

Please Return  
Me Copies of  
Everything  
Including Act-  
ion being If  
any

What I Sent to the S.C. Supreme court Also  
I'm still yet to receive any help

The Honorable Governor NIKKI Haley

12/18/2014

(173)

I'm writting in regards to the current situation I'm in. I've been incarcerated since December 2nd last year on a charge I didn't commit. CSC II Warrant #2013-A4210204209. I was appointed a public Defender - Mr. Roger Poole. From December last year all the way up until April This year, Befor I gave Candice \$1,000 to take my case I made requests to Mr. Poole to put in for a Fast N speedy Jury trial for me. I wrote him letters which were kept with no response & wrote him on this kiosk computer which can be copied or reviewed at anytime. Almost every time I wrote him request about my rites to a Fast & Speedy trial He left the requests open. Some requests that he did respond to, dodged my the topic for the Trial. I have 7 children who need me home, one will be a year old in January & I havent even held him yet. Once I wrote the Public defender I wrote both the Clerk of Court & the Solicitor over my case (Meghan Gilmer) & made the same requests. The Solicitor ignored me & the Clerk of Court Forwarded my requests both to the public Defender & the Solicitor as you can see on 3-25-14. Mr. Poole waved my case at the pre-liminary without me being in the court room to hear what evidence was being used against me. He told me I couldn't present my evidence & with the statement the "victim" wrote it's self will convince them to send it upstairs for indictment. I told him I have proof my charge is false & they've already held me past their 90 day limit for a indictment so its gonna be dismissed I sat in Jail 113 days befor going for a prelim. I never saw. He told me dont sweat it he heard the disks of recorded conversations I had with the states & "victims" eyewitness. Where he admits the whole rape gimic is his girlfriends way of getting vengeance for the way I beat him up on November, 30, 2013. The Solicitor called their witness & he told her the truth that when he walked in & saw us having sex - was no rape & that he's 50 yrs. old he knows consensual sex when he sees it & that what he saw

was consensual as they come. She gets agitated after their conversation & never calls nor returns the calls of my 3 other witnesses. I have proof, hard actual proof that that girl is lying. Photos, recorded conversations, 3 witnesses who wrote statements about the "victim" bragging about doing this to me. I have the "victims" statements of crossed up, in your face, undeniable lies. Her 2 statements aren't close to being the same & both are signed by her & the officer and a nurse. I have 3 pages full of their mixed up lies, logical questions that anyone can look over & realize their statements complete garbage. I have their statements, eye witness - telling these people, she's lying. The solicitor caught her in her own lies of how she was being physically handled & being yelled at, & her mother an eyewitness sat 8 ft from my bedroom on the other side of a sheet that I use as a door, & no one heard not a sound? Hospital records prove she's lying about being man-handled. No tenderness, scratches or bruising of any kind & she's very calm with no apparent distress. They asked her how didn't anyone hear our yells or why she has no marks besides two hickies on her neck. She changes her story to something different from her memorized written ones. She told them before she was pinned with my bodyweight. Then, how did I perform oral sex on her. She replies when asked, that she was too scared to fight or yell so she just laid there & endured, but she wrote, "that she got on her hands & knees so I could do it from the back". That's not fighting nor just laying there enduring. The eye witness was harassed into writing something, in front of another witness, so he wrote 2 sentences so they'd leave. He will tell you his, "that his face hurt he didn't want to even speak to anyone or be bothered", yet the officers kept on and on until he wrote something. Not one single thing in the hospital's records backs or even

(3)

Supports a reason to believe there was a rape. Except the 2 different statements she wrote. I left 2 Hickeys on her neck & gave her oral sex. She clearly & completely has a new story now. Her mother waited 21 hours, went and visited her "Eye witness", slept that nite & ate their daily meals before going to the ER & yell rape. No mother would wait & do all that before putting her 20yr old daughters Health to mind. The police department is 200 yards from my home & could be there in one second, if she were raped that nite as she claims. The officer told me I couldn't have a polygraph to show nobody got raped, or make a suggestion-she take one. He told me in front of my wife who just found out that I cheated on her, "That this was the first time he's ever done a case like mine & that he only handles Narcotics & the k-9". He said "the criminal teams suppose to handle this kind of thing & he's clueless about what kind of charge it will be or how to write it up so he was gonna take his statements and hospital records to the Judge & see what he wants to do. I asked him again what's the charge?" "Well to be honest with you, you messed up by even admitting u penetrated her". I replied "u ask me for the truth I gave it to u. Did u want me to lie to u & say I did it?" He told me he would've had to ask me to take a polygraph & I said a few minutes ago u said I couldn't take one? A shrugg was given & he said "Hell I dont know. I work Narcotics" & he left. Hours later he picked me up on this warrant. I wrote him last week trying to get a truthful statement even about refusing to collect a liquor bottle with the "victims" prints on it proving she was drinking as well. she wrote she wasnt. False statement. He refused to even take a picture of it saying its not relevant in his investigation. The one he knew nothing about had to handle "His words". My investigation heard attorney said.

RECEIVED DECEMBER

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-uses to put me down for a fast & speedy as I asked her to do. She told me she put me on a regular trial faster cause I won't be offered any kind of guilty pleas. I told her I don't want one. I offered The solicitor at the beginning of the year a guilty plea if its for a 3rd degree assault, 30 days time served. I told her I am NOT guilty but I'd give her some kind of conviction so I could get home 2 my wife & kids. I told to sign me up for a fast & speedy if not & I wouldn't sit in here much longer & take it she refused & my lawyer Candice Lapham won't answer my calls, my letters, my faxes or even the text messages, I have my family send her. They leave messages & get no replies. I have a copy of a fax asking for that Fast & Speedy, No Answers from her or the solicitor my 6th Amendment been violated for close to a year now. I'm mischarged by a Narcotics K-9 officer who refused to collect evidence which was straight discrimination in his "confused-not sure" investigation. Officer James Owens who works as a town officer that's very, very small "Cowpens" located in Spartanburg. The Judge who issued the warrant "deceased" & the one who gave me my bond is retired. The only reason A warrant was even issued is because my past, the dumb things I did when I was young. I served my time 4 1/2 mistakes & yet here I sit cause I use to stay in fights & trying to run from, threaten, & when I was real young I spit on one "officers". I served 6 whole years for that & 3 for threatening & 1 for resisting. I paid for my stupidity. I have a \$50,000 bond with GPS & I waited 4 hours for him to come & get me. I kept calling him & 30 min. before he picked me up, so I could get a baby sitter. He told me 30 mins before, & I waited. I've saw a Child molester charged on 2 accounts get a 20,000 bond. He admitted he did too. The Judge who set my bond pre Judged me too. He said This carries 20 yrs & with ur record you'll see a good many of them too. He discriminated me I. I. P.

that day during bond Hearings. I've repeatedly tried to get a bond reduction, which is also on the Keask computer. State law - 16-3-653. C.S.C. II: states - a person is guilty of C.S.C. 2nd degree, if aggravated coercion is used to accomplish sexual battery.

