

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

CHARLES WAKEFIELD, JR.,

Defendant,

v.

STATE OF SOUTH CAROLINA,

IN THE COURT OF GENERAL
SESSIONS FOR THE THIRTEENTH
JUDICIAL CIRCUIT

Indictment Nos. 75-GS-23-2183-85

Warrant Nos. A30046-47

MOTION FOR A NEW TRIAL

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Defendant Charles Wakefield has discovered new evidence that casts doubt on his conviction in this Court. Under Rule 29(b) of the South Carolina Rules of Criminal Procedure, this Court can and should grant Wakefield a new trial.

INTRODUCTION

Charles Wakefield was arrested, tried, and convicted for the 1975 murder of Lieutenant Frank Looper, a decorated narcotics agent with the Greenville County Sheriff's Office, and his father Rufus Looper. Though the murder had all the signs of a professional killing, it was treated as a botched armed robbery.

It has never been clear why Wakefield initially drew the attention of investigating officers in this case. He was arrested on an outstanding arrest warrant the day of the Looper murders and questioned extensively about the murders. Despite passing a paraffin test (for gunpowder), a polygraph test, and a "truth serum" test, police never lost interest in Wakefield as a suspect.

Nearly ten months after the Looper murders, Wakefield was indicted. Though no witness was able to definitely identify Wakefield prior to trial, the prosecution built a case around questionable "eyewitnesses" and a troubled, teenage criminal named Wyatt Earp

Harper. Wakefield's trial began shortly after his arrest and within thirty days of the appointment of his lawyer. He was convicted and initially sentenced to death by an all-white jury. A fortuitous change in the law later converted Wakefield's sentence to life.

Wakefield has always maintained his innocence. Through various filings over the years, he has chipped away at the "evidence" that resulted in his conviction, revealing a case full of racism, biased tunnel vision, and inept investigation that lead to a completely unreliable outcome. His efforts recently gained attention in a popular Greenville podcast by journalist Brad Willis, "Murder, Etc."¹, and, importantly, the support of the Looper family.

During the broadcast of Murder, Etc., Willis became aware that then-chief of the Greenville Police Department, Ken Miller, had come into possession of new exculpatory evidence in Wakefield's case – a file and a gun. That evidence serves as the central point of this motion. However, the motion will also lay out new evidence that has accumulated over the decades. Although the first question in granting a new trial is whether the evidence is likely to change the outcome of the original trial, in this case, when the evidence as a whole is placed on the scales of justice, the weight of the evidence of innocence makes clear that justice has not been served. The evidence supports that this Court should correct an injustice that has stood for decades.

FACTS AND PROCEDURAL HISTORY

The Looper murders

On the afternoon of January 31, 1975, Lieutenant Frank Looper's father, Rufus Looper, was working in his garage on Pendleton Street. Through a window, Vera Looper,

¹ <https://murderetcpodcast.com/>

Rufus's wife and Frank's mother, noticed a black man she found suspicious walking up the drive way and heading into the garage. She asked Frank to go check on his father. Frank got his service pistol and went into the garage. Vera² described the black man walking out of the garage and then going back into the garage. Moments later, Vera heard two gunshots and saw the black man run out of the garage. She went to the garage and found her husband and her son shot. Both men had .32 caliber bullet wounds one-inch above their left ears and both men died from their wounds.

The initial investigation revealed three eyewitnesses: Vera Looper, and neighbors Edna Mae Mashburn and Viola Owens. Vera Looper was the only one to testify at Wakefield's trial. Although she had a clear view of the shooter, she could not identify him later. Vera did, however, state that the man did not have an afro, because he was wearing a hat.³

Two neighbors gave statements the day of the murders. Viola Owens and Edna Mae Mashburn were sitting on Owens' porch at 16 Burdette Street at the time of the shooting. Owens looked over at the Loopers' garage and saw a "colored boy" run out of the driveway and up the street. She went to the garage and saw Frank laying on the floor wounded.

Mashburn saw the same thing. She went in the garage and stood over Frank's body screaming. There was a gun on the garage floor next to him. They described the man who ran away from the scene as 5' 10" and 150 to 160 pounds with short, neat looking hair.

