I mean excuse me -- Mr. Littlejohn called me---

17 Q Right.

18 A ---and asked me.

19 Q Okay. And is that when you remembered the events of July 5th and July 6th---

20 A Yeah, because I was over at the house and he had to be back to school the next day. It was
21 around the 4th of July, couple days after the 4th of July. That's how I remember. He had to be back to
22 school.

23 Q Okay. And you're sure of the date.

24 A Yes, ma'am. I have a good memory. I'm pretty sure.

25 Q You -- you have a really good memory---

RAYMOND ROBINSON - CROSS BY MS. TODD

- 1 A Yes.
- 2 Q --today? Okay. Now you said you've lived in that area your whole life?
- 3 A Yes, ma'am.
- 4 Q Okay. So how close is the Blockbuster to the Thompson residence?
- 5 A I mean I live in Irmo too. It's not even a mi -- it's probably not even a mile.
- 6 Q Okay. I just -- just wanted to make sure I understood that.
- 7 A Yes, ma'am.
- 8 Q And you remember specifically that it was July 5th and then you left in the early hours of July 6th?
- 9 A It's around that time. Around those same dates, yes, ma'am.
- 10 Q Around those same dates.
- 11 A Yes, ma'am.
- 12 Q You're not a hundred percent sure, are you, that it was July 6th?
- 13 A Like he said and I said, he had to be back to school like the 6th or the 7th.
- 14 Q Okay.
- 15 A And I went home, you know, 'cause it was gettin' late because we had to go to school. You just
- 16 don't wanna sit, you know, in someone's house when they have to be up early in the mornin' or
- 17 whatever and you know.
- 18 Q I completely understand that. Now so you can remember it because the next day was the day
- 19 that Elvin had to go back--
- 20 A Yeah.
- 21 Q --to job corp. That's how you remembered--
- 22 A Yeah, 'cause--
- 23 Q --the date?
- 24 A --usually when I used to go into their residence, we used to like the game and stuff I usually
- 25 stayed real late.

RAYMOND ROBINSON - CROSS BY MS. TODD

1 Q Uh-huh.

2 A You know, we used to like tease each other and stuff like that. I usually stay over there real late,
3 and it was like 1:30 when I was leavin'.

4 Q Right.

5 A 'Cause I got home close to 2 o'clock in the mornin'.

6 Q Right. Now when Mr. Thompson Mr. Edward Thompson was up for trial, were you aware of
7 that, were you aware that he was being charged with all these crimes?

8 A Yeah, well his brother called me and told me after the sentencing what he got cha -- what he got
9 charged with. You know, he called me and told me what he sentenced with and everything.

10 Q Okay. So Edward is one of your best friends.

11 A Yeah.

12 Q And he was arrested for two counts of armed robbery, two counts of kidnapping, assault and
13 battery of a high and aggravated nature, criminal conspiracy, and you learned of those when? When did
14 you learn he was -- he was in trouble?

15 A Actually through his brothers because they told me what, you know, what he was sentenced with
16 or whatever. I didn't---

17 Q So you learned after the sentence.

18 A Basically.

19 Q So you didn't know all that time from July 7th or 6th whenever it was, 2000, until he was
20 sentenced, you didn't even know he was charged with those crimes?

21 A No, I didn't know all of the char -- I didn't know all of these charges he really was charged with.
22 Like I just know he got charged with, you know.

23 Q Okay. And you found out after he was sentenced?

24 A Yes, ma'am, I go---

25 Q Do you remember when that was?

RAYMOND ROBINSON - CROSS BY MS. TODD

1 A When he got sentenced?

2 Q Uh-huh. Do you remember when you were told about it?

3 A It was like in 2001 because I -- I vaguely remember. I was at my cousin's house when I got a
4 call from his twin brother Elvin and he told me what the sentence was and everything and what he had got
5 sentenced with.

6 Q Okay. Do you remember what month it was in 2001?

7 A It was probably like October or November or somethin' like that.

8 Q Okay. Do you remember -- and that was after he'd been sentenced.

9 A Yes, ma'am. I think it was the same day he called me 'cause I was over at my cousin's house. It
10 was the same day after he got back from the sentencing or whatever---

11 Q Right.

12 A --because I had spent the night over there.

13 Q Okay. But you don't have any particular even surrounding that night to help you remember
14 what day it was?

15 A The day he got sentenced?

16 Q Or what day you found out about it.

17 A No. I just remember when I was over at my cousin's house. That's all I remember.

18 Q Okay. And you think that was around October or November---

19 A Yes, ma'am.

20 Q --2001?

21 A Yes, ma'am.

22 Q Now the way that you remember again that he was with you that night---

23 A Edward?

24 Q ---that Edward was with you that night is based on Elvin's plane trip.

25 A Yeah, 'cause like we said, we were all chillin' on the back deck just havin' a good time, you

RAYMOND ROBINSON - CROSS BY MS. TODD

1 know, 'cause he had to go back to school, and that's how I remember.

2 Q Okay. And it was sometime in that time span July 6th, July 7th, somewhere around the July 4th
3 week?

4 A Just like Elvin said, he had to be back to school around the 10th and he took a plane back up to
5 school so he can be ---

6 Q Okay.

7 A --go back to his trainin'.

8 Q Okay. Now you told me a little while ago that you're really good with dates. Do you remember
9 what you were doin' this time -- this date of the year last year?

10 A This date right here?

11 Q Uh-huh.

12 A What's the date today?

13 Q That's, let's see, the 27th.

14 A 27? July 27 last year?

15 Q Uh-huh.

16 A Well, I know I said I was good with dates and all, but I can't remember this date last year.

17 Q Right. And I guess it would be kinda hard to remember now a specific date in 2001.

18 A Well, I can remember you know.

19 Q Oh, you remember that he was -- that you found out he had been sentenced?

20 A Just like huh?

21 Q On 2001 the date that he was---

22 A No, you asked me what I remember I was doin' last year and you just asked me again can I
23 remember back then when he got sentenced and I just told you no.

24 Q But you can remember the day July 6th 2000 or somewhere around that time.

25 A Yeah, when Elvin was goin' back---

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1 Q Okay.

2 A --was supposed to be back, yes, ma'am.

3 The Court: Redirect?

4 Mr. Littlejohn: None, Your Honor.

5 The Court: Thank you, sir. You may step down.

6 A Thank you.

7 The Court: Any further witnesses?

8 Mr. Littlejohn: Your Honor, I have no further witnesses. There is just one thing I'd point out in
9 the transcript and I can't find the page number, but the testimony was to the effect that the Blockbuster
10 was robbed right at midnight on the night of July 5th early morning of July 6th 2000. That would be our
11 presentation, Your Honor.

12 The Court: All right. Well, let's take a break 5 or 10 minutes and then we'll hear from the state.

13 Ms. Todd: Yes, Your Honor.

14 The Court: Thank you. We're at ease. (there was a brief recess) Y'all ready?

15 Ms. Todd: Yes, Your Honor. If I may approach briefly with a scheduling matter.

16 The Court: All right. You ready to call witnesses; you have any motions?

17 Ms. Todd: Your Honor, the state would call Mr. John Mobley.

18 JOHN MOBLEY, BEING DULY SWORN, TESTIFIES AS

19 FOLLOWS:

20 DIRECT EXAMINATION

21 BY MS. TODD

22 Q Good morning, Mr. Mobley, how are you?

23 A Doing very well, thank you.

24 Q If you would, tell me a little bit about your representation of Mr. Edward Thompson.

25 A Certainly. And I -- you know I have pretty vivid recalls on the details of my representation of

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1 Mr. Thompson. He was charged with an armed robbery that occurred at a Blockbuster in Irmo in the year
2 of this case.

3 If I recall distinctly from the sample of the details what made the case particularly difficult or
4 challenging rather was that, you know, the case was made primarily by his cousin I believe who Jedediah
5 Thompson who was arrested a couple of days after the robbery with the firearm that was used in the
6 robbery. His cousin gave a confession; implicated himself and Edward in the robbery saying it was him
7 and Edward that committed the robbery. And actually I had an opportunity to -- to -- I'm no longer with
8 the firm that I was employed with at the time I represented Mr. Thompson, but I had an opportunity to get
9 the file and pull some of my notes and what took -- the second part about the case that made it difficult
10 was that, you know, Edward had a very, very distinctive look.

11 When I say that, he's very tall, very -- very thin at the time. He actually had these dreadlocks
12 and he doesn't have them right now, but I think when I was representing him and I pulled his booking
13 photo because that was how the second assailant was described as being very -- I'm readin' my notes --
14 actually I'm reading the statement by the -- one of the victims/witnesses of the robbery. The taller guy
15 was tall and skinny, dark skin. He had smaller (phonetic) knots or dreads in his hair and had a mustache.
16 And although he doesn't look that way now, I mean if you -- if you look at the booking photo that I've
17 pulled of him contemporaneous with his arrest, you know, you see the dreadlocks and the goatee with the
18 facial hair. So when I, you know, just so -- and I defended a very similar case against Tommy Pope a
19 bank robbery my client's brother testified against him in a bank robbery with his own video and actually I
20 got an acquittal. So I was very prepared to defend this specific type of case because I had a successful
21 strategy that I used in another case.

22 I explain -- and I remember meeting -- I was actually retained -- when I say retained I mean
23 paid officially by his aunt Adelle Adams who was really the primary or if not the only person I ever really
24 met with or talked to on a regular basis about the case. I mean I -- you know, I mean -- I mean his
25 mother says that she met with me in the beginning. She may have. I cannot -- I'm not sayin' that she

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1 did not but I can say that I can't recall really ever any kinda real conversation with her or I talked to her
2 and then I also I remember talkin' to Elvin and I took notes of my meeting with Elvin, but I would've
3 explained to Edward at the time the problems of our case are a couple of different things. One, that the
4 primary witness for the state was his own flesh and blood and that, you know, we've got to come up with
5 some motive for him to fabricate and implicate his own cousin -- you know, his own family which is
6 obviously difficult. That would be information he would have to give me. I can make up reasons why
7 your own cousin, your own, you know, relative would lie against you because, you know, he's clearly not
8 mistaken because he knows him, but he identifies him and his witness who doesn't know Edward gives a
9 very detailed description---

10 Ms. Todd: I apologize. Your Honor, if I could ask The Court please instruct the members of the
11 gallery to remain silent during the examination of the witness.

12 The Court: If anybody is talkin' or making any signs, you need to stay quiet.

13 Ms. Todd: Thank you, Your Honor.

14 Q I apologize, Mr. Mobley.

15 A Certainly. You know, and I even asked them, you know, even if she could -- he was gonna take
16 -- if we take the position that his cousin was lyin', who else has a similar description that's, you know,
17 physically as him; who has a close enough relationship with him that we could, you know, point to, and
18 he gave me a couple of names that never did really pan out. But you know, one of the things that was
19 also problematic was the fact that, you know, I'm lookin' at my notes. I mean I asked him how far the
20 Blockbuster was from where he lived and that he was less than a mile, only a mile, he could be there
21 within five minutes is what the information I was given. Obviously an alibi witness is very significant, any
22 alibi that fits. And I would've -- and I asked Edward about that and I took notes about our conversation,
23 and, you know, I'm lookin' at 'em and he says, you know, the night of this he was home with his twin
24 brother between -- and he told me between 9 p.m. and 2 a.m. He mentioned the older brother Tony who
25 was in his room. And then later he tells me that he saw the co-defendant later that night as well. You

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1 know, he gave me -- his co-defendant Jedediah would've given him some money the next day and that
2 his brother helped him count the money. I, you know, I don't have my notes which brother he
3 supposedly says that was, but that, you know, but---

4 Q So he told you he was with Elvin?

5 A He told me initially he was home with Elvin, correct, between 9 and 2. He mentioned his older
6 brother Tony but he said he was in his room. And, you know, whenever I have someone that indicates
7 they have witnesses that are family members or close friends like that, the thing for me to say is normally
8 well why don't you bring them for the next meeting we have; you think you can do that. If anyone ever
9 says that's a problem, I say well let me know if it's a problem because, you know, if it's a problem I can
10 try to locate him or get an investigator but, you know, we don't want to spend money on things like that
11 unless it's absolutely necessary. You know, and I -- to the best I can recall I mean that's what I would've
12 told Edward that he would've -- and I recall him sayin' fine sure I can bring 'em next meeting.

