

Dennis and Sylvia Barfield
403 Pineview Drive
Goose Creek, SC 29445
Phone: 843-797-2640

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The Honorable Nikki R. Haley
Office of the Governor
1205 Pendleton Street
Columbia, SC 29201

Dear Governor Haley:

The state of South Carolina has really been cracking down on the ethical conduct of State Officials, and I applaud our state for that. The issue I would like to address is a specific matter concerning the State Solicitor's office. I have a friend who is fighting to get his case back before the courts and they keep telling him that his time has been exceeded. This should not be relevant, because the main issue he is fighting is an Ethical violation that was committed by the Solicitor (Alston Badger). Please let me give you a little background to explain.

Billy Randolph King, Jr., was tried and convicted in 1998. He then went for a PCR hearing in 2001. It was during this hearing that the Solicitor committed the unethical act. While on the stand as a sworn witness Mr. Badger was asked about some DNA testing. He stated to the Judge that he never had any testing done or even requested to have any done. At this point Billy's request was denied. Billy was trying to show how his lawyer had failed. He could not argue against what an officer of the court had testified to, because his attorney had not given him any files that testing had been done. Billy continued to tell his family and friends that he knew testing had been done because they took him to Roper Hospital in Moncks Corner to give samples. It wasn't until years of searching that Billy was able to find the proof that he needed to show that Solicitor Badger committed perjury while on the stand as a witness. These three issues (proof within the legal documents from state agencies) below show the unethical act of perjury that was committed by the Solicitor's Office.

1. Solicitor Alston Badger testified as a sworn witness that he never requested or had any DNA testing done (PCR Transcript}.
2. The Berkeley County Solicitor's Office filed an Order to Submit Forensic Samples for testing. The order included collection of all forms of DNA. It was said this was needed to show proof of innocence or guilt. The order was signed by Alston Badger proving he did request to have testing done. This information was not available to Billy until after filing under the Freedom of Information Act.
3. Upon searching Billy was able to obtain, under the Freedom of Information Act, a copy of the official SLED report that Solicitor Badger had done. He found out that no match could be confirmed. Therefore, this proves that Solicitor Badger did actually have testing done. The SLED report was sent to the Solicitor's Office on May 22, 1998 and Billy's trial began on May 26, 1998. He never even had a chance to see the DNA results. Not only is this unethical but it is also criminal.

The issues above are unethical and do not represent the South Carolina Judicial System as a whole, but in this case it has been very damaging not only to Billy but all of this family and friends. As our state moves forward in ethic reform we must also attempt to correct the injustice that has already been done. While we can't go back and change the past, we can move forward and try to improve the way they are done.

Billy has been incarcerated over seventeen years of a 35 year sentence with no possibility of parole. He received this sentence for attempted rape and murder of a prostitute. In most cases, people who actually murder and rape are released before the time he has already served in prison. He has been a model prisoner throughout his time served in Kirkland. He has continued his studies in his education. He works in the school as a Teacher's Aid improving the education of the other prisoners. He has a ministry to the Spanish speaking prisoners, and also works with the Chaplain at Kirkland.

Governor Haley, we would appreciate any assistance that you can provide to Billy. About four years ago his Mom and Dad, who were our best friends, both passed away within six months of each other. The Warden and the Chaplain at Kirkland tried to help Billy attend his parents' funerals. Their actions show their high regard for him. However, no one here in Charleston County would take responsibility for him, and therefore, he was unable to attend the funerals. Before and even more so in their absence, we do try to visit Billy as least once a month.

Thank you for your time and consideration in this matter.

Respectfully,

Sylvia Barfield
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