

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON) Warrant Number: 2017A4010202032

State of South Carolina)

vs.) ORDER

Solomon Yemame)

Defendant)

)

This matter comes before the court upon Defendant's Motion To Reconsider the sentence imposed by the court on April 7, 2022.

The court considered this matter based upon the written undertakings submitted by Defendant and by the State. The court agrees with the arguments made by the State and finds no grounds to modify or change the sentence imposed on April 7, 2022.

ACCORDINGLY, the Motion To Reconsider is hereby DENIED.

April 27, 2022



Brooks P. Goldsmith, Circuit Judge

The South Carolina Court of Appeals

The State, Respondent,

v.

Solomon Tadesse Yemame, Appellant.

Appellate Case No. 2022-000624

The Honorable Brooks P. Goldsmith
Richland County
Trial Court Case No. 2017GS4004371

ORDER

The request for an extension to order the transcript is granted and extended until July 6, 2022. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

S. Jahue Moore, Esquire

Lester McGill Bell, Jr., Esquire

Robert Michael Dudek, Esquire

Byron E. Gipson, Esquire

Alan McCrory Wilson, Esquire

William M. Blicht, Jr., Esquire

FILED
Jun 08 2022

RICHLAND COUNTY

STATE OF SOUTH CAROLINA) FILED IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND)

The State of South Carolina,) Indictment Number: _____
2017 OCT 30 11 50 AM

vs.

Solomon Yemamp
Defendant

JEANNETTE W. BOURDE
C.C.P. & G.S.

Warrant Number: ~~2017A40102072~~ 2017A40102020
~~2017A40102072~~

2017A4010600381

ORDER

CHARGE(S): _____

THIS MATTER COMES BEFORE THE COURT on October 30, 2017. Present at the hearing were Justin T. Williams, representing the Defendant; and Jessica Godwin, representing the State.

The following motions were presented: Motion to Modify Bond.

Attached pertinent documents were submitted by the State/Defendant and were made a part of the record.

The Court determined: Defendant is to remain on house arrest, but released from electronic monitor.

IT IS SO ORDERED

Jocelyn Yemman
Presiding Judge
Fifth Judicial Circuit

Columbia, South Carolina

This 30th day of October 20 17

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

The Honorable Brooks P. Goldsmith

Warrant Number: 2017A4010202032

RECEIVED
JUN 06 2022
SC Court of Appeals

Solomon Yemame,.....Appellant

v.

The State of South Carolina,..... Respondent

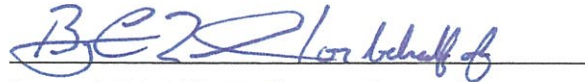
**APPELLANT’S MOTION FOR EXTENSION OF TIME
TO FILE HEARING TRANSCRIPT**

Appellant Solomon Yemame’s hearing transcript is presently due on or before June 6, 2022. Appellant has not previously moved for an extension of time to file the hearing transcript with this Court.

Appellant respectfully moves this Court for an extension of time to file the hearing transcript. This motion is based on the grounds that counsel for Appellant requires additional time to obtain the hearing transcript due to a very active caseload as well as the recent Memorial Day Holiday and respectfully requests an additional thirty (30) days to obtain and file the hearing transcript. This is the first request for an extension in this matter regarding the Appellant’s hearing transcript. By our calculations, the new deadline would be July 6, 2022.

Based on the foregoing and other good cause shown, the Appellant respectfully requests that he be granted an additional thirty (30) days to obtain and file the hearing transcript.

Respectfully submitted,



Lester M. "Gill" Bell, Jr., SC Bar #100021
Moore Bradley Myers Law Firm, P.A.
P.O. Box 5709
West Columbia, SC 29171
(803) 796-9160
(803) 791-8410 (Fax)
gill@mbmlawsc.com
Attorney for Appellant

June 6, 2022
West Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

The Honorable Brooks P. Goldsmith

RECEIVED
JUN 06 2022
SC Court of Appeals

Indictment No. 2017A4010202032

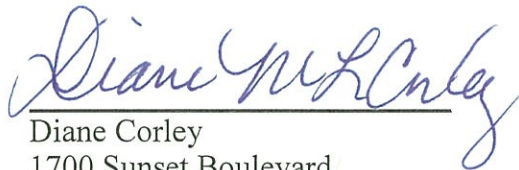
Solomon Yemame, Appellant,

vs.

The State of South Carolina, Respondent

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to File Hearing Transcript on the South Carolina Attorney General, by depositing a copy of it in the United States Mail, postage prepaid, on June 6, 2022, addressed to South Carolina Attorney General's Office, 1000 Assembly Street, Columbia, South Carolina 29201.



Diane Corley
1700 Sunset Boulevard
West Columbia, SC 29169

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS

State of South Carolina

Warrant Number 2017A4010202032

vs.

MOTION TO RECONSIDER

Solomon Yemame

Defendant.

RICHLAND COUNTY
FILED

2022 APR 18 PM 4:39

TO: THE HONORABLE BROOKS P. GOLDSMITH, GENERAL SESSIONS JUDGE FOR THE FIFTH JUDICIAL CIRCUIT, AND EMILY NELLERMOE, ESQUIRE, RICHLAND COUNTY SOLICITOR'S OFFICE

YOU WILL PLEASE TAKE NOTICE that the above-named Defendant, by and through his undersigned counsel, will move before this Honorable Court respectfully requesting it to reduce the sentence imposed on April 7, 2022 and also credit Defendant with the time he served under house arrest.