13 Q Okay.

14 A I do recall---

15 Q Did you meet with Elvin?

16 A I met with Elvin, yes.

17 Q Okay.

18 A And I remember and I took notes and I'm lookin' at 'em, my handwritten notes. His notes were,
19 you know, they started playin' playstation and my notes say between with Ed and Jed who would be
20 Jedediah between 3 and 3:30 p.m. that afternoon. He was at Texaco (phonetic) around 5:30. When he
21 came back Jedediah was gone. He came back. He was only gone for 15, 20 minutes. He got back
22 between 5:45 and 6 and started playin' playstation. His mom and dad were present at the time. He says
23 he was with Edward until about between 10:30 -- no wait, at 11:30. Then he went to bed and his brother
24 Anthony was already in bed. And the parents -- then asked about the parents and he says well they came
25 periodically when I was awake but obviously anything after he went to sleep he wouldn't have any

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1 knowledge of and he saw Edward the next morning. Now obviously things that -- that are significant of
2 an alibi is, number one, can you say where he was at 12 o'clock around the time of the robbery. His
3 answer would've been no. I mean his answer was no. You know, and that was pretty important
4 especially when you consider how close they lived as I think one witness testified they lived less than, you
5 know, less than a mile from the Blockbuster.

6 Q And he places him with Jedediah sometime that evening?

7 A Early that afternoon.

8 Q Okay. That afternoon.

9 A You know, whenever I get information, the next thing I do is I -- I meet with the client again and
10 tell the client well, you know, this is what -- it's not uncommon with a client to tell you one thing and
11 then it really doesn't pan out that way, but that's fine. That's kinda part of the process and I went and
12 informed Ed, well Ed I met with Elvin. This is what he said. He can't place you at home at the time, you
13 know, and I'm -- I'm hearin' witness talk about the dicks (phonetic) and I've never heard anything at all
14 about a dick (phonetic). I heard my notes clearly say playstation. And his friend Raymond, I mean I can
15 -- I can emphatically tell you I've never been given that name. Never. You know, so from the standpoint
16 of anybody else with the household I mean -- and generally what happened, what kinda started
17 happenin' and all this is not officially documented in my notes, but I can tell you from my memory what
18 kinda started happenin' is I would say Ed well you know if there's anybody else you wanna talk to or we
19 need to meet, please, you know, let's have a meet and we'd set up a meeting, Edward wouldn't show up.

20 Q Okay.

21 A You know, that's common once again in this profession, I mean people don't show up for
22 meetings and not a big deal. You call 'em again and say hey you didn't show up. I do recall specifically
23 it got to the point to where, you know, once I gave Edward the information I received from Elvin about
24 the lack of the reliability alibi, you know, I mean he just kinda -- kinda quizzical look on his face and that
25 was really the last time that I saw him.

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1 Q Okay.

2 A He called me one more -- yeah, I think one time he called back after a missed meet and
3 apologized because something came up and that was literally the last time I talked to him until he got
4 sentenced. At that point I mean, you know, he kinda disappeared. I knew the thing was on video which
5 was another issue but I -- also, I mean, and, you know, I brought e-mails I sent to my assistant. Do a
6 letter -- you know, my assistant Tracey -- do a letter statin' I've called him twice and it's important that I
7 talk to him. His trial may be called the week of October 22nd 2001.

8 Q Okay.

9 A Please call ASAP. And just so you understand, you know, there's a gap when, you know, you
10 get, you know, the person gets arrested; you don't know when the trial's gonna be so there's really not --
11 while you try to be thorough, interviewing witnesses is not an everyday sense of urgency. You expect the
12 client's gonna come back in another date or---

13 Q Okay.

14 A And I can also recall specifically that, you know, I would call the house tryin' to get Edward and,
15 you know, and I believe -- I'm goin' on memory -- there's an answerin' machine, but I actually got
16 ahold of anybody. I mean I would leave messages, John Mobley, Edward's lawyer, I need to talk to
17 somebody, please have him call me, pretty regularly.

18 Q Okay.

19 A And, in fact, the only person I ever got a response from was his aunt that hired me, Ms. Adele
20 Adams. I mean she was a person that, you know, and I -- and I have a note I remember meeting with his
21 uncle Ben and his uncle Ben was actually at the trial, you know, as well along with his aunt. But there was
22 no one else present. After that October first e-mail I sent my assistant I sent another on October 10th
23 indicating trial is set for October 22nd. He's failing to respond to my repeated phone calls and previous
24 letter requestin' he meet with me. He's severely impairing my ability to represent him. If he does not
25 appear his trial will likely proceed in his absence. Please call me ASAP. And I have a copy of the file that

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1 was sent to him certified, but not the original, but it's a certified letter we sent, you know, return receipt
2 requested. Mr. Thompson, your case is set for trial October 22nd. Your failure to respond to my repeated
3 phone calls and previous letter requestin' you meet with me has severely impaired my ability to represent
4 you. If you do not appear you will be tried in your absence. This is a file copy. You know, I'll be glad to
5 make it available to you or my good friend Mr. -- Mr. Cam.

6 Q Okay.

7 A But ultimately, you know, so that's kinda what took place, you know, at the trial. I mean there
8 was a video that me and my good friend (unintelligible) kinda argued over because, you know, I'd asked
9 about the video on a number of different occasions. He told that though he couldn't -- he couldn't run
10 over the equipment, I showed up for the trial. The morning of he miraculously found the equipment to
11 run it and the video was very -- very clear. I mean quite frankly in my opinion it's probably he wasn't at
12 the trial because if you saw the video I mean he looked -- I mean it was undeniable. Prior to the tri -- I
13 did have a still photo they provided me with of the suspect who was supposedly Edward. At that -- on
14 the outset of the trial I showed it to his aunt and I showed it to his uncle and I said hey well maybe one of
15 you guys can say this isn't Edward. His uncle Ben said of course that's Edward. His aunt says oh no
16 that's not him. So I put her up on the stand and, you know, and that's how it went. So I mean, you
17 know, all the other details that -- that are comin' out today I mean -- I mean this is the absolute first time
18 I've ever heard anything like that. I can guarantee you if I'd been given a specific name of somebody to
19 talk to, I would've done so. You know, anybody that -- that lived at the household. I mean I left
20 messages there pretty repeatedly; sent certified letters there, you know, this one was certified. The second
21 one I don't think. The first one was not certified obviously, but I that's kinda what played. I'll be glad to
22 answer any questions you have, but that's my memory of the details of what took place.

23 Q Thank you. You have an excellent memory and apparently there's a file of your representation
24 of Mr. Thompson. If you could tell me when you first met with him and he told you about being with
25 Elvin. Do you know what date that was?

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1 A No. It was shortly -- I got involved in a case fairly soon at the -- at the -- I think -- I think it was
2 a bond hearing as a matter of fact.

3 Q Okay.

4 A So I mean I was involved in the case from the beginning.

5 Q Okay.

6 A And I mean I have notes about the bond hearing right here, so I was involved -- as a matter of
7 fact, I've got notes from my conversation with him at the bond. Initially he says home playin' with twin --
8 twin brother playin' playstation 12:30 to 1 a.m. when it happened which is obviously different than my
9 notes from the conversation we had when he got out on bond, but a little bit different, not significantly.

10 Q Okay. Now do you have any recollection of the time frame from when you talked to him to
11 when you talked to Elvin?

12 A No. It would've been shortly after I met, you know, I was, you know -- I try to get a jump start
13 on a case if I've got good information because you don't want thing to get cold because you never know
14 when the trial's gonna come up. So you wanna get a good running start, kinda have it set so if you get hit
15 for trial you're somewhat ready and prepared.

16 Q Okay.

17 A But I would've talked to Elvin in pretty short order and I would've, you know, had all these
18 conversations fairly early in my representation of Elvin -- of Edward -- excuse me.

19 Q And do you -- you were at trial but Mr. Thompson was not.

20 A Correct. He took off.

21 Q And you know that he wasn't in contact with you in October, but you're not sure exactly when
22 he absconded?

23 A No, I mean, you know, he got to the point he stopped returnin' my telephone calls; would not
24 respond to my letters. I would, you know -- because no one would respond actually -- I'm sorry. No, I
25 mean I -- you know, I can say I tried to be diligent in communication with Mr. Thompson, you know,

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1 missed letters, telephone calls. When those went unresponded, I called his aunt the only other contact
2 person I had but can I tell you exactly when he fell off the face of the earth? No, I can't.

3 Q Okay. Now at trial Jedediah testified against Edward.

4 A Correct.

5 Q And he identified him as being the -- the person who helped him rob the Blockbuster.

6 A Correct.

7 Q And he said that it was Edward's idea to rob the Blockbuster.

8 A I can't recall but that's -- if that's what the transcript says. I mean I just can't recall that detail.

9 Q And one had the gun; the other had the gloves.

10 A I can't recall those kinda details.

11 Q The -- one of the -- one of the people that worked at the Blockbuster did identify---

12 A Correct.

13 Q ---Edward at a bond hearing?

14 A Correct. You know, that would be Mr. Rose (phonetic).

15 Q Okay.

16 A And that's the one that gave the specific description of him that I'm reading from.

17 Q Okay.

18 A When I talked about the description of the assailant or the suspect. He's the same one that gave
19 that -- that detailed description.

20 Q Okay. If I could get from you the booking photograph.

21 A Sure.

22 Ms. Todd: I'm showing it to Mr. Littlejohn.

23 Q Mr. Mobley, I don't mean to rob your file but I'd like to move this into evidence.

24 A All yours.

25 Q Thank you very much.

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1 Ms. Todd: State would move this -- move to have it moved into evidence as state's #1.

2 The Court: Any objection?

3 Mr. Littlejohn: No, Your Honor. (state's exhibit #1 received in evidence)

4 The Court: Thank you.

5 Q And is it your testimony that the description that the victim gave matched (unintelligible)?

6 A I'll read it again in the record. It says -- and I highlighted it back then. If you look at the
7 statement there are portions that I highlighted in yellow. I mean these are notes I made for whatever year
8 the trial was. I didn't alter these in any way. These are -- I just pulled the file and looked at it this
9 morning. This is the first time I've seen it. The taller guy was tall and skinny, dark skin and he describes
10 the clothing and he says he had small knots or dreads in his hair and he had a mustache.

11 Mr. Littlejohn: I'm sorry, Your Honor, I don't -- I'm not sure what he's reading into the record.

12 A Oh, I'm sorry. This is the statement the -- one of the victims in the robbery made describin' one
13 of the assailants.

14 Mr. Littlejohn: Your Honor, I -- I would have to object if it's not part of the record in this case.
15 I don't think it would be proper for him to read some extraneous matter into the record.

16 The Court: He -- if it's some -- well, lay a foundation for whether -- when he had it and all that.

17 Q Mr. Mobley, did you receive this material in discovery?

18 A Yes. Just so we're clear, I mean I got this in the case. I recall these details independent of this
19 statement, but just in order to make sure that there's no question in your mind or Mr. Littlejohn's mind, I
20 wanted to make sure that I produced it in court in case there was a question about it. But these are details
21 that I recall independently, but if I can, you know, bring direct corroboration in my -- in my -- in my
22 memory I like to produce it just, you know, for everybody's edification. That's all. But, correct, yes.

23 Ms. Todd: Your Honor, the state would submit that this is material he received in discovery,
24 information he received in his representation of Mr. Thompson.

25 The Court: Objection is overruled. You may continue.

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1 Ms. Todd: If I may, Your Honor, I'd like to hand up the photograph state's #1 to The Court.

2 The Court: Sure.

3 Q Mr. Mobley, you may or may not recall this, but the description that you're referring to was also
4 part of Mr. Rose's testimony at trial? Do you recall that?

5 A I recall that, yes. And that's how he looked from the video as well. The video was pretty crystal
6 clear. I mean the video was bad, you know, nothin' I can say about it.

7 Q The video matched that photograph as well?

8 A I mean, yeah. Yes. Emphatically. And I -- and I want you to know that I certainly find it
9 distasteful to say anything negative about someone I represented or negative about the case. I find that
10 professionally very distasteful to do that -- you know, Mr. Thompson was my client. I tried to certainly
11 represent him the best I could, and I find it distasteful to sit here and say he was the person on the video,
12 but because I'm up here I kinda have to give these details to justify, you know, decisions I made
13 throughout the course of the trial and my representation of him.

14 Q If I may, may I hold your notes from your meeting with Mr. Edward Thompson when he gave
15 you Elvin's name?

16 A Sure. And just so -- I have the notes where he mentions being home with his twin brother and
17 the older brother Tony in his room, but Elvin's name was not actually written on these notes. Elvin's
18 name is listed at the top of the statement where I took notes from my interview with Elvin.

19 Q Okay.

20 A But these are the notes that I think would be best accurately respond to your request.

21 Q Okay. Thank you very much.

22 Ms. Todd: I'd like the record to reflect that I am showing that to Mr. Littlejohn.

23 Mr. Littlejohn: Your Honor, as I understand it, these were notes Mr. Mobley took in a discussion
24 with the defendant?

25 A Correct.

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1 Mr. Littlejohn: No objection.