Owens also described a prior shooting at the Loopers' house. Frank Looper had come to her home a few months before his death and told her someone had fired a shot

² The Loopers are referred to by their first names to avoid confusion.

³ Charles Wakefield's arrest photo shows that he had an afro.

through the front door of the Looper home. He told her the shot came from a car driving by the house, but she knew nothing about the incident.

The Greenville County Sheriff at the time of the murders, Cash Williams, was quoted in *The Greenville News* as assuming the murder of the Loopers was a “narcotics-motivated assassination, ‘until proven different.’” The previous shooting and the fact both victims were shot one inch above their left ears with a small caliber pistol was consistent with this belief.

Despite all the signs pointing towards a professional assassination, the investigators with the Greenville Police Department determined the murders stemmed from a botched armed robbery. The two lead GPD investigators, Mike Bridges and Jim Christopher, and the coroner all decided the case was a robbery.

The initial arrest of Charles Wakefield

It is not clear what initially brought 21-year-old Wakefield to the attention of the Greenville Police Department. He had no criminal record, although he did have an outstanding arrest warrant for assault from a street fight about a month before the Looper murders. Wakefield was arrested on that warrant the evening of January 31, 1975, the same day as the shootings. That night, Bridges and Christopher interrogated him about the Looper shootings.

Police conducted a paraffin test to determine if Wakefield had fired a gun, which

he passed.⁴ He also passed a polygraph and a “truth serum test.”⁵ All efforts by police to link Wakefield to the Loopers’ shooting failed and he was released a few days later on his own recognizance. The police never followed up on the assault allegations.

During his time at the Greenville city jail, Wakefield met a man named Tommy Shaw. Shaw was a convicted robber but was allowed to serve his time at the local jail because he was an informant for Jim Christopher. In addition to having the run of the jail, Shaw could leave the jail unescorted.

Shaw asked Wakefield to bring him a gun at the city jail. He specifically asked for a .32 caliber handgun. A few weeks after his release, Wakefield showed up at the jail with the gun and was arrested. Ballistics tests could not link the gun to the Looper murders. Wakefield was held at the Greenville City Jail on that charge.

While in jail, Wakefield and a man named Charles Brown hatched a plan to collect reward money offered in the Looper case. Wakefield contacted Mike Bridges and told him he was at the Looper garage the day of the shooting and saw Brown there. The story fell

⁴ A paraffin test is an older test to determine if someone fired a gun. It is no longer used and had already fallen out of favor with many courts by 1975. Because the test (also known as a “dermal nitrate” test) detects nitrates, it is likely to show positive results even when the subject did not fire a gun. While it is not accurate to determine whether someone did fire a gun, it likely is accurate to determine who did not fire a gun. *Brooke v. People*, 339 P.2d 993, 995-996 (Colo. 1959)(Colorado Supreme Court analyzing reliability of the paraffin test).

⁵ “Truth serum tests” involved the administering of drugs to a suspect to lower the suspect’s inhibitions, which was thought to make the suspect more likely to admit to incriminating information. For a general description of the practice, see: <https://www.mcgill.ca/oss/article/drugs-history-you-asked/what-truth-serum> (last accessed October 28, 2020); https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol5no2/html/v05i2a09p_0001.htm (last accessed October 28, 2020).

apart when Bridges discovered Brown was in jail the day of the shooting. However, the story convinced Bridges that Wakefield was involved in the murders.

On May 23, 1975, Wakefield pled guilty to aiding and abetting an escape based on the gun incident with Tommy Shaw. He was sentenced to 18 months in prison and sent to Kirkland Correctional Institution.

Nine months after the murders, a new eyewitness, Mae McIntyre, came forward to tell police she was at the Loopers' garage the day of the murders. Although Vera Looper and the two women across the street never saw Mae McIntyre near the home, Mike Bridges showed Mae a photo lineup. She was unable to pick anyone out, though she tentatively identified Wakefield and a man named Larry Poole. At some point in October of 1975 Mae went to a live lineup, though it is unclear how that lineup went.