The Defendant has no prior criminal history prior to any of these charges. The Defendant pled guilty pursuant to a plea agreement of assault and battery in the first degree, a non-violent felony charge. A charge that permits a sentence of zero to ten years. The Defendant pled guilty on April 7, 2022. After considering the facts and arguments made on behalf of the Defendant, this Honorable Court imposed a sentence of eight years (8) years.

Based on the length of the sentence and the mitigating facts presented by the Defendant, the Defendant hereby respectfully requests this Court consider a lesser sentence. Additionally, the Defendant hereby respectfully requests this Court credit the time Defendant served on house arrest in his time served. This motion shall be based upon the statutory and decisional law of the State of South Carolina.

ARGUMENT

- I) **THE COURT WAS GROSSLY DISPROPORTIONATE IN ITS SENTENCE THEREFORE THE DEFENDANT'S SENTENCE SHOULD BE CONSIDERED IN PROPORTION TO THE OTHER CRIMINALS WITHIN THE SAME JURISDICTION AND UPON THOSE COMMITTING THE SAME CRIME IN OTHER JURISDICTIONS.**

The Court was grossly disproportionate in the Defendant's sentence and therefore Defendant's sentence should be considered in proportion to the other criminals within the same jurisdiction and upon those committing the same crime in other jurisdictions. In *State v. Brannon*, the Court held that "only if the Court determines that the sentence is grossly disproportionate to the offense need it consider sentences imposed on other criminals within the same jurisdiction and upon those committing the same crime in other jurisdictions." *State v. Brannon*, 341 S.C. 271, 533 S.E.2d 345. The Defendant has no other criminal charges. The Defendant was charged with assault and battery in the first degree, a non-violent felony charge, which is a crime carrying the sentence of zero to ten years. The Defendant received a sentence of eight years, despite Defendant not having a criminal background.

Additionally the Court was grossly disproportionate in the Defendant's sentence because the sentence was not in proportion to other criminals within the jurisdiction and before the Court on the same day, April 7, 2022. These three cases were *State v. Randolph*, *State v. Jones*, *State v. Wondell Williams*. In *State v. Randolph*, Randolph had no prior criminal history and was charged and pled guilty to assault and battery first degree for attempted murder for the shooting of a victim to the head and fleeing the scene. The Court sentenced that Defendant to probation. In *State v. Jones* where Jones was charged with criminal sexual conduct but pled guilty to assault and battery second degree. Jones was accused of molesting an 11 year old child but only

sentenced to probation and not required to be listed on the sex offender registry. In the third matter, State v. Wilson, the Defendant pled guilty to assault and battery first degree. The Court again sentenced Wilson to probation.

The Court's only comment upon sentencing was the opinion that locking the bedroom door was premeditation to commit assault. The Petitioner disagrees. It is traditional and customary to lock a bedroom door during intimate activities. The Defendant did not jam or block the door to prevent entry. Defendant opened the door when it was knocked upon. Petitioner does not believe locking of the door in this context justifies an eight year sentence especially in light of other sentences given by the Court.

Therefore, based on the disproportionality between the Defendants sentence and the aforementioned cases, the Court should reconsider the Defendants sentence as the Court was grossly disproportionate in the Defendant's sentencing and should consider Defendants sentence in proportion to the other criminals within the jurisdiction.

II) THE DEFENDANT'S TIME SERVED ON HOUSE ARREST SHOULD BE CREDITED TOWARDS HIS TIME SERVED.

The Defendant's time served on house arrest should be credited towards his time served on the Court sentence. Time spent under house arrest is used to compute time served by the prisoner. S.C. Code § 24-13-40. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. *Id.* It is not unusual for pretrial supervision to be considered in reducing a sentence. *Id.* The Defendant pled guilty pursuant to a plea agreement for assault and battery in the first degree, a non-violent felony charge. Before pleading to the charge or being sentenced on April 7, 2022, the Defendant was placed on house

arrest for the charge. Therefore the Defendant's time spent under house arrest prior to the Court sentence should be computed into his sentence of the time served.

III) THE DEFENDANTS TIME SERVED ON HOUSE ARREST INCLUDING AN ELECTRONIC MONITORING DEVICE SHOULD BE CREDITED TOWARDS HIS TIME SERVED.

The Defendant's time served on house arrest including a GPS monitoring device should be credited towards his time served on the Court sentence. It is not unusual for pretrial supervision to be considered in reducing a sentence. S.C. Code § 24-13-40. In every case in computing the time served by a prisoner, full credit against the sentence...may be given for any time spent under monitored house arrest. *Id.* The Defendant was charged with assault and battery in the first degree, a non-violent felony charge as a condition of bond. The Defendant was placed on house arrest for the charge. After being placed on house arrest, the Defendant was also placed under monitored house arrest with an electronic device. After pleading guilty pursuant to the plea agreement, the Court then sentenced the Defendant to eight years based on Defendant's plea of the charge on assault and battery in the first degree, a non-violent felony charge. Therefore the Defendant's time spent under house arrest with an electronic monitoring device prior to the Court's sentence should be computed into his sentence of the time served.

CONCLUSION

Based on the foregoing and all other information presented at Defendants sentencing hearing, the Defendant respectfully requests that this Court reconsider the Defendants sentence and credit Defendant with the time he served under house arrest in Defendants time served.

Signature Page to Follow

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

State of South Carolina

vs.

Solomon Yemame

Defendant.