2 Ms. Todd: State would proffer this as state's #2.

3 The Court: All right. We'll need a copy for him. (state's exhibit #2 received in evidence)

4 Q Mr. Mobley, I'm gonna show you state's #2 for just a second. You said that it did not contain all
5 the names, but it does state that it was his twin brother. Correct?

6 A That's exactly what it says.

7 Q Okay. Thank you. Now if I could borrow your notes from your meeting with Mr. Elvin.

8 A Sure.

9 Q We'll get you copies.

10 Ms. Todd: I'd like the record to reflect I'm showing this to Mr. Littlejohn.

11 Mr. Littlejohn: No objection.

12 Ms. Todd: The state would offer this as state's #3.

13 The Court: Yes, ma'am. (state's exhibit #3 received in evidence)

14 A Just so we're clear with this whole everybody on the back porch thing I'm lookin' at the notes I
15 took from my initial interview with him at the bond hearing when he was givin' me a -- his -- a brief
16 statement about his alibi and the subsequent notes I took from him in my office when we had more
17 (unintelligible) I mean he was emphatic that there was never a statement about a buncha people on the
18 porch. Each time each statement states he was home playin' playstation, you know, with his brother.
19 There was never this thing about everybody bein' on the porch hangin' out together. That's somethin'
20 the first time I ever heard that was today in court.

21 Q Thank you, sir.

22 A Even from my interview there are no notes about people bein' on the porch hangin' out.

23 Q Now your letter I believe it's October 10th your final copy of the letter.

24 A Sure I've got 2 e-mails and a letter. I'll give them all to you.

25 Q Okay.

JOHN MOBLEY - DIRECT BY MS. TODD

1 Ms. Todd: All right. Let the record reflect I am showing an e-mail dated October 10th from Mr.
2 Mobley to a Tracey Kleckley, an e-mail dated October first from Mr. Mobley to Tracey Kleckley and a
3 letter dated October 11th from Mr. Mobley to Mr. Edward Thompson. It is a file copy. It does not have a
4 signature on it.

5 Mr. Littlejohn: Your Honor, my only objection would be as to relevancy. This really doesn't
6 pertain to whether the alibi defense was presented or pursued.

7 The Court: It's overruled. Mark it in evidence.

8 Ms. Todd: I'd like to mark these as one. There are three items. (state's exhibit #4 received in
9 evidence)

10 Q Mr. Mobley, is there anything else regarding your representation of Mr. Edward Thompson that
11 you believe The Court needs to know regarding the allegations that have been raised here today?

12 A No. I -- I -- you know, and once again emphatically, you know, had I been given any information
13 regarding alibi witnesses, I would've followed up on 'em and I wanted to make sure that, you know, I
14 tried to communicate with Edward pretty diligently so we didn't have this last minute rush with the trial,
15 you know, but I mean, you know, that's what I had to work with basically, you know, but the critical
16 question with any alibi was whether or not they can put you -- where they can -- whether they can place,
17 you know, your -- where you are at the time the crime occurred. If they can't do that, they're not alibi
18 witnesses plain and simple and that would've been the million dollar question for Edward and for Elvin.
19 Can you say where he was at 12 o'clock. Well, no. Well, can anybody else say where you were at 12
20 o'clock. No. Well, if they can't do that then they're not alibi witnesses. Not when you live 5 minutes
21 from the scene of the crime.

22 Q Thank you, Mr. Mobley. Please answer any questions Mr. Littlejohn has.

23 Ms. Todd: And I'm just gonna ask the clerk, I'm gonna need four copies, one for Mr. Mobley,
24 one for myself, one for Mr. Littlejohn, one for The Court. Does the court reporter need a copy?

25 The Court: Cross.

JOHN MOBLEY - CROSS BY MR. LITTLE JOHN

1 CROSS-EXAMINATION

2 BY MR. LITTLEJOHN

3 Q Good afternoon, Mr. Mobley.

4 A Good afternoon, Mr. Littlejohn, sir.

5 Q I know it's no fun bein' up there; I was up there about a month ago. Part of the job. Mr.
6 Mobley, you -- you began your can I style it the lengthy answer to the first question you were asked.
7 You discussed how the identification by Mr. Rose and by the cousin Jedediah Thompson was I believe
8 you described it as -- as fairly strong evidence against Edward Thompson.

9 A I -- I -- it was -- it was a -- yeah, I would say that's a -- I would agree to that characterization.

10 Q All right. Did that factor into your decision as to whether to pursue the alibi or not?

11 A No. Not with -- not with Edward -- the only issue with the alibi, one, the information, the
12 names I was given and information I was given, I was given Elvin; I interviewed Elvin. Elvin said
13 emphatically he couldn't say where he was at the time of the robbery. Elvin said that nobody --
14 everybody else was asleep and he was the last person up--

15 Q Okay. Let me--

16 A But I guess from to answer the question, no, I mean I would've pursued the alibi. If I could find
17 any -- any information regarding where he was at the time of the robbery, I would've, you know,
18 certainly tried to develop that.

19 Q Mr. Mobley, let me ask you to do the same thing you ask witnesses to do. That is answer yes or
20 no and then explain --

21 A Sure.

22 Q --the answer to that question. So you're saying the strength of the identification testimony was
23 really independent of whether you should develop the alibi defense or not.

24 A Correct.

25 Q Correct? Okay. Now, in fact, during the course of the trial -- and I want you to know Mr.

JOHN MOBLEY - CROSS BY MR. LITTLE JOHN

1 Thompson has no -- no beef with how you conducted the trial. Actually you did what I would
2 characterize and you can agree with me I hope, a very good job of developing or questioning the
3 identification by Mr. Rhodes (phonetic).

4 A I tried.

5 Q And the motive for the cousin to testify against Edward Thompson.

6 A And, you know, I can't recall exactly what motivated -- but I tried to work with what I had and
7 which---

8 Q Well, you recall questioning Mr. Rhodes about whether his identification was tainted during the
9 bond hearing.

10 A Correct.

11 Q And the fact that he could not identify Mr. Thompson out of a photographic lineup.

12 A Correct.

13 Q You also questioned Jedediah about his motives for pointin' a finger at Edward namely that he
14 was facing a substantial amount of time 135 years.

15 A That sounds like what I would've asked him.

16 Q And he was trying to assist his own self in getting a lesser sentence.

17 A Correct.

18 Q And you developed -- in questioning these witnesses to the extent that apparently the jury had a
19 question about whether it was Edward Thompson or not. Do you recall the jury asking the question?

20 A I recall -- I -- I specifically recall that. I mean I -- I was really, really surprised by it quite frankly
21 because I mean it's -- you know, from my standpoint I'm doin' a TIA, you know, I'm kind of -- I had a
22 client that didn't give me very much information at all that I could use, so I'm tryin' to just, you know,
23 make chicken salad out of you know what, you know. So I was quite surprised when that question came
24 back, correct.

25 Q Well, you're an experienced trial attorney. You've tried many cases, and when a jury comes

JOHN MOBLEY - CROSS BY MR. LITTLE JOHN

- 1 back with a question like that, it indicates to you that they have some question about that identification.
- 2 A Correct. Correct. I would -- I would concede that, sir.
- 3 Q Okay. And it would indicate to you also, wouldn't it, that they had a question about whether Mr.
- 4 Thompson was elsewhere when the Blockbuster robbery took place?
- 5 A I would not disagree with that based on that question by the jury, sir.
- 6 Q Okay. Mr. Mobley, you explained to us how you met with Edward Thompson and I believe his
- 7 brother Elvin at some point, and they explained to you the events of July 5th, July 6th 2000 and about them
- 8 bein' at home. Is that right?
- 9 A Correct.
- 10 Q Okay. And they told you, Elvin or Edward told you that at the house that evening was the
- 11 mother Evelyn Thompson. Correct?
- 12 A Correct.
- 13 Q Their father.
- 14 A Correct.
- 15 Q And I believe their father was still alive at the time, was he not?
- 16 A Correct.
- 17 Q Okay. And also Anthony Thompson.
- 18 A The older brother, yes.
- 19 Q Okay. And he was also present at the house.
- 20 A Correct.
- 21 Q All right. And I believe you indicated that there was no mention of Raymond Robinson. You'd
- 22 never heard of Raymond Robinson---
- 23 A Never.
- 24 Q ---until today?
- 25 A Never. I would've written that name down.

JOHN MOBLEY - CROSS BY MR. LITTLE JOHN

1 Q Okay. Now other than Edward or Elvin, did you talk to anybody else who was present and
2 could've testified as to the alibi?

3 A No. And that was primarily for two different reasons. Number one -- well, three. You know,
4 Elvin when I talked to Elvin he -- he pretty much ruled everybody else out with his statement. Now, you
5 know, when I met with Edward, I would always say well, you know, as I indicated on direct, you know,
6 when -- when the people that live in your household that someone is sayin' are potential witnesses I
7 would say can you bring 'em to our next meeting.

8 Q Uh-huh.

9 A Which, you know, and if I say if that's a problem let me know and I'll try to contact another
10 way, he would say sure and it just got to a point where, you know, he wouldn't come back anymore and,
11 you know, and of course I would call the house as I indicated. Granted I would call looking for Edward,
12 not -- I would say I wouldn't call for his mom or dad. I might say can someone give me a call because
13 I'm tryin' to get hold of Edward. I'm his lawyer.

14 Q All right.

15 A But I mean I never got a return call from anybody any message I left at the house.

16 Q Okay. Did you ever specifically attempt to contact Evelyn Thompson to find out about whether
17 she could testify as to the alibi?

18 A No. And number one, I will tell you neither Edward nor Elvin indicated that she could've
19 testified to where Edward was at the time of the robbery which is the relevant time. I mean I'm certain
20 that she saw him at some point that evenin'. I don't -- I don't dispute that at all but it didn't me any
21 good if everybody says she saw him at 9:30, 10 o'clock when the robbery happened two hours later.

22 Q But without talkin' to her you don't know what she saw.

23 A Correct.

24 Q And is that the same as to Mr. Thompson who was alive at the time? Did you ever contact him
25 to ask him if he could substantiate the alibi?

JOHN MOBLEY - CROSS BY MR. LITTLE JOHN

1 A No. The closest I would say I would -- I would've come to that was the message I left at the
2 house were, you know, he lived at the house with the parents. I would leave messages this is John
3 Mobley, I'm his lawyer, and his aunt later indicated to me when I expressed to her my inability to get in
4 contact with anybody and how imperative it was well they're not doin' too well, that's why, you know,
5 they're not talkin' -- I mean somethin' along those lines. I mean I knew that, you know, I -- I knew that
6 the father had some health issues. I can't recall that I was aware of the mother or not but I mean, you
7 know, everybody know I was tryin' to get information. I mean I talked to his Uncle Ben who, you know,
8 I talked to his -- his -- his aunt but that -- I mean I quite frankly I found it odd that the parents were
9 never in the picture because normally when you have a -- a -- a -- a child or a teenager that's in trouble,
10 the parents are what's goin' on, but I found it quite odd that I never heard from the parents.

11 Q Okay.

12 A They never even asked, called about the case or, you know, return telephone calls, nobody was at
13 the trial. It was always his aunt and then at the trial aunt and uncle.

14 Q Okay.

15 A So.

16 Q How about Anthony Thompson did you ever talk to him or try and contact him about the alibi?

17 A No. And I think Anthony would've been in the category of somebody that -- well, two things.
18 According to Elvin he ruled Anthony out completely and two, when I would, you know, accordin', you
19 know, that if Elvin was gonna have to back him up I would, you know, I would say fine will you -- will
20 you bring him for the next meeting. He would say sure I'll bring him to the next meeting and then he
21 would just not show up for all the meetings. The only contact information I had was the home phone
22 number where they all lived, and those messages I mean I never got a telephone call returned.

23 Q Of course you would agree with me you don't know what a witness is gonna say until you talk
24 to that particular witness.

25 A Correct. Correct. I didn't go out to their house. I didn't -- I didn't -- you know, when my --

JOHN MOBLEY - CROSS BY MR. LITTLE JOHN

1 when my calls were not returned, did I go out to the house and try to find somebody at the house? No, I
2 did not do that.

3 Q So you never attempted to contact Mr. or Mrs. Thompson or Anthony Thompson. Is that right?

4 A Well, you know, I guess, you know, did I leave messages specifically for, you know, Mr.
5 Thompson and specifically for Elvin Thompson, I'm reasonably certain I did not do that.

6 Q Okay. All right.

7 A But, you know, once again, my -- my reasoning was, one, they are ruled out, you know, by
8 Elvin, and number two, I expressed to Edward that they could, you know, bring anybody in and he would
9 kinda say sure and just not show up again anymore so that's the best I can tell you, Mr. Littlejohn.

10 Q And would you agree with me as you -- in talking to these other witnesses you might've found
11 out about Raymond Robinson if he was there?