Mae McIntyre's daughter, Dianne Cowart, was the one that begged Mae to contact the police and tell them she had been at the garage the day of the murders. Dianne's pleas began after her husband, Mike Cowart, received 24 years in prison for a string of burglaries. At Wakefield's trial, Mike Cowart's lawyer confirmed that Jim Christopher told him that Mike was helping him on an "important case" and Christopher would help Mike get his sentence reduced.

On October 27, 1975, the Greenville County grand jury indicted Wakefield for the Loopers' murders. A few weeks later, Mae McIntyre testified at a preliminary hearing that Wakefield was at the scene of the murders. Shortly after this testimony, her son-in-law, Mike Cowart, was moved from the Central Correctional Institution to Kirkland Correctional Institution.⁶

⁶ Central Correctional Institution (known as "CCI") was a notorious South Carolina prison known for its terrifying conditions and extreme violence.

In December of 1975, Vera Looper was brought to a lineup that included Wakefield and could not identify anyone. At this point, the case against Wakefield was built on an unreliable identification by a witness with a powerful incentive to testify for the State, who was not seen at the crime scene by any of the three women who were known to be there. In an unbelievable turn of luck, investigators Christopher and Bridges located a new witness who would bolster their case against Wakefield.

Bridges and Christopher allegedly discovered a report in their file claiming Wakefield had been seen in the past with a teenager named Wyatt Earp Harper. Both investigators had been involved with Harper in the past and knew he could be easily influenced when something was in his favor. He was especially vulnerable at the time because he had recently been sent to an adult prison for the first time. Despite no previous connection to the case, Harper would become a key witness at Wakefield's trial.

On January 28, 1976, the Court appointed counsel for Charles Wakefield. Less than 30 days later Wakefield's capital murder trial began.

The trial of Charles Wakefield

Wakefield's capital trial, with an all-white jury, began on February 23, 1976. The State primarily based its case on three witnesses: Wyatt Earp Harper, Mae McIntyre, and Silas Jones.

Silas Jones

Silas Jones testified he overheard Wakefield and Brown concocting the scheme to collect the Looper reward money when they were in jail the previous April. There was

<https://www.thestate.com/news/local/crime/article183418206.html> (last accessed October 28, 2020).

never an explanation as to how this ill-conceived plan was supposed to help them get released or collect the reward money. Mike Bridges testified no one offered Silas Jones a deal for his testimony. His name came to the attention of the police when they were conducting a "routine" check on anyone who had been in the same cell as Wakefield.

Despite the claims that no deal was made for Jones, his fortunes improved significantly after his meeting with the State and agreement to testify. His state sentence was set to expire in December of 1975, but he had a 2- to 6-year federal gun sentence to serve after that. Jones never had to serve his federal sentence and instead went free after serving his state sentence. Tragically, he would later go on to murder his girlfriend's infant daughter.

Wyatt Earp Harper

Wakefield had never met Wyatt Earp Harper. He and his defense lawyers were unaware he had any involvement in the case until Wakefield's attorney, Grover "Buddy" Parnell, was tipped off to his existence by the trial judge, Frank Eppes. Parnell went to the Greenville City Jail to find Harper.⁷ A jail employee told Parnell there was no one there. Parnell insisted there was a witness being housed at the jail and that he wanted to see him. The employee relented and admitted Harper was there. Harper told Parnell he knew nothing about the Looper murders and was just there for a "free ride." Solicitor William "Billy" Wilkins, the prosecutor on Wakefield's case, admitted to Parnell the next day that he had put Harper in the old jail and instructed Harper to lie to Parnell if Parnell found him.

⁷ By this time, a new detention center was being used to house detainees. The "old jail" was no longer used.

Harper testified that he was the lookout when Wakefield killed the Loopers. He also testified on direct examination that he did not expect any preferential treatment, sentence reductions, or help with his then pending charges in return for his testimony.

