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**Aug 27 2021**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Certiorari to Richland County

Honorable Perry H. Gravely,  
Circuit Court Judge

SAVOYY WOODARD,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2021-000151

---

APPENDIX

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Appellate Defender

ALAN WILSON  
Attorney General

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ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 SAVOYY WOODARD )  
 Full name and prison number (if any) of Applicant. )  
 )  
 v. )  
 )  
 State of South Carolina )  
 )

IN THE COURT OF COMMON PLEAS

APPLICATION FOR  
POST-CONVICTION RELIEF

2019 NOV 20 AM 10:02  
 JEANNETTE W. MCBRIDE  
 C.C.P. & S.  
 RICHLAND COUNTY  
 FILED

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Turbeville Correctional Institution, 1578 Clarence Coker Hwy., Turbeville, SC 29162
2. Name and location of Court which imposed sentence Richland County Court of General Sessions, 1701 Main Street, Columbia, SC 29202
3. Name(s) of co-defendant(s) (if any) Arthur Jones, Jr.
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2012-GS-40-04001 - Armed Robbery
  - (b) 2012-GS-40-03999 - Robbery
  - (c) 2012-GS-40-03998 - Possession of Stolen Vehicle
  - (d) 2012-GS-40-03993 - Armed Robbery

- (e) 2012-GS-40-03980 - Robbery
- (f) 2012-GS-40-03982 - Assault and Battery 1<sup>st</sup> Degree
- (g) 2012-GS-40-03959 - Assault and Battery 1<sup>st</sup> Degree
- (h) 2012-GS-40-03960 - Attempted Armed Robbery

5. The date upon which sentence was imposed and the terms of the sentence:

- (a) 1/22/2013 - 15 years plus 280 days credit - concurrent
- (b) 1/22/2013 - 15 years plus 280 days credit - concurrent
- (c) 1/22/2013 - 10 years plus 280 days credit - concurrent
- (d) 1/22/2013 - 15 years plus 280 days credit - concurrent
- (e) 1/22/2013 - 15 years plus 280 days credit - concurrent
- (f) 1/22/2013 - 10 years plus 280 days credit - concurrent
- (g) 1/22/2013 - 10 years plus 280 days credit - concurrent
- (h) 1/22/2013 - 15 years plus 280 days credit - concurrent

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty X
- (b) after a plea of not guilty \_\_\_\_\_
- (c) after a plea of nolo contendere \_\_\_\_\_

7. Did you appeal from the judgment of conviction or the imposition of sentence?  
No

8. If you answered "yes" to (7), list:

- (a) the name of each Court to which you appealed:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (c) the date of each such result:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Applicant asked Defenes attorney to file for Appeal, but it was not filed.
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Involuntary guilty plea
  - (b) Ineffective Assistance of Counsel
  - (c) \_\_\_\_\_
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Applicant was told by Public Defender Courtney Gibbes, that he was to receive the minimum for all Armed Robbery charges due to this being his 1<sup>st</sup> conviction.
  - (b) Public Defender Courtney Gibbes was to file for a Appeal immediately after guilty plea.
  - (c) \_\_\_\_\_
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? \_\_\_\_\_
  - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? \_\_\_\_\_
  - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? \_\_\_\_\_
  - (d) any other petitions, motions or applications in this or any other Court? \_\_\_\_\_
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
    - i. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(b) the name and location of the Court in which each was filed:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(c) the disposition thereof:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(d) the date of each such disposition:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

- (b) the proceedings in which each ground was raised:
- i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? yes
  - (b) your trial, if any? \_\_\_\_\_
  - (c) your sentencing? \_\_\_\_\_
  - (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? \_\_\_\_\_
  - (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? \_\_\_\_\_
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
    - i. Courtney Gibbs, Richland County Public Defender's Office
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (b) the proceedings at which each such attorney represented you:
    - i. plea
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
19. State clearly the relief you seek in filing this application:  
Belated Direct Appeal
20. Are you now under sentence from any other court that you have not challenged?

STATE OF SOUTH CAROLINA )  
 )  
County of CLARENDON )

VERIFICATION

I, Savoy Woodard, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

S. Woodard

SWORN to and subscribed before me this 25<sup>th</sup>  
day of October, 2019.

Emily Hulse (L.S.)  
Notary Public

My Commission Expires: 5-18-26

**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, Savoy Woodard, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

S. Woodard  
Applicant

SWORN or affirmed to and subscribed before me this  
25<sup>th</sup> day of October, 2019

Emelyn Holze  
Notary Public

My Commission Expires: 5-18-26

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
	)	
	)	
Savoy Woodard, #353988	)	2019-CP-40-6527
	)	
	)	
Applicant	)	
	)	<b>RETURN AND</b>
v.	)	<b>PARTIAL MOTION TO DISMISS</b>
	)	(Counsel Appointed)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

---

In response to Savoy Woodard's (Applicant) action for post-conviction relief (PCR) commenced November 20, 2019, the State makes this return and partial motion to dismiss:

