



North Carolina Center on Actual Innocence

Identify. Investigate. and Advance Toward Justice

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August 18, 2025

Hon. Shanita Brangman
Clarendon County Clerk of Court
P.O. Box 136
Manning, SC 29102

RE: Filing of Second Amended PCR Application
In Re: Michael Pearson v. State, 2024-CP-14-0261

Dear Madam Clerk:

Enclosed is are duplicate originals of our above referenced Second Amended Application for Post- Conviction Relief. Kindly please file one original, clock the other and return it to us in the enclosed self-addressed stamped envelope.

Thank you in advance for your courtesy. Should you have questions or require additional information, please do not hesitate to contact us.

Sincerely,

James H. Babb
N.C. Center on Actual Innocence
(803) 468-0123
jbabb@nccai.org

Enclosures
- As Specified

2025 AUG 21 AM 10:29
Shanita Brangman, CLK-Clarendon SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)
)
)
MICHAEL WILSON PEARSON,)
Applicant,)
)
v.)
)
STATE OF SOUTH CAROLINA)
Respondent.)

IN THE COURT OF COMMON PLEAS

THIRD JUDICIAL CIRCUIT

Docket No.: 2024-CP-14-0261

SECOND AMENDED APPLICATION
FOR POST- CONVICTION RELIEF

Applicant Michael Pearson (Mr. Pearson), through undersigned counsel (Counsel), hereby submits this Second Amended Application for Post-Conviction Relief. Facts and claims included in Defendant's Application for Post-Conviction Relief and Amended Application for Post-Conviction Relief are incorporated herein.

RELEVANT ADDITIONAL BACKGROUND

During an August 4, 2025, status conference hearing, the Court admonished the State for not yet obtaining SLED's case file relating to the investigation of Mr. Pearson's case. On August 5, 2025, the State provided Counsel with copies of documents obtained from Captain Wood. Those documents, however, were nothing more than the documents Counsel had previously provided to Captain Wood, and which Counsel had subsequently provided to the State on July 25, 2025.

On August 11, 2025, the Court issued a Discovery Order which, inter alia, provided that, "The State shall obtain all law enforcement files relating to the charges in this case, including but not limited to those from Clarendon County Sheriff's Department, SLED, and co-defendant Victor Weldon, and shall provide a copy to Defense counsel." In response to a question by Counsel, the Court clarified that this obligation was not limited to the original charges against Mr. Pearson but included all information pertinent to Mr. Pearson's claim of actual innocence. Assistant Attorney General (AAG) Mitchell informed the Court that he had spoken with Captain Clark of the Clarendon County Sheriff's Department (CCSD), and Captain Clark stated he would provide the complete CCSD files.

DISCOVERY DEFICIENCIES AND OMISSIONS

Counsel simply does not believe the SLED materials that have been provided by the State to date are the only documents and information in the SLED case file relating to this case or the

investigation into Solicitor Finney. At a minimum, there should be notes, reports of interviews, and an investigation report.

Similarly, after review of the discovery contained in the CCSD files provided by the State on August 13, 2025, Counsel does not believe those files are complete either. First, there can be no debate that Victor Weldon received a reduction in his sentence from sixty to eighteen years in return for the 2023 information he provided pursuant to his plea agreement regarding the May 15, 2010, robbery of "Slick" Gibbons. Yet, the materials provided are devoid of any reports, summaries, interview notes, polygraph reports, or references to known interviews of Victor Weldon in 2023 and again in 2025.

Secondly, notably missing are any recorded interviews, despite the materials received referencing an interview recorded by a body camera. Additionally, Counsel believes that recorded interviews from the initial investigation into the robbery have been omitted from the materials provided.

Third, there are no records regarding the June 26, 2025, meeting between Solicitor Finney, Law Enforcement, and the Gibbons family. The same is true regarding a then-upcoming meeting CCSD Captain Clark referenced during a June 11, 2025, telephone conversation with Counsel. As stated by Captain Clark, the purpose of that meeting between Solicitor Finney and law enforcement was to discuss Mr. Pearson's innocence.