IN THE COURT OF GENERAL SESSIONS

Warrant Number: 2017A4010202032

CERTIFICATE OF SERVICE


2022 APR 18 PM 4:39
FILED
RICHLAND COUNTY

I, Cameron R. Nienberg paralegal to Lester M. "Gill" Bell, Jr., Esquire with the Moore Bradley Myers Law Firm, P.A., Attorneys for the Defendant, hereby certify that I have served a copy of the **Motion to Reconsider** to the following by placing a copy in the United States Mail, first class delivery, with proper postage affixed thereto, addressed as follows:

Emily Nellerhoe, Esquire
Richland County Solicitors Office
1701 Main Street
Columbia, South Carolina 29201

The Honorable Brooks P. Goldsmith
Presiding Judge, Richland County General Sessions
Post Office Box 895
Edisto Island, South Carolina 29438

MOORE BRADLEY MYERS LAW FIRM, P.A.

By: 
Cameron R. Nienberg
Paralegal to Lester M. "Gill" Bell, Jr.

West Columbia, South Carolina
April 18, 2022

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS

State of South Carolina

Warrant Nos. 2017A010600381

vs.

MOTION TO SET BOND

Solomon Tadesse Yemame,

Defendant.

To: Jessica Godwin, Esquire, Assistant Solicitor for the Fifth Judicial Circuit:

YOU WILL PLEASE TAKE NOTICE that the Defendant, by and through his undersigned counsel, will hereby move for an Order of this Court setting bond on the above referenced Warrants. The State is represented by Jessica Godwin. The Defendant is represented by S. Jahue Moore with the Moore Taylor Law Firm, P.A. in West Columbia.

Defendant was arrested on or about June 20, 2017. He is charged with Assault & Battery 2nd Degree. The Magistrate erroneously declined to set bond on the Defendant. Every person charged with a crime is entitled to a bond pursuant to the State and Federal Constitutions. There is no evidence that Defendant is a flight risk or danger to the community, and entitled to a bond.

Based on the foregoing, the undersigned respectfully requests a hearing to set bond.

MOORE, TAYLOR LAW FIRM, P.A.

By: _____

S. Jahue Moore
1700 Sunset Boulevard
Post Office Box 5709
West Columbia, South Carolina 29171
(803) 796-9160
Attorneys for Defendant

West Columbia, South Carolina
June 22, 2017.

JEANETTE V. McBRIDE
C.C.P. & G.S.
2017 JUN 22 PM 4:43

RICHLAND COUNTY
FILED

RICHLAND COUNTY
FILED

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

State of South Carolina

vs.

Solomon Yameme

Defendant.

IN THE COURT OF GENERAL SESSIONS

Warrant Number 2017A4010202032

2017 OCT 16 PM 3:11
JEANETTE W. McBRIDE
C.C.P. & G.S.

**MOTION TO MODIFY
CONDITIONS OF BOND**

To: Jessica Godwin, Richland County Solicitor's Office:

YOU WILL PLEASE TAKE NOTICE that the Defendant, by and through his undersigned counsel, will move for an Order modifying the terms and conditions of his bond. Specifically, the Defendant requests that the ankle monitor be removed.

The ankle monitor restricts the Defendant to his home, visits to his lawyer's office, and place of employment. The Defendant is not allowed to do anything or go anywhere else. The electronic monitoring device is punishment for a crime in which Defendant is presumed to be innocent. The Defendant is essentially on house arrest.

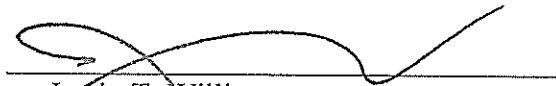
Moreover, the ankle monitor is punitive and in violation of the U.S. and State Constitutions. The Defendant is presumed to be innocent and has in no way admitted guilt to this instant offense. However, the ankle monitor is a form of punishment because it confines him movement as if he has already been incarcerated for the offense.

Based on the foregoing, the Defendant prays for an Order of this Court modifying the conditions of his bond to remove the ankle monitor provision. The ankle monitor is punitive and in violation of the U.S. and State's Constitution.

Respectfully submitted,

MOORE, TAYLOR LAW FIRM, P.A.

By: _____


Justin T. Williams
Moore Taylor Law Firm
1700 Sunset Boulevard
Post Office Box 5709
West Columbia, South Carolina 29171
(803) 796-9160
Attorney for Defendant

West Columbia, South Carolina
October 11, 2017

RICHLAND COUNTY
FILED

2017 OCT 16 PM 2:11

JEANETTE W. McBRIDE
C.C.P. & G.S.

IN THE COURT OF GENERAL SESSIONS

Warrant Nos. 2017A010600381

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

State of South Carolina

vs.

Solomon Tedasse Yemame,

Defendant.

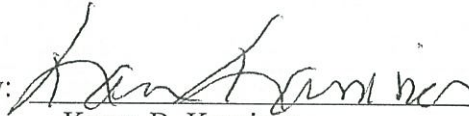
CERTIFICATE OF SERVICE

I, Karen B. Kaminer, legal assistant to Justin T. Williams, Esquire with the Moore Taylor, Law Firm, P.A., Attorneys for the Defendant, hereby certify that I have served a copy of the **Motion to Modify Conditions of Bond**, to the following by placing a copy in the United States Mail, first class delivery, with proper postage affixed thereto, addressed as follows:

Jessica Godwin, Esquire
Richland County Solicitors Office
1701 Main Street
Columbia, South Carolina 29201

MOORE TAYLOR LAW FIRM, P.A.

By:



Karen B. Kaminer

Legal Assistant to Justin T. Williams

West Columbia, South Carolina

October 16, 2017.

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

The Honorable Brooks P. Goldsmith

Warrant No. 2017A4010202032


Solomon Yemame, Appellant,

vs.

The State of South Carolina, Respondent.