#### **I. Procedural History**

Applicant is confined in the South Carolina Department of Corrections (SCDC) pursuant to orders of commitment of the Richland County Clerk of Court. Applicant was indicted at the August 2012 term of the Richland County Grand Jury for two counts of armed robbery (2012-GS-40-4001, -3993), two counts of strong armed / common law robbery (2012-GS-40-3999, -3980), one count of attempted armed robbery (2012-GS-40-3960), one count of first-degree assault and battery (2012-GS-40-3982), one count of assault and battery of a high and aggravated nature (ABHAN) (2012-GS-40-3959), and one count of possession of a stolen vehicle, \$2,000–\$10,000 (2012-GS-40-3998). Applicant was represented by Assistant Public Defender Courtney Ann Gibbes. Assistant Solicitor Kathryn Ashton prosecuted the case.

Applicant pleaded guilty as indicted to all charges on January 22, 2013, before the Honorable DeAndrea Benjamin. The State recommended concurrent sentences. Judge Benjamin sentenced Applicant to serve concurrent terms of fifteen years for each armed robbery, fifteen

years for each strong armed robbery, fifteen years for attempted armed robbery, ten years for first-degree assault and battery, ten years for ABHAN, and ten years for the stolen vehicle charge. Applicant did not appeal.

## **II. Current Application**

Applicant *untimely* commenced this PCR action on November 20, 2019. Applicant asserts he is being held in custody unlawfully, alleging:

1. Ineffective assistance of counsel:
  - a. Where Applicant entered into an involuntary guilty plea because “Applicant was told by Public Defender . . . that he was to receive the minimum for all Armed Robbery charges due to this being his first conviction.”<sup>1</sup>
  - b. Where plea counsel failed to file a direct appeal when “Aplicant asked Defense attorney to file for [a]ppeal, but it was not filed.”

Applicant requests relief in the form of a belated direct appeal.

Attached herewith and incorporated herein are the Richland County Clerk of Court records regarding the subject conviction, Applicant’s SCDC records, the plea transcript, and the records of this PCR action. The State reserves the right to amend this return upon receipt of any relevant materials

## **III. Response to Allegation of Ineffective Assistance of Counsel**

Respondent submits Applicant’s allegations of ineffective assistance of counsel should be summarily dismissed, except for his assertion he is entitled to a belated appeal, for failure to

<sup>1</sup>The State asserts that this claim is without merit as fifteen years’ imprisonment is the minimum because the principal crime of armed robbery has a mandatory minimum of ten years’ imprisonment and the additional five years’ imprisonment is mandated by section 16-23-490 of the South Carolina Code (2013) (“If a person is in possession of a firearm or visibly displays what appears to be a firearm . . . during the commission of a violent crime as defined in Section 16-1-60, he must be imprisoned five years, in addition to the punishment provide for the principal crime.”)

comply with the filing procedures of the Uniform Post-Conviction Procedure Act<sup>2</sup> (the Act).

Specifically, the Act requires:

An application for relief filed pursuant to this chapter **must** be filed within ***one year after the entry of a judgment . . . or within one year after the sending of the remittitur . . . .***

S.C. Code Ann. § 17-27-45(A) (emphasis added).

The South Carolina Supreme Court has held the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 470, 469 S.E.2d 606, 607 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consol. Sch. Dist. of Aiken*, 315 S.C. 487, 489, 445 S.E.2d 638, 639 (1994). Further, section 17-27-70(c) authorizes this Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.”

Applicant pleaded guilty January 22, 2013, and he did not pursue a direct appeal. The application was, therefore, due on or before January 23, 2014. This application was filed on November 20, 2019, *five years after* the requisite filing period had expired. Therefore, Applicant’s allegations of ineffective assistance of counsel, except for his assertion he is entitled to a belated appeal, should be summarily dismissed as untimely, particularly in light of the fact Applicant has failed to allege any known ground entitling him to equitable tolling. *See Pelzer v. State*, 378 S.C. 516, 521, 662 S.E.2d 618, 619-20 (Ct. App. 2008) (equitable tolling has been deemed available where (1) extraordinary circumstances prevented the plaintiff from filing despite his due diligence; (2) the plaintiff actively pursued his or her judicial remedies by filing a defective pleading during the statutory period or the claimant has been induced or tricked by the defendant’s misconduct into

<sup>2</sup> S.C. Code Ann. § 17-27-10 to -160.

allowing the filing deadline to pass; and (3) the plaintiff, despite all due diligence, is unable to obtain vital information bearing on the existence of his or her claim).

**IV. Response to Allegation that Applicant is Entitled to Belated Appellate Review Pursuant to White v. State<sup>3</sup>**

Applicant alleges he was denied his right to a direct appeal based on ineffective assistance of plea counsel. The one-year limitations period in which to file a petition for post-conviction relief does not apply where the defendant alleges he was denied a direct appeal due to ineffective assistance of counsel. *Wilson v. State*, 348 S.C. 215, 218, 559 S.E.2d 581, 582-83 (2002).