ADDITIONAL NEWLY DISCOVERED EVIDENCE

Included in the CCSD case files provided by the State on August 13, 2025, are documents confirming that on March 13, 2015, Leonard Deshun Smith, after failing a polygraph where he claimed innocence, admitted his participation in the Gibbons robbery along with that Victor Weldon, Kevin Mellette, and a driver he only knew as "Peanut." (Exhibit No. 6, p. 7; Exhibit No. 7). In an April 10, 2025, follow-up interview of Smith conducted by Solicitor Finney, Solicitor Finney's Investigator (Mark Creech) and Captain Clark at the Solicitor's Office in Sumter, Smith reconfirmed the involvement of himself, Weldon, Mellette and Peanut in the crime and named a fifth man, James Leonard Clark, Jr., as having assisted with planning the Gibbon's Robbery. (Exhibit No. 8).

Not only does Smith's confession and admission corroborate facts stated in Weldon's Affidavit (Exhibit No. 1), which have been known to the Solicitor and Law Enforcement since 2023, it also constitutes additional newly discovered evidence. Even standing alone, Smith's

statements meet all the requirements for newly discovered evidence that establishes the sufficiency of Mr. Pearson's claims of innocence and entitles Mr. Pearson to have his wrongful convictions overturned. Mr. Pearson should not unjustly be required to suffer a single additional day of imprisonment for a crime he clearly did not commit.

CONCLUSION

The State has failed to fully comply with the August 11, 2025, Discovery Order of this Court. There are what can only be described as obvious omissions in the discovery provided to date. Absent immediate, full compliance with that Order, Counsel believes the Court should issue an Order and Rule to Show Cause why the State should not be held in contempt for its failings.

Based upon the overwhelming evidence of Mr. Pearson's innocence, Counsel is at a loss as to what motive the State has in continuing to deny reality. This is particularly confounding as the evidence of Mr. Pearson's innocence has largely been obtained by law enforcement itself. Whatever the motivation may be, it is not in keeping with providing justice for Mr. Pearson.

Respectfully Submitted BY: Christine C. Mumma

Christine C. Mumma - NC Bar No. 26103

Attorney for Michael Pearson

N.C. Center on Actual Innocence

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Cmumma@nccai.org

Admitted *Pro Hac Vice*

At Durham, North Carolina

This 18th Day of August, 2025.

Respectfully Submitted BY: James H. Babb

James H. Babb - SC Bar No.: 453

Attorney for Michael Pearson

N.C. Center on Actual Innocence

P.O. Box 52446 Shannon Plaza Station




Durham, NC 27717

(803) 468-0123

jbabb@nccai.org

At Gaffney, South Carolina

This 18th Day of August, 2025.

 SUMTER POLICE DEPARTMENT & CLARENDON COUNTY SHERIFF'S OFFICE 			
<i>This is an official report of the Sumter Police Department and is to be used in connection with an official criminal investigation. This report is intended only for the use of the agency to which it was disseminated and may contain information that is either privileged or confidential. Its contents are not to be distributed outside your agency except to those with appropriate legal interest.</i>			
	Interviewee: Leonard Deshun Smith	Date of Birth: 09 / 19 / 1985 (39)	Polygraph Case: 031-25
	DL# / ID#: SCDL: 90583320	SSN: 251 - 61 - 6555	Phone Number(s): (803) 237-9315 (cell)
	Address(es): 700 N. Kings Hwy. Sumter, SC 29154		
	Polygraph Instrument: Axciton		
Type of Examination: ABWIK, Armed Robbery, Kidnapping		Victim(s) / Age – the Day of Incident: Edward "Slick" Gibbons (67 yoa)	
Agency Case Number: 10059058	Requesting Officer: Capt. K. Clark	Requesting Agency: Clarendon County Sheriff's Office – CID	
Examination Results: Deception Indicated	Date/Time of Interview/Examination: 03-13-2025 / 09:00 – 14:12 hrs.	Location of Interview & Examination: City of Sumter Law Enforcement Center	

Testing Issue:

The Clarendon County Sheriff's Office is investigating an Armed Robbery, Assault and Battery with the Intent to Kill (ABWIK), and Kidnapping case that occurred (15) years ago, on or about Saturday, May 15, 2010 at Mr. Edward "Slick" Gibbons' (victim's) residence located at 1251 Country Club Ln. Manning, SC 29102 in Clarendon County, SC.