NOTICE OF APPEAL

Solomon Yemame appeals his sentencing of assault and battery in the first degree, a non-violent felony charge and his corresponding sentences on the above referenced warrant. Mr. Yemame pled guilty pursuant to a plea agreement of assault and battery in the first degree, a non-violent felony charge on April 7, 2022, and was sentenced to eight (8) years incarceration. Subsequently, a Motion to Reconsider was denied and final judgment entered by way of written Order filed on April 27, 2022.


S. Jahnue Moore
Lester M. "Gill" Bell, Jr.
MOORE BRADLEY MYERS, P.A.
Post Office Box 5709
West Columbia, SC 29171
(803) 796-9160
ATTORNEYS FOR APPELLANT

2022 MAY -6 PM 2:54

FILED

Other Counsel of Record:
Byron Gipson, Solicitor
Richland County Solicitor's Office
1701 Main Street
Columbia, SC 29201

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

The Honorable Brooks P. Goldsmith

Warrant No. 2017A4010202032

Solomon Yemame, Appellant,

vs.

The State of South Carolina, Respondent.

**EXPLANATION PURSUANT TO
RULE 203(d)(1)(B)(iv)**

Pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules, Undersigned counsel is filing this appeal at the request of Appellant, Steven Thurmond. Appellant plead guilty pursuant to a plea agreement of assault and battery in the first degree, a non-violent felony charge, and was sentenced on April 7, 2022. Appellant was sentenced before the Honorable Brooks P. Goldsmith and he appeals his sentence.

Appellant was not awarded credit for his time served while on house arrest and house arrest on an electronic GPS monitoring device pursuant to *S.C. Code § 24-13-40*. Additionally, the Court was grossly disproportionate in the Appellant's sentence and therefore Appellant's sentence should be considered in proportion to the other criminals within the same jurisdiction and upon those committing the same crime in other jurisdictions. *See State v. Brannon, 341 S.C. 271, 533 S.E.2d 345 (Ct. App. 2000)*.

Signature Page to Follow

2022 MAY -5 PM 2:54

FBI



S. Jabre Moore
Lester M. "Gill" Bell, Jr.
MOORE BRADLEY MYERS, P.A.
Post Office Box 5709
West Columbia, SC 29171
(803) 796-9160
ATTORNEYS FOR APPELLANT

STATE OF SOUTH CAROLINA) In The Family Court
) Fifth Judicial Circuit
COUNTY OF RICHLAND) 2017A401020032

THE STATE,)
)
) Plaintiff,)
vs.) Transcript of Record
)
SOLOMON YEMAME,)
)
) Defendant.)

)

Richland, South Carolina
April 7, 2022

B E F O R E:

The Honorable Brooks P. Goldsmith

A P P E A R A N C E S:

Ms. Emily Nellerhoe, Esquire
Attorney for the Plaintiff

Mr. Jake Moore, Esquire
Attorney for the Defendant

Transcribed by: Lisa Carter, Court Reporter

I N D E X

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WITNESSES

PAGE

(NO WITNESSES INTRODUCED DURING HEARING)

(NO EXHIBITS INTRODUCED DURING HEARING)

1 THE COURT: Whenever you're ready, solicitor?

2 MS. NELLERMOE: Thank you, Your Honor. The State calls
3 Solomon Yemame.

4 (Whereupon, the defendant come forward)

5 THE CLERK: Do you swear or affirm to tell the
6 truth, the whole truth, and nothing but the truth so help
7 you God?

8 MR. YEMAME: Say that again?

9 THE CLERK: Do you swear or affirm to tell the
10 truth, the whole truth, and nothing but the truth so help
11 you God?

12 MR. MOORE: Do you swear to tell the truth?

13 MR. YEMAME: Yes. Yes.

14 THE COURT: Solicitor?

15 MS. NELLERMOE: Thank you, Your Honor. May it
16 please, the Court? Emily Nellerhoe for the State.
17 Appearing before is Solomon Yemame along with his
18 attorneys, Jake Moore, um, Gill Bell is also representing
19 him. He's back in the audience. Their both of the private
20 bar. The defendant is here to enter a guilty plea to true
21 billed incitement 17-4371. That was originally a CSC third,
22 but State has agreed to allow the defendant to plead to A&B
23 first. Pursuant to the plea, to State is also dismissing an
24 unrelated A&B second charge. Your Honor, the victim, Helena
25 Blake, is present in the courtroom. She would like to

1 address the court at the appropriate time. There are no
2 recommendations or negotiations from the State.

3 THE COURT: And, Mr. Moore, I take it you agree
4 with your client's decision to plead guilty to the charge?

5 MR. MOORE: I do, Your Honor.

6 THE COURT: Based on your investigation of the
7 facts and circumstances in this case, do you believe it
8 likely the State could convince a jury of his guilt beyond
9 a reasonable doubt?

10 MR. MOORE: I believe the State could.

11 THE COURT: And have you explained to your client
12 the
13 charges contained in the indictment, the possible
14 punishment, and have you explain to your client his
15 constitutional rights?

16 MR. MOORE: He understands fully, Your Honor.

17 THE COURT: Mr. Yemame, how old are you?

18 MR. YEMAME: Thirty-four. Thirty-four.

19 THE COURT: What kind of work have you normally
20 done?

21 MR. YEMAME: Worked at a convenient store. Like a
22 business with my family.

23 THE COURT: Have you ever been in criminal court
24 before?

25 MR. YEMAME: No.

1 THE COURT: Have you ever been treated for the
2 abuse of alcohol or abuse of drugs or treated for any
3 mental illness?

4 MR. YEMAME: No, Your Honor.

5 THE COURT: Are you aware today of any physical
6 nervous or emotional problem you might have that would
7 interfere with your ability to understand what's going on
8 here today?