Applicant claims he was denied effective assistance of counsel because his plea counsel did not appeal his conviction. Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to think either: (1) that a rational defendant would want to appeal; or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. *Roe v. Flores-Ortega*, 528 U.S. 470 (2000). Applicant cannot satisfy the requirements set forth in the *Roe* test.

The decision of the South Carolina Supreme Court, in *White v. State*, holds even though the post-conviction relief court finds the applicant had never voluntarily and intelligently abandoned his appeal, the court has no jurisdiction to grant a belated appeal. However, where an accused establishes in a post-conviction relief hearing that he was unconstitutionally deprived of his statutory right to a direct appeal, the South Carolina Supreme Court, upon an appeal of the post-conviction relief decision, will review the trial record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. *Id.* at 119, 108 S.E.2d at 39-40.

<sup>3</sup> 263 S.C. 110, 119, 108 S.E.2d 35, 39 (1974).

Respondent submits Applicant cannot meet his burden showing he is entitled to a belated appeal pursuant to *White*. However, because this allegation likely raises questions of fact not conclusively refuted by the record, Respondent requests an evidentiary hearing solely on this issue. Should Applicant prevail on his allegation counsel was ineffective for failing to file an appeal and establish he did not timely file this current application due to the ineffective assistance of counsel, Respondent requests an evidentiary hearing to address the remaining issues raised in the application for post-conviction relief. *See Toney v. State*, Op. No. 2019-MO-006 (S.C. filed February 6, 2019) (where an applicant for post-conviction relief has established he did not knowingly and voluntarily waive his right to a direct appeal, the applicant is entitled to a full evidentiary hearing on the merits of his application).

**V. Any Future Amendments and Invocation of Discovery**

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRPC. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *See Id.* at 245, 834 S.E.2d at 203 (Kittredge, J., dissent) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

Pursuant to section 17-27-150 of the South Carolina Code, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless

granted leave from the Court upon a showing of good cause. Further, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. As noted above, the State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State. *See Love*, 428 S.C. 231, 834 S.E.2d 196.

**VI. Any and All other Allegations**

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

**VII. Conclusion**

WHEREFORE, the State requests an evidentiary hearing be held on Applicant's claim of ineffective assistance of counsel for failing to file a notice of appeal.

Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

MICHAEL D. DAVIDSON  
Assistant Attorney General

By: /s/ Michael D. Davidson  
ATTORNEYS FOR RESPONDENT  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211

June 15, 2020

State of South Carolina  
County of Richland

Court of Common Pleas

Savooy Woodard )  
 )  
 )  
 v. )  
 )  
 State of South Carolina )  
 )  
 \_\_\_\_\_ Defendant. )

Transcript of Record  
2019-CP-40-06527

December 3, 2020  
Richland, South Carolina

B E F O R E:

The Honorable Perry H. Gravely, Judge, via  
WebEx Virtual Platform.

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

Tommy A. Thomas, Esquire  
Attorney for the Plaintiff

Michael Davidson, Assistant Solicitor  
Attorney for the State

Lisa Scott  
Circuit Court Reporter

I N D E X

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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No Exhibits.

P R O C E E D I N G S

\* \* \* \* \*

1  
2  
3 THE COURT: All right. This is *Savoy Woodard*  
4 *v. The State*, 2019-CP-40-6527. Present in the  
5 hearing is Tommy Thomas; Michael Davidson for the  
6 State. Mr. Woodard is here by video. We have Lisa  
7 Scott as our court reporter. And, also, Hunter  
8 Williams is my law clerk.

9 First, any objections to having this hearing by  
10 way of video conference from the State?

11 MR. DAVIDSON: No, Your Honor.

12 THE COURT: And from -- on behalf of  
13 Mr. Woodard?

14 MR. THOMAS: No -- no, Your Honor. I've  
15 discussed it with him, and we're prepared to go  
16 forward.

17 THE COURT: And you -- Mr. Woodard, you consent  
18 to having this hearing by way of video conference  
19 and do not object with the fact that you're not  
20 going to be able to be with your attorney this  
21 morning; is that correct?

22 MR. WOODARD: Correct.

23 THE COURT: All right. Okay. I believe -- I  
24 think this first is a -- we've got a couple -- we've  
25 got the PCR. We also have the State's, I believe,

1 motion to dismiss, partial dismissal.

2 MR. DAVIDSON: Yes, Your Honor. The State is  
3 moving to dismiss the allegations of ineffective  
4 assistance of counsel for involuntary guilty plea  
5 based on the failure to comply with the statute of  
6 limitations. And in that motion, we ask this Court  
7 to have a hearing solely on the issue of whether  
8 Mr. Woodard is entitled to a belated appeal under  
9 *White v. State*.

10 THE COURT: All right. Mr. Thomas, what is  
11 your response?

12 MR. THOMAS: Your Honor, if it pleases the  
13 Court? I've spoken with my client and we've --  
14 we've kind of discussed our options. I think that  
15 the -- the available avenue of redress at this point  
16 in time is a -- the motion for the belated direct  
17 appeal, Your Honor.