It was reported that Mr. Edward "Slick" Gibbons exited his residence into his carport when he was jumped by (3) unknown black males with a gun. Mr. Gibbons was forced to the ground, injuring his hip, hands bound behind his back with duct tape and duct tape around his head. The suspects took (\$500) in cash and the keys to his white El Camino. The unknown suspects fled the scene in Mr. Gibbons' El Camino.

Through the on-going investigation, *Mr. Leonard Deshun Smith* was identified as a suspect in said case. *Mr. Smith* denied any knowledge, any involvement, and all allegations regarding said case. He was offered the opportunity and agreed to submit to a polygraph interview and examination regarding this investigation. Inv. Capt. K. Clark requested an additional interview and polygraph examination of *Mr. Smith* to assist with the investigation.

Mr. Smith arrived on time at the Sumter Law Enforcement Center for his scheduled interview and polygraph examination. He agreed to submit to an interview and polygraph examination by initialing and signing the interview/polygraph consent form. He was read his Miranda Rights by Lt. H. Austin of the Sumter Police Department. He initialed each bullet point, saying he understood his rights, with no further questions and signed his waiver of rights. A normal pre-test interview was then conducted.

Basic Information / Comments:

Mr. Smith is currently (39) years of age, married as of April 30, 2022, and has an (18) year old daughter.

Suitability Review:

Mr. Smith is currently prescribed and/or taking the following medications:

- Amlodipine – for high blood pressure – he takes every morning.

Mr. Smith used the following illegal drugs, as recently as:

- He previously smoked marijuana; with the last time being in November 2022.

Mr. Smith's last alcoholic drink was yesterday at 3:00 pm; a Michelob Ultra; just one.

Mr. Smith was shot in 2019 and subsequently diagnosed with PTSD (Post-Traumatic Stress Disorder) via a "Zoom" call with an unknown doctor.

Mr. Smith slept around (6) hours within the last (24) hours. He normally sleeps (6-7) hours in a night. His last meal was around 8:00 pm last night, fried bologna sandwiches.

Mr. Smith has no physical or mental condition(s) that will prohibit him from completing or passing his polygraph examination. He was deemed suitable to take a polygraph examination.

Educational Comments:

Mr. Smith attended or graduated from the following schools:

- Lakewood High School in Sumter, SC; he dropped out in 2003, during his Junior Year.
- He attended night school to get his G.E.D., twice through Adult Ed at Manchester Elementary School in Pinewood, SC before quitting completely.

Employment Comments:

- *Mr. Smith* is currently employed with Sumter Utilities Inc. in Sumter, SC, since March 2022 as a full-time Groundsman.
- He was previously employed with Fatz Cafe in Camden, SC for (2) to (3) months in 2022, as a cook; the business closed and he was hired with Sumter Utilities Inc.

Arrest(s)/Conviction(s) Comments:

According to *Mr. Smith*, he has been arrested and/or convicted of the following crimes/charges:

- Unlawful Carrying of a Weapon (3x) – pled guilty and also found guilty in court – he was incarcerated at the South Carolina Department of Corrections (SCDC).
- Possession of Marijuana (3x) – pled guilty and paid the fines.
- PWID Crack Cocaine (2x) – pled guilty to both – he was incarcerated at the South Carolina Department of Corrections (SCDC).
- Forgery – (18yoa) – pled guilty and paid the fines.

Behavioral Question:

Mr. Smith was asked a series of questions in which he replied to:

What is the most important question I could ask you today?

"I don't know."

What is the question that you do not want me to ask you today?

"You can ask me anything."

What is the best thing that has ever happened to you?

"Live life; I'm thankful for life."

What is the worst thing that has ever happened to you?

"Basically, getting shot for nothing."

What do you think is the most important character trait to have to pass this test?

