

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENVILLE

CHARLES WAKEFIELD, JR.,)
Defendant,)
v.)
STATE OF SOUTH CAROLINA,)

**CONSENT ORDER FOR
BALLISTICS EXAMINATION**

ORIGINAL INDICTMENT NO: 75-GS-23-2183-85
ORIGINAL WARRANT NO: A30046-47

FILED
2013 FEB 05

Upon motion of the Defendant, Charles Wakefield, Jr., and with the agreement of the State, by and through the Solicitor for the Thirteenth Circuit, the Court now enters the following Order:

1. On January 31, 1975, Frank Looper and his father, Rufus Looper, were murdered in the garage next to their home in Greenville, South Carolina. The garage was an auto repair shop called "Looper's Garage" that was operated by Rufus Looper. (Trial Tr. 361)
2. The Loopers both died from single .32 caliber bullet wounds to the head, with both entry points just above the left ear. (Trial Tr. 137-38, 141-42, 280, 282)
3. On February 26, 1976, a jury convicted Wakefield of the Looper murders and he was sentenced to death by electrocution as mandated by law.
4. On February 15, 1978, the South Carolina Supreme Court upheld Wakefield's conviction, but directed the trial court to re-sentence him to life in prison as the South Carolina death penalty statute had recently been deemed unconstitutional. *State v. Wakefield*, 270 S.C. 293, 242 S.E.2d 219 (1978).
5. In 2010, Wakefield was paroled and now resides in North Carolina.
6. The State entered the following into evidence during Wakefield's 1976 trial:
 - a. State's Exhibit 7 - a bullet recovered from Rufus Looper's body;
 - b. State's Exhibit 8 - a bullet recovered from Lt. Frank Looper's body; and
 - c. State's Exhibit 9 - a bullet recovered from Looper's Garage.

(Trial Tr. 280, 282)

7. At trial, M.N. Cate (Lt. Cate), the lieutenant in charge of SLED's Crime Lab, testified that State's Exhibits 7 and 8 were fired from the same gun. The comparison to State's Exhibit 9 was inconclusive. (Trial Tr. 282-83)
8. The testimony also revealed that over forty guns had been tested in order to determine if they were the murder weapon. None were found to be a match. (Trial Tr. 285-86)

9. Lt. Cate determined that the gun had characteristics similar to a .32 caliber Rossi. (Trial Tr. 280)
10. State's Exhibits 7-9 are currently in the possession of the Greenville County Clerk of Court.
11. On October 31, 2019, Don McIntyre, the son of a witness who testified at Wakefield's trial, found a .32 caliber Rossi in a box on his property and brought the gun to the Greenville Police Department (GPD). That weapon is currently in the GPD property room under case number 2-75-003489.
12. On June 8, 2020, the Defendant filed a Motion for Postconviction Ballistics Examination requesting State's Exhibits 7-9 be compared to the .32 caliber Rossi.
13. On February 19, 2020, SLED issued an investigative report related to this case which states that another gun, a 9mm Llama, was stored with a file associated with the Looper murders for many years in a safe in the GPD Chief's office.
14. The GPD determined the 9mm Llama was the weapon that killed another GPD officer, William Frank Chastain, in the 1970s. The gun was not transferred to the GPD property room until February 11, 2009, and is currently stored there under case number 2-71-000600.
15. As the 9mm Llama was stored with a file associated with the Looper murders for so long, and that file is now missing without explanation, it should also be compared to State's Exhibits 7-9.
16. The State of South Carolina, by and through the Solicitor for the Thirteenth Circuit, has consented to the ballistics examination of the evidence requested by the Defendant.
17. Surviving relatives of the Loopers are also in support of this evidence being examined.
18. The parties have agreed that the examination should be conducted by the Federal Bureau of Investigation Laboratory (FBI Lab) in Quantico, Virginia.
19. Resident FBI Agent in Charge Aleta Bollinger or her designee has agreed to transport the evidence for testing.

IT IS HEREBY ORDERED that

20. FBI Agent Bollinger or her designee is authorized to go to the Greenville County Clerk of Court's Office and obtain custody of State's Exhibits 7-9.
21. FBI Agent Bollinger or her designee is authorized to go to the Greenville Police Department and obtain custody of the .32 caliber Rossi currently in the GPD property room under case number 2-75-003489 and the 9mm Llama currently in the GPD property room under case number 2-71-000600.

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FBI - GREENVILLE


- 22. FBI Agent Bollinger or her designee is authorized to transfer custody of State's Exhibits 7-9, the .32 caliber Rossi, and the 9mm Llama to the FBI Lab in Quantico, Virginia for testing.
- 23. The FBI Lab is authorized to compare State's Exhibits 7-9 to the .32 caliber Rossi and to the 9mm Llama.
- 24. The examination shall be completed as soon as practicable.
- 25. Upon completion of all testing, the results shall be sent to the Greenville City Police Department and the 13th Circuit Solicitor's Office. The Solicitor's Office shall provide the results to Defendant's counsel within 24 hours of receipt.
- 26. Upon completion of all testing, the FBI Lab shall return the evidence to the submitting agency.
- 27. In addition to counsel for the State and the Defendant, the Greenville County Clerk of Court shall send a copy of this Order to the following:

FBI Agent Aleta Bollinger
 101 N. Main Street, Suite 803
 Greenville, South Carolina 29601

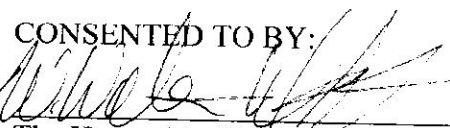
Interim Chief J.H. Thompson
 Greenville Police Department
 4 McGee Street
 Greenville, South Carolina 29601

IT IS SO ORDERED.


Dated: 6/24/20



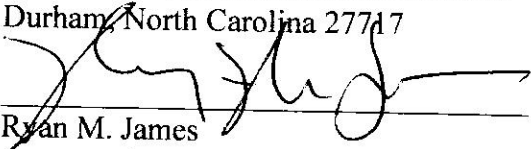
 The Honorable Letitia H. Verdin,
 Circuit Court Judge
 Greenville County, South Carolina

CONSENTED TO BY:


 The Honorable W. Walt Wilkins
 Thirteenth Circuit Solicitor
 Greenville County Courthouse
 305 E. North Street
 Greenville, South Carolina 29601



 Christine C. Mumma (*pro hac vice pending*)
 Attorney for Charles Wakefield, Jr.
 Executive Director
 North Carolina Center on Actual Innocence
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