

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)
)
JASON SINATRA EDWARDS,)
)
Petitioner,)
)
v.)
)
STATE OF SOUTH CAROLINA)
)
Respondent.)
_____)

IN THE SOUTH CAROLINA SUPREME COURT

Appellate Case No. 2019-001088

AFFIDAVIT OF JASON SINATRA EDWARDS

RECEIVED

Jul 19 2022

S.C. SUPREME COURT

PERSONALLY appeared before me, Jason Sinatra Edwards, who being duly sworn, deposes and says:

1. I am the Petitioner in the above captioned case.
2. On February 3, 2006, I was found guilty by a jury of two counts of murder and one count of possession of a weapon during the commission of a violent crime, indictment #2004-GS-45-167. The Honorable Howard P. King sentenced me to life in prison. The convictions were reversed on appeal and a new trial granted. State v. Edwards, 384 S.C. 504, 682 S.E.2d 820 (2009). On January 30, 2012, I appeared before the Honorable J. Mark Hayes, II, and pled guilty to two counts of voluntary manslaughter. Steven S. McKenzie and Michael S. O'Neal represented me at the plea. Judge Hayes sentenced me to two concurrent thirty (30) year sentences. During the hearing the State called
3. On July 16, 2012, I filed an application for post-conviction [PCR] relief. On March 22, 2013, an evidentiary hearing was held before the Honorable W. Jeffrey Young.

James D. Dotson¹ represented me at the PCR hearing. Megan Harrigan Jameson represented the State. In a written order signed April 11, 2013, Judge Young denied relief and dismissed the application. (App. pp. 84-96). PCR counsel did not file a notice of intent to appeal.

4. On August 14, 2017, I filed a petition for habeas corpus in federal court. I alleged that, “Counsel abandoned Petitioner at appeal stages of PCR.” On November 2, 2017, the State filed a return and memorandum of law in support of summary judgment. In the return the State acknowledged that I had a potential state court remedy available for appellate review of the denial of PCR relief pursuant to Austin². On April 16, 2018, the Honorable Kevin F. McDonald, United States Magistrate Judge for the District of South Carolina, issued a Report and Recommendation, recommending “respondent’s motion for summary judgment be denied and that the case be stayed while the Applicant pursues his state court remedy.” On May 14, 2018, the Honorable David C. Norton, United States District Judge, signed an order adopting the report and recommendation of the magistrate judge.
5. On May 4, 2018, I filed a *pro se* application for an Austin appeal. On July 9, 2018, the State requested that the court reporter prepare a transcript of the March 21, 2013, PCR hearing. On July 17, 2018, South Carolina Court Administration notified the State that the records needed to prepare the transcript were no longer available as the records were more than five years old. On October 2, 2018, the

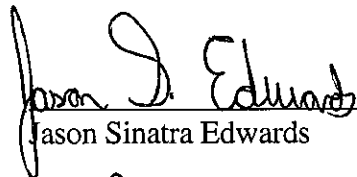
¹ Information obtained from the South Carolina Bar directory indicates that PCR counsel, James D. Dotson, is under suspension and lives out of state in North Carolina:

² Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

State filed a return and consent to belated appellate review pursuant to Austin. (App. pp. 315-324).

6. On March 28, 2019, an evidentiary hearing was held before the Honorable Kristi F. Curtis. (App. pp. 325-336). James K. Falk represented me. Megan Harrigan Jameson represented the State. In an order signed June 18, 2019, Judge Curtis granted belated appellate review pursuant to Austin. A timely notice of intent to appeal was filed and Kathrine H. Hudgins with the Office of Appellate Defense was appointed to represent me.
7. On January 22, 2020, counsel filed a petition for order to remand for a second PCR hearing based on the inability to reconstruct a record of the first PCR hearing that would allow meaningful appellate review.
8. On February 12, 2020, the South Carolina Supreme Court denied the petition but remanded the case to the Sumter County Court of Common Pleas to hold a hearing to attempt to reconstruct the record of the evidentiary hearing on the first PCR application.
9. Due to COVID 19 and other scheduling conflicts the hearing was not scheduled until June 27, 2022. On June 27, 2022, I appeared before the Honorable Clifton Newman at the Sumter County Courthouse for the hearing to attempt to reconstruct the record. Kathrine H. Hudgins represented me at the hearing. Taylor Z. Smith represented the State. The State presented the testimony of plea counsel, Steven S. McKenzie and Michael S. O'Neal, of my mother and father, Johnnie Mae Edwards and Maceo Edwards, Jr. as well as the testimony of Senior Assistant Deputy Attorney General Megan Harrigan Jameson.

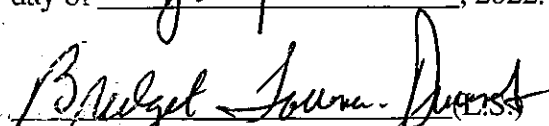
10. I testified on my own behalf at the hearing. I advised the judge that I no longer wanted a new trial and did not wish to continue with the proceedings. Judge Newman held the case in abeyance so that I could complete this affidavit in support of dropping my PCR appeal.
11. I understand that I am entitled to an appeal of the denial of post-conviction relief [PCR]. I understand that, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Office of Appellate Defense. I have consulted with Appellate Defender Kathrine H. Hudgins and I understand that if I drop my PCR appeal, I forever waive those issues that could have been raised.
12. In light of the risks which have been explained to me, it is my desire that the South Carolina Office of Appellate Defense not proceed with the appeal from the denial of post-conviction relief.
13. I have made this decision on my own, with a full understanding of all the possible consequences of this action.
14. I do not wish to appeal.


Jason Sinatra Edwards

July 12, 2022

SWORN TO before me this 12

day of July, 2022.


Notary Public for South Carolina

My Commission Expires: March 15, 2031