18 THE COURT: Okay.

19 MR. THOMAS: He is untimely with the  
20 allegations of counsel's advice, so I do think that  
21 that is correct in that he is untimely.

22 We have not prepared as far as any type of an  
23 excuse or any attempt to go forward with those  
24 issues as far as why he should be able to -- be able  
25 to move forward for an evidentiary hearing on -- on

1 the -- and I hate to use the word because it doesn't  
2 exist -- a belated post-conviction relief, but I  
3 know there are certain circumstances in which that  
4 is possible. But in saying all of that, Your Honor,  
5 I think we do agree that the only avenue today is  
6 the belated direct appeal.

7 THE COURT: All right. So I will then grant  
8 the State's motion as to dismissal of PCR, and we'll  
9 proceed on the belated appeal.

10 And, Mr. Thomas, I guess you have the burden of  
11 proof on that, so I'll hear from you.

12 MR. THOMAS: Your Honor, if it pleases the  
13 Court. This is going to be a very simple hearing.  
14 The issue that is before the Court is the belated  
15 direct appeal, and we would call Mr. Savoy Woodard  
16 to the stand.

17 THE COURT: All right. Mr. Woodard, if you  
18 would raise your right hand.

19 MR. WOODARD: (Complying.)

20 THE COURT: Do you solemnly swear to tell the  
21 truth, the whole truth, and nothing but the truth so  
22 help you God?

23 MR. WOODARD: Yes, sir.

24 THE COURT: All right. Answer any questions  
25 Mr. Thomas has. You can put your hand down.

1 MR. WOODARD: (Complying.)

2 MR. THOMAS: Your Honor, if it pleases the  
3 Court.

4 SAVOYY WOODARD,  
5 having been produced and first duly sworn as a  
6 witness on behalf of the Plaintiff testified as  
7 follows:

8 DIRECT EXAMINATION

9 BY MR. THOMAS:

10 Q. Mr. Woodard, you are in the Department of  
11 Corrections; is that correct?

12 A. That's correct.

13 Q. And you are serving time for armed robbery,  
14 attempted armed robbery, robbery, and assault and  
15 battery first?

16 A. Correct. Several counts.

17 Q. Okay. And you are -- what type of sentence are  
18 you serving?

19 A. Say that one more time.

20 Q. Okay. How much time do you have?

21 A. I have a 15-year sentence; 85 percent.

22 Q. And these -- these convictions, those sentences  
23 are all running concurrent?

24 A. Correct.

25 Q. Okay. All right. So your total sentence is

1 15 years?

2 A. Yes, sir.

3 Q. And when is your max out?

4 A. Say that again.

5 Q. When do you max out?

6 A. My current max out date is January 2025.

7 Q. '25. All right, sir. So you -- you pled  
8 guilty to these charges in January 22nd of 2013?

9 A. Correct. That is -- that's the day I went to  
10 court.

11 Q. All right, sir. And let me ask you this too:  
12 You understand that you're going forward today on a  
13 post-conviction relief action?

14 A. Okay.

15 Q. And you understand that you're asking the  
16 sentence be set aside?

17 A. Okay. Yes, sir.

18 Q. All right. And you understand that if the  
19 Court was to grant your post-conviction, that there  
20 is a possibility that you could go back and receive  
21 a greater sentence?

22 A. That's understood.

23 Q. Okay. All right. But given all of that, you  
24 wish to proceed today?

25 A. Yes, sir.

1 Q. All right, sir. Now, you were represented by  
2 whom?

3 A. At the time I had Public Defender Courtney  
4 Gibbs, Richland County.

5 Q. All right, sir. And was she the -- it was  
6 always Ms. Gibbs who represented you?

7 A. Yes, sir. The entire time when I was at -- in  
8 the county, yes, sir.

9 Q. All right, sir. So that leads up to the next  
10 question. You were -- did you make bond, or were  
11 you in the county all of this time?

12 A. No, sir. The first -- I made bond one week. I  
13 was in the county for six days, I made bond, and  
14 then Richland County came back and got me for no  
15 apparent reason.

16 I was on my way to school like on a Tuesday  
17 morning I think. I was on the way to school like  
18 four days after I was bonded out. Four days later,  
19 they came back and got me, and I sat in there on a  
20 \$350,000 bond the whole entire time. And that's  
21 when I had court again for everything, like I did  
22 nothing. I did no crimes whatsoever. You know,  
23 they just came back and got me. I spent like 1500  
24 to get out before.

25 Q. Okay. So -- so when they came back and got

1           you, how long were you in the county jail?

2           A.     I spent nine-and-a-half months, maybe a --  
3           maybe a full ten until I went to court in General  
4           Sessions and took the plea.

5           Q.     Savoyy, this is -- the purpose of that question  
6           is, if you were in the county detention center, what  
7           kind of access did you have to your defense  
8           attorney?