9 MR. YEMAME: Yes, sir, Your Honor.

10 MR. MOORE: No -- you don't have anything wrong
11 with you that would cause you to not understand, right?

12 MR. YEMAME: No.

13 MR. MOORE: Okay.

14 THE COURT: You don't have any problem
15 understanding what's happening here today?

16 MR. YEMAME: No, Your Honor.

17 THE COURT: Your attorney and the solicitor, both,
18 tell me they believe you wish to plead guilty to the charge
19 of assault and battery in the first degree, is that
20 correct?

21 MR. YEMAME: Yes, Your Honor.

22 THE COURT: The solicitor is going to give me some
23 facts about the allegations in this case so please listen.

24 MS. NELLERMOE: Thank you, Your Honor. This

25 incident occurred on the night of May 26th and May 27th,

1 2017. The victim was attending Clemson University at the
2 time and she was back in town and visit her high school
3 friends. That night the victim and her friends were pre-
4 gaming and taking shots of liquor at a friend's apartment
5 when the defendant walked in. She and her girlfriends
6 didn't know him. But he knew someone that they were with
7 sort of. They all headed five points. They had more drinks.
8 The defendant was continuing to hang closely around the
9 group, although, the victim recalls that he was giving her
10 an uneasy feeling so she kind of avoided him and just
11 stayed with friends. At the end of the night the girls and
12 some other friends returned via Uber to 1050 Southern Drive
13 in Richland County which is a student housing apartment.

14 The victim at this point was very inebriated because
15 she had a lot to drink and a lot of it was liquor and she
16 was not a heavy drinker or a partier at all. So she was
17 throwing up on the way home. Her friends put her to bed in
18 one of the bedrooms of the apartment. She was fully clothed
19 when they put her to bed. She was wearing pants, underwear
20 and tank top and they put a trash can next to her in case
21 she continued to get sick. The victim says at that point as
22 soon as she laid down, she immediately pass out and the
23 next thing she remembers was waking up to her friends
24 causing a commotion in the bedroom. So while she was
25 incapacitated in the bed, the defendant showed up to the

1 apartment. Sometime passed before the victim's friends
2 realized they did not know where the defendant had gone.
3 And they noticed that the door to the bedroom where they
4 had put the victim in was closed and locked and they had
5 not done that when they put her in there.

6 The friends started beating on the door and the
7 defendant eventually came out. Witnesses said that his top
8 was undo and his pants were unzipped. The victim was
9 completely disoriented and she had no idea what happened
10 but her pants and underwear had been removed and she felt
11 pain and pressure in her pelvic area. She, ultimately,
12 went to the hospital for a rape kit that revealed that
13 defendant had left DNA on her on three different places
14 around vaginally area as well as her underwear.

15 The defendant gave a statement later where he admitted
16 to having sex with the victim, but he claimed it was
17 consensual. Your Honor, this case was originally set to
18 go to trial this week and the State fully prepared to go to
19 trial. As far as rape cases go, we felt that we had a
20 strong case. However, after conversations with the victim,
21 we agreed to make this offer to defense in order to forgo
22 the ordeal of the trial and because this is an old case,
23 it's been passed around in our office. I think I'm the
24 fourth solicitor who's handled it. But anyway, the victim
25 really wants to put all this behind her and she'll explain

1 how this has affected her. So at the appropriate time, I
2 would ask that you hear from her. She is joined by her
3 husband, her parents and her in-laws. I believe they wish
4 to make two statements to the Court.

5 THE COURT: All right. Certainly. Mr. Yemame, let
6 me ask you this, did you hear the allegations made by the
7 solicitor just a moment ago?

8 MR. YEMAME: Yeah, I hear her.

9 THE COURT: Do you agree with what she said?

10 MR. YEMAME: I don't agree.

11 MR. MOORE: Your Honor, basically, we're pleading
12 guilty because we think that she probably, they were both
13 very intoxicated at the time. Neither of them have a true
14 recollection of what happened. There is -- the law,
15 basically, says when a person is so grossly intoxicated,
16 she can't consent or she shouldn't consent. She can't
17 consent. His position is that she consented, but we
18 recognize that she was on a grossly intoxicated state, so
19 was he. What happened should not have happened. But it was
20 a situation where he was lawfully at the apartment. She was
21 lawfully at the apartment. He thought she had consent. He -
22 - there was no indication of any bruising any fighting or
23 anything of that nature. The doors locked from the inside.
24 There were no yelling. He was under the impression that it
25 was a consensual relationship. The truth of the matter is

1 that if you look at this case, she was way too grossly
2 intoxicated for him to have been able to realize that she,
3 she couldn't give consent. And he was so grossly
4 intoxicated that he shouldn't have been drinking like that
5 heavy either. It was just a bad night. A bad situation.
6 It's totally unfortunate. The case, the case is defensible,
7 but we don't want to go there. She was too intoxicated to
8 consent. We recognize that. And as a result, the
9 Solicitor's Office has worked with us.

10 The facts are, are what they are. And I always hate to
11 try to give justification of the plea, but the case is on
12 that it, basically, needs to be moved and those would,
13 basically, be -- we've talked to Solomon and he recognizes
14 that as intoxicated as she was, even though he was
15 intoxicated, too, he should not have moved forward even
16 though the circumstances were what they were.

17 THE COURT: Mr. Yemame, let me go, let me go back
18 to my initial question. You heard what the solicitor just
19 said, you agree with what she said?

20 MR. YEMAME: Yes. But some of them, like, some of
21 them facts that I don't agree with what she say, but it was
22 -- we, both of us was intoxicated that night and it
23 happened. It shouldn't be happening. But, I'm sorry that it
24 happened. It's like, it's just both of us were intoxicated
25 that night. We out, all of us, out and then, this happened.

