

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)
State of South Carolina,)
Plaintiff,)
vs.)
Tammy Caison Moorner,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

NOTICE OF MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

FILED
Horry County
2014 JUN 10 AM 9:34
JENNIE HUGGIN
CLERK OF COURT

TO: JIMMY RICHARDSON, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE, as Counsel for the Defendant will move this Court for an Order compelling the State to:

1. Make available for the Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection and copying any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including but not limited to:
 - a. All tangible objects obtained from the scene of the crime; and
 - b. All tangible objects obtained from the State's witnesses in this case; and
 - c. All tangible objects the State intends to introduce into evidence at trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might not be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exculpate the Defendant or to negate participation by the Defendant in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or

physical examinations conducted in connection with this case, including but not limited to:

- a. Analysis of handwriting
- b. Photographs secured of the crime scene
- c. Comparison of fingerprints
- d. Hair samples
- e. Body fluids (blood, semen, urine, etc.)

8. Make available any facts which tend to exculpate the Defendant.

9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any prospective witnesses for the State.

10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.

11. Make available to the Defendant, the SLED, the FBI, and local authorities arrest and conviction records of all persons named in connection with this proceeding, including the Defendant, and further make available:

- a. Any and all consideration or promises or consideration given or made on behalf of State's witnesses;
- b. Any and all prosecutions, investigations, or possible prosecutions pending which could be brought against the witness and any probationary, parole or deferred prosecution status of the witness;
- c. Any and all records and information revealing convictions attributed to each State's witness;
- d. Any and all records and information showing prior misconduct or bad acts committed by the State's witnesses;
- e. Any information tending to show that other persons, excluding the accused were involved in the crime; consumed alcohol and/or drugs prior to the commission of the offense;
- f. Any information that any of the State's witnesses had consumed alcohol and/or drugs prior to witnessing the events that gave rise to their respective testimony;
- g. Any statements of witnesses which conflict either internally or with another statement of the same witness;

- h. Any polygraph tests taken and not passed which raise some doubt as to any State's witness's credibility;
- i. Any psychiatric, psychological, or mental evaluations taken by a State's witness or any evidence of psychiatric, psychological, or mental treatment of any State's witness;
- j. Any hypnosis given to any State's witness to assist that witness's memory for investigative or trial preparation purposes;
- k. Any internal documents or other evidence of any law enforcement official's misfeasance, malfeasance or negligence whether by acts of omission or commission, in the performance of his/her duties, concerning this specific case;
- l. Any training guides, manuals or other similar materials which give information relative to an investigation or arrest which were not used in this particular arrest or investigation;
- m. In the case of any scientific evidence, textbooks, data, manuals, guides or other similar materials which suggest alternative methods to the one used;
- n. Any evidence of the periodic destruction of any evidence such as a police department retention policy;
- o. The names and addresses of any individuals who were considered at any time during the case as possible suspects and the evidence that led to this conclusion;
- p. "Mugshots", photographs or other physical evidence used but eliminated during the course of the investigation and the reasons for their discontinuance;
- q. The names and addresses of other individuals who may have confessed to this crime or crimes with a similar *modus operandi*;
- r. Any statement of a witness or other individual which presents or indicates a doubt as to the identity of the accused, the location of the crime, or the description of any tangible item relevant to the charge.

This information is requested pursuant to Rule 5, South Carolina Rules of Criminal Procedure.

This information is further requested pursuant to Brady v. Maryland, 373 U.S. 383, 10 L.Ed. 2d 215, 83 S.Ct. 1194 (1963), U.S. v. Agurs, 427 U.S. 97, 49 L.Ed. 2d 342, 96 S.Ct. 2393

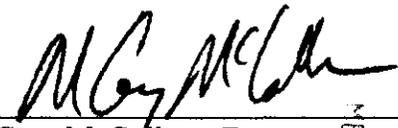
(1976), State v. Mixon, S.C. 274 S.E. 2d 406 (1981).

Further, this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, the right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution.

WHEREFORE, Defendant prays:

1. That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph such materials and information at a specific time and place to be fixed by the Court.
2. That the information be provided at a reasonable time before the term in which the case is to be tried pursuant to United States v. Elmore, 423 F2d 775 and United States v. Deutsch, 373 F. Supp. 289.
3. That the Court enter an Order requiring the Solicitor's Office to make disclosure of all matters presently within their possession and knowledge concerning the matter set forth in this Motion and to make such Order requiring a continuing disclosure of all matters requested herein up to and during the trial of the charges against the Defendant(s).

Respectfully submitted,



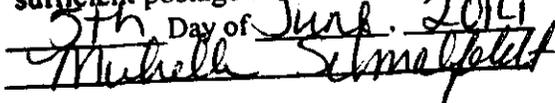
 Greg McCollum, Esq.
 Attorney for Defendant

June 5, 2014
Myrtle Beach, South Carolina

Warrant No.: 2014A2610700584
Warrant No.: 2014A2610700585

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing pleadings has been served upon opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto this

5th Day of June, 2014


IN THE LAW OFFICE OF:
M. Gregory McCollum
516 29th Avenue North
Myrtle Beach, SC 29577

2014 JUN 10 AM 8:24
MELANIE HUGHES
CLERK

MYRTLE BEACH COUNTY