9           A.     She came to see me several times, maybe like  
10          five or six times.

11          Q.     Okay. And you discussed this -- this case with  
12          her?

13          A.     Yes. Yes, sir.

14          Q.     All right.

15          A.     In the county?

16          Q.     (No response.)

17          A.     In the county?

18          Q.     Yes, sir.

19          A.     Yes, sir.

20          Q.     Okay. Now, you went through a process of  
21          trying to negotiate a plea or a trial?

22          A.     It was a plea.

23          Q.     Okay. So how did that come about? How did  
24          you -- what kind of process or what thought process  
25          ended -- ended up with you taking this plea?

1 A. Courtney Gibbs, she -- she came to me. She  
2 came to me three times. She came to me twice with  
3 the -- with the same plea. It was a minimum of 10  
4 and a maximum of 20.

5 And the first time I told her like, no, I don't  
6 really want a -- I don't want to plead to that.  
7 This is my first conviction. I don't feel as if  
8 that's -- that's -- that's -- that's me. You're  
9 asking me to cooperate; so, therefore, if I  
10 cooperate, I should be getting the minimum of the  
11 sentence whatsoever.

12 And she came to me -- she came maybe two weeks  
13 later with the same plea. And she told me that if I  
14 didn't take this plea, that I would be going to  
15 trial and they would be serving me the maximum  
16 because I did what she told me. I really wasn't  
17 understanding any -- any of this, but I knew that I  
18 needed to go take this plea that she was offering or  
19 else it would be worse.

20 Q. Okay.

21 A. A minimum of 10 and a maximum of 20.

22 Q. All right. Now, that -- your understanding  
23 what we've discussed, that understanding of the plea  
24 became further kind of refined? In other words, you  
25 had an understanding that was beyond the 10 to 20

1 offer?

2 A. Yes, sir.

3 Q. And what was that understanding that you had  
4 about the plea?

5 A. I had the understanding of if I wanted to take  
6 the plea, that I would be receiving the minimum of  
7 the plea. And that was the only thing that she was  
8 able to do for me.

9 Q. So -- so why did you think that?

10 A. Because she -- she -- she told me. She offered  
11 me -- the second time that she came back and was  
12 not -- she was forcing me, but not really forcing  
13 me. She was repeating herself constantly, you know,  
14 like it's -- it's -- it's either now or not -- or  
15 never like. And she told me, she wasn't lying.

16 Q. Okay.

17 A. And I was going to court two weeks after she  
18 came to see me the last time. They called me down  
19 to court, and she was there again at the courtroom.

20 Q. Now -- so I would assume that at some point in  
21 time, this did not go according to what your  
22 understanding was, this plea?

23 A. In -- inside the courtroom, correct. I -- I  
24 received a 15-year sentence, and that -- that is not  
25 something that me and her agreed upon. That's not

1 something that we discussed.

2 Q. Okay. Because it was your understanding that  
3 what you were going to receive was going to be the  
4 ten?

5 A. Correct.

6 Q. Now, you understood though that the -- the  
7 range was 10 to 20?

8 A. Yes, sir.

9 Q. But in -- in your mind or your understanding,  
10 that range of 10 to 20 had been further refined in  
11 that you thought what you I believed was that you  
12 would get the lower end, which was the 10, the  
13 minimum?

14 A. The minimum. Yes, sir.

15 Q. Okay. And is that the basis for you entering  
16 into the plea?

17 A. Indeed.

18 Q. Okay. All right. So you appear before the  
19 Court. You understand that the judge asked you  
20 questions about whether you were pleading freely and  
21 voluntarily, that you were giving up certain rights,  
22 you know, for a jury trial and those kind of things.  
23 And I would assume that you answered those to the  
24 satisfaction of the Court?

25 A. Yes, sir.

1 Q. Okay.

2 A. I looked at -- I looked at Courtney Gibbs for  
3 approximately a matter of seconds to see, you know,  
4 any type of fascial expressions to give me what --  
5 which way to go. I agreed with the Honor.

6 Q. All right, sir. Now, when you were sentenced  
7 and you received the 15-year sentence, what, if  
8 anything, did you ask Ms. Gibbs about this?

9 A. I asked her what exactly -- how much -- how  
10 much time would I be serving. And she was saying it  
11 would be a 15-year, 85 percent, but I -- I was  
12 telling her, like, that's impossible. It's a --  
13 it's a 10-year sentence for the strong armed  
14 robberies, and she was telling me that the armed  
15 robberies override the strong armed robberies, and  
16 that's the reason why I had a 15-year, 85 percent  
17 sentence.

18 And I asked her why didn't I receive ten. And  
19 she said that's -- that's impossible, that she was  
20 saying that -- that -- that I would be getting it  
21 some way, either with the 75 percent parole or  
22 either with -- with the -- with -- with the appeal  
23 that she said she would be putting in immediately  
24 after us leaving the courtroom -- immediately after  
25 us leaving out of that courtroom.

1           While I'm in handcuffs right beside her, we  
2 discussed her doing an appeal, and she said that I  
3 needed to file the notice also whenever I got the  
4 opportunity, and I did that.

5           Q.    All right.  So you thought that -- it was your  
6 understanding that she was going to take care of  
7 this appeal for you?