1 THE COURT: Okay. Well, what you said to me just
2 now does not really disagree with what the solicitor said,
3 I don't believe. Are you guilty, then, of the charge?

4 MR. MOORE: He wants to know if you're guilty. You
5 know, you should not have had sex with her because she
6 couldn't consent because she was so drunk, right?

7 MR. YEMAME: Yeah. Yes. Yes, Your Honor.

8 THE COURT: Let me ask you again, you heard what
9 the solicitor said?

10 MR. YEMAME: Yes, Your Honor.

11 THE COURT: You agree with what she said?

12 MR. YEMAME: Yes, Your Honor.

13 THE COURT: Again, are you guilty of this charge?

14 MR. YEMAME: Yes, Your Honor.

15 THE COURT: Did your attorney explain to you your
16 right to have a criminal trial if you wanted one?

17 MR. YEMAME: Yes, Your Honor.

18 THE COURT: Have you ever had a jury trial?

19 MR. YEMAME: Say that again one more time?

20 THE COURT: Have you ever had a jury trial?

21 MR. YEMAME: No.

22 MR. MOORE: You've never had a jury trial?

23 MR. YEMAME: I've never had.

24 THE COURT: Even at this point, your entitled to
25 have a jury trial. And if you were to have a jury trial and

1 among other things, the Court would instruct the jury that
2 your presumed innocent and that the burden would be upon
3 the State to prove your guilt to the jury beyond a
4 reasonable doubt. You or your attorney would have the right
5 to cross-examine any witnesses that the State might call to
6 testify against you. Of course, you could have your own
7 witnesses testify for you. You, yourself, can testify or
8 not. If you decided not to testify, the Court would
9 instruct the jury that they could not hold that against you
10 because you have the constitutional right not to testify.
11 If you had made any confessions, statements against your
12 interests, things such as that, you have the right to
13 challenge the State's right to use that evidence. Of
14 course, you would have the right to challenge the State to
15 use any evidence against you. You may have defenses to this
16 charge, but pleading guilty you're giving up, excuse me, by
17 waiving your right to have a jury trial, you're giving up
18 all of those rights as well as those potential defenses, do
19 you understand that?

20 MR. YEMAME: Yes, Your Honor.

21 THE COURT: Is that a fact of what you wish?

22 MR. YEMAME: Yes, Your Honor.

23 THE COURT: Have you had enough time to discuss
24 these matters with your attorney?

25 MR. YEMAME: Yes, Your Honor.

1 THE COURT: Has he answered all of your questions?

2 MR. YEMAME: Yes, Your Honor.

3 THE COURT: Are you satisfied with the services?

4 MR. YEMAME: Yes, Your Honor.

5 THE COURT: Has anyone threaten you or coerced you
6 in any way to make you enter this plea?

7 MR. YEMAME: No, Your Honor

8 THE COURT: Are you entering this plea of your own
9 free?

10 MR. YEMAME: Yes, Your Honor.

11 THE COURT: Let me ask you another question, what
12 is your understanding of the maximum amount of time the
13 Court could give you for pleading guilty to this charge?
14 What you believe the maximum amount of time that I could
15 give you in jail would be, if the court was to accept this
16 guilty plea?

17 MR. YEMAME: Didn't you say zero to ten?

18 THE COURT: I couldn't understand you.

19 MR. YEMAME: Say zero to ten.

20 COURT REPORTER: I didn't understand. Say that
21 again?

22 MR. YEMAME: I say zero to ten.

23 MR. MOORE: Zero to 10 ---

24 THE COURT: Ten -- zero to ten years is that what -

25 - has anyone promised you anything or held out any hope or

1 reward as an inducement to get you to plead guilty?

2 MR. YEMAME: No, Your Honor.

3 THE COURT: Are you pleading guilty because you are
4 in fact guilty?

5 MR. YEMAME: I don't know what to say?

6 MR. MOORE: You need to answer -- he wants to know
7 -- can I help him, Your Honor?

8 THE COURT: Can you help him? He has ---

9 MR. MOORE: Can I ---

10 THE COURT: --- to answer that question.

11 MR. YEMAME: Yes, Your Honor.

12 THE COURT: All right. I find that there is
13 substantial factual basis for this plea. And the decision
14 to enter this plea has been made freely and voluntarily,
15 advice of attorney with whom the defendant states he is
16 satisfied. The Court accepts the plea. I'll be glad to hear
17 from you, Mr. Moore?

18 MR. MOORE: May it please, Your Honor? As you can
19 tell Solomon has somewhat of an issue with the English
20 language. He was originally born and raised in Ethiopia. In
21 Ethiopia, he went through college. He had a good education.
22 He has a good education. He is incredibly soft spoken as
23 the Court can see. He is an incredibly gentle person. He
24 has taken and passed all of the background checks and tests
25 to become a United States citizen. He has been a citizen

1 for, I believe, now about seven years. So he has been
2 checked out thoroughly by the federal government. No, no
3 form of any type of criminal record at all. The events of
4 this particular evening are totally out of character for
5 him. His mother is here with him today. His aunt is here
6 with him today. He has a tremendous amount of support from
7 his family and from his community. He lives with the mother
8 of his child. They are not married. He has a two-year-old
9 daughter. He works every single day and comes home and
10 supports his, so forth, I guess common law wife. We don't
11 have that anymore, but, and daughter. He works in his
12 mother's convenience store. But in addition to that, he
13 also has been in training to get a pharmacy tech degree
14 which he now has. And he has a CDL truck education which he
15 is scheduled to finish in five days so that he can be a
16 truck driver. Lord knows we need truck drivers right now.