After Wakefield's conviction, Harper was sent to the Pickens County jail to serve his sentence until he was transferred to a minimum-security facility. He tried to escape from that facility. While awaiting reclassification, Solicitor Wilkins intervened and had him sent to a psychological unit for evaluation. This resulted in assignment to another local minimum-security facility. The psychological evaluation was telling, describing Harper's testimony in the Wakefield trial: "[t]he circumstances under which this testimony was given are rather unusual." Even more interestingly, the psychological evaluation shed light on why Harper so easily testified against Wakefield:

The most salient characteristics of the present testing reveal an individual who has made a very immature social adjustment. The results suggest that his early socialization was accomplished without the benefits of a benevolent father or authority figure, and that he continues to search for guidance and direction from those individuals who he perceives as powerful. Mr. Harper seems to behave in a highly conforming manner with such people in an attempt to secure personal reward and an increase in self esteem. Consequently, He appears to be easily influenced by staff or correctional authorities (e.g. previous testimony), as well as by friends and some other inmates. In most situations, he can be expected to ignore his own needs, value, and desires, in favor of responding to the demands of others. He responds dependently and submissively, both out of attempts to gain approval and to avoid criticism, ostracism and punishment.

Harper received more than favorable prison assignments. His sentence for the earlier escape was 24 hours consecutive, despite a one-year mandatory minimum sentence on that charge. It does not appear that escape charge ever appeared on Harper's criminal record.

Mae McIntyre

At trial, Mae McIntyre testified she was in the Loopers' garage the day of the murders but had never told anyone this other than her daughter. She claimed she saw a black man entering the garage as she was exiting.⁸ McIntyre also said she heard sounds like a car backfiring and then saw the same man run out of the garage and up the street.

McIntyre denied she fabricated her testimony to help her son-in-law, Mike Cowart. But it did end up helping him. After the trial, Jim Christopher arranged Cowart's transfer from the state prison system to the local Greenville jail.

Charles Wakefield's defense

No physical evidence linked Wakefield to the Looper murders. There were no fingerprints, blood, footprints, fibers, or murder weapon. The case against him was founded almost entirely on the word of Wyatt Earp Harper and Mae McIntyre. Wakefield asserted an alibi defense at trial. He had been at the unemployment office the morning of the murders and at his aunt's house when the murders occurred.

Despite a shocking lack of evidence, Wakefield was convicted and sentenced to die in the electric chair.

Direct appeal

The South Carolina Supreme Court considered Wakefield's conviction and sentence. *State v. Wakefield*, 270 S.C. 293 (1978). The opinion does not state what grounds were argued on the conviction, but reflects without explanation that Wakefield directed his counsel to withdraw the appeal. *Id.* at 295.

⁸ If this were true, Vera Looper would have seen Mae McIntyre leaving the garage. She did not.

By the time Wakefield's appeal was decided, the South Carolina Supreme Court had determined the South Carolina death penalty statute was unconstitutional under Supreme Court precedent. *Id.* Wakefield's sentence was converted to life imprisonment.

Post-conviction relief proceedings

Wakefield has filed several applications for post-conviction relief (PCR). His 1991 application was denied without a hearing. Despite Wakefield's written request to his counsel to appeal this decision, she never did.

His 1993 PCR application raised the failure to appeal by his prior counsel. It was denied after a hearing.

In 2002, Wakefield filed a PCR application through counsel that would be the first real look at his decades-old conviction. By the time of that filing, Wakefield had twice been granted parole, only to see both grants rescinded after pressure from Mike Bridges, who was by then the Chief of the Greenville Police Department.

The 2002 PCR referenced an attorney's 2001 interview with Wyatt Earp Harper. During that interview, Harper completely recanted his trial testimony. Based on that recantation, as well as numerous and previously unknown instances of rewards to witnesses, Wakefield asked for a new trial. The 2002 PCR involved extensive litigation, culminating in a hearing in 2004 in front of Judge James Brogdon.

The PCR Court dismissed Wakefield's 2002 PCR with prejudice. Recognizing Harper's recantation was the heart of the PCR case, he found the recantation was not credible and that it would probably not change the result of Wakefield's trial.