8           A.    Yes, sir.

9           Q.    Okay.  Now, two questions in regards to this.  
10 Why did you ask her to file this appeal?

11          A.    Because she -- she mentioned that I was  
12 supposed to be getting the ten, but she -- she's not  
13 understanding why I don't have the ten.  All -- all  
14 she said that I'm supposed to have a 10-year  
15 sentence all the way through, and she said that the  
16 judge had gave me 15 for those two armed robbery  
17 sentences.

18          Q.    All right.  Now, you understand that this is a  
19 post-conviction.  If the judge sets aside this  
20 conviction, you would either -- you could either  
21 enter into another plea or take this case to trial.  
22 You understand that?

23          A.    Okay.

24          Q.    Okay.  And that's something that you would  
25 like -- that you're willing to do?

1 A. Indeed.

2 Q. Okay. All right. Now, Mr. Woodard, after  
3 counsel told you that she would take care of this  
4 plea for you, what, if anything, happened after  
5 that?

6 A. Nothing whatsoever. Like, I went to court  
7 January the 22nd, and I -- I -- I went to R&E on my  
8 birthday. January the 24th, I got there. On  
9 January the 25th, like the next night, I wrote on a  
10 computer piece of paper to the clerk of court --  
11 Richland County Clerk of Court that "I, Savoy  
12 Woodard, would like to notice of an appeal. My  
13 Public Defender, Courtney Gibbs. Sincerely, Savoy  
14 Woodard." Like I really didn't know the direction  
15 of what to do whatsoever. I just sent it to the  
16 county clerk of court.

17 Q. All right. So you were actually inquiring more  
18 or less about the status of -- of the appeal?

19 A. Yes. Yeah, I was -- I was seeing if it was  
20 already input, you know, like I didn't know because  
21 she was supposed to be doing all of that, but my  
22 family -- my mother didn't have any -- any  
23 information or anything to call her. When she did  
24 call, there was -- she never responded to her.

25 Q. Okay. Now, did you -- do you receive any

1 correspondence from the clerk's office that came  
2 back to you?

3 A. In -- in the Richland County Clerk of Court,  
4 Janet McBride had wrote me back a letter and it said  
5 that she had sent -- she had sent the letter -- the  
6 notice to the Public Defender's Office and the  
7 Solicitor's Office.

8 And it had two checks on it, the Public  
9 Defender's Office check and the Solicitor's Office  
10 checked. And she sent it to my public defender.  
11 And then after that, it's been nothing whatsoever.  
12 Never have I received anything whatsoever.

13 Q. Okay. All right. And I know it's difficult to  
14 keep paperwork in the Department of Corrections. Do  
15 you have a copy of that letter?

16 A. No, sir. I lost my property in 2014, right  
17 before the year 2015. I lost a lot of mail and a  
18 lot of property. I filed grievances to get, you  
19 know, like some of my property back, but the mail  
20 and stuff could never be replaced. The institution  
21 are the ones who lost my property, but I lost that  
22 when I went to the medical.

23 Q. Okay. Did you make an attempt to obtain a copy  
24 of that letter from the clerk's office?

25 A. Indeed I did. And I discovered that the file

1 was not in the -- in the Richland County Clerk's  
2 Office. Janet McBride then told me that Courtney  
3 Gibbs was no longer a public defender for Richland  
4 County. She was the public defender for another  
5 county, if I'm not mistaken, Charleston County ---

6 Q. Okay.

7 A. --- for the year 2015.

8 Q. So in essence you were unable to get a --  
9 obtain a copy of that -- of that correspondence?

10 A. Indeed. She said she didn't have a copy at  
11 that time that she sent to the -- I mean, to  
12 Ms. McBride.

13 Q. All right. Savoyy, just another couple of  
14 questions. So you have requested that counsel file  
15 an appeal on your behalf?

16 A. Counsel who?

17 Q. You ask -- you asked Ms. Gibbs to file an  
18 appeal for you?

19 A. Yes, sir.

20 Q. Okay. And ---

21 A. In the courtroom that day.

22 Q. Okay. And the -- and the judge at your  
23 sentencing advised you that you were entitled to an  
24 appeal?

25 A. Indeed. That's why I asked her, you know,

1 immediately in the courtroom ---

2 Q. Okay.

3 A. --- to do that.

4 Q. And -- and that appeal was never filed?

5 A. No, sir. Never.

6 Q. All right. Savoyy, I'm not implying that I  
7 have forgotten something or I've left something out,  
8 but I'd like to ask you this question. Is there  
9 anything else that I have not raised on your behalf  
10 or I may have mistakenly left out that you feel is  
11 important for this Court to -- to know today?

12 A. I -- I really feel that I myself deserve better  
13 sentencing due to the fact that it was my first  
14 conviction and the public defender asked me to  
15 cooperate to receive the bare minimum of the  
16 sentencing of the plea. And I did that and  
17 incriminated myself doing what she asked me to do,  
18 and I'm very emotional and hurt by it. It -- it's  
19 kind of a sentence of betrayal like.