17 The gentleman, when he came to see me, his whole
18 family was totally distraught. I think there were about
19 fifteen people from the Ethiopian community who came with
20 him when they came to see me and they couldn't say enough
21 good things about him.

22 What happened should not have happened. He had been
23 invited to a party. He had actually gone out with a group.
24 He had come back to where the party started. And he was
25 grossly intoxicated. There's no question about that and so

1 was the victim.

2 What happened was the victim and he started talking,
3 next thing we know, they're in the room and the doors
4 locked. He is under the impression that she liked. And
5 there is no indication of any type of force. There are no
6 bruises. There are no cuts. There are no anything of that
7 nature. But as I understand the law and as we've researched
8 the law, a person who is grossly intoxicated to the point
9 of almost passing out, but not passed out, cannot really
10 consent to a relationship. And therefore, we've come to the
11 conclusion that as drunk as she was, and even as drunk as
12 he was, that she could not really give consent to the
13 relationship. And it's embarrassing to everybody. It's
14 embarrassing to the young lady. I know it's embarrassing to
15 Solomon.

16 When the people came into the room, there was never
17 any, any denial of the fact that relations took place. The
18 victim was clearly intoxicated and probably to the point,
19 from what I understand, she had, had so much alcohol she
20 arguably and probably was to the point where she could not
21 freely have consented to this. Although, she, if you listen
22 to the story, she appeared to be awake and participating
23 and that's a hard thing to say. It's an embarrassing
24 situation. It's a humiliating situation. It's an
25 unfortunate situation. And it is a clear example of what

1 happens when alcohol is abused to this point.

2 For some reason, in this country, apparently we've
3 gotten to the point where the abuse of liquor is in vogue.
4 And I'm sure that intoxication to this level would have
5 been an unusual factor for the victim. And it certainly was
6 an unusual factor for Solomon. He has a good job. He ism he
7 is as remorseful as anybody I have ever seen and he is
8 embarrassed by this. He wishes to express his sincere
9 remorse. He would like to be able to tell the victim how
10 sorry he is for what happened. He'd like to explain to the
11 Court how sorry he is for what happened. This was something
12 which should not have happened. I know intoxication is not
13 an excuse, but it's, it's clearly enough to where he is
14 guilty of an assault or at least couldn't be found by jury
15 to be guilty of assault.

16 I've told him about the possibility of going to trial
17 and he will tell you straight up I thought it was
18 consensual, but I know now that I should not have done what
19 I did because she was in an intoxicated condition and so
20 was I. And he will tell you right now if I had been in my
21 right frame of mind, this wouldn't happened to even,
22 period. He is not a heavy drinker. And he was being
23 accepted by a group of friends. He was authorized by the
24 person at the party to be there. It is just a sad
25 situation.

1 I would respectfully submit to the Court that
2 incarcerating this young man will do nothing good for
3 society except warehouse him. He certainly is not a danger.
4 We -- he originally complied with an ankle monitor. Judge
5 Newman sought fit to remove that because he's not a danger
6 to the community. He's done nothing since this arrest
7 except foster his education, take care of his child, work
8 to try to better himself. And he has been in a situation
9 where covid, this case would have been moved a long time
10 ago, except for covid. He's never denied the relationship
11 happened. It's just one where again, we've got plenty of
12 people in jail and putting him there is not going to do
13 anything. I would highly suggest, he is a very productive
14 member of society and wishes to try to make things right. I
15 am convinced of this. If the Court sees fit, and I hope
16 you do, to provide him with a probationary sentence. The
17 Court will never see him. He'll never be back. All he wants
18 to do is work to take care of his baby and that's what I
19 can tell you.

20 I thank you for listening to me. We glad to have you
21 back in Columbia again.

22 THE COURT: I'll be glad to hear from your client
23 if he wishes to speak?

24 MR. YEMAME: Your Honor, like what happened was the
25 time we all of us out. We wasn't -- and that what happened.

1 But I'm sorry that happened for her. And that it shouldn't
2 be happened and never gonna be happening again. And I don't
3 even drink any more. It's been like six, seven years since
4 I have alcohol. And -- so I just say I'm sorry. Believe it
5 won't be happening again. THE COURT: All right.

6 Thank you.

7 MS. NELLERMOE: Your Honor, may I respond to a
8 couple of things ---

9 THE COURT: Sure.

10 MS. NELLERMOE: --- that was said? First of all,
11 this is the first time I'm hearing that the defendant
12 doesn't remember what happened because he was so drunk.
13 It's, it's not in dispute that he was drinking as well,
14 but, in fact he gave an extremely detailed statement to law
15 enforcement recounting exactly where he was, who he was
16 talking to, what he was alleging went on between him and
17 the victim. So to say now that he was so inebriated that he
18 doesn't remember what happened either, is simply not in
19 line with any of the discovery. Additionally, we were
20 prepared to call several witnesses to trial who would
21 testify that the defendant was up and walking around and no
22 doubt or question in anyone's mind that the victim was
23 completely inebriated to the point where she had to be
24 helped to walk, put to bed, all of that. So I just wanted
25 to state that for the record.

1 MR. MOORE: If I did say in my statement's, Your
2 Honor, he was inebriated he doesn't remember, that would've
3 been an error. It's -- it is true, he does have a
4 recollection of what happened and he has cooperated with
5 law enforcement. And he gave a very detailed statement to
6 law enforcement about what happened. I don't think anyone
7 has ever really contradicted what he told law enforcement.

8 THE COURT: And you indicated the victim, and
9 perhaps others, might wish to speak?

10 MS. NELLERMOE: Yes, Your Honor. Her parents have
11 prepared a statement or my victim advocate is gonna read, a
12 brief one and then the victim would like to address Your
13 Honor.