AGGRAVATED COERCION  
B) Section 16-3-651. - C.S.C. definitions : Means the accused threatens to use Force or violence of a high & aggravated Nature to overcome the victim or another person. If the victim reasonably believes that the accused has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion under circumstances of aggravation against the victim or any other person

C) Aggravated Force : means that the defendant uses physical violence of a high & Aggravated Nature to overcome the victim or includes the threat of use of a deadly weapon.

(B)(2) ABHAN section 16-3-29 & 16-3-600. : means a person unlawfully injures a person - (A) causes great bodily injury to another person. (B) The act is accomplished by means likely to produce death or great bodily injury.

4th Amendment) - Also states, no warrant shall be issued without supporting cause.

Two Statements. 2 different statements, & now a whole New story, has me in here on a crime I didn't commit & stuck by a warrant that should've never been issued. Even during her lies she states, I never hit her, struck her, strangled her or threatened or made her put her mouth anywhere on my body. She even states I didn't grab or hold her down & her being on her Hand & knees proves she wasn't being pinned down. She says I sucked on her neck, "dub I put 2 Hickeys on her". She says her hair was pulled while we were having sex, which is un-true, but if it were would that be unusual in an

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OFFICE OF  
DISCIPLINARY COUNSEL

COMMISSION ON  
LAWYER CONDUCT

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sex? She had no tender points on her body, bruises, redness, no swelling. Her hair wasn't snatched or her scalp would be tender. Medical reports prove she's lying. She never even states that she tries to leave the room. We were having sex with nothing but a sheet from where her mother & their witness was sitting with no T.V. to muffle our sounds. We were in mine & my wife's bed in my dark bedroom naked as the day we were born & her legs were wrapped around me when John Henderson came in & caught us. Her eye witness & he told the solicitor this. There was No Aggravated Coercion, see the states very own definitions, there wasn't so much as a scratch on either of us "Aggravated? Really?" I will beat this in trial & they no it but I can't get in the court room cause I'm being denied my Ammendments, Bond reduction & my Attorney won't do her job. I can't challenge the warrant. I can't even get a response. Ms. Meghan Gilmore is letting me sit here knowing I'm innocent & letting me be denied my rights. She figures if I sit here eventually she can throw something at me & I'll take it & she'll get a conviction but I'm not my Attorney's doing the something. She doesn't want the time or the hassle of a trial so she want sign me up or come & see me. I shouldn't even be here on a charge like this to begin with. I've even been put in the paper so everyone can think I'm a rapist. I'm ready to file a law suit. This has got to violate my 8th Ammendment a cruel & unusual punishment. Please look through my forms. I can't get any help. It's like there wanting my family to call News Channel 7 or something. Please send me copies back. The BAR association said Candice Lapham, my lawyer wasn't suppose to take my money, being she's been pregnant.

Joshua Lance  
950 California Ave  
Porterburg, S.C., 29303

Attorney Candice Lapham  
184 North Daniel Morgan Ave.  
Portbg. S.C. 29306 (Office 864-591-0411)

Sorry This's So long. Thank You

Call # 864-641-5173 (Fax 864-585-0068)



This isn't right At All, Several of my Const. Ammendments have been violated As well as Brady rule & Kyles v. Whitley, 514 U.S. 419, 442 n.134, 445-451 (1995)

I've given the prosecutor Med. Reports, Facts, Photos, Recorded conversations, 3-Witnessed statements, Their very own eye witness confirms I'm telling the truth & what he saw was definitely Not Rape., 4 pages of the victims very own crossed up, Impossible contradicting lies. Her words in her statements. I've pointed out several things the officer refused to do, report, investigate, collect & procedures and protocols that weren't met because they would've shown the truth & favor in my favor. Everything that would show my innocence was ignored, "Irrelevant" or completely ignored or refused. I've pointed this out to the solicitor & even the fact that I've been mischarged. I even showed them the requirements & the violent seriousness of the charge & that nothing in this case, report, statements, Med. reports, exams match the officer's bogus warrant. Please Help me if you can & send me copies of everything. I've wrote the A.C.L.U. last week. I've just wrote the U.S. Supreme Court, I've wrote Circuit Court Judge Hayes, The Sheriff, Chuck Wright, The Head Prosecutor Barry Barnett, My Solicitor Meghan Gilmer even my own Attorney Even the S.C. Supreme Court Disciplinary Counsel, The S.C. Supreme court Has Ms. Gilmer, My Attorney Candice Lapham, The public Defender Roger Poole Under investigation, but I've been here over a year with proof I'm innocent, being ignored. I have 7 kids & a wife who need me home. Should I try News Channel 7? I don't know what else to do, please write back

Thanks For  
your Time



Spartanburg Regional Emergency Center 01/13/2014  
 101 East Wood Street, Spartanburg, SC 29303 == (864) 560-6000

No. 6893 P. 8  
 12/2/2013 Pg 5

Patient: Waldrop, Kelly Lynn  
 Arrival: 12/1/2013 1958  
 Pt Acct: 1333501278  
 Med Rcd: 000542694

Procedures			
Procedure	Performed By	Quantity Entered	Billing No.
No Entries			

Inpatient Medication Orders					
Medication	Dose	Route	Comments	Entered	Administered By
No Entries					

Created and Electronically Authenticated By: Rogers, Rebecca D.R.N. (E.C.) Created: 12/1/2013 2001 Last Entry: 2002

### NURSING TRIAGE (Adult)

— HPI: Sexual assault, cowpens, occurred last pm.

### — PREHOSPITAL CARE:

Support System:

Special Considerations: None Identified.

LEARNING BARRIERS: None Identified.

### > — TRIAGE DATA:

History obtained from: patient

Tetanus: immunization status:.

### — PHYSICAL EXAM:

AIRWAY: oral, (-)obstructed.

BREATHING: no breathing compromise.

CIRCULATION: no circulatory compromise, capillary refill <2 seconds.

GENERAL APPEARANCE: (adult) - well nourished, alert, oriented X 3, no acute distress, no obvious discomfort.

SKIN: warm, dry, good color.

### > — NURSING INTERVENTION: None

Created and Electronically Authenticated By: Alley, Ashley R.N. (E.C.) Created: 12/1/2013 2032 Last Entry: 2105

### Clinical Note:

ASSESS FORENSIC EXAM: Assessment performed at 12/1/2013 2027.

— PMH List (See PMH Table) PSH List (See PSH Table)

### — PHYSICAL EXAM:

AIRWAY: (+)patent, (-)obstructed.

BREATHING: no breathing compromise. (-)accessory muscle use, good air exchange bilateral.

CIRCULATION: no circulatory compromise, capillary refill <2 seconds.