The Court found Harper changed his recantation in a way that called it into doubt and he took issue with "various motives to lie" that could have influenced Harper's recantation. The PCR Court found "most damning" the conflict between Harper's version

of events and the prosecution team's version. The Court's explanation of this is, at best, difficult to follow.

Apparently, even if the PCR Court had believed Harper's recantation, it would not have changed the outcome of the trial. The Court found that the strange scheme to collect reward money, as well as the McIntyre identification, would have been enough to convict Wakefield.⁹

The PCR Court also found there were no undisclosed deals to the benefit of any witnesses, despite significant, documented evidence to the contrary. In fact, Mike Cowart's lawyer testified at Wakefield's trial that the lead investigator in the Wakefield case called him to tell him Cowart was helping on an "important" case and he was in turn going to help Cowart with a sentence reduction. The trial judge ruled this evidence inadmissible and the jury never heard it.

The PCR Court also found the 24-year sentence received by Cowart would not have justified his help, even if he were only to get a better classification. This reasoning completely disregards the harshness of the state prison facilities, the parole rules at the relevant time, and the fact that Cowart only served about 16 years of his 24-year sentence.

Wakefield filed a petition for a writ of certiorari in the Supreme Court of South Carolina and the petition was denied on March 21, 2007.

⁹ Dr. Brian Cutler, a well-known expert on eyewitness identification, testified to problems with the McIntyre identification and general issues surrounding eyewitness testimony, which continues to be found unreliable. The PCR Court found the evidence inadmissible and declined to "retry the case on every unrelated bit of evidence that is not directly affected by the after-discovered evidence." This reasoning is troubling. Wakefield's case was built on three witnesses. If one materially changes based on new evidence, the strength of the remaining two are critical to whether the case would turn out the same way.

New evidence is discovered

Rossi handgun

The murder weapon has never been found in this case, though it is believed to be a .32 caliber Rossi handgun.¹⁰ Years ago, Mae McIntyre's son, Don, was cleaning out her house and found a .32 caliber Rossi. Mae was hesitant to tell him where the gun came from but eventually said it belonged to his father. That explanation seems unlikely, since the gun was manufactured after the death of Don's father in 1964.

On October 31, 2019, Don McIntyre turned the gun over to the Greenville Police Department. Wakefield moved this Court to order a ballistics test and that test was recently conducted by an examiner at the FBI laboratory. Due to the lack of sufficient marks of value, no conclusion could be reached regarding whether the bullets from the murder were fired from the gun. However, the FBI's analysis did confirm that the bullets could have been fired from a Rossi.

Document discovery

In 2018, law enforcement officers were cleaning out storage lockers in the basement of the Greenville County Law Enforcement Center. Officers located a manila file folder with documents related to the Looper murders in an unclaimed locked locker. Captain Joseph Browning turned these documents over to Chief Ken Miller, who took them home to read. Some of the letters appeared to be love letters between an unnamed female and former Sheriff Cash Williams, the Greenville County Sheriff at the time of the Looper murders.

Another letter was from the same female to former Chief of the Greenville Police

¹⁰ This was discussed at trial and is consistent with a recent ballistics test.

Department Harold Jennings. The letter discussed the Looper murders and the fact that Wakefield was framed for those murders. She wrote that several corrupt deputies were responsible for the killings and were silencing Frank Looper, who had planned to announce the corruption.

Chief Miller gave the file to a detective and asked him to investigate the letters and determine if they were included in the Looper investigative file. That detective returned the file several weeks later and told Miller he did not have time to review the information. Miller then gave the folder to his cold case unit, who never reviewed the documents. When Miller asked for the folder back so he could discuss the contents with the North Carolina Center on Actual Innocence, he was informed it had been lost.

Throughout 2019, Miller looked for the folder and asked others to help locate it, but it was never found. On October 25, 2019, Brad Willis sent an email to the Greenville Police Department asking detailed questions about the information in the missing file. After submitting a Freedom of Information Act request to the City of Greenville, he was provided with an audio recording of a City Council meeting where Chief Miller discussed the information.