20 Q. I understand. I understand.

21 Your Honor, we have -- I'm sorry. I'm sorry,  
22 Savoyy, was there more?

23 A. I sent my mother to -- to the clerk of court in  
24 the year 2015 to check to see if the clerk of court  
25 had the file or to see if she could speak with

1 Courtney Gibbs. And that's when she actually  
2 discovered that Courtney Gibbs was actually gone  
3 from Richland County court for the time.

4 And she didn't have the record on file, she  
5 didn't have the notice of an appeal on file, and she  
6 didn't have the letter that she sent to the Public  
7 Defender's Office or the Solicitor's Office. And my  
8 mother did have the date -- a date that she went  
9 down there to the court -- to the court office, you  
10 know.

11 MR. THOMAS: Okay. All right. Your Honor, we  
12 have no further questions.

13 THE COURT: Okay. Cross-examination,  
14 Mr. Davidson?

15 MR. DAVIDSON: Your Honor, I have no questions.

16 THE COURT: No response.

17 MR. DAVIDSON: I have no questions, Your Honor.

18 THE COURT: Mr. Thomas, anything else?

19 MR. THOMAS: No, Your Honor. That's the  
20 applicant's -- the applicant's case.

21 THE COURT: Mr. Davidson, do you have anything  
22 to present?

23 MR. DAVIDSON: The State would call Courtney  
24 Gibbs.

25 THE COURT: All right. Ms. Gibbs, if you would

1           come around and raise your right hand.

2           THE WITNESS: (Complying.)

3           THE COURT: Do you solemnly swear to tell the  
4 truth, the whole truth, and nothing but the truth so  
5 help you God?

6           THE WITNESS: I do, Your Honor.

7           THE COURT: And identify your name for the  
8 record.

9           THE WITNESS: My name is Courtney Gibbs.

10          THE COURT: All right. Mr. Davidson, you may  
11 proceed.

12          MR. DAVIDSON: Thank you, Your Honor.

13                               COURTNEY GIBBS,

14 having been produced and first duly sworn as a  
15 witness on behalf of the State, testified as  
16 follows:

17                               DIRECT EXAMINATION

18 BY MR. DAVIDSON:

19 Q.    Good morning, Ms. Gibbs.

20 A.    Good morning.

21 Q.    How long have you been practicing law?

22 A.    Thirteen years I believe.

23 Q.    And how much of that time has been in criminal  
24 law?

25 A.    The entire time.

1 Q. Were you appointed or retained to represent  
2 Mr. Woodard?

3 A. I was appointed as a Public Defender.

4 Q. And do you recall how many times you met with  
5 Mr. Woodard in the course of your representation?

6 A. Not exactly, but I believe what he said sounds  
7 correct. Probably like six to eight times. Around  
8 that.

9 Q. And what was your client's inclination as to  
10 how to resolve these charges?

11 A. If I remember correctly, this was a difficult  
12 case because there were several charges, several  
13 different incidents. The evidence was difficult  
14 because there was video. And just some of the --  
15 the evidence was not favorable in a lot of the  
16 cases, so we did discuss plea versus trial.

17 I believe my recollection was, the Solicitor  
18 was willing to offer a cap of 20 on the armed  
19 robberies. I know there was negotiation back and  
20 forth. I was trying to get it reduced. I know his  
21 family was -- was hoping for a Youthful Offender Act  
22 sentence, just due to the age of -- his age, and it  
23 was his first.

24 I don't recall him having a record, but the  
25 Solicitor would not reduce the charges. The best

1           that we could get was a minimum of 10 to 20 range  
2           for a plea, but it was all -- we discussed trial. I  
3           know we discussed the possibility of what would  
4           happen if he did get convicted. We discussed the  
5           evidence that would be presented to the jury, and  
6           the decision was made to make a -- to enter in a  
7           plea.

8           Q.     So he did eventually plead guilty. And you  
9           kind of went over it a little bit, but can you go  
10          over the terms that were outlined as far as what he  
11          was going into the plea hearing?

12          A.     The terms that I recall is that there was a cap  
13          of 20 on the armed robberies, and that it was a  
14          concurrent recommendation. But it was -- it was  
15          difficult because there were -- they were strong  
16          armed robberies that could add nonviolent sentences.

17                 But the two armed robberies, I was unable to  
18          get the Solicitor to reduce those charges. And so  
19          the understanding was that it was a range of 10 to  
20          20 on the armed robberies, but concurrent for  
21          everything.

22          Q.     And did he understand that he could get  
23          sentenced more than the minimum?

24          A.     Yes. My recollection was that obviously I'm  
25          always going to be asking for the minimum so that I

1 agree with him, he did not have a record. And I  
2 always want to get the best sentence for my client,  
3 but I don't recall there being any -- I mean, it was  
4 not a negotiated sentence. There was not a promise  
5 that he would get a minimum sentence.

6 I believe there could've been conversations  
7 that due to his record, obviously it was very --  
8 that I should ask for the minimum sentence and  
9 that's what I would be doing. But there was no -- I  
10 don't recall any promise that that's what he was  
11 going to get or any plea negotiation or any  
12 assurances from the judge or anything like that.