12 A I'm -- I'm -- certainly -- correct. Correct. I would like to think I would find out from my client
13 since I had stressed to him the importance of the alibi but---

14 Q All right. And would you agree with me that -- that witnesses remember times differently? And
15 so where Elvin might've said he went to bed at 10 o'clock, another witness might've remembered he went
16 to bed later. Those things happen.

17 A Those things do happen.

18 Q When you're investigating a case for trial. Is that right?

19 A Though -- and I -- and I, you know, and once again, those are the kinda things I discuss with my
20 client when I explain to him what the witness he brought to me says and why it would be a good idea to
21 make sure that the other people come in, and you know, and if you gonna -- you know, so -- and I never
22 really thought that might be a problem. I never, you know, I represented Edward in the past on some
23 other minor matters, and, you know, he came from a -- you know, his family was a -- you know, nice,
24 you know -- I -- nice good people. I never really thought it would be a problem, you know, for him to
25 come back with -- with another brother or somebody else, you know. And I guess as time kinda goes on

JOHN MOBLEY - REDIRECT BY MS. TODD

1 he keeps not showin' up for appointments and then kinda just takes off you know. Then Aunt says
2 everybody's sick, nobody can, you know, so.

3 Q Would you indulge me just a moment?

4 A Sure.

5 Mr. Littlejohn: Those are all the questions I have, Your Honor.

6 The Court: Thank you. Redirect.

7 Ms. Todd: Thank you, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. TODD

10 Q Mr. Mobley, according to the information you had, two people could account for -- according to
11 the information Mr. Thompson gave you Mr. Edward Thompson, two people could account for his
12 whereabouts at the time of the Blockbuster robbery.

13 A Correct.

14 Q Him and Elvin.

15 A Elvin. Correct. He even told me in his notes that everybody else had already gone to bed.

16 Q Okay.

17 A And Elvin -- I mean Edward told me that himself.

18 Q And Elvin when you talked to him couldn't cover the time.

19 A Correct.

20 Q And Edward didn't show up for trial.

21 A He -- Edward didn't show up for a number of meetings and didn't -- never returned any of my
22 telephone calls or my letters. I mean I you know I mean any -- and that was significant. I mean I -- I try
23 to be diligent about makin' sure my clients are aware of information when I get it and so we can make a
24 game plan as to how we're gonna deal with it, you know. Obviously I count on him to give me accurate
25 information. I count on him to show up for meetings and, you know, give me somethin' I can use, and I

JOHN MOBLEY - REDIRECT BY MS. TODD

1 made it very clear to Edward in the beginning that, you know, let's investigate the defenses and, you
2 know, if there's somethin' -- and don't waste my time with things that aren't gonna work out because
3 you're not hurtin' -- you're not helpin' yourself, you're just kinda wastin' your lawyer's time and your
4 time is much better spent tellin' me somethin' I can use and corroborate. Don't send me on wild goose
5 chases because he -- you know, and he said he understood that you know so.

6 Q Did you listen to Ms. Evelyn Thompson's testimony today?

7 A Yes, ma'am.

8 Q Based on her testimony would she have been a witness you would've wanted to call as an alibi
9 witness?

10 A No. I mean absolutely not. I mean, you know, she couldn't account for his whereabouts at the
11 time of the murder -- I mean the time of the crime. Excuse me. Time of the robbery. Plain and simple. I
12 mean she couldn't.

13 Q Thank you very much, Mr. Mobley. I have nothing further.

14 The Court: Recross. Thank you, sir. You may step down.

15 A Thank you.

16 The Court: State have any further witnesses?

17 Ms. Todd: No, Your Honor. The state would like to offer The Court and Mr. Mobley and Mr.
18 Littlejohn photocopies of the exhibit. The state would have nothing further, Your Honor.

19 The Court: All right. Does the Applicant have anything in reply?

20 Mr. Littlejohn: No, Your Honor.

21 The Court: Do you all wish to argue?

22 Mr. Littlejohn: Briefly, Your Honor.

23 The Court: All right.

24 Mr. Littlejohn: Thank you. Your Honor, You can see from the transcript that Mr. Mobley did a
25 very good job of negating the state's identification testimony. He did such a good job that the jury came

1 back and asked whether the Applicant had an alibi defense or not. And obviously there was a question
2 about whether, in the jury's mind, as to whether Thompson was there at the robbery or not. And that
3 being the case, I think the alibi -- part of this defense or preparation of this defense becomes that much
4 more significant.

5 Your Honor, I understand the information that Mr. Mobley was given, but, you know,
6 sometimes when you're preparing a defense for a case or preparing the prosecution for a case, you know,
7 you're given a limited amount of information, but often times you have to develop that information. You
8 have to go out and find out if there are other witnesses, what they can testify to if their information is
9 different from the information you've been given especially where you've got a case here where a young
10 man is looking at such a significant amount of time in jail if he's convicted.

11 Your Honor, apparently Mr. Mobley was put on notice that there were a number of people there
12 at the house, the mother, the father, another brother Anthony. They were never interviewed. They were
13 never contacted to see if their information was consistent or inconsistent or whether it could've been a
14 slam dunk alibi defense.

15 Your Honor, the other thing if those witnesses had been interviewed and the alibi developed
16 further, perhaps there could've been other corroboration that could've been developed that can't be
17 developed here some five years later. There may have been some record, some airplane ticket, something
18 that could've been much more significant that would've shown that Edward Thompson was at home
19 when this robbery took place.

20 Your Honor, obviously there was a question about the identity. Had there been an alibi defense
21 presented, we think it is very -- we think given the record, the state of the record and was before The
22 Court that the jury could've very well looked at that and said well Edward Thompson does have an alibi
23 and the case has not been proven beyond a reasonable doubt.

24 Your Honor, for that reason we think the Applicant is entitled to relief because this alibi that was
25 so important and so crucial wasn't developed to the extent that he was given effective representation.

1 Thank you, Your Honor.

2 The Court: Thank you. Ms. Todd.

3 Ms. Todd: If it pleases The Court, Your Honor. The state would submit that Mr. Mobley looked
4 into the information he was given. There was no need at that point to ask the mother or Anthony or the
5 father where the Applicant was because the information he was given was they had gone to bed, that they
6 would not have been eligible to serve as alibi witnesses. Mr. Edward Thompson gave the name of his twin
7 brother Elvin Thompson. Said that he could cover him for the time he could testify that he was at home
8 with Elvin playing video games from 9 to 2. Mr. Elvin Thompson told Mr. Mobley a different version of
9 events and was not able to cover him for the time frame of the armed robbery and the kidnapping.

10 The state would submit the Applicant has failed to meet his burden of proving either deficient
11 performance by Mr. Mobley or prejudice.

12 The Court: Do you have any response to that, Mr. Littlejohn?

13 Mr. Littlejohn: No, Your Honor. I'd -- I'd rest on my earlier remarks.

14 The Court: I'll review the record and notify you of my decision in writing. Thank you very
15 much.

16 Mr. Littlejohn: Thank you, Your Honor.

17 *****endoftranscript*****

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CERTIFICATE

I, THE UNDERSIGNED, CARLA PERRY, OFFICIAL AND CERTIFIED COURT REPORTER
FOR THE STATE OF SOUTH CAROLINA (RETIRED), DO HEREBY CERTIFY THAT THE
FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT TO THE BEST OF MY ABILITY AND
SKILL.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO
ANY PARTY HERETO.

Carla Perry

July 10, 2011

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

EDWARD THOMPSON, 280883

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS

Case No. 2004-CP-32 -4128

FORM ORDER

Following a hearing, the court makes the following ruling(s) as indicated below.

- (X) 1. The application for post-conviction relief is : (X) denied
() granted
() under advisement.

A more detailed order is to follow as directed in No.6 below.

- () 2. The motion to dismiss and/or for summary judgment is hereby:
() granted () denied () under advisement.

The ruling on the motion is based upon:

- () the statute of limitations; and/or,
() the application is impermissibly successive; and/or,
() other reason(s): _____

- () 3. Upon considering the conditional order of dismissal previously filed in this case, the court finds:

() There has not been sufficient cause shown to summarily dismiss the application. A hearing on the merits is to be scheduled.

() The application for Post Conviction Relief is dismissed because:

- () the response to the conditional order of dismissal does not demonstrate good cause for allowing the action to continue; or,
() no response has been filed to the conditional order of dismissal.

- () 4. The applicant withdrew his application freely, voluntarily, and intelligently on the record.
The case is dismissed: () with prejudice () without prejudice.

- () 5. Other: _____

- (X) 6. (X) A proposed order is to be submitted by (X) the Attorney General () Applicant's counsel, with a copy to be sent to opposing counsel within (30) days.

() Both sides are directed to submit proposed orders to the court and to serve the orders on each other within () days.

() The court will prepared a more detailed order without assistance from counsel.

IT IS SO ORDERED.

Date: July 27, 2006

William P. Keesley
William P. Keesley, Judge

Note: This order was done on July 27, 2006. The court was notified by the Attorney General's office during the first week of April 2007 that no order had been received.

Court Reporter: Perry

Attorney for Applicant: Cam Littlejohn, Esq.

Attorney for State: Asst. A.G. Sabrina Todd

Paul A. Carney
Clerk of Court
Lexington, SC

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STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS

2004-CP-32-4128

Edward Thomson, SCDC # 280883,

Applicant,

v.

State of South Carolina,

Respondent.

ORDER DENYING
POST-CONVICTION RELIEF

FILED
APR 18 PM 4:50
Della L. Cannon
Clerk of Court
Lexington, SC

PROCEDURAL HISTORY

WPC #1
This matter comes before the Court by way of an Application for Post-Conviction Relief filed November 8, 2004. Respondent made its Return on May 16, 2005. An evidentiary hearing into the matter was convened on July 27, 2006, at the Lexington County Courthouse. Applicant was present at the hearing and was represented by Cameron B. Littlejohn, Jr., Esquire. Respondent was represented by Sabrina C. Todd of the South Carolina Attorney General's Office. The application is denied.¹

At the hearing, Applicant testified on his own behalf and presented the testimony of his mother, Evelyn Thomson, his brothers, Anthony and Elvin Thomson, and his friend, Raymond Robinson. Testifying on behalf of Respondent was John Mobley, Esquire. This Court also had before it the records of the Lexington County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, a copy of the Record on

¹ A form order denying this PCR application was prepared by the court on the day of the hearing. During the first week of April 2007, the court was notified that no order had been received. Apparently, the form order had not been distributed through some oversight. The court apologizes for the delay.

Appeal, the Anders and pro se briefs from the appeal, the appellate court opinion, and the remittitur. During the PCR hearing, several documents were received into evidence including notes from trial counsel's file, a copy of Applicant's booking photo, and documentation of some of counsel's efforts to reach Applicant.

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Lexington County Clerk of Court. Applicant was indicted at the September 2001 term of the Lexington County grand jury on two counts of kidnapping (2001-GS-32-2923, -2924), two counts of armed robbery (2001-GS-2919, 2922), assault of a high and aggravated nature (2001-GS-32-2921), and criminal conspiracy (2001-GS-32-2920). Applicant was represented by Mr. Mobley. On October 22, 2001, Applicant's case proceeded to trial in his absence, at the conclusion of which he was found guilty on all charges. On October 24, 2001, the Honorable Marc H. Westbrook sealed Applicant's sentences. On December 19, 2001, Judge Westbrook unsealed and read the sentences, which were as follows: thirty (30) years imprisonment for each count of kidnapping and armed robbery, ten (10) years for assault of a high and aggravated nature, and five (5) years for criminal conspiracy. All sentences were imposed concurrently, except for the sentence for criminal conspiracy, which the court ordered run consecutively.

Applicant pursued a direct appeal. His appellate counsel submitted a final brief and motion to be relieved pursuant to Anders v. California, 386 U.S. 738 (1967). Applicant submitted a pro se brief. The South Carolina Court of Appeals dismissed Applicant's appeal pursuant to Anders. State v. Thompson, Op. No. 2003-UP-648 (S.C. Ct. App. Filed November 6, 2003).

In his application and at the PCR hearing, Applicant contended his trial counsel was

ineffective in failing to present alibi witnesses at his trial.

SUMMARY OF EVIDENCE

This case arises from the late night/early morning robbery of a Blockbuster video store. The robbery occurred at approximately midnight, the store's closing time on the evening of July 5, 2000. Applicant testified he first met with trial counsel after being released on bond. He met with counsel two to three times during which they discussed the case and discovery.