MENTAL STATUS: speech clear, oriented X 3, normal affect, responds appropriately to questions, alert, cooperative.

EXTREMITIES: good pulses on all extremities, no point tenderness, no edema

SKIN: warm, dry, good color.

— EXPOSURE: mother at bedside.

— SAFETY: Call light at bedside, Use of call bell explained to patient. Side rails raised for patient safety.

— FALLS ASSESSMENT ADULT:

FALL HISTORY: No history of falling 0

SECONDARY DIAGNOSIS: No secondary diagnosis 0

11-30-13: 24 hrs after assault supposedly happened

01/13/2014

Kelly Lynn Waldrop

Unit Record:

Assault History

Date of Assault: 11/30/2013

Time of Assault: 2300 to 2359

Location: Cowpens, SC at assailant's home per patient

City: cowpens

State: SC

Any Witnesses see the assault? ☒ Yes ☐ No If yes, identify: John "johnny" Henderson (assailant's uncle)

History of assault per patient:

1 Patient's mother (Hilda Waldrop) was in the living room of the house that the assault occurred but did not witness the rape.  
2 Hilda however reports witnessing John Henderson being physically assaulted by assailant after pulling assailant off of  
3 patient. Hilda states "We went to Josh's house to meet my friend Johnny who is Josh's uncle. We were sitting in the living  
4 room and Johnny went in the bedroom and looked in the curtain and said 'get off of her. You shouldn't be doing that'. They  
5 started cussing at each other and I went into the bedroom and saw Kelly looking for her stuff. When we came out of the  
6 bedroom, I saw Josh punching Johnny in the face repeatedly. Johnny passed out on the couch while he was being beat up  
7 and Josh pulled his uncle outside. As I was trying to get his uncle in my car, I fell and cut my nose. Josh pulled his uncle out  
8 of my car and kept beating him. Johnny eventually woke up. Johnny came to the hospital this morning and had six facial  
9 fractures and was hurt really bad." Hilda states "Josh's wife was at work and his three kids were in the bedroom next door to  
10 where it all happened".  
11 Patient states "Josh had been drinking. He asked all of us if we wanted to watch movies. Momma wanted to talk to Johnny  
12 so Josh thought it would be good for us to go in his bedroom to watch a movie. He was on the bed at the head and I was on  
13 the floor at the foot of the bed. He left out of the room and comes back with a clear thing of vodka and he had already had a  
14 big thing of beer. He was gonna show me how to play poker. After that it escalated and he started acting funny. He was  
15 talking about wanting to do something different. He looked at me and said 'come here come here' and he started getting  
16 agitated so I went to see what he wanted. He grabbed a head full of my hair and pulled me down on the bed. I was able to  
17 break away from him. He bit and sucked on my neck. I said 'I am not doing that'. He didn't like that. He got mad. He has  
18 a wife and a marriage certificate. I didn't wanna do any of that. He got me back on the bed. He was holding me down with  
19 his body weight and kept saying 'love on me' and telling me to kiss him and touch him. He kept trying to kiss my mouth and  
20 trying to put his tongue in my mouth. I kept turning my head away and he kept laughing and saying 'you don't wanna love on  
21 me'. He pulled my pants off and I was trying to get away by trying to pull myself to the head of the bed but it didn't work. I  
22 kept telling him to stop and that he needed to quit that it wasn't right. I didn't yell for momma or Johnny because I was  
23 scared. He kept yelling at me to stop over and over and that if my momma or Johnny come in there that he would take care  
24 of them. He kept telling me to loosen up and stop acting like a high school girl and to act like a woman. He pulled my pants  
25 down to my knees and my underwear. Then he put his mouth down there and after a while he told me to get on my hands  
26 and knees. He said he was going to do it from the back." Pt reports after clarification that assailant placed his penis into her  
27 vagina. Pt denies anal penetration. Pt clarifies that assailant placed his mouth on her vagina. Pt denies anal area being licked  
28 or sucked by assailant. Pt denies assailant forcing her mouth on his body at all. Pt is crying during history of assault. Pt  
29 states "it all stopped when Johnny walked in and yelled at him to stop." Pt denies being strangled. Pt reports neck as only  
30 area of sucking and biting. Pt denies being struck/hit by assailant but reports "At one point I thought he was gonna hit me  
31 because I was trying to get away so hard." Pt reports assault occurring on assailant's bed on top of a burgundy comforter. Pt  
32 states "I think the sheet or the other comforter was white." Pt denies assailant using condom. Pt reports assailant being  
33 shirtless with grey jogging pants on. Pt reports assailant having multiple tattoos on chest one of which pt states "it looks like  
34 satan but it is a goat." Pt denies assailant having facial hair but reports having short "army cut" hair. Pt reports assailant  
35 smelling of cigarettes and alcohol and acting drunk. (Pt states this was first time she ever met assailant) Pt reports assailant's  
36 first name being Josh and reports "I'm pretty sure his last name is Lance." Pt states "he is on probation. He has been to jail  
37 before" when referring to assailant. Pt reports assailant complaining of marital issues, stating "he kept rambling on about  
38 how the kids in the house weren't his and how the baby his wife was carrying wasn't his."

I had Ashley type it for me.

John Henderson says he asked me  
to go into his room and watch a movie  
and I went in there with him and  
during all this yelling why didn't even  
one of my children wake up? All lies.

Jane [Signature]

12/01/2013 11:24:47 PM

Look 24 hrs  
later

Kelly Waldrop

12/11/13

Ashley [Signature]

1232213		1232213	
INCIDENT TYPE		COMPLETED	FORCED ENTRY
1. CISC		YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
2.		YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
3.		YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
INCIDENT LOCATION (DIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)		ZIP CODE	
112 Catawba St. Couperus SC		29330	
INCIDENT DATE 24 HR. CLOCK TO DATE 24 HR. CLOCK		DISPATCH DATE/TIME 24 HR. CLOCK	
12/30 2300 12/1 2350		DISPATCH TIME TIME ARRIVED DEPART. TIME	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	
Waldrop Kelly Lynn		#1 #2 #3	
ADDRESS		CITY	
12 West Clark Rd Apt 1D Inman		STATE	
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	
Waldrop Kelly Lynn		#1 #2 #3	
ADDRESS		CITY	
12 West Clark Rd Apt 1D Inman		STATE	
VICTIM (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>		COMPLAINT OF ANY NON-VISIBLE INJURIES. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
TWO-MAN VEH. <input type="checkbox"/> ONE-MAN VEH. <input type="checkbox"/> DETECTIVE/SPLASH <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/>		* J - This Jurisdiction. S - State. O - Out of State. U - Unknown	
SUSPECT NAME (LAST, FIRST, MIDDLE)		RACE SEX AGE ETH. DATE OF BIRTH HEIGHT WEIGHT HAIR EYES	
Cand Joshua Walter		WM 28 1-12-85	
ADDRESS		CITY	
112 Catawba St Couperus SC		STATE	
SUBJECT (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>		ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
DRUGS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE:		DATE/TIME OF OFFENSE	
TOTAL # ARRESTED		DATE/TIME OF ARREST	
<p>I was requested to Spartanburg Regional medical Center. Reference a 20% victim of CSC. Dispatch advised the victim was in Room # 76 of the Women Center. On arrival to the Hospital Women Center I was met by the victim's nurse Ashley Alley. The nurse explained to the victim that I would be asking a lot of the same questions she asked earlier. I asked the victim if she felt comfortable speaking to me. She agreed. She was Murandee. Victim stated she was with her mother over at a friends house at 112 Catawba Couperus SC 29330.</p>			
TYPE (GROUP)		TOTAL VALUE	
STOLEN			
DAMAGED			
BURNED			
RECOVERED			
SEIZED			
SUBJECT IDENTIFIED		SUBJECT LOCATED	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION		3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION. 5. <input type="checkbox"/> JUVENILE - NO CUSTODY	
REPORTING OFFICER(S)		APPROVING OFFICER	
DATE		DATE	
UNIT NUMBER		UNIT NUMBER	
FOLLOW-UP		OFFICER	