"Truthfulness."

Do you consider yourself to be truthful and honest?

"Yes."

How do you see yourself as a truthful and honest person?

"I'm a standup guy; man of my word; honest."

On a scale of (1-10) concerning truthfulness and honesty, Mr. Smith rated himself a "9."

Why a (9)? What's keeping you from being a (10)?

"Because I don't know what the hell is going on; that's the only thing keeping me from a (10); I'm not perfect."

As an adult, what is the biggest lie you have ever told and who did you tell it to?

"To my wife, I didn't want to hurt her; flinging with another woman. She found out; she knows the truth now."

Have you ever been falsely accused of something that you did not do?

Plenty of times, messing with other people's women; doing some things, like people said I was on drugs and I haven't did drugs."

What is your definition of Integrity?

"Straight up and honest man."

On a scale of (1-10) concerning Integrity, Mr. Smith rated himself a "10."

Why a (10)?

"I am a man with integrity; I turned my life around; my granddaddy taught me that."

As an adult, what is the worst thing you have ever done?

"Sell drugs. I wish I never took that route; it made me realize and learn from my mistakes; I want to be in my daughter's life."

What is the most serious undetected crime you have ever committed?

"Selling drugs; I was addicted to making money."

Mr. Smith made the following statement about the incident in question:

"I don't know who Edward 'Slick' Gibbons is, I never heard of that name before. I never heard of any of those names called in this before."

The other names that came up?

"They said something about a Peanut, Maverick I think, somebody that was involved; I can't remember these names; I do remember a Maverick, Weldon, Peanut."

Who told you this?

"The two guys that came this morning I can't remember their names. I don't know who Peanut is, never heard of a Peanut, nope. That's just the names they said. Maverick is the name they said called my name. They showed me a picture, I never seen him, I don't know who he is. Whoever called my name, that's the picture they showed me. They asked me if I know him and I said no, I don't know him; not a clue."

"I don't know a Weldon, that's one of the dudes names he called; I remember the name; I'm trying to remember all the dudes names they called. They called somebody else too, but I don't remember the other one. They did not show me a picture of Weldon, no sir."

"I remember them asking me if I ever been to Manning and I said no I never been to Manning or delt with Manning like that. The only time I've went to Manning, it was like one time because I don't

know nobody in Manning. I tried one time and went to the Stripe Bass Festival. That was a long time ago. I can't remember how old I was; I was in high school then. I only went one time though. I've been to Manning but the only time I've been to Manning was to get my car from my wife's brother who just passed; his wife, we had to go get her car from there, that was it. I couldn't tell you what part of Manning; I don't know nothing about Manning. All I know is I was down from an O'Reily's, if that can help, I don't know. We had to go to O'Reily's to get the damn part to take the tires off. I never go to Manning. I don't have no reason to."

May 15, 2010?

"I don't know what date it was. All I remember is I think I was just coming home from getting locked up. Can I ask you a question? Do you remember when the flood was? (2015) That's when I came home; from prison. That's when I got out from pre-release but I don't know when I was released. I did a year. I'll tell you what it was; everything was good I didn't pay my um... fucking probation. I paid them but I wasn't showing up, that's what happened. So she violated me for not showing up but I paid my payment, but I didn't show up because I didn't have transportation at the time. That's when I went to prison; 2014-2015. Yeah, I was working for Joey Smoak. I don't know if you Joey Smoak Irrigations, I was working with him and...that's..."

Regarding 1251 Country Club Ln. in Manning:

"I ain't ever heard of that. What's his name? In 2010, because I know, in 2010 I think I was probably, I was locked up then because my friend did..., in 2009, I got locked up in 2009, I know I just came home, for drug charges. I did a year the first time, (2nd) time I did (3), then the last time I did (1), so that's (5) years all together. Pretty much all my twenties I was selling drugs. I don't remember when I was locked up in 2009; that's what I told them too. I don't remember since I got shot, I only remember certain things, certain events in my life, I can't remember. This was before I got shot. Yeah, yeah, but that's what I'm saying, even then when you mention certain things I couldn't tell you what I was doing then. I don't know where the fuck I was working then. I know I was locked up in 2009. I know the times I was incarcerated. Now what date, I couldn't tell you what date it was."