14 THE COURT: All right. Go ahead.

15 MS. RICHIE: Okay. Tammy Richie.

16 COURT REPORTER: I'm sorry.

17 MS. RICHIE: Tammy Richie. This is a statement
18 from the victim's parents, Richard and Donna Peterson. This
19 sudden attack on our daughter at nineteen after her first
20 year in college has been an ongoing nightmare not only for
21 our daughter, but it has affected our entire family for
22 close to five years. Knowing that this predator has
23 been out of jail. He can attack someone else and has not
24 paid for his crimes. In the prime of her life when she
25 looked forward to the future with great optimism,

1 everything changed after she was brutally attacked.
2 Watching our daughter go through counseling and struggling
3 to complete her studies has clearly altered her life and
4 the life of her parents. He has taken away a part of her
5 life that she will never get back and has to struggle every
6 day as a victim to try and be strong and forget this
7 horrible acts perpetrated by this evil man. The nightmare
8 continues today on her birthday. Instead of enjoying a
9 birthday with family and friends, she is in court and
10 reliving all of these terrible memories all over again that
11 will take me more than a lifetime to forget. Watching our
12 daughter go through this nightmare for over five years,
13 hopefully, today we can get a sense of closure on this
14 chapter by giving Solomon the maximum sentence to pay for
15 his crimes and put him away for a long time so this
16 predator cannot harm anyone else.

17 Thank you.

18 THE COURT: Thank you, ma'am.

19 MS. PETERSON: My name is Helena Peterson, now,
20 Helena Blake. I just recently got married.

21 First, I just do want to say, we did not speak. I did
22 not consent. But I have known that this day would come, but
23 I've never felt like it would truly be here. It always has
24 been something off in a distance, but I knew it would
25 happen, but at the same didn't really know if, when, or how

1 when we'd all be here today.

2 I got the confirmation last night that we were gonna
3 be doing this today. And even almost five years have gone
4 by and it brought me to an emotional feelings. I still do
5 not know how to completely put into words.

6 Today's is my 24th birthday and the closing of a
7 chapter. A chapter that I remember that began on May 27th
8 being woken up by my friends, shaking me in a panic. I
9 remember trembling and crying uncontrollably. Four years
10 and ten months ago I was numb. I felt frozen and would give
11 nothing but blank stares. I felt empty. I was ashamed to
12 mourn the feeling that my purity was robbed from me. That I
13 would never feel be able to fully and rightfully give
14 myself to my husband. Through therapy and much prayer, I
15 realized that because of him, I did not lose myself. It's
16 not a taking of the body, but a giving of the heart. I
17 forgive you. I have grown stronger from this experience and
18 that it's pushed me into dark places and forced me to
19 either let it defeat me or make me stronger. I put straits
20 on every relationship in my life. It pains me so much to
21 see my mother cry about it, even the times she thought I
22 did not see or hear her. I put a wedge between my father
23 and I. A man trying to understand the traumatizing and
24 confused nineteen-year-old girl. It pains to see my friends
25 that were there with me have to go through their own

1 healing process and their own therapy. It hurt telling my
2 close friends and seeing them cry. It hurt wanting to tell
3 someone, but choosing not to tell someone because I did not
4 want to burden them. And it hurt that I would even burden
5 someone with sharing something that cut me so deep. It
6 killed me telling Brandon, my boyfriend at the time and now
7 husband, it even caused us to part ways. But by the grace
8 of God, we later got back together and just got married.
9 Through this I've felt God's love pour over me. This crime
10 is now a major part of my testimony and I'm not ashamed of
11 that. Rape is a crime that brings pain and does not end
12 when the action is over. That is only the beginning. I am
13 here to do my best, I am here today to do my best to make
14 sure that this does not happen again. This cannot happen
15 again. God knows and sees all. Even though I have grown
16 stronger from this, I would not wish this on anyone. This
17 is also a new beginning and I hope that you see that,
18 Solomon. I pray that you find peace and salvation. I pray
19 that your heart has changed. I forgive you.

20 Thank you.

21 THE COURT: Thank you, ma'am. Anything else from
22 the State, solicitor?

23 MS. NELLERMOE: Nothing further, Your Honor.

24 THE COURT: From the defense?

25 MR. MOORE: No, sir, Your Honor. We thank you for

1 listening to us and I appreciate the Court's consideration.

2 Thank you.

3 THE COURT: All right. Mr. Yemame, based on the
4 facts as I have had them presented to me I conclude that
5 the locking of a door indicates, at least to me,
6 premeditation to commit a crime, in this case, it would be
7 rape of someone who was incapacitated. Because of those
8 reasons and the other things that have been presented to
9 the Court today, I sentence you to eight years. I give you
10 credit for the time served. Good luck to you.

11 MR. MOORE: Thank you, Your Honor.

12 MS. NELLERMOE: Thank you, Your Honor.

13 (CONCLUSION OF THE HEARING HELD ON APRIL 7, 2022)

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CERTIFICATE

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3 I, the undersigned Lisa S. Carter, Official Court
4 Reporter for the Judicial Circuit of the State of South
5 Carolina, do hereby certify that the foregoing is a
6 true, accurate, and complete excerpt of transcript of
7 record of all the proceedings had and evidence
8 introduced in the hearing of the captioned cause,
9 relative to appeal, in the Fifth Circuit for Richland
10 County, South Carolina, on the 7th day of June, 2022.

11 I do further certify that I am neither of kin,
12 counsel, nor interest in any party hereto.

13
14
15 s/ Lisa S. Carter

16 Lisa Carter

17 Circuit Court Reporter

18
19 June 8, 2022