The information in the folder is consistent with evidence that has grown over the years – Wakefield did not shoot the Loopers, had no involvement in their murders, and was framed for the murders.

ARGUMENT

Rule 29 of the South Carolina Rules of Criminal Procedure states, “[a] motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of due diligence...” Rule 29(b),

SCRCP.

A trial court should grant a new trial when a defendant makes the required showing that new evidence meets the following five elements:

- (1) the evidence would likely change the result of a new trial were granted;
- (2) the evidence was discovered since trial;
- (3) the evidence could not have been discovered prior to the trial by the exercise of due diligence
- (4) the evidence is material to the issue of guilt or innocence; and
- (5) the evidence is not merely cumulative or impeaching.

State v. Caskey, 273 S.C. 325, 329 (1979). The new evidence meets this test and a new trial should be granted for Charles Wakefield.

This motion is filed within the one-year time limit in Rule 29.

Wakefield meets the time limit of Rule 29. The gun discovered in the McIntyre house was not disclosed to the police until October 31, 2019. Wakefield could not have discovered this gun before it was given to the police.

The folder containing letters to Cash Williams was discovered by law enforcement in 2018, but Wakefield was never aware of the information until late last year. He could not have known the information was relevant to his case before Willis received an answer to his inquiry about it on October 25, 2019 and publicized the information. That did not happen until November 7, 2019.

On both claims, Wakefield is within the one-year time limit.

Mae McIntyre and the Rossi revolver

1. Mae McIntyre's possession of a gun that could have been used in the murder would change the outcome of Wakefield's trial.

Mae McIntyre was the only eyewitness at Wakefield's trial that could place him at the scene of the Loopers' murder. When just one witness links a defendant to a crime, information about the credibility of that witness is determinative of guilt or innocence. *State v. Dean*, 427 S.C. 92, 103 (Ct. App. 2019). More importantly, anything that calls that witness's testimony into doubt could change the outcome of the trial.

A central mystery in Wakefield's case is how and why McIntyre ended up coming forward as a witness. She went to the police approximately nine months after the shooting to claim she had been in the Loopers' garage right before the shooting. Her statement is inconsistent with the reliable evidence related to the crime scene, including Vera Looper and the two women sitting on their porch with a clear view of the Looper driveway around the time of the shooting. They did not mention seeing McIntyre around the time of the shooting. Vera Looper saw the man who was likely the shooter walk into the garage and run out of the garage after she heard gunshots. In addition to not being able to identify Wakefield as that man, she did not see McIntyre in the driveway.

McIntyre also describes seeing the man walk into the garage and hearing shots almost immediately after he entered the garage, and then seeing him again as he ran away from the shooting. Vera Looper saw the man enter the garage and asked her son to go check on his father. Frank got his pistol and entered the garage. A few minutes later, the man exited the garage, turned around and went back in the garage, and Vera heard gunshots. The family member's account given the day of the shooting is entirely different from the story McIntyre gave nine months later. Finding the potential murder weapon in her home and her lying about its ownership suggests there is far more to her story, including the possibility that her son-in-law was involved in the murders.

To support a new trial, Wakefield does not need to untangle the mystery around

McIntyre's testimony or even explain why she told her story. He simply needs to show the new evidence would lead to a different outcome. In this case, he just needs to show a reasonable doubt that did not exist at the time of trial. McIntyre's testimony would be cast in an entirely different light considering the fact she possessed a weapon consistent with the murder weapon and lied about it.

2. McIntyre's possession of a .32 Rossi revolver was discovered after trial

McIntyre's son, Don, found the revolver long after the trial.

3. Wakefield could not have located this evidence prior to trial.

The revolver was hidden away in McIntyre's house. When Don found it, he had no idea where it came from. Ms. McIntyre lied to him about the gun's origins, because it could not have belonged to her husband based on that date of manufacture. Between her concealment of the weapon and Wakefield's obvious lack of access to her house, there was no way he could have learned of this weapon prior to trial.