At the PCR hearing Applicant maintained his innocence, but explained he was counting on counsel to come up with a defense. Applicant told counsel he was at home with his family at the time of the crime and discussed alibi witnesses. Applicant recalled that his twin brother Elvin was present during the meeting with counsel and that counsel asked Elvin some questions. However, trial counsel never contacted any of Applicant's other family members and did not present them or Elvin at trial. Applicant admitted he did not appear at trial and explained that in addition to being involved in a number of personal matters, he did not think the case was going to trial. Applicant complains the jury sent a note to the court during deliberations asking if he had an alibi for the night of the robbery and because no alibi witnesses had been presented in his defense, the court instructed the jury that they could not consider whether he had an alibi because there was no evidence regarding that issue. (ROA. p.427, line 22 – p.430, line 19.)

Anthony Thompson testified on the night in question his family was at home on the deck, having a good time. Both his mom and dad were present. They played games and Anthony went to bed. He stated he recalled that day in particular and that Elvin and Raymond were there. He also recalled his mother was in her bedroom with her door closed. Raymond left about 1:30. Anthony testified he is certain Applicant was there the entire time and that he did not see his cousin (and Applicant's co-defendant), Jebediah Thompson, at the house that night. Anthony

also testified he did not know trial counsel and was not contacted by him. On cross-examination, Anthony testified he never tried to speak with trial counsel and that counsel should have tried to reach him. Anthony testified he did not know when the trial was scheduled. He claimed he was sure Applicant was there when Raymond left, but he was not sure about the times.

Wpcc #4
Elvin Thompson testified he attended a meeting with Applicant and trial counsel and that he told counsel the family was at home celebrating because Elvin was leaving to go back to Job Corps the next morning. He recalled being at the house with Applicant, Anthony, Raymond, and his parents on the night in question, but could not remember if he told trial counsel this. He remembered going to sleep at approximately 12:30 or 1:00 a.m. and that Applicant woke him up the next morning at 7:00 a.m. so he could catch his plane. Applicant asked Elvin to serve as an alibi witness, but Elvin did not keep in touch with trial counsel and was not present at the trial. When asked if he got together with family members to try to remember the date in question, Elvin testified he was home from the Job Corps and it was around July 4. When asked what day he flew back, he testified he could not remember, but that he had to be back on July 6 or 7. Elvin did not have evidence of what day his flight was scheduled.

Evelyn Thompson testified she remembered the evening in question and that although she went to bed early, she was certain Applicant did not leave the house. She hired trial counsel after Applicant's arrest and met with him on one occasion. They did not discuss an alibi defense. She did not attend Applicant's trial and does not remember if she knew when it was. She was not called as a witness at trial.

Raymond Robinson testified he knew Applicant all of his life and was at the Thompson residence on the night in question. He arrived early and left at approximately 1:30 in the morning. Applicant was there the entire day and they played games later in the night. Robinson

testified he and Applicant were best friends, but he learned Applicant was in trouble only after he was sentenced. Although Robinson claimed he had an excellent memory and was sure of the date in question, he was unable to recall where he was one year before the PCR hearing. Robinson also testified the Blockbuster is less than one mile from the Thompson home.

Trial counsel testified Applicant's aunt, Adell Adams, paid for his services and talked with him about the defense. Applicant told him he was at home with Elvin between 9 pm and 2 am, but that he saw his co-defendant, Jebediah later that night. Applicant also advised counsel that his parents and brother Anthony were home, but did not indicate they could account for his whereabouts at midnight. Applicant told counsel that Jebediah gave him money the day after the crime.

WPK
#5
Trial counsel met with Elvin in an effort to establish an alibi for Applicant. Elvin told counsel he played video games with Applicant and Jebediah on the afternoon of the day in question. Elvin went out at about 5:30 and Jebediah was gone when he returned. His parents were home and Applicant was there until 11:30. Elvin then went to bed and did not see Applicant again until the next morning. According to Elvin's version of events, no one at the home could say where Applicant was at midnight and he did not tell counsel that anyone in the home could account for Applicant's whereabouts at midnight.

After meeting with Elvin and reporting what he said to Applicant, counsel tried to set up meetings with Applicant and made diligent efforts to communicate with him. However, Applicant did not cooperate in his own defense, ignoring counsel's letters and telephone calls. He stated the first he heard of all of these witnesses being able to serve as alibi witnesses for Applicant was at the PCR hearing and that he had never heard of Robinson before. Further, his notes do not reflect anyone discussing anything about congregating on a deck.

Counsel recalled the case against Applicant was "made" by Jebediah Thompson's testimony implicating him. Additionally, Applicant had a distinctive look matching the detailed description given by one of the victims. Counsel testified it was actually helpful that Applicant did not appear at trial as the video and still photographs from the robbery clearly showed him participating in it, and that one of the Blockbuster employees even identified Applicant at his bond hearing. Counsel testified the Blockbuster was approximately five minutes away from the Thompson home.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WPA #6
This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. This Court finds trial counsel was a credible witness and that his notes and file documents confirmed his testimony. By contrast, Applicant, his brothers, and his friend Raymond Robinson were not credible witnesses. This Court further finds Applicant's mother provided no credible testimony as to his whereabouts at the time of the crime because she was in her bedroom.

In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686 (1984); see also Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 690. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Id. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 689). A reasonable probability is a probability sufficient to undermine confidence in the outcome of the proceedings. Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997). As discussed below, Applicant has failed to carry his burden in this action. Therefore, this Court finds that the application must be denied and dismissed.

This Court finds Applicant initially told trial counsel that his brother Elvin could serve as his alibi for the time of the crime. Elvin, however, was unable to account for Applicant's whereabouts during the time of the robbery and ruled out his parents and Anthony as alibi witnesses. This Court finds neither Applicant nor Elvin ever told counsel about Robinson.

As to the witnesses' testimony at the PCR hearing, this Court finds Applicant's mother could not account for his whereabouts at the time of the robbery and that none of Applicant's

other alibi witnesses offered credible testimony that he was with them rather than at the Blockbuster on the date and time in question. Elvin could not be certain he was testifying about the correct date, Anthony was uncertain about his recollection of the times in question, and Raymond testified he did not even know his best friend was in trouble until after he was sentenced; but, he somehow had the ability to remember that he was with him during the time of the crime. Certainly none of these witnesses were known as viable alibi witnesses to counsel, who diligently represented Applicant as best as he could despite Applicant's refusal to assist in his defense. This Court finds based on counsel's credible testimony that he would have followed up on alibi information had it been provided to him. Further, this Court finds counsel did consult with the one alibi witness Applicant told him about—Elvin—and that Elvin was unable to cover Applicant for the critical time of the crime. Additionally, Applicant's family knew he was trying to reach Applicant and was trying to get information to help with his case, but they did not volunteer to serve as alibi witnesses or otherwise assist counsel. In sum, Applicant has failed to prove that counsel was deficient in failing to present alibi witnesses in his case and has further failed to establish counsel's performance prejudiced him. Accordingly, this application is denied and dismissed.

Any Other Allegations

As to any and all allegations that were or could have been raised in the application or at the hearing in this matter, but were not specifically addressed in this Order, this Court finds Applicant failed to present any probative evidence regarding such allegations. Accordingly, this Court finds that Applicant waived such allegations and failed to meet his burden of proof regarding them. Accordingly, they are dismissed with prejudice.

CONCLUSION

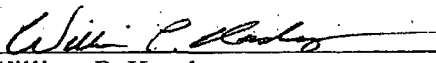
Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient in any manner, nor was Applicant prejudiced by counsel's representation. Therefore, this application for PCR must be denied and dismissed with prejudice.

#9 This Court reminds the Applicant that if he wants to secure appellate review of this Order, a notice of appeal must be filed and served within thirty (30) days from the receipt of this Order by his PCR counsel. Pursuant to Rule 71.1(g), SCRCP, PCR counsel must file a notice of appeal on Applicant's behalf if he wishes to pursue appellate review. Applicant and counsel are directed to Rules 203, 206, and 227 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the current Application for Post-Conviction Relief be denied and dismissed with prejudice; and
2. That Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 17th day of April, 2007.


William P. Keesley
Judge, Eleventh Judicial Circuit

The Supreme Court of South Carolina

Edward Thompson,

Petitioner,

v.

State of South Carolina,

Respondent

Richland County
Trial Court Case No. 2004-CP-32-4128

ORDER of DISMISSAL

The above entitled case is pending on appeal in this Court. Due to the failure of appellant to provide proof of service on opposing counsel in the above matter, as provided for in Rule 203(d)(B) of the South Carolina Appellate Court Rules,

IT IS ORDERED that the above captioned appeal be and hereby is dismissed. Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in the case will be sent to the Clerk of Court for Richland County after fifteen (15) days, exclusive of the date of filing this Order.

JEAN H. TOAL, CHIEF JUSTICE

BY Branda J. Shealy
Chief Deputy CLERK

Columbia, South Carolina

June 22, 2007

cc: Appellate Defense
Cameron B. Littlejohn, Jr., Esquire
Edward Thompson, #280883
Office of Attorney General

The Supreme Court of South Carolina

Edward Thompson,

Petitioner,

v.

State of South Carolina,

Respondent

Richland County
Trial Court Case No. 2004-CP-32-4128

ORDER of DISMISSAL

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JEAN H. TOAL, CHIEF JUSTICE

BY

Brenda J. Shealy
Chief Deputy CLERK

Columbia, South Carolina

June 22, 2007

cc: Appellate Defense
Cameron B. Littlejohn, Jr., Esquire
Edward Thompson, #280883
Office of Attorney General

11587
DEG



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

(803) 734-1080

FAX (803) 734-1499

July 9, 2007

REMITTITUR

The Honorable Barbara A. Scott
1701 Main St
PO Box 2766
Columbia, SC 29202-2766

Re: Thompson, Edward v. The State
2004-CP-32-4128

Dear Ms. Scott:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Very truly yours,



CLERK

DES/klb

cc: Appellate Defense
Cameron B. Littlejohn, Jr., Esquire
Edward Thompson, #280883
Office of Attorney General

11 AG 12
AWL SC

2008CP3204821 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

County of Lexington 18 AUG 39

Denial of Right To Appeal

Edward Thompson 280883 AGG

Austin, Alice v. State, 305 S.C. 448, 450, 401 S.E.2d

Full name and prison number of any of Applicant

392, 394 (1991) and Odum v. State, 337 S.C. 256, 523

LEXINGTON SC

S.E.2d 753 (1991), Belated Appeal

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Brow River Correctional Institution
4460 Brow River Road, Columbia S.C. 29210
2. Name and location of Court which imposed sentence Lexington County Court
of General Sessions
3. Name(s) of co-defendant(s) (if any) Jedidiah Roy Ford-Thompson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2001-65-32-2923-2924 / 01-65-32-2921 / 01-65-32-2922
 - (b) 01-65-2919-2920

Copies
since 24
made
11/14/08

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) October 24, 2001
- (b) 30 yrs. for each kidnapping & Armed robbery / Ten(10) yrs A.B.H.A.N
- (c) 5 yrs Criminal Conspiracy
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) ☒ after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Dismissed
- ii. Pursuant to Anders v. California, 386 U.S. 738 (1967)
- iii. _____
- (c) the date of each such result:
- i. November 6, 2003
- ii. State v. Thompson, Op. no. 2003-UP-648
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Anders v. California, 386 U.S. 738 (1967)
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Denial of Right to Appeal denial of P.C.R.
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Counsel failed to perfect Notice of intent to Appeal P.C.R. Judgment.
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Right to Appeal P.C.R. Judgment

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____

(b) your trial, if any? John T. Mobley

(c) your sentencing? _____

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Eleanor Duffy Cleary

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. John T. Mobley, ESA

925 Calhoun ST., Columbia S.C. 29201

ii. Eleanor Duffy Cleary

1122 Lady Street, Suite 940, Columbia, S.C. 29201

iii. _____

(b) the proceedings at which each such attorney represented you:

i. _____

ii. _____

iii. _____

19. State clearly the relief you seek in filing this application:

20. Are you now under sentence from any other court that you have not challenged?

2008CP3204821

ORIGINAL

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Lexington)

I, Edward Thompson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

[Signature]

SWORN to and subscribed before me this 13TH
day of November, 2008.

[Signature] (L.S.)
Notary Public

My Commission Expires: August 25, 2015

BETH A. CARRIGG
CLERK OF COURT,
LEXINGTON SC

2008 NOV 18 AM 10:39

FILED

2008CP3204821

ORIGINAL

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Edward Thompson, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Edward Thompson
Applicant

SWORN or affirmed to and subscribed before me this
13th day of November, 2008.

Griff J. Dink
Notary Public

My Commission Expires
August 25, 2015

My Commission Expires: _____

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

2008 NOV 18 AM 10:40

FILED

ORIGINAL

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
Case No.: ~~2004-CP-32-4128~~
2008-CP-32-04821

Edward Thompson, 280883,
Applicant,

v.

State of South Carolina,
Respondent.