1238213

PAGE 2 of 4 PAGES

<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> MODIFIES ORIGINAL		<input type="checkbox"/> SUPPLEMENTAL REPORT <input type="checkbox"/> CASE STATUS CHANGE		<input type="checkbox"/> ADDITIONAL VICTIMS <input type="checkbox"/> ADDITIONAL OFFENDERS		<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY <input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY	
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VICT./SUBJ. I.D. OVERFLOW <input type="checkbox"/> COMPLAINANT <input type="checkbox"/> VICTIM # <input type="checkbox"/> SUBJECT # <input type="checkbox"/> RUNAWAY <input type="checkbox"/> WANTED <input type="checkbox"/> WARRANT <input type="checkbox"/> ARREST <input type="checkbox"/> JAIL <input type="checkbox"/> SUMMONS	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECUARITIES, ETC.						
	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE		
	<input type="checkbox"/> VICTIM NO. _____ VISIBLE INJURY: <input type="checkbox"/> NO <input type="checkbox"/> YES EXPLAIN: _____		<input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES: <input type="checkbox"/> NO <input type="checkbox"/> YES		<input type="checkbox"/> VICTIM USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK. <input type="checkbox"/> DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES TYPE: _____		<input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> DETECTIVE/SPASMT. <input type="checkbox"/> ALONE <input type="checkbox"/> ONE-MAN VEHICLE <input type="checkbox"/> OTHER <input type="checkbox"/> ASSISTED				
	<input type="checkbox"/> SUBJECT NO. _____ USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES USING DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES → TYPE: _____		<input type="checkbox"/> UNK.								

VICT./SUBJ. I.D. OVERFLOW <input type="checkbox"/> COMPLAINANT <input type="checkbox"/> VICTIM # <input type="checkbox"/> SUBJECT # <input type="checkbox"/> RUNAWAY <input type="checkbox"/> WANTED <input type="checkbox"/> WARRANT <input type="checkbox"/> ARREST <input type="checkbox"/> JAIL <input type="checkbox"/> SUMMONS	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECUARITIES, ETC.						
	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE		
	<input type="checkbox"/> VICTIM NO. _____ VISIBLE INJURY: <input type="checkbox"/> NO <input type="checkbox"/> YES EXPLAIN: _____		<input type="checkbox"/> COMPLAINT OF NON-VISIBLE INJURIES: <input type="checkbox"/> NO <input type="checkbox"/> YES		<input type="checkbox"/> VICTIM USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK. <input type="checkbox"/> DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES TYPE: _____		<input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> DETECTIVE/SPASMT. <input type="checkbox"/> ALONE <input type="checkbox"/> ONE-MAN VEHICLE <input type="checkbox"/> OTHER <input type="checkbox"/> ASSISTED				
	<input type="checkbox"/> SUBJECT NO. _____ USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES USING DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES → TYPE: _____		<input type="checkbox"/> UNK.								

NARRATIVE  
 Her mother and friend were in the living room, the suspect had been drinking, and asked them all if they wanted to watch movies. The mother wanted to talk to her friend Johnny. Suspect thought since they were talking it would be ok to watch movies in the other room. Suspect bedroom. Victim stated he was sitting at the top of the bed, and victim stated he was at the foot of the bed in the floor. Vic. stated suspect left out of the room and came back with a clear thing of vodka.

VEH. / GUN / ETC. 1 <input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> FOUND <input type="checkbox"/> TOWED <input type="checkbox"/> SUSPECT <input type="checkbox"/> VICTIM	TYPE <input type="checkbox"/> VEHICLE <input type="checkbox"/> GUN <input type="checkbox"/> BOAT <input type="checkbox"/> LICENSE PLATE <input type="checkbox"/> SECURITIES/BONDS, STOCKS <input type="checkbox"/> ARTICLE	VIN AND/OR LICENSE NO.		BOAT HULL NO. AND/OR REG. NO.		
		SERIAL AND/OR OWNER APPLIED NO.				STATE
		YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR
		MODEL	STYLE	COLOR	BRAND NAME	CALIBER
		NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	

TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED	TOTAL VALUE

SUBJECT IDENTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION. 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION. 5. <input type="checkbox"/> JUVENILE - NO CUSTODY					REPORTING OFFICER(S) _____ DATE _____ UNIT NUMBER _____				
APPROVING OFFICER _____ DATE _____ UNIT NUMBER _____					FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO				

01/13/2014

SUPPLEMENTARY REPORT

CASE NUMBER

12-382-13

NCIC  
REQ. ENTD.

☐ ORIGINAL  
REPORT  
☐ MODIFIES  
ORIGINAL

☐ SUPPLEMENTAL  
REPORT  
☐ CASE STATUS  
CHANGE

☐ ADDITIONAL  
VICTIMS  
☐ ADDITIONAL  
OFFENDERS

☐ ADDITIONAL  
STOLEN PROPERTY  
☐ ADDITIONAL  
RECOVERED PROPERTY

PAGE 3 of 4 PAGE

NARRATIVE

stated he already had a large beer. Victim stated he wanted to show me how to play poker. He started acting weird things escalated. He started talking and said Come here, Come here. Victim stated he started getting closer to the bed. I was able to break away then he grabbed my neck & biting. I told him no I'm doing down with his body weight. Vict stated Suspect kept tongue in her mouth. Victim stated she kept trying to get away. He pulled her pants off and. Victim stated she tried to get away. Vict stated she told him to stop. Several times, he told her to stop acting like a high school, and act like a woman, he pulled her clothes including underwear. Stated he put his penis in her vagina. Everything stopped. at one point and some victim was scared. She stated that he defecated like he was going to hit her and was scared to yell for help. Once the other witness when yelled stop ended in an altercation. Resulting in him going to the hospital. I spoke to the witness Johnny who provided me with a statement and would not to press charges on the suspect for assault. I made contact with the suspect. I asked if he would give me a written statement of the facts. He said yes. Suspect was married. Stated it was going to ruin his marriage. Officer he said I had sex with her. His wife Kayla who was present wanted to arrest him. I told her not to cause I would have to arrest her. She walked off then came back and sat down. Kayla made the comment Josh you've lied to me.

