

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	THIRD JUDICIAL CIRCUIT
COUNTY OF CLARENDON)	CASE NO. 2011-GS-14-068
)	
State of South Carolina,)	
)	MOTION FOR NEW TRIAL
vs.)	RULE 29 MOTION
)	
Michael Wilson Pearson,)	
)	
Defendant.)	
_____)	

Ernest A. Finney, III, Solicitor for the Third Judicial Circuit (hereafter referred to as “Solicitor”), moves for relief by this court granting this Motion for New Trial based on the information provided below.

By his signature below, Solicitor affirms and warrants that he has recently become aware of credible material evidence and information such that there is a reasonable probability the Applicant/Defendant Michael W. Pearson a/k/a Michael Wilson Pearson (hereafter “Pearson”) did not commit the offenses for which he was convicted and for which he remains in the custody of the South Carolina Department of Corrections.

Solicitor confirms that he has communicated with counsel for Pearson, who is James H. Babb, SC Bar # 453 (hereafter “Babb”) affirming he is aware of and is convinced by the evidence available to him that credible material evidence raises a reasonable probability that Pearson did not commit the offenses for which he was convicted and for which he remains in the custody of the South Carolina Department of Corrections.

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
 DATE 08.22.2025
Shanita Beaman
 CLERK OF COURT
 CLARENDON COUNTY, SC

Shanita Beaman, CLK - Clarendon SC
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Solicitor and Babb jointly agree that relief should be granted to Pearson and that Pearson should be released from custody, but they disagree as to the method by which this matter should be brought to the attention of the Court and the form of relief that should be afforded to Pearson.¹

BACKGROUND

Based on his review of the relevant documents and pleadings, Solicitor is informed and believes that the following is true.

At a term of General Sessions Court convened on January 28, 2011, Pearson and co-defendant Victor Weldon (Weldon) were jointly indicted by the Clarendon County Grand Jury for: (1) burglary 1st degree; (2) attempted murder; (3) armed robbery; (4) grand larceny (\$2,000 - \$10,000); (5) kidnapping; and, (6) possession of a weapon during the commission of a violent crime. (Indictment No. 2011-GS-14-068).

Pearson and Weldon were jointly tried by jury on May 14 – 18, 2012. Pearson and Weldon were both found guilty and sentenced to thirty years for burglary 1st consecutive to thirty years for armed robbery (an overall sentence of sixty years), and concurrent sentences of five years for grand larceny, twenty years for grand larceny, and five years for possession of a weapon during the commission of a violent crime.

Pearson filed a timely appeal of his May 18, 2012, convictions and sentences with the South Carolina Court of Appeals. Pearson's conviction was reversed by the South Carolina Court of Appeals. *State v. Pearson*, 410 S.C. 392, 764 S.E.2d 706, (Ct. App. 2014). The State sought a

¹ Primarily, Babb asserts Solicitor should attest to Pearson's "actual innocence" which Solicitor cannot do based on the authority vested in him by his office. However, Solicitor does not oppose the grant of a New Trial to Pearson and affirms by this filing that his office will not seek to further prosecute Pearson in connection with the matters that are the subject of Pearson's prior convictions. Similarly, Solicitor is not aware of any other matter which requires him to initiate or pursue criminal charges of any kind against Pearson, unrelated to the convictions that are the subject of the pending application for post-conviction relief. These affirmations are set forth later in the body of this motion.

writ of certiorari from the South Carolina Supreme Court, which was granted, and the Supreme Court reinstated Pearson's convictions and sentences. *State v. Pearson*, 415 S.C. 463, 783 S.E.2d 802 (S.C. 2016).

Pearson filed an Application for Post Conviction relief May 27, 2016. (2016-CP-14-240), which was denied. The South Carolina Court of Appeals denied Pearson's request for relief on appeal, and the South Carolina Supreme Court denied Pearson's Petition for Writ of Certiorari by order filed August 19, 2022.

Pearson filed a second Application for Post Conviction relief on June 4, 2024. (2024-CP-000261). Pearson filed an Amended Application for Post Conviction Relief on June 28, 2025. Certain of the allegations set forth in the Amended Application are false. However, the falsity of the statements in the amended application do not affect the Solicitor's position or judgment in this matter nor does the Solicitor require that the Amended Application for Post Conviction Relief be withdrawn in order to conclude this matter. On or about August 18, 2025, Circuit Court Judge Robert E. Hood granted Pearson's motion for limited discovery as set forth in the order. Solicitor is informed and believes that discovery has not yet occurred. The Second Application for Post Conviction relief remains pending.

NEWLY DISCOVERED EVIDENCE

Solicitor has received and reviewed the following evidence, which was not previously available to Solicitor.²

² Not all evidence reviewed by the Solicitor is set forth herein, as there are expected future indictments against third parties that will be sought based on information provided to the Solicitor by Weldon.


- In 2021, Pearson's co-defendant Victor Weldon was granted a new trial by South Carolina Court of Appeals via Weldon's post-conviction relief application. *Weldon v. State*, 436 S.C. 69, 870 S.E.2d 183 (2021).
- Weldon later negotiated a plea agreement with the prosecution, under the terms of which Weldon agreed to provide full and complete information related to the events which had led to his and Pearson's convictions, including naming other individuals who had not yet been charged with any crime arising out of the events which led to Weldon and Pearson's convictions. Weldon has done so.
- Weldon and Pearson have both voluntarily and separately submitted to polygraph examination and Solicitor is informed and believes that the results of both indicated no evidence of deception. Among other things, Solicitor is informed and believes Weldon stated during his polygraph that he did not know Pearson prior to their arrest and that Pearson had not been involved in the crimes which led to his and Pearson's convictions.
- On June 20, 2023, Weldon entered a plea of guilty to armed robbery, burglary first degree and grand larceny arising out of the original criminal charges and convictions. Weldon and Solicitor negotiated a plea agreement for an 18-year sentence on all charges, with credit for time served, and the court accepted the plea and sentenced Weldon accordingly.
- Weldon and Pearson have both provided further information, not identified herein, which Solicitor finds credible stating that Pearson was not involved in any way of the crimes for which he was convicted and for which he is incarcerated. When considered with other evidence reviewed by Solicitor, Solicitor concludes there is sufficient credible material evidence or information such that there is a reasonable probability the Defendant Pearson

a/k/a Michael Wilson Pearson did not commit the offences for which he was convicted and for which he remains in the custody of the South Carolina Department of Corrections.

Solicitor is informed and believes that he is obligated by his professional obligations, including his commitment to see justice served, no matter how long after the fact such information comes to his attention, to bring this matter to the Court's attention and to assist Pearson in establishing the right to a new trial, whether through the pending post-conviction relief matter, or by way of this, the Solicitor's motion for new trial.

Solicitor irrevocably affirms and warrants by this filing that neither he nor his office will seek to prosecute Pearson in connection with the matters that are the subject of Pearson's prior convictions. Similarly, Solicitor is not aware of any other matter which requires him to initiate or pursue criminal charges of any kind against Pearson, unrelated to the convictions that are the subject of the pending application for post-conviction relief. This warranty is irrevocable and is not dependent on any relief being granted to Pearson in connection with the captioned matters and/or this motion.

WHEREFORE, Solicitor moves this Honorable Court for an order granting Pearson a new trial absolute, and further irrevocably affirming and warranting Solicitor's statements as set forth herein.


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