"I was born in Pinewood (SC). (Pinewood is not far from Manning) I've only been to Manning twice in my life because I don't go to Manning; I don't go to Clarendon County, I don't."

(Peanut) "I don't know him, nothing." (Maverick) "I don't know him even though they showed me a picture of him. I've never seen him in my life until they showed me a picture." (Weldon) "Nope, I don't know him." (Victim - Edward 'Slick' Gibbons) "I don't know nothing about him. Like I said, I've never even heard of these people that they said was involved."

Have you ever been involved in an Armed Robbery? "No."

Have you ever been involved in a Kidnapping? "No."

Have you ever been involved in any kind of assaults, fights where you fought somebody?

"I've got in some fights. I got jumped a couple times. One of them is when I was locked up. I got jumped in Walmart too. The old Walmart back in the day, in Sumter, on Broad St. Kids being kids. Fights, that's about it; nothing to it; when I was a teenager."

Fifteen years ago, you would have been 24 to 25 years old, have you ever been in any fights then?

"Naw, I was kinda like going to clubs, drinking, and getting drunk then. I used to go to Club Miami, Exclusives in Columbia; I don't know if you know about that. It's an old club. Tracy's here in Sumter when I was younger. I was just in clubs selling drugs and chasing women."

Did you ever go to any clubs anywhere else outside of Sumter? Columbia? Clarendon? Calhoun County? Orangeburg? Lee? Florence? Anywhere like that?

"I would go to Columbia or Miami. Club Miami was kind of my little spot. It was always Miami."

Incident Questions/Review/Admissions:

What are you being accused of?

"Well, I'm not being accused of anything, somebody called my name and they wanted to clarify; that's what I'm here to do. They never said I was accused of anything, nothing like that."

How did you feel the moment you found out about the allegations?

"I was fucked up; how the fuck my name get called in something; I ain't got nothing to do with little shit like that because I don't run like that; it just caught me completely off guard; I was like why, why me, what the fuck is going on? I was confused, lost."

Why is it you want to take this test today?

"To clear my name."

How do you feel about being interviewed concerning this matter?

"I feel fine."

Do you ever think of doing something like this even though you didn't do it?

"I don't run like that. When they told me I just felt sorry for what happened to the dude; I hate to hear stuff like that; I hate to hear shit like that and then for my name to get called; that's when I said, yeah I want to clear my name; it's just crazy this came out the blue, somebody just call your name and I got to take a polygraph test."

What kind of person would do this?

"I don't respect them; I call them savages because they don't, those the type people that take stuff from people; I'm a giver; if I want something, I'm work hard to get it and that's the type of person I am; I don't like those guys; I don't got no respect for none of those guys."

Why wouldn't you have done this?

"I ain't got it in me; I'm a be honest, I ain't got the balls to do that; I don't even want to think about the consequences that will bring; those are the type of dudes that they just don't give a fuck about life, they don't care about themselves; I'm not the type, I'm a giver more than I'm a taker; you can try to give me stuff and I won't take it; I'll give you the shirt off my back; I always believe if you want something, you work hard and get it, you don't go try and take it from the next man just cause you want something they have."

Why should I believe you?

"That's just the type of guy I am; you don't have to believe that."

How do you think this investigation will turn out?

"I hope everything turns out good or whatever with what's going on, you know, I hope they figure out what's going on and get the case done but how my name get in it, I don't know."

From 2010, if you could pick someone to have done this, who would you say would have had the best opportunity to have done this?

"I ain't never hear nothing about none of this stuff; I don't know; when they told me yesterday that was the first time I ever heard, and then, how the fuck my name get called in this thing? After we talked, I was like yeah, I want to clear my name because I don't know what the fuck is going on; I feel like somebody tried to set me up; honest to God that's how I feel; I feel like what the fuck am I doing this, somebody got to call my name to put me in some shit like this; I don't even know what the

fuck is going on; I don't know how to explain it, I'm just fucking lost, I just want to clear my name so I can get back to my life. I'm lost, shit; I don't know how the fuck my name get caught up in this shit cause I don't know nobody."