RETURN

RECEIVED
CLERK OF COURT
LEXINGTON, SC

2008 JUN 25 P 2:02

FILED

The Respondent, making its Return and Motion to Dismiss to the application for post conviction relief (PCR) filed November 18, 2008, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was indicted at the September 2001 term of the Lexington County Grand Jury for two counts of kidnaping (01-GS-32-2923, -2924), two counts of armed robbery (01-GS-32-2919, -2922), assault of a high and aggravated nature (01-GS-32-2921), and criminal conspiracy (01-GS-32-2920). John T. Mobley, Esquire, represented The Applicant. On October 22, 2001, the Applicant's case proceeded to trial in the Applicant's absence, at the conclusion of which he was found guilty on all charges. On October 24, 2001, the Honorable Marc H. Westbrook sealed the Applicant's sentences. On December 19, 2001, Judge Westbrook read the sentences to the Applicant of confinement for a period of thirty (30) years for each count of armed robbery and kidnaping, a period of ten (10) years for assault of a high and aggravated nature, with all of these sentences concurrent, and a consecutive to a sentence of five (5) years for criminal conspiracy.

The Applicant appealed. The South Carolina Court of Appeals dismissed the appeal pursuant to Anders v. California, 386 U.S. 738 (1967), after a review of the entire record, the Anders brief, and Applicant's pro se brief. State v. Thompson, Op. No. 2003-UP-648 (S.C. Ct. App. filed November 6, 2003). The Remittitur was issued on December 12, 2003.

First PCR Application

The Applicant filed his first application for PCR on November 8, 2004. The Respondent made its Return on May 16, 2005. An evidentiary hearing into the matter was convened on July 27, 2006, at the Lexington County Courthouse. Applicant was present at the hearing and was represented by Cameron B. Littlejohn, Jr., Esquire. Respondent was represented by Sabrina C. Todd of the South Carolina Attorney General's Office. By Order filed April 18, 2007, the Honorable William P. Keesley denied and dismissed with the prejudice the application.

Subsequently, Applicant filed a Notice of Appeal. On June 22, 2007, the South Carolina Supreme Court issued an Order of Dismissal due to the failure of Applicant to provide proof of service on opposing counsel. The Remittitur was issued on July 9, 2007.

II.

In his current Application, the Applicant alleges that he was being held in custody unlawfully for the following reason:

1. Ineffective assistance of PCR counsel for failure to file PCR appeal.

III.

In his allegation, the Applicant alleges that he was denied the right to appeal the dismissal of his previous PCR Application. A PCR applicant may petition the South Carolina Supreme Court for discretionary review of the dismissal of his or her application. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), a successive Application may be pursued where the

Applicant was denied the right to appeal the dismissal of his prior Application for PCR. The State lacks sufficient information to admit or deny this allegation; therefore, the State requests an evidentiary hearing on this ground for relief. Id.; Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

V.

WHEREFORE, having made its Return, the State requests that a hearing be held solely for the purpose of determining whether the Applicant was rendered effective assistance of PCR counsel.

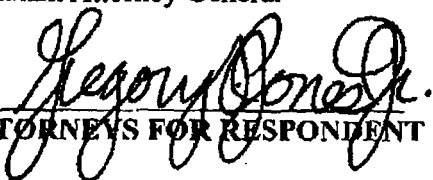
Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

GREGORY P. JONES, JR.
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

June 25, 2009.

ORIGINAL

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON)

Edward Thompson,)
)
) PLAINTIFF,) PCR MOTION
) HEARING
) -VS-) 2004-CP-32-4128
)
State of South Carolina,)
)
) DEFENDANT.)
_____)

BEFORE THE HONORABLE ALEXANDER S. MACAULAY, JUDGE

MAY 18, 2010

LEXINGTON, SOUTH CAROLINA

A P P E A R A N C E S:

Ely Grote, Esq.
For the Applicant

A. West Lee, Esq.
For the State

REMA K. GANTT THOMAS
CIRCUIT COURT REPORTER

I N D E X

	PAGE NO.
Exhibit List	5
Motion	10
Ruling of the Court.	12
Court Reporter's Certification	14

EXHIBITS

THERE WERE NO EXHIBITS INTRODUCED AT THIS HEARING.

1 THE COURT: All right,
2 you may call your next case.

3 MR. LEE: Thank you, Your Honor. This is
4 Edward Thompson versus State of South Carolina, case
5 number 2004-CP-32-4128. The applicant was indicted
6 at the September '01 of the Lexington County Grand
7 Jury for two counts of kidnapping, two counts of
8 armed robbery, assault and battery -- excuse me,
9 assault of a high and aggravated nature, and
10 criminal conspiracy.

11 The applicant was represented by John
12 Mobley. On October 22, 2001, the applicant's case
13 proceeded to trial in the applicant's absence, at
14 the conclusion of which he was found guilty of all
15 charges.

16 On October 24, 2001, the Honorable
17 Mark Westbrook sealed the applicant's sentences, and
18 on December 19, 2001, Judge Westbrook read the
19 sentences to the applicant and sentenced him to
20 confinement for a period of thirty years for each
21 count of armed robbery and kidnapping, a period of
22 ten years for assault of a high and aggravated
23 nature, with all those sentences to be run
24 concurrent, and a consecutive sentence of five years
25 for the criminal conspiracy charge.

1 The applicant appealed. The South
2 Carolina Court of Appeals subsequently dismissed
3 that appeal pursuant to Anders v. California. And
4 the remittitur was issued on December 12, 2003.

5 Subsequently, the applicant filed a
6 first PCR application on November 8, 2004. The
7 State made its return on May 16, 2005. An
8 evidentiary hearing into the matter was convened on
9 July 27, 2006, and the applicant at that point was
10 present at the hearing and represented by Mr.
11 Cameron Littlejohn.

12 On -- let's see. By order filed
13 April 18, 2007, the Honorable William Keesley denied
14 and dismissed the application with prejudice. The
15 applicant subsequently filed a pro se notice of
16 appeal. That appeal was dismissed due to failure of
17 the applicant to basically perfect the appeal. And
18 the remittitur on that was issued on July 9, 2007.

19 In his current application for post-
20 conviction relief, the applicant's only allegation
21 is that he was provided ineffective assistance of
22 PCR counsel for failure to file and perfect his PCR
23 appeal. At this time, I will turn it over to the
24 applicant's attorney to expand upon his claim.

25 THE COURT: All right, Mr. Grote.

1 MR. GROTE: Your Honor, we agree with
2 everything that was said. It would be my client's
3 position he's willing to testify here, but I think
4 we can come to some sort of agreement with this
5 matter.

6 Pursuant to Rule 71.1 of the Rules of
7 Civil Procedure, it states that counsel for a PCR
8 applicant is required to file and service notice of
9 the appeal and provide proof of that service.

10 We're here pursuant to the case of
11 Austin v. State, which held that a PCR applicant can
12 have a subsequent PCR application if he claims that
13 he was denied the right to seek appellate review of
14 the case. And that's why this is a successive
15 application as allowed under South Carolina law.

16 Austin v. State also held that an
17 allegation that PCR counsel fails to seek appellate
18 review of a PCR decision is ineffective assistance
19 of counsel -- allegation of ineffective assistance
20 of counsel. Austin v. State also said that an
21 application had the right to seek appellate review
22 and has the right to assistance of appellate counsel
23 in seeking review.

24 There's two cases also that are
25 important. There's Dennison versus State, which is

1 639-Southeast-2B-35. That's a 2006 South Carolina
2 Supreme Court case. There's Gray versus State,
3 which is 620-Southeast-2B-743, and that's a 2005
4 South Carolina Supreme Court case.

5 Both those cases interpret what
6 counsel's duty is following denial of a PCR
7 application. Those cases hold that PCR counsel,
8 even appointed counsel, is required to refile the
9 notice of appeal and to serve notice of it -- in
10 other words, perfect it -- until relieved as
11 counsel, and then they're supposed to tender the
12 defense over to appellate defense.

13 In this matter, Mr. Littlejohn did
14 inform Mr. Thompson that he had a right to appeal,
15 which is a duty under Dennison v. State or Brady v.
16 State. One of those cases says that PCR counsel has
17 the right or duty to inform each applicant to the
18 right to appeal.

19 And that was done in this case. Mr.
20 Thompson is prepared to testify that he even wrote
21 Mr. Littlejohn back, wishing to appeal. Since the
22 deadline was approaching, he ended up filing the
23 appeal pro se.

24 The South Carolina Supreme Court then
25 wrote Mr. Littlejohn, and I believe they copied the

1 Appellate Defender's Office, on May 24, 2007,
2 notifying Mr. Littlejohn that he still was the
3 attorney of record for Mr. Thompson and that he had
4 the duty to perfect the appeal.

5 The appeal was never perfected. So
6 it's our claim that -- that claim for ineffective
7 assistance of the appellate counsel. The remedy in
8 Austin v. State says that if a Court to find that
9 the applicant is denied his right to -- right to
10 seek appellate review. There is no right to
11 actually have the Supreme Court review it. But they
12 decide whether they're going to grant cert on it or
13 not.

14 But they have a right to at least
15 seek that review and let the Supreme Court decide
16 whether they're going to grant cert or not. And so
17 what Austin v. State says the remedy is, is that if
18 he was denied his right to seek appellate review,
19 then the South Carolina Supreme Court should review
20 the matter to determine whether there are any
21 meritorious issues to appeal the first PCR
22 application. And that's the relief that we're
23 seeking today.

24 THE COURT: Mr. Lee?

25 MR. LEE: Yes, Your Honor?

1 THE COURT: Anything from the State?

2 MR. LEE: Well, Your Honor --

3 THE COURT: First of all, is a hearing on
4 the merits of the motion necessary?

5 MR. LEE: Your Honor, it is my
6 understanding that Mr. Littlejohn would testify that
7 somehow he did not end up --

8 THE COURT: That's what I'm asking. Now,
9 you'll have to forgive me again. I'm perhaps less
10 learned of all Trial Judges. This is my first time
11 with a situation on a PCR. So the duty of this
12 Court is what -- to make a finding that it is under
13 Austin v. State?

14 MR. GROTE: Yes, Your Honor. If I may
15 approach, I do have these cases that I referred to,
16 just for your reference if you would like to review
17 them. I've included a couple of the rules cited in
18 the cases in under --

19 THE COURT: Well, the thing is I don't
20 have to mandamus the Supreme Court to --

21 MR. GROTE: Well --

22 THE COURT: -- take cert, do I?

23 MR. GROTE: -- now, the case of Austin v.
24 State provides the remedy. And to be honest, I
25 don't know that it's entirely clear, and I'll cite

1 to you what they say.

2 What they say is if you make a
3 finding that he was denied his right to appellate
4 review that then the South Carolina Supreme Court is
5 supposed to review the original -- what would have
6 been his original appeal from his first PCR
7 application to determine whether there is any merit
8 to that initial appeal.

9 And I'll cite that for you. It's the
10 case of Austin v. State. It says, "Because
11 petitioner is entitled to the assistance of
12 appellate counsel on PCR and because we must craft
13 the remedy to correct the unfairness which has
14 occurred, we find this allegation that counsel has
15 failed to seek review of this case sufficiently
16 states a claim for ineffective assistance.

17 "We therefore remand for an
18 evidentiary hearing on the issue of whether the fact
19 that petitioner requested and was denied an
20 opportunity to seek appellate review. If the
21 Circuit Court finds this to be true, this Court" --
22 meaning the South Carolina Supreme Court -- "shall
23 review whether the petitioner was prejudiced by the
24 nature -- or by the failure to obtain review of a
25 metaphoric (PH) issue."

1 So I read that as saying that if you
2 find that he was denied his right to seek appellate
3 review, then it has to go to the South Carolina
4 Supreme Court for review of the merits of the --
5 what would have been his appeal from the first PCR,
6 hearing. Now, as far as the mechanics of how that
7 works, I'm not entirely sure.

8 THE COURT: Well, I think now I do.
9 Obviously, this would be just an order that I'm
10 granting your motion that he be granted appellate
11 review based on my finding that there was a failure
12 to obtain the review.

13 MR. GROTE: I guess my question --

14 THE COURT: Then it's up to the Supreme
15 Court to determine whether or not there is a
16 meritorious issue.

17 MR. GROTE: I guess my question, Your
18 Honor, on the mechanics of it is to me a subsequent
19 PCR counsel is never going to find the initial
20 appeal or transcript from the first PCR case or -- I
21 think I just got the order from the first PCR case
22 today. I guess as far as the mechanics of how
23 that information is supposed to get to the South
24 Carolina Supreme Court, I'm a little bit fuzzy on
25 it.

1 THE COURT: Well, I think that wouldn't
2 the Office of Indigent Appeal --

3 MR. LEE: Yes, Your Honor. My
4 understanding of the situation is that it works a
5 lot like an order that would be denying PCR and
6 granting a belated direct appeal, except in this
7 case, it's the granting of a belated PCR appeal.