ADMINISTRATIVE

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED		<input type="checkbox"/> ARRESTED UNDER 18		<input type="checkbox"/> EX-CLEAR UNDER 18	
<input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR 18 AND OVER		<input type="checkbox"/> VICTIM DECLINES COOPERATION		<input type="checkbox"/> JUVENILE - NO CUSTODY	
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION									
REPORTING OFFICER(S): Dms Chies		DATE 12-2-13		UNIT NUMBERS JCS		APPROVING OFFICER		DATE	
								UNIT NUMBER	
FOLLOW-UP INVESTIGATION		<input type="checkbox"/> YES <input type="checkbox"/> NO		OFFICER		<input type="checkbox"/> YES <input type="checkbox"/> NO			



- she tells u I got mad after pulling her down & sucking neck & she kept saying stop & then she ~~stays~~ I was kissing & saying love on me love on me. & she got away & off the bed. If she were being Sexually Assaulted by a mad man & she aint leave the room right then?
- ② she says I was acting weird. How so? She doesn't even know me. & agitated, so she come to see what I wanted. How's that when shes right beside me on the bed playing cards?
- ③ she says at one point she got scared I was gonna hit her. Yet she still stayed in the room?
- ④ The other report she says she was scared to call her mom & Johnny cause I said I would take care of them. She forgot to mention that lie in this report?
- ⑤ she says she was fighting me the whole time & I'm suppose to be pinning her down with my weight. So why is medical reports proving she's lying? Even about being snatched around by the hair. How did I hold her down with my body weight & perform oral sex on her while she was fighting the whole time?
- ⑥ she says I was mad, but her other statement says I was laughing kissing her & saying love on me.
- ⑦ IF she says she was resisting while I had sex with her. Why isn't this statement sayin what the other does "she got on her hands & knees so I could do it from the back"?
- ⑧ She mixed up her lies she says at 1st I pull her pants off as she fights to get away how could I give her oral IF shes crawling away & fighting? a few sentences later she says I pull her pants & panties down to her knees and put my mouth down there. How did I do that after I just pulled them off & she went from fighting me to doing nothing? sure?
- ⑨ Why isn't she mentioning she was drinking & talking about my kids & wife in this statement, why isn't her mother's lies added 2 this one too. Why did Owens refuse to get the liquor bottle with our prints, as I asked him?
- ⑩ How am I charged with CSC II? Aggravated Coercion is serious assault or threatening to seriously harm someone if they tell. Sucking someones neck & saying "Love on me" which I didn't say or "pulling someones hair" or at one point I was scared he was gonna hit me isn't Aggravated Coercion. See what the law defines it as for yourself. Medical reports prove she's lying about the hair pulling & being physically handled.
- ⑪ she had no marks but 2 Hickies. I had none. IF she were fighting me to keep me from sucking her neck my face or neck would've had scratches or blood welts. I wore no shirt that nite & I had no mark cause she knew she get me in trouble with my wife.
- ⑫ Johnny got assaulted for another reason by me. She says he yelled at me & stop. He says he simply asked me to get off her. We were having consensual sex & he even is telling yall the truth about what he saw her legs were wrapped around me & it was consensual as sex got this Her eye witness. How she know about me & my wife having problems & the kids not having been mine by blood? What mother would wait nearly 24 hrs later

01/13/2014

SUPPLEMENTARY REPORT

CASE NUMBER

12-382-13

NCIC  
 INQ. ENTD.

☒ ORIGINAL  
 REPORT  
☐ MODIFIES  
 ORIGINAL

☐ SUPPLEMENTAL  
 REPORT  
☐ CASE STATUS  
 CHANGE

☐ ADDITIONAL  
 VICTIMS  
☐ ADDITIONAL  
 OFFENDERS

☐ ADDITIONAL  
 STOLEN PROPERTY

☐ ADDITIONAL  
 RECOVERED PROPERTY

PAGE 4 of 4 PAGE

all day the police show up, and now lets tell the truth  
 suspect with a statement after verbally telling me  
 what happened. he stated it was Confidential.  
 that she wanted it, even loaded him, and took her  
 own clothes off. stated they played cards, and started  
 touching and kissing and he admitted to putting his  
 mouth on her vagina, as well as penetrating her.  
 he admitted to an altercation with other witness to have  
 I explained to the suspect and wife I was going to  
 take all the statements to the judge. I received  
 all the evidence, and paper work from the Hospital as well  
 as the Rape kit. I spoke with Judy Bowen explained the  
 detail, and he advised to come see her at the jail  
 reference a warrant. no further.

NARRATIVE

ADMINISTRATIVE

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
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REPORTING OFFICER(S): James Owens		DATE 12-25		UNIT NUMBER 507		APPROVING OFFICER		DATE	
								UNIT NUMBER	
FOLLOW-UP INVESTIGATION					OFFICER				
<input type="checkbox"/> YES <input type="checkbox"/> NO					<input type="checkbox"/> YES <input type="checkbox"/> NO				



13) Why am't she mentioning, as we mention nothing but Jogging pants or my chest tattoo or my covers being red or my mother's picture, Why am't she saying any thing about "Saying Touching, or some & me supposedly being mad & laughing in this state ment like she did in the room one, she let her see, you'd she know I've got a marriage certificate, & I'm interested in my personal life, but she in the dark bedroom with a nearly naked married man that you haven't known but for a hour or two, while his wife at work, watching Movies on a dark bedroom with a complete stranger, what movie was she watching?

14) She clearly states she wasn't hit, strangled, being forced to give me oral or threatened in any way yet I'm being charged for aggravated coercion. No shut up or I'll kill u or I'll tell or I'll hurt u or u better have sex with me or else, she has no physical marks or discoloration some marks on her & goes away 24 hrs later. She doesn't say my last name but knows I've been in jail before what my initials is "on my chest" & she says I'm on probation the kid aint mine & I'm rambling about my wife. Trying to make me look worse then what she already has. She's saying she was raped & was yelling but no one heard nothing. She says I pulled her pants off & started sex with her.

### Compare to other State ment

15) Just for the record check out how she says in one statement "I pull her on the bed by her hair" but she gets away & I pin her down again & suck on her kneck.

The other statement says I pulled her down by her hair & sucked on her kneck & she got loose & then I get her down again.