Give me three reasons why you think someone would have done (this)?

1. *"They got to have some money or something they want."*
2. *"It's gotta be for some money, that's all I can think of; money will make you do some things."*
3. *"For money, or the cars or something; cars or money."*

Do you think this was done deliberately?

"Yes."

Do you think this was planned out?

"I don't know."

What do you think a person who did this would be worried about?

"Probably ain't worried about shit; I don't know; I can't tell you, so I don't know."

What should happen to the person who did this?

"They should be punished; whatever the courts agree to; I don't know, they should have to do time; make up for what they did and the crimes, especially for something like that."

Do you think the person who did this deserves a second chance?

"No, I don't think they deserve a 2nd chance for what they did."

Do you want to be helpful in this case/situation? What else can you tell me that will help?

"Nothing."

Conclusion Questions:

How do you think you will do on this test?

"Excellent."

Any reason why you would fail this test?

"No sir."

Have you been 100% honest with me today?

"Yes sir."

Mr. Smith was offered and provided a break/restroom break before the polygraph examination.

Test Question Review:

Mr. Austin compiled the relevant questions from a combination of the reported: incident report(s), all statements provided in the investigation, and the interview with *Mr. Smith*. Mr. Austin reviewed the questions with *Mr. Smith* prior to testing. He answered the questions during the question review and stated he understood the questions clearly. The test was administered.

Polygraph Specific Issue Questions:

The following relevant questions were used in this Specific Issue polygraph examination:

R4: Were you there during the robbery and assault on Slick Gibbons?

Answer: "No"

R5: Were you involved in the robbery and assault of Slick Gibbons?

Answer: "No"

R7: Did you know who was involved in the robbery and assault of Slick Gibbons?

Answer: "No"

Polygraph Examination Results:

Mr. Smith's polygraph examination was administered, scored, and resulted as:

- **Deception Indicated** on an AF-MGQT-3Q-V2 format, 3-point scoring scale, on all chart analysis.

Mr. Smith was confronted with his results of his polygraph examination. He made the following statements, admissions, and confessions:

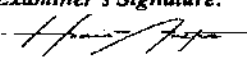
His brother (James Smith) was in jail, he needed some money to pay his bond and get him out of jail. While his brother was in jail, he was conspiring with Kevin Mellette (Maverick), Victor Weldon, and Peanut, to get him out. Mr. Smith joined in the plans to ("hit a lick") rob Mr. Edward "Slick" Gibbons, of Manning, SC, to get the money, to get his brother out of jail, after the original plans were made.

Two days after the initial plans were made, Mr. Smith met up with Kevin Mellette (Maverick), Victor Weldon, and Peanut, at Tia's house on Country Spires Rd. in Sumter County, SC; the same street Mr. Smith lived on. Kevin Mellette was already at Tia's house when Mr. Smith arrived. They all left together in the same vehicle, in the early morning hours of May 15, 2015. Peanut was the driver of a goldish color 4-door sedan (possible Ford Crown Victoria). Kevin Mellette rode in the front passenger's seat, Mr. Smith rode in the rear passenger's seat and Victor Weldon rode in the rear driver's side seat. They went to Mr. Edward "Slick" Gibbon's residence to rob him as he was leaving his residence, on his way to work. Peanut dropped off Kevin Mellette, Mr. Smith, and Victor Weldon close to Slick's residence. The (3) of them, all in dark clothing, walked to Slick's residence and hid in the carport area, waiting on "Slick." Once "Slick" exited his residence, Kevin Mellette, who was the closest to Slick ambushed him, with a 9mm Glock, and physically forced him to the ground, injuring Slick's hip as he hit the ground. Mr. Smith restrained Slick's legs and Victor Weldon was tying Slick's hands behind his back with duct tape. Kevin Mellette went through Slick's pocket's. and then ran to a white colored El Camino on Slick's property. Kevin Mellette had the keys, stole the vehicle, picked Mr. Smith and Victor Weldon up by the road, and they fled the area. Kevin Melette drove the El Camino away as Mr. Smith and Victor Weldon shared the front passenger seat, until they met up with Peanut, at an unknown location. They exited the El Camino, leaving it there, and jumped into the same vehicle Peanut dropped them off in. Mr. Smith stated the vehicle that Peanut was driving was also stolen. They all rode back to Tia's residence and then split from each other. Mr. Smith did not receive any of the money that was taken from Slick. He has not seen or spoken to them since that day.