4. This evidence is material to Wakefield's innocence.

Wakefield was not indicted until after McIntyre came forward. Without Mae McIntyre, there was no case against Wakefield. Her possession and concealment of the same type of gun used in the murder raises valid and serious questions about her testimony. McIntyre's testimony is not believable when considered against her possession of the gun.

5. The evidence is not merely cumulative or impeaching.

This evidence is not cumulative because it is completely new. No similar evidence was uncovered and introduced prior to trial.

Under *State v. Dean*, this evidence is not "merely impeaching." As *Dean* explains,

when just one witness ties a defendant to a crime, that testimony is material to guilt or innocence. 427 S.C. at 105-106. Wakefield had a constitutional right to cross-examine McIntyre about her motive and bias. *Id.* This new evidence changes the nature of her testimony completely. In fact, Wakefield's case is stronger than the facts in *Dean*, where the South Carolina Court of Appeals recognized the right to a new trial when after-discovered evidence casts a witness's testimony in a different light.

The lost file

1. The information in the "lost file" could change the outcome of Wakefield's trial.

Because the file has somehow gone "missing" during an investigation, and therefore the exact contents of the file are unknown, then police chief Ken Miller described a letter from a witness with information that Wakefield had not murdered the Loopers. Instead, the letter claimed they were murdered at the behest of corrupt law enforcement officers who were about to be revealed by Frank Looper. The context of the letters and their writer suggests this information came from someone with a personal connection to ex-Sheriff Cash Williams.

The Looper murders have the hallmarks of a professional killing. They were carried out with a small-caliber pistol used in a precise manner. Whoever murdered the Loopers got the upper hand against two men, one of whom was a decorated narcotics officer. The evidence in the lost file would offer support for the real motive behind these murders. It would also add reasonable doubt to the murder case against Wakefield, resulting in a different verdict at a new trial. The fact that the file is now "missing" only increases concerns regarding its contents.

2. The lost file and the information it contained was discovered

after trial.

This file appears to have been discovered in 2018 and made public in 2019, long after Wakefield's trial.

3. Wakefield could not have located this evidence prior to trial.

It is unclear where this file was prior to its discovery or how long it had been there, but it was clearly in law enforcement's custody and control. From Miller's description of the letters, they describe Wakefield's trial and, therefore, they were written after the trial. Whoever possessed this information would not have been someone Wakefield had access to before trial.

4. This evidence is material to Wakefield's innocence.

The letters, as described by Miller, state Wakefield was innocent and framed for the Loopers' murders. Even beyond that clear statement, the letters describe a motive to falsely accuse Wakefield of murder and ensure his conviction. This would be powerful evidence in front of a jury in support of Wakefield's innocence.

5. This evidence is not cumulative or impeaching.

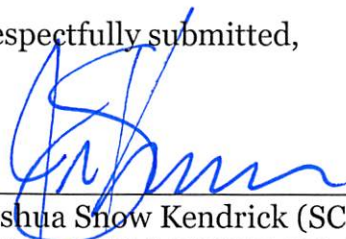
This evidence is not cumulative because no similar evidence was introduced at trial. It is not impeaching. While it would certainly affect the credibility of the general law enforcement case against Wakefield, it would not serve to impeach any one witness. Rather, it would materially alter the case against Wakefield if that case was viewed in light of a plan to execute a police officer and convict Wakefield for the crime.

CONCLUSION

Material evidence has been discovered that changes the entire nature of the case against Wakefield. More importantly, it would change the verdict in Wakefield's trial. This Court should exercise its power under Rule 29 of the South Carolina Rules of Criminal

Procedure and grant Charles Wakefield a new trial.

Respectfully submitted,



Joshua Snow Kendrick (SC Bar 70453)
KENDRICK & LEONARD, P.C.
506 Pettigru Street (29201)
P.O. Box 6938
Greenville, SC 29606
(864) 760-4000
Josh@KendrickLeonard.com

Christine C. Mumma (NC Bar 26103)
N.C. CENTER ON ACTUAL INNOCENCE
P.O. Box 52446
Durham, NC 27717-2446
(919) 489-3268
CMumma@NCCAI.org
Admitted Pro Hac Vice

Attorneys for Charles Wakefield

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