One states she "got away before her kneck being sucked" the other says I sucked on her kneck after pulling her down by her hair but before her getting away.

16) Any competent officer investigating a rape incident could see their lies & would understand what they were doing. Impossible undenyable crossed up lies. Any officer trying to seek the actual facts & truth would've asked both parties to submit to a poly graph & I volunteered. (Request the victim submit to polygraph, Section 16-3-750 (S.C. codes ANN. 16-3-653 CSC II I was denied the poly graph for the same reason He wouldn't collect the liquor bottle or take the pictures as evidence & the same reason He kept trying to get me to say I was so drunk I was passing out when she came in my room. Tryin to make it seem I didn't have sense & would look guilty, like some kind drunk rapist. Not one single thing at the C.R. gave probable cause to initiate a rape assault. For the same reason he & another officer harassed Mr. Henderson trying to get him to press charges for me assaulting him they finally pressed him to write that 2 sentence statement. The same reason that he didn't add that I had Not one scratch on my face or body into his statement or his comment to me about not blaming for not telling wife or about the statements he kept making about him not having a clue how to handle a case of this nature, He only works Narcotics cases - I was his first ever case like it & the only reason He was there was because he was the only on duty officer & admitting my investigation was handled by the Criminal Dept. Not him. How would I know all this if I were lying? Why would he sneak a pic. of Mr. Henderson without knowing? Cause he took her side & made sure I was charged instead of seeking truth. He wanted to charge me from the very start & made sure nothing prevented I even mentioned her prints on the bottle to him. I was charged He refused my wife a statement of the call she got that night from Hilda & Kelly. Why would He Not follow procedure and guidelines or Protocols or follow my request to collect evidence the night the

2013A4210204209

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE  
against

Joshua Walter Lance

Address: 112 Catawba St

Cowpens, SC 29330-

Phone: SSN: 247-63-8151  
 Sex: M Race: W Height: 6 Weight: 160  
 DL State: SC DL #: 011379642  
 DOB: 1/12/1985 Agency ORI #: SC0420700  
 Prosecuting Agency: Cowpens Police Department  
 Prosecuting Officer: James Owens - 2914  
 Offense: Sex / Criminal sexual conduct - Second degree

Offense Code: 0161

Code/Ordinance Sec: 16-03-0653

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 the law.

(L.S.)

Signature of Judge

## RETURN

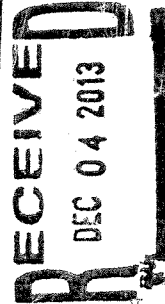
A copy of this arrest warrant was delivered to  
 defendant on Joshua Agnew  
 12-2-13

## RETURN WARRANT TO:

General Sessions  
 180 Magnolia Street  
 P O Box 3483  
 Spartanburg, SC 29304

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of

Spartanburg

Personally appeared before me the affiant James Owens

being duly sworn deposes and says that defendant Joshua Walter Lance

did within this county and state on or about 12/1/2013

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Spartanburg

violate the criminal laws of the

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Second degree

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:

That on December 1, 2013 in the city Cowpens and the county of Spartanburg, one Joshua Walter Lance did engage in sexual  
 battery by pulling her down on a bad placing his mouth on her vagina and having sexual intercourse with victim Kelly Waldrop,  
 the battery accomplished by the use of aggravated coercion, Affiant's belief is based upon police investigation.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address

Po Box 1399

Cowpens, SC 29330-

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY  
 It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/1/2013 defendant Joshua Walter Lance  
 did violate the criminal laws of the State of South Carolina (or ordinance of

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

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Second degree

Having found probable cause and the above affiant having sworn before me, 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  
 Sworn to and subscribed before me on 12/2/2013

Judge's Address

Spartanburg County Judicial Center

Spartanburg, SC 29306-2335

Judge's Telephone (864)596-3424

Judge Code: 5674

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Print Approved by  
 S.C. Attorney General  
 April 21, 2003  
 SCCA 518

Page 2

01/13/2014

1) A Person is guilty of Criminal Sexual Conduct in the 2nd degree IF the Actor uses Aggravated Coercion to accomplish Sexual Battery. / MAX Sentence 20 yrs.

## Section 16-3-651. (CSC Definitions) \* Complete Breakdown of \* CSC II :

B) Aggravated Coercion: Means the Actor threatens to use force or violence of A High & Aggravated Nature to overcome the victim or another person. IF the Victim reasonably believes that the Actor has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping or extortion, under circumstances of aggravation against the victim or any other person.

C) Aggravated Force: Means that the Actor uses physical violence of A High & Aggravated Nature to overcome the victim or includes the threat of the use of A deadly weapon. \*

B(1) Section 16-3-29 through 16-3-600. / Assault & Aggravated Nature: Means a person unlawfully injures another Person And:

A) Great Bodily Injury results to another person.

B) The Act is Accomplished by means likely to produce death or great bodily injury. MAX Sentence 20 yrs

## Section 16-3-600. Assault & Battery \*

A) For purpose of this Section

(1) Great Bodily Injury: Means bodily injury which causes a substantial risk of Death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.

## Article 7 - ASSAULTS & CSC

6th Amendment: Rights to A Fast & Speedy trial \*

4th Amendment: No warrant shall be issued without supporting cause.

5th Amendment: Due process of the law, No self incrimination, No double Jeopardy.

8th Amendment: No Excessive bail, No cruel & unusual punishment

14th Amendment: provides equality for all citizens; State governments Must follow previously passed Amendments.

1st Amendment: Freedom to petition

## Under 407 Professional Conduct (Rule 3-8) \*

A Prosecutor shall refrain from prosecuting A charge that is not supported by probable cause.

Time of Assault 11pm - 1:34pm

Why would she even be in a dark room that late at night with a guy she doesn't even know? She knew she was married & was lying on my wife's bed wearing nothing but jogging pants.

Any witnesses see the assault? ~~Yes~~ No, who? John Henderson. / This is her eye witness of mine. Why is he telling you there was no rape and what he saw was consensual as they were? He's got no reason to lie. He is in jail & I fractured 6 bones in his face and he's got this chance right now to send me to prison for 20 yrs. Why is he saying there was no rape? Cause he's being honest.

In the first sentence, Hilda states: She was on my couch & didn't witness a rape. Then in sentence 2 she states, I attacked him when he pulled me off Kelly. If that were so, we were having sex in my B. room, and if she saw that version she made up then she would've actually witnessed a rape, right? She would've saw Kelly & I naked right?

In sentence 5 she states: she witnessed us arguing & she went in my room to help Kelly with her "stuff". Then in sentence 6 she states that when they came out of my B. room she saw me beating Johnny in the face & he passed out on the couch. In sentence 7 she just stated she witnessed me beating Johnny after he pulled me off of Kelly. That would be in my B. room if he pulled me off of Kelly. Was he beat in my B. room or living room? 2 different rooms if he pulled me off of Kelly. Completely different.