8 And I could be wrong about this. But
9 my understanding of how it works in the past is that
10 PCR counsel at that point submits whatever notice
11 was necessary to the Supreme Court and then turn it
12 over, much the same as Mr. Littlejohn would have
13 originally done, to the Office of Indigent Defense
14 or Appellate Defense, and they would take it over
15 from there.

16 THE COURT: All right. Well, let me ask
17 you. I'm going to impose upon the Attorney
18 General's Office inasmuch as your office will be the
19 one that will be responding if it is necessary.

20 So I'm going to ask you to draw an
21 order granting the motion to have a PCR review,
22 belated appeal, and based on the Court's finding
23 from the record herein that the rule was not
24 sufficiently formed. All right, anything else?

25 MR. GROTE: No, Your Honor.

1 THE COURT: All right. Do you want these
2 back, Mr. Grote?

3 MR. GROTE: Your Honor, I can take them
4 back. If you'd like to keep them, I have plenty of
5 copies.

6 THE COURT: That's all right. I'll let
7 you have them.

8 --End of Transcript of Record--

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

COURT REPORTER'S CERTIFICATION

I, REMA K. GANTT THOMAS, OFFICIAL COURT
REPORTER, AND NOTARY PUBLIC IN AND FOR THE STATE OF
SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF
RECORD OF THE PROCEEDINGS HAD AND EVIDENCE
INTRODUCED IN THE ABOVE-CAPTIONED CASE ON MAY 18,
2010, IN LEXINGTON, SOUTH CAROLINA.

I FURTHER CERTIFY THAT I AM NEITHER OF COUNSEL
NOR KIN TO ANY OF THE PARTIES TO THIS CAUSE OF
ACTION, NOR AM I INTERESTED IN ANY MANNER IN ITS
OUTCOME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND
AND SEAL AT CHAPIN, SOUTH CAROLINA, THIS THE TWENTY-
FIRST DAY OF JULY, 2011.



REMA K. GANTT THOMAS
OFFICIAL COURT REPORTER
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES 11/21/2014

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE 11 th JUDICIAL CIRCUIT
COUNTY OF LEXINGTON	)	Case No.: 2008-CP-32-4821
Edward Thompson, #280883	)	
	)	
Applicant,	)	
	)	
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

**ORDER OF DISMISSAL AND
GRANT OF BELATED APPEAL**

FILED
JUL 11 11:09
CLERK OF COURT
LEXINGTON, SC

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed November 18, 2008. The Respondent made its Return on or about June 25, 2009. An evidentiary hearing was held on May 18, 2010, at the Lexington County Courthouse. Ely Grote, Esquire, represented the Applicant. A. West Lee of the South Carolina Attorney General's Office represented the Respondent.

At the hearing, the Applicant did not testify. However, Applicant presented testimony from the Applicant's original PCR Counsel, Cameron Littlejohn, Esquire, that Mr. Littlejohn did not perfect the appeal from his first PCR action. This Court also had before it a copy of the transcript from the Applicant's guilty plea proceedings, the records of the Lexington County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the Application for Post-Conviction Relief, the State's Return, and evidence presented at the hearing.

Procedural History

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The

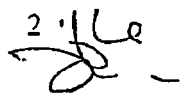
[Handwritten signature]

Applicant was indicted at the September 2001 term of the Lexington County Grand Jury for two counts of kidnaping (01-GS-32-2923, -2924), two counts of armed robbery (01-GS-32-2919, -2922), assault of a high and aggravated nature (01-GS-32-2921), and criminal conspiracy (01-GS-32-2920). John T. Mobley, Esquire, represented The Applicant. On October 22, 2001, the Applicant's case proceeded to trial in the Applicant's absence, at the conclusion of which he was found guilty on all charges. On October 24, 2001, the Honorable Marc H. Westbrook sealed the Applicant's sentences. On December 19, 2001, Judge Westbrook read the sentences to the Applicant of confinement for a period of thirty (30) years for each count of armed robbery and kidnaping, a period of ten (10) years for assault of a high and aggravated nature, with all of these sentences concurrent, and a consecutive to a sentence of five (5) years for criminal conspiracy.

The Applicant appealed. The South Carolina Court of Appeals dismissed the appeal pursuant to Anders v. California, 386 U.S. 738 (1967), after a review of the entire record, the Anders brief, and Applicant's pro se brief. State v. Thompson, Op. No. 2003-UP-648 (S.C. Ct. App. filed November 6, 2003). The Remittitur was issued on December 12, 2003.

First PCR Application

The Applicant filed his first application for PCR on November 8, 2004. The Respondent made its Return on May 16, 2005. An evidentiary hearing into the matter was convened on July 27, 2006, at the Lexington County Courthouse. Applicant was present at the hearing and was represented by Cameron B. Littlejohn, Jr., Esquire. Respondent was represented by Sabrina C. Todd of the South Carolina Attorney

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General's Office. By Order filed April 18, 2007, the Honorable William P. Keesley denied and dismissed with the prejudice the application.

Subsequently, Applicant filed a Notice of Appeal. On June 22, 2007, the South Carolina Supreme Court issued an Order of Dismissal due to the failure of Applicant to provide proof of service on opposing counsel. The Remittitur was issued on July 9, 2007.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

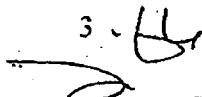
- I. Denial of Right to Appeal Denial of PCR
 - a. "Counsel failed to perfect notice of intent to appeal PCR judgment."

Applicable Law

Ineffective Assistance of PCR Counsel

The Applicant's contention that he received ineffective assistance of counsel on his prior post-conviction relief application is not a ground for relief. There is no constitutional right to appointed counsel for collateral review of a conviction. Pennsylvania v. Finley, 481 U.S. 551, 107 S.Ct. 1990, 95 L.Ed.2d 539 (1987). The Sixth Amendment right to effective assistance of counsel does not extend to state post-conviction relief actions. Coleman v. Thompson, 501 U.S. 722, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991). Therefore, "the contention that prior PCR counsel was ineffective is not *per se* a 'sufficient reason' warranting a successive PCR application under § 17-27-90." Aice, 305 S.C. at 451, 409 S.E.2d at 394.

The only recognized exception to the rule barring claims of ineffective assistance of post-conviction relief counsel is found in Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). Austin recognizes a general exception to this rule where prior post-

3. 

conviction relief counsel fails to appeal the denial of the application. Id. Austin "is limited to its particular factual situation" Aice, 305 S.C. at 452, 409 S.E.2d at 394. Pursuant to Austin, a post-conviction relief applicant may petition the South Carolina Supreme Court for discretionary review of the dismissal of their application.

Findings of Fact and Conclusions of Law

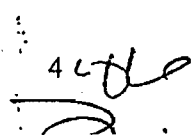
Failure to Perfect PCR Appeal

It was the Applicant's position that PCR Counsel failed to perfect his PCR Appeal following the denial of his application for post-conviction relief. The Applicant did not testify on his own behalf, but testimony was presented by the Applicant's original PCR Counsel which indicated that he did, in fact, fail to perfect the Applicant's PCR Appeal.

Accordingly, this Court finds that there is ample evidence to support the Applicant's claim, and further finds that the Applicant should be awarded a belated appeal of his Post-Conviction Relief Application pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

All Other Claims

Except as discussed above, this Court finds that the Applicant failed to present evidence in support of the remaining allegations set forth in his application at the hearing and has, thereby, waived them. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The

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Applicant's failure to address these issue at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

Conclusion

Based on all the foregoing, this Court finds and concludes that the grant of review pursuant to Austin v. State, supra, is proper. With respect to all other claims, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice, except for the grant of a belated appeal.

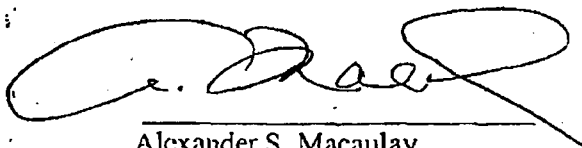
This Court advises Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by Counsel of written notice of entry of judgment to secure the appropriate appellate review, including Austin review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate Counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the Applicant wishes to seek appellate review, PCR Counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 227 for appropriate procedures for appeal.

5 466
Da

IT IS THEREFORE ORDERED:

1. That this current Application for Post-Conviction Relief be dismissed with prejudice.
2. That the Applicant is granted a belated PCR appeal pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).
3. That Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED!



Alexander S. Macaulay
Presiding Judge
Eleventh Judicial Circuit

 12 2010

WALKER, South Carolina

WITNESSES

Irmo PD

Franklin

DOCKET 2001-GS-32- 2922

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2001

THE STATE

vs.

EDWARD D. THOMPSON

ARREST WARRANT NUMBER

STRAIGHT INDICTMENT

ACTION OF GRAND JURY

TRUE BILL*Michael E. Bantell*
FOREMAN, GRAND JURY

Foreperson of Grand Jury

Date: 9-13-01

VERDICT

*Guilty**Deborah L. Eskew*
Foreperson of Petit JuryDate: 10/25/01

CDR# 139

Indictment for

ARMED ROBBERY

§16-11-330 (A)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
ARMED ROBBERY
§16-11-330 (A)

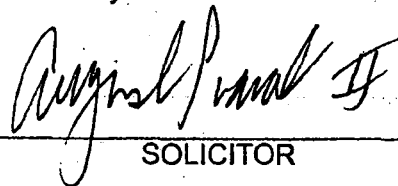
At a Court of General Sessions, convened in September 2001, the Grand Jurors of LEXINGTON County present upon their oath:

ARMED ROBBERY

§16-11-330 (A)

That **EDWARD D. THOMPSON** did in Lexington County on or about July 6, 2000, while armed with a deadly weapon, to wit: a handgun, feloniously take from the person or presence of Robert Gildner, by means of force or intimidation, goods and/or monies, to wit: keys, with the intent to permanently deprive the owner of such property, in violation of §16-11-330 (A) of the South Carolina Code of Laws of 1976, as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

VS.

AKA:

Race: B Sex: M Age: 23DOB: 06/28/78 SS: 111111111

Address: _____

DL#: _____ SID#: _____

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Armed Robberyin violation of 16-11-33(A) of the S.C. Code of Laws, bearing CDR Code # 0111319☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation which are incorporated by reference.

☒ The Defendant is to be given credit for 100 days/months/years.☒ CONCURRENT ☒ CONSECUTIVE to sentence on: 01-2920

to all on 10/25/01, etc. SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$ _____

\$14-1-206 (Assessments 100%).....\$ _____

\$14-1-211(A)(1) (Surcharge).....\$ 100.00

\$14-1-211(A)(2) (Surcharge).....\$ _____

\$56-5-2995 (DUI Assessment).....\$ _____

3% to County (if paid in installments)....\$ _____

TOTAL.....\$ 100.00

Clerk of Court/ Deputy Clerk

Court Reporter: St. Vann

White - Clerk

Green - Corrections

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:2001 -GS- 32 - 2919A/W#: E578599Date of Offense: 7/6/2000S.C. Code §: 16-11-330(A)CDR Code #: 0111319☐ CASE RESTORED

SENTENCE

☐ PLEA ☒ TRIALPRESIDING JUDGE Mark J. SmithJudge Code: 0101617Sentence Date: 10/26/01

WITNESSES

Irmo PD

Franklin

ARREST WARRANT NUMBER

F-578596

ACTION OF GRAND JURY

TRUE BILL

Michael E. Bantell
FOREMAN, GRAND JURY

Foreperson of Grand Jury

Date: 9-13-01

VERDICT

Guilty

Deborah L. Eskens
Foreperson of Petit Jury

Date: 10/25/01

DOCKET # 2001-GS-32- 2920

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2001

THE STATE

vs.

EDWARD D. THOMPSON

CDR# 49

Indictment for

Criminal Conspiracy

§16-17-410

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

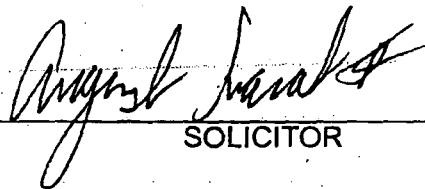
INDICTMENT FOR
CRIMINAL CONSPIRACY
§16-17-410

At a Court of General Sessions, convened in September 2001, the Grand Jurors of LEXINGTON County present upon their oath:

CRIMINAL CONSPIRACY
§16-17-410

That **EDWARD D. THOMPSON**, did in Lexington County on or about July 6, 2000, unlawfully and willfully, knowingly and feloniously unite, combine, conspire, confederate, agree and have a tacit understanding with Jedeiah Roy Ford-Thompson, for the purpose of accomplishing criminal acts, to wit Armed Robbery, in violation of Section 16-17-410 of the South Carolina Code of Laws of 1976, as amended.