Mr. Smith made no further statements or admissions. He was escorted from the polygraph suite and that concluded this interview and examination.

Inv. Capt. K. Clark of the Clarendon County Sheriff's Office and Mr. M. Creech of the Third Circuit Solicitor's Office in Clarendon County, SC observed this session. This report is forwarded for your review.

This opinion should be considered a final report; however, if a Quality Control Review changes the results of this examination, your agency will be promptly notified by written report.

Date of Report: March 13, 2025	Sumter Police Department – Polygraphist: Lt. Howie Austin	Examiner's Signature: 	QC Signature:
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Leonard Deshun Smith

Highlighted statements from Polygraph

March 13, 2025

Mr. Smith said he held down the victim's legs down.

Mr. Smith said he didn't get any of the money that was taken from the robbery of the victim.

Mr. Smith said **Kevin Mallette** pushed the victim down onto the floor in the garage and went through his pockets. Then ran to the white EL Camino on the victim's property.

Mr. Smith said **Kevin Mallette** took the keys and stole the vehicle.

Mr. Smith said **Kevin Mallette** had a 9mm Glock handgun.

Mr. Smith said **Victor Weldon** tied the victim's hands behind his back with duct tape.

Mr. Smith said everyone ran and jumped into EL Camino.

Mr. Smith said we smoke weed before going to the victim's house.

Mr. Smith said a guy called **Peanut** drove them (**Victor Weldon, Kevin Mellette and himself**) to the location, left and picked them up down the road.



EXHIBIT

8

Captain Kenneth Clark
Clarendon County Office of Investigations
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Manning, South Carolina 29102
Office: 803-435-4414
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April 10, 2025

Investigator: Mark Creech and I along with Solicitor Ernest A. Finney met at the Sumter County Solicitor's Office with subject **Leonard Deshun Smith** for an overview of his March 13, 2025, polygraph with Polygraphist Lt. Howie Austin on case #10059058. During the overview Leonard Smith implicated a new subject named **James Leonard Clark Jr.** as being involved in the robbery of Edward Gibbons. Mr. Smith stated that James Clark rode in the car on the front passenger side, he never got out but participated in the planning of the crime. A guy that goes by the **nickname Peanut** was the driver they were the master minds; Smith said. **Victor Weldon, Kevin Mellette** and **himself** were seated in the back seat of the car.

Kenneth Clark

Cold Case Investigator Captain

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

IN THE COURT OF COMMON PLEAS

THIRD JUDICIAL CIRCUIT

Docket No.: 2024-CP-14-0261

MICHAEL WILSON PEARSON,)
Applicant,)

v.)

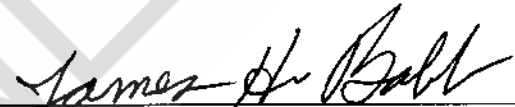
STATE OF SOUTH CAROLINA)

CERTIFICATION OF SERVICE

The undersigned employee of the North Carolina Center on Actual Innocence hereby certifies that (s)he did on August 18, 2025, personally deposit the foregoing Second Amended Application for Post- Conviction Relief into the United States mail at Gaffney, South Carolina, with sufficient first-class postage affixed and addressed to the below addressee(s) as shown.

Hon. T. Cruise Mitchell
SC Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

BY:


James H. Babb - SC Bar No.: 453
ATTORNEY FOR APPLICANT

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At Gaffney, South Carolina

This 18th Day of August, 2025.

2025 AUG 21 10:30 AM
CLERK OF COURT
CLARENDON COUNTY
SC