In sentence 8: she confirms Mr. Henderson received 6 facial fractures. Again why would he confirm that he saw consensual sex, when he can give a little lie for the state & send me away for 20 yrs? Cause he's speaking the truth.

In sentence 9: Hilda confirms my wife was working & my 3 children were in the next room. The room that joins the living room & also has no door. If all this yelling & loud cussing were going on, why didn't at least one child wake up? Cause all that yelling is a lie.

Kelly states in sentence 11: that I asked "if they all wanted to watch movies." True. Then in sentence 12, she says "I thought it would be good for us" me & her "to go to my room." & they declined so I said well I'm going to lie down. Kelly remained in the living room a while before her & Johnny poked their heads in my room and Johnny asked me that "Kelly was to know if she can watch movies with you?" In the dark & with me in nothing but jogging pants. I was nearly asleep, I had no beer except that half of a big cheap one Johnny gave me & I didn't drink cause it was rough. I said yeah grab her a chair from the kitchen & sit it in front of my TV. The chair was there & seen by officer Owens when he arrived.

In sentence 13: she states I made her sit in the floor at the foot of the bed. You couldn't even see the TV screen from there, another lie, she had a chair. Even smaller lies matter when 20 yrs of your life are on the line. Officer Owens saw the chair.

In sentences 13-14: she states I had left the room & came back with a clear thing of vodka & that I already had a big beer. But she failed to mention she was drinking vodka shots with me, why's that? Also why didn't she mention I was using that "big thing of beer" as a ashtray? Officer Owens saw himself the cigarette butts & how close it still was from being the whole half a beer Johnny split & gave me. I also asked officer Owens to collect the vodka bottle as evidence cause her prints were on it as well. He refused cause he didn't see it as relevant. He saw the vodka bottle also.

She states in sentence 14: that I was showing her how to play poker. True, she sat beside me on my bed, I turned the light on. We were a foot apart while we played. She states in sentence 15: I said "come here, come here". Why would I say that? We were a foot apart. She says she got agitated so she went to see what I want. In sentence 16: Then she states I grabbed her by the arm & pulled her on the bed, she was already on the bed. Lies again. We started feeling one on the other on the bed. She started it by playing with first my chest & nipple rings & then my penis.

In sentence 17: she states she managed to "break away" from me as I was sucking & biting her neck. So she's stating that she was fighting to get away, right? Remember that. Now ask her self, why my marriage certificate & wife popped in her head while she was being attacked? Then she says, according to her statement - in sentence 18: I got her back on the bed. If she got away from me & didn't want to do any of that as she says then why didn't she leave the room when she got away? If she felt like she were being sexually assaulted? Why didn't she at least raise her voice? Use according to her own words. She wasn't scared to tell me to my face she wasn't doing that. Why would she be scared to just walk out or raise her voice then? Cause she's telling lies & also after she states, I'm married & have a marriage certificate. Why would she even be in my bedroom alone with me? Especially that late at night. Really IF she were so noble as to remember my wife and her feelings.

In sentences 18 & 19: Remember that she says I'm holding her down using my body weight ok. In sentence 20: once again that she was fighting me as I was laughing saying "love on me" she states in sentence 20: once again that she was fighting me as I was laughing saying "love on me". First off that sounds feminine & I don't even talk like that, ask my wife. In sentence 21: she states I'm holding her down using my body weight ok. In sentence 22: she states I'm holding her down using my body weight ok. In sentence 23: she states I'm holding her down using my body weight ok. In sentence 24: she states I'm holding her down using my body weight ok. In sentence 25: she states I'm holding her down using my body weight ok. In sentence 26: she states I'm holding her down using my body weight ok. In sentence 27: she states I'm holding her down using my body weight ok. In sentence 28: she states I'm holding her down using my body weight ok. 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In sentence 94: she states I'm holding her down using my body weight ok. In sentence 95: she states I'm holding her down using my body weight ok. In sentence 96: she states I'm holding her down using my body weight ok. In sentence 97: she states I'm holding her down using my body weight ok. In sentence 98: she states I'm holding her down using my body weight ok. In sentence 99: she states I'm holding her down using my body weight ok. In sentence 100: she states I'm holding her down using my body weight ok.

being to no point or trying to get any more of my body weight, right? There should  
being muscles the next day from fighting to get free from my body weight, right? There should  
my skin under her Nails or scratches on me, but as officer Owens saw himself there were none.  
Officer Owens took me to Spptg. Regional for my hand being severely swollen, nothing else except  
Knot Johnny left behind my ear when we fought. No marks or scratches. She inspected me  
Sentence 21: she states I pulled her pants off as she kept fighting & telling me to stop  
ce again & read the medical reports on page 16 of motion files. Page 5 of medical reports  
also states she's well nourished, very alert, NO ACUTE DISTRESS, no obvious discomfort, that her  
skin is warm, dry with good color, she responds appropriately to questions, speech clear, good pu-  
es on all extremities & NO POINT OF TENDERNESS or edema & NO Learning barriers  
she states I kept YELLING at her to stop over & over again & that I'd take care of  
her mom an Johnny if they came in there. That's a Hell of a lot of yelling isn't it?  
s. Not to mention not a single one of my children woke up & heard all this yelling. That  
ing would draw attention to my room. If anyone were raping someone that yelling wou-  
d kinda be dumb wouldn't it? There were no TV in the room where Her Mother & Johnny  
were sitting. The kids were asleep & my TV was turned down off at this time. Johnny stated  
a recorded phone call he didn't hear meaning any yelling or anything. That He just came  
in there to get some work. He saw the entire scene. Sentence 23 (about all this yelling)  
In sentence 24: she states that I told her to loosen up & quit acting like a high  
school girl. That loosen up part is completely untrue & that stuff about high school girl  
was said earlier that nite about how her mama won't get her a phone. I told her grow  
p & quit acting like shes in high school an get a job and buy her one. I then told her  
I'd like mother in front of Johnny that since its almost Christmas I'd sale her an  
ew 75\$ LG phone I bought the previous month, for 20\$. Ask them.  
In sentence 24 she states: I then pull her pants to her knees & place my mouth down  
ere. In sentence 21: she says I pulled her pants off and she was fighting me & cry-  
ing away. In 24 she contradicts her self completely. She says pants & panties to her  
aces & place my mouth down there for a while. She said when I pulled her pants off  
for, she was crying & fighting while I was in there. How do you place your mouth  
Someone's vagina if their trying to get away & trying to get away from the hand at the bottom? When I  
suddenly felt her & her & I was in there & over an making threats, she states only that I  
cept pinning her down using my body weight & that's supposedly why she has no bru-  
ises or redness. How the hell could I pin her down if she was performing oral sex on her?  
she then states: after a while he told me to get on my hands & knees that I  
was on her back. That's not fighting me, nor trying to get away  
if damn sure isn't any kind of position were you just lying there suffering in silence  
and just taking it either. Anyways we started having sex with her on her back, then hands  
and knees.  
Sentence 29: she states that it all ended when Johnny walked in & pulled us  
to the floor. Johnny saw me on top of Kelly & saw me on top of Kelly &  
is asked to get off Kelly & I stated "its not what u think" ok when he caught  
e & then he said "u all quit we shouldn't be doing that & how dare we rape  
-said "Johnny its not what you think, I said it cause he said hes telling my wife  
In sentence 30: she tells them that I never hit her or strangled her, so she could  
be yelled at at anytime IF she were being raped. Both Johnny & her mother had  
all phones & could call the police if anything happened like that. And the claim  
is PC is only about 200 ft from my house & she fought me on point  
at I was down on her for trying so hard to get away. If that's the case  
he could've called for help from the very beginning of this "Rape" what didn't happen  
he wasn't scared thing - but a "some help" she got scared & I was on top of her  
If she was fighting so hard how could I even get my mouth down  
she states from sentences 31-38: she describes my blankets, exactly what I was  
wearing, my shirtless, covered with tattoos, I was described  
he tattoos in the center of my chest. She sure paid that some attention that's where  
he was rubbing on my chest. She asked you get sat on on your chest. I told  
he it's not a rape or a rape on your back, or she would've never could tell the difference  
between a rape on your back or a rape on your chest. That's the only way to tell