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


SOLICITOR

623

F- 578596

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Irmo

THE STATE

against

Edward Desaro Thompson

Address:

Phone: _____ SSN: _____

Sex: M Race: B Height: 5'03" Weight: 178

DL State: SC DL: _____

Agency ORI #: SC0320700

Prosecuting Agency: IRMO POLICE

Prosecuting Officer: Inv. C.S. Franklin

Offense: Conspiracy to Commit Armed Robbery 16-17-410

Offense Code: 49

Code/Ordinance Sec: 16-17-410

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.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant EDWARD THOMPSON

on 8-2-00

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Joseph M. Epting, Chief Judge

P.O. BOX 406

IRMO, SC 29063

803-781-7050

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Irmo

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant B. N. Buck
being duly sworn deposes and says that defendant Edward Desaro Thompson
did within this county and state on July 6, 1990 2000 violate the criminal laws of
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Irmo
in the following particulars:

DESCRIPTION OF OFFENSE: Conspiracy to Commit Armed Robbery 16-17-410

I further state that there is probable cause to believe that the defendant named above did com
the crime set forth and that probable cause is based on the following facts:
The defendant and a co-defendant entered the Blockbuster Video store located at 7249 St. Andrews Rd.
Irmo, Lexington County, South Carolina just before closing time on July 6, 2000. Once inside the store,
the defendant and co-defendant produced a Glock semi-automatic pistol and demanded money from the safe.
The manager refused and the defendant fired the gun into the desk where the manager was sitting. The
manager then opened the safe and gave the defendant and co-defendant approximately \$1100.00 in cash. Both
defendants then fled the store through the back door. The defendant was identified by his co-defendant.

Sworn to and subscribed before me
on 07/21/00

Signature of Issuing Judge

(L.S.)

Signature of Affiant

Affiant's Address P.O. BOX 406IRMO, SC 29063Affiant's Telephone 781-8088

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Irmo

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 tha
on July 6, 1990 2000 defendant Edward Desaro Thompson
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Irmo) as set forth below:

DESCRIPTION OF OFFENSE: Conspiracy to Commit Armed Robbery 16-17-410

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

Judge Code: _____

(L.S.)

Judge's Address P.O. BOX 406IRMO, SC 29063Judge's Telephone 803-781-7050Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

F-578596

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

THE STATE)

VS.)

EDWARD D. THOMPSON,)

DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS

2001-GS-32-2920

VERDICT FORM

WE, THE JURY, BY UNANIMOUS CONSENT, FIND THE DEFENDANT, EDWARD D. THOMPSON, ON THE CHARGE OF CRIMINAL CONSPIRACY:

✓ GUILTY

NOT GUILTY

10/25, 2001

Deborah L. Esken
FOREPERSON'S SIGNATURE

INSTRUCTIONS: PLEASE CHECK ONE OF THE TWO CHOICES ABOVE.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

VS.

AKA:

Race: Sex: Age:

DOB: SS#:

Address:

DL# SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

A/W#:

Date of Offense:

S.C. Code §:

CDR Code #:

☐ CASE RESTORED

SENTENCE

☐ PLEA ☒ TRIAL

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO:

in violation of § of the S.C. Code of Laws, bearing CDR Code #

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for days/months jail time.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 10/25/01

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$

§14-1-206 (Assessments 100%) \$

§14-1-211(A)(1) (Surcharge) \$

§14-1-211(A)(2) (Surcharge) \$

§56-5-2995 (DUI Assessment) \$

3% to County (if paid in installments) \$

TOTAL \$

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc Rehab. or Job Corps

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund.

Other:

PRESIDING JUDGE

Judge Code:

Sentence Date:

Court Reporter:

White - Clerk

Green - Corrections

Concave - Probation

WITNESSES

IRMO PD

FRANKLIN

ARREST WARRANT NUMBER

STRAIGHT INDICTMENT

ACTION OF GRAND JURY
TRUE BILL*Michael E. Bantlett*
FOREMAN, GRAND JURY

Foreperson of Grand Jury

Date:

9-13-01

VERDICT

*Guilty**Delbert L. Eskins*
Foreperson of Petit Jury

Date: 10-25-01

DOCKET # 2001-GS-32- 2921**The State of South Carolina**

County of LEXINGTON

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2001

THE STATE

vs.

EDWARD D. THOMPSON

CDR# 9

Indictment for

Assault of a High and Aggravated Nature
Common Law**DONALD V. MYERS, SOLICITOR**

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
ASSAULT OF A HIGH AND AGGRAVATED
NATURE
COMMON LAW

At a Court of General Sessions, convened in September 2001, the Grand Jurors of LEXINGTON County present upon their oath:

ASSAULT OF A HIGH AND AGGRAVATED NATURE
COMMON LAW

That **EDWARD D. THOMPSON**, did in Lexington County on or about July 6, 2000, make an unlawfully attempt, coupled with the present ability, to commit a violent injury upon the victim, John Rhodes, accompanied by circumstances of aggravation, to wit: the defendant did fire a handgun in the direction of the victim; in violation of the Common Laws of South Carolina of the South Carolina Code of Laws (1976), as amended.

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


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

LEXINGTON

VS.

AHMED ABBELEY

AKA:

Race: B Sex: M Age: 22

DOB: 06/08/78 SS#

Address:

DL# SID#

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

2001-GS-32-2921

A/W#: 8 Ind

Date of Offense: 7/6/2000

S.C. Code §: 9/1a

CDR Code #: 0101019

☐ CASE RESTORED

SENTENCE

☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO:

in violation of § 9/1a of the S.C. Code of Laws, bearing CDR Code # 0101019

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☐ The Defendant is to be given credit for days/months jail time.☒ CONCURRENT ☒ CONSECUTIVE to sentence on: 01-2920

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$

§14-1-206 (Assessments 100%) \$

§14-1-211(A)(1) (Surcharge) \$ 100.00

§14-1-211(A)(2) (Surcharge) \$

§56-5-2995 (DUI Assessment) \$

3% to County (if paid in installments) \$

TOTAL \$ 100.00

Clerk of Court/ Deputy Clerk

Court Reporter:

PRESIDING JUDGE

Judge Code: 0101612

Sentence Date: 10/25/01

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

LEXINGTON

VS.

EDWARD D THOMPSON JR

AKA:

Race:

B

Sex:

M

Age:

23

DOB: 06/08/78

SS#:

Address:

14MO SC

DL

SID#:

IN THE COURT OF GENERAL SESSIONS 629

INDICTMENT/CASE#:

2001-GS-32-2922

A/W#:

Date of Offense:

7/6/2000

S.C. Code §:

16-11-33(A)

CDR Code #:

011319

☐ CASE RESTORED

SENTENCE

☐ PLEA

☒ TRIAL

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO:

ARMED ROBBERY

in violation of § 16-11-33(A)

of the S.C. Code of Laws, bearing CDR Code # 011319

☐ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$ plus costs and assessments as applicable*, the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for days/months/jail time.

☒ CONCURRENT ☒ CONSECUTIVE to sentence on: 01-2920

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$

\$14-1-206 (Assessments 100%) \$

\$14-1-211(A)(1) (Surcharge) \$ 100

\$14-1-211(A)(2) (Surcharge) \$

\$56-5-2995 (DUI Assessment) \$

3% to County (if paid in installments) \$

TOTAL \$ 100

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc Rehab. or Job Corps

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund.

Other:

PRESIDING JUDGE

Judge Code:

Sentence Date:

01/01/01

10/25/01

Court Reporter:

White - Clerk

Green - Corrections

Yellow - Probation

Pink - Defendant

WITNESSES

IRMO PD

FRANKLIN

DOCKET 2001-GS-32- 2923

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2001

THE STATE

vs.

EDWARD D. THOMPSON

ARREST WARRANT NUMBER

STRAIGHT INDICTMENT

ACTION OF GRAND JURY

TRUE BILL

Michael E. Bonnell
FOREMAN, GRAND JURY

Foreperson of Grand Jury

Date: 9-13-01

VERDICT

Guilty

Deborah L. Eshen
Foreperson of Petit Jury

Date: 10/25/01

CDR# 95

Indictment for

KIDNAPPING

§16-3-910

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
KIDNAPPING
§16-3-910

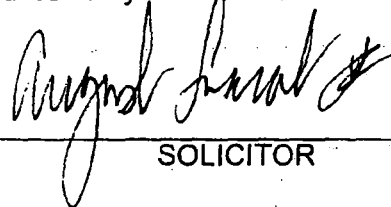
At a Court of General Sessions, convened in September 2001, the Grand Jurors of LEXINGTON County present upon their oath:

KIDNAPPING

§16-3-910

That **EDWARD D. THOMPSON**, did in Lexington County on or about July 6, 2000, unlawfully seize, confine, decoy, kidnap, abduct and/or carry away John Rhodes, by means whatsoever, to wit: the defendant did confine and/or deprive the freedom of the said victim against his will during the commission of the crime of Armed Robbery, without the authority of law, in violation of Section 16 -3-910 of the South Carolina Code of Laws 1976, as amended.

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



SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
THE STATE)
VS.)
EDWARD D. THOMPSON,)
DEFENDANT.)
_____)

IN THE COURT OF GENERAL SESSIONS

2001-GS-32-2923

VERDICT FORM

WE, THE JURY, BY UNANIMOUS CONSENT, FIND THE DEFENDANT, EDWARD D. THOMPSON, ON THE CHARGE OF KIDNAPPING OF ROBERT GILDNER:

☒ GUILTY

☐ NOT GUILTY

10/25, 2001

William L. Eskin
FOREPERSON'S SIGNATURE

INSTRUCTIONS: PLEASE CHECK ONE OF THE TWO CHOICES ABOVE.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

VS.

AKA:

Race:

Sex:

Age:

DOB:

SS#:

Address:

DL#

SID#:

IN THE COURT OF GENERAL SESSION 633

INDICTMENT/CASE#:

2001-GS-39-2923

A/W#:

Date of Offense:

S.C. Code §:

CDR Code #:

☐ CASE RESTORED

SENTENCE

☐ PLEA ☒ TRIALIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO:

in violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0101915

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☐ The Defendant is to be given credit for _____ days/months jail time.☒ CONCURRENT ☒ CONSECUTIVE to sentence on: 01-2920 -

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:\$

§14-1-206 (Assessments 100%)....\$

§14-1-211(A)(1) (Surcharge).....\$

§14-1-211(A)(2) (Surcharge).....\$

§56-5-2995 (DUI Assessment)....\$

3% to County (if paid in installments)...\$

TOTAL.....\$

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE

Judge Code:

Sentence Date:

Court Reporter:

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

ARREST WARRANT

F- 578597

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Irmo

THE STATE

against

Edward Desaro Thompson

Address: Columbia, SC 29212

Phone: 803-781-7050

Sex: M Race: B Height: 5'03" Weight: 178

DL State: SC DI

DOB: Agency ORI #: SC0320700

Prosecuting Agency: IRMO POLICE

Prosecuting Officer: Inv. C.S. Franklin

Offense: Pointing and Presenting a Firearm 16-23-410

Offense Code: 128

Code/Ordinance Sec. 16-23-410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe 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 EDWARD THOMPSON

on 8-2-00

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Joseph M. Epting, Chief Judge

P.O. BOX 406

IRMO, SC 29063

803-781-7050

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Irmo

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant B. N. Buck
being duly sworn deposes and says that defendant Edward Desaro Thompson
did within this county and state on July 6, 1990 2000 violate the criminal laws of
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of Irmo
in the following particulars:

DESCRIPTION OF OFFENSE: Pointing and Presenting a Firearm 16-23-410

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 and a co-defendant entered the Blockbuster Video store located at 7249 St. Andrews Rd.
Irmo, Lexington County, South Carolina just before closing time on July 6, 2000. Once inside the store,
the defendant and co-defendant produced a Glock semi-automatic pistol and demanded money from the safe.
The manager refused and the defendant fired the gun into the desk where the manager was sitting. The
manager then opened the safe and gave the defendant and co-defendant approximately \$1100.00 in cash. Both
defendants then fled the store through the back door. The defendant was identified by his co-defendant.

Sworn to and subscribed before me

on 07/21/00

Signature of Issuing Judge

Signature of Affiant

Affiant's Address P.O. BOX 406

IRMO, SC 29063

Affiant's Telephone 781-8088

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Irmo

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 the
on July 6, 1990 2000 defendant Edward Desaro Thompson
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of Irmo) as set forth below:

DESCRIPTION OF OFFENSE: Pointing and Presenting a Firearm 16-23-410

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

Judge's Address P.O. BOX 406

IRMO, SC 29063

Judge Code:

Judge's Telephone 803-781-7050

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

F-578597