bedroom in the dark with me? If she were raped? How does she know about my problems with my wife & kids? She asked me these questions & I told her not by blood but they're still mine. She asks "even the baby?" I said yes. She ~~was~~ sure No's at about me huh, even that I've been to Jail. How'd she get to know all these things? While she was watching "Movies" or when she was supposedly being raped? The answer is: we were talking and she began rubbing my chest & nipple rings, she asked did they hurt when you pierced them I replied yes for about a month. Then she started rubbing my penis through my pants. We began making out, I kissed her & sucked on her Neck. She took off her pants told me to turn off the light she took off the rest of her clothes I performed oral sex on her until she came & we began having sex, Her on her back & then Hands & knees, then on her back with her legs wrapped around me & Johnny came in and caught us. Then he said he was gonna tell my wife, Kelly was scared of her mom knowing & Kayla knowing too I told her I'd talk to him. He kept saying she deserves to know. Kayla loves you! I remembered what Hilda said: He told her about me making him watch our kids all day while we went partying, clean & our house, cook dinner & wash dishes & I brought it up we began arguing & I told him to get out of my house & things got worse & we began to fight & I went over board with it & beat him bad. They called my wife telling her how Johnny caught me & Kelly Having Sex & Kelly told her I also ate her out after my wife kept asking what else. Johnny was taken to the ER & went back to Jessica Sexton's House. Hilda & Kelly showed up asking him to press charges on me. He told them No, that it aint gonna change nothing or make anything better. Hilda gets pissed & makes up a lie saying I raped her & told Kelly that she was gonna press those charges & she did. Her mothers very strict on her and you would see how her mom controls her life if you ever actually meet with them. We didn't have sex long at all & I never came during our sex. She describes me & my blankets good & ask her to tell you the movie she watched. I've got 2 disks of recorded conversations Read #15 Carefully

With John Henderson admitting there was no rape and Hilda made it up, cause he wouldn't put me in Jail. Also how Kelly is nothing but trouble & I never made him do anything so that he could live with us that was a lie.

I've got a statement from Kayla Rollins - about their call to my wife telling her what happened

I've got a statement from Jennifer Hart - another waitress who heard the conversation with my wife & Kelly on speaker phone.

I've got a statement from Jessica Sexton - From Her visit over her house to see Johnny & heard them say, she made it up and I need to go to prison for Johnny's Assault for the rest of my life

I've got 5 pictures of the Bedroom & how far Johnny & Hilda were sitting from my bedroom. The sheet I had over the door way & even the chair they brought in there that nite. Why would anyone wait 24 hrs before reporting a rape? I've got repeated contradictions & lies in their statement at the ER all listed & shown on these 3 papers & this doesn't include the one from the officers written statement.

I've got questions - that are logical, to prove their story's false. Even John Henderson's - testimony about what he saw "Her own witness" & he tells you what I am telling you, the truth. Hell testify this in trial.

I've got Her own Medical Reports - physically proving that I speak the truth, no matter how many tears she makes her self cry, & I sit here facing lossen my life & humiliation over a lie. I could nearly lose my whole life. Please think of that. Don't lie

Information Officer James Owens refused to report one vice  
-NCC & His on verbal statements, refusing to take statements  
sneaking photos without consent & pressuring Mr. Henderson until  
he gave a 2 sentence statement or to include the fact he knew  
C-1. WHAT DO WE MEAN BY "IS EXCULPATORY?" <sup>nothing about or how to investi-  
-ate</sup>

The most important thing to understand about the term "is exculpatory," is that it is not limited to things that prove the defendant did not commit the crime. Rather, it includes any information or material that might lead the jury to conclude that the defendant should be found not guilty of any of the crimes charged.

One constructive way of analyzing whether something "is exculpatory" is to look at the different general categories (or genres) of defenses in criminal cases, and ask ourselves whether the evidence we want to discover helps establish any of those categories. These genres (within which almost all defenses fit) are as follows:

1. The criminal act never occurred. (Frame-up, for example)
2. The criminal act occurred, but the defendant was not the one who did it. (Alibi, for example)
3. The criminal act occurred, the defendant committed it, but it wasn't legally a crime. (Self-defense, for example)
4. The criminal act occurred, the defendant committed it, but it wasn't the crime charged. (Lesser included offense, for example)
5. The criminal act occurred, the defendant committed it, but he was not legally responsible. (Insanity, for example)

Any material that might help to establish any of these categories is Brady material, and must be disclosed. Moreover, it doesn't matter whether the defendant has committed to raising a defense with that information. As long as the material would help to establish a defense, it must be turned over, and it is for the defense lawyer to determine whether and how he or she wishes to use it.

Along the same lines, any material that is inconsistent with the prosecutor's theory of the case is Brady material, regardless of whether and how defense counsel is going to use that material.

Due process also requires disclosure of any evidence that provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state's witnesses, or to bolster the defense case against prosecutorial attacks. Kyles v. Whitley, 514 U.S. 419, 442 n.134, 445-451 (1995).

To sum up:

Any material that helps the defense attack the reliability, thoroughness, or good faith of the police investigation is discoverable under Brady. This is a terrific tool for prying loose police reports that show inconsistent behavior or statements by police, incompetence or failure to follow guidelines or protocols for investigation, and general sloppiness in investigating the crime or in failing to follow leads or investigate anything that wouldn't help convict your client. It is also very useful