13 Q. And whose decision was it to plead guilty?

14 A. It was his.

15 Q. Did you think that was in his best interest?

16 A. Yes.

17 Q. If he had wanted to go to trial, would you have  
18 done so?

19 A. Yes.

20 Q. And specifically to the direct appeal issues,  
21 do you recall your discussing Mr. Woodard's right to  
22 appeal?

23 A. I know we discussed it. Before every plea, we  
24 call it an "advice of rights" form, and I went  
25 through all of his rights, including the right to

1 trial. That included a right, you have ten days to  
2 file an appeal. We do that so he's prepared when we  
3 go in front of the judge, and the judge did ask the  
4 same questions.

5 So they did discuss that he had a right to an  
6 appeal, but I don't recall or have any -- anything  
7 in my notes or any recollection that he asked me to  
8 file an appeal right after the plea.

9 Q. And is it your practice to file an appeal if  
10 the client asks you to?

11 A. Yes.

12 Q. So if he would've asked, you would've filed  
13 one?

14 A. Yes.

15 Q. Did he give you any inclination that he wanted  
16 to appeal?

17 A. I don't have any recollection of him asking for  
18 an appeal.

19 Q. During the plea, did you see any appealable  
20 issues at the plea hearing?

21 A. No. I believe this would be if we did file an  
22 appeal, would've been a -- an appeal where it would  
23 say it was a guilty plea. And because my client  
24 asked to file an appeal, that's we filed an appeal.  
25 I don't recall any legal issues that happened during

1 the plea.

2 Q. And you just mentioned your notes. Those are  
3 your notes from his case file?

4 A. Yes. I don't have full disclosure. I don't  
5 have access to the actual physical copy of the case  
6 file, but I did get sent my notes from the -- from  
7 the case system that the Richland County Public  
8 Defender's Office uses.

9 Q. And is it your practice if a client asks you to  
10 appeal, you would include that in your notes?

11 A. Yes. Yes, I believe so. I mean, it would be  
12 an immediate -- my paralegal would add that she's  
13 filing the appeal and the process that would have  
14 gone forward, and, yeah, that would be noted. But I  
15 just -- I don't -- and to be fair to Mr. Woodard,  
16 it's been several years. I don't -- I just -- I  
17 don't have any recollection of him asking for an  
18 appeal. And this did not seem like -- I don't  
19 recall any -- anything that happened after the plea  
20 that would make me think that this was an appeal  
21 that needed to be filed.

22 MR. DAVIDSON: All right. Thank you,  
23 Ms. Gibbs. No further questions.

24 THE COURT: Cross-examination, Mr. Thomas.

25 CROSS-EXAMINATION

1 BY MR. THOMAS:

2 Q. I just have a ---

3 THE COURT: I didn't hear you, so go ahead.  
4 Start over.

5 BY MR. THOMAS:

6 Q. Oh, okay. All right. Ms. Gibbs, good morning.  
7 Thank you for being here.

8 A. Good morning.

9 Q. Just a couple of questions. This was back in  
10 2013. And I know all of our memories are difficult,  
11 you know, as the number of cases that we represent.  
12 You think that you have no recollection of him  
13 asking for an appeal?

14 A. Correct.

15 Q. Okay. It's possible that he could've asked for  
16 an appeal?

17 A. I mean, absolutely. I mean, I wouldn't say  
18 that I remember everything 100 percent, but I -- I  
19 certainly don't recall that, but it is possible.

20 Q. But it is possible. And do you remember  
21 offhand whether or not he was satisfied with the  
22 sentence or whether he was upset at the sentence?

23 A. I think my recollection would be that he didn't  
24 want a 10-year sentence, so probably was not  
25 100 percent satisfied with that sentence.

1 Q. Okay. And so it -- it could potentially make  
2 sense that if he was not satisfied or he was upset  
3 with that sentence that he would've asked you to  
4 appeal that decision?

5 A. Sure. That would make sense.

6 MR. THOMAS: Okay. Your Honor, I have no  
7 further questions.

8 THE COURT: Any redirect, Mr. Davidson?

9 MR. DAVIDSON: Briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. DAVIDSON:

12 Q. Ms. Gibbs, you said that he may have been upset  
13 because he got the 15 years rather than the 10  
14 minimum, correct?

15 A. Yes.

16 Q. However, you also testified that you didn't  
17 recall having any recollection of him giving you an  
18 inclination that he wanted to appeal. So even  
19 though he might've been upset, that did not make you  
20 think he would want to appeal?

21 A. No. I think -- I mean, I think I do. I mean,  
22 I -- it's hard, but I don't recall, again, that he  
23 asked to file an appeal. I think it was -- it's  
24 natural just -- and what I do that if you were  
25 seeking a minimum sentence and the judge doesn't

1 give you that minimum sentence, the norm is there's  
2 going to be -- my clients are usually -- they're not  
3 100 percent happy with what happens if they don't --  
4 if they don't get what I'm trying to get knowing  
5 that it's up to the judge. So that's my  
6 recollection that, yes, he wanted a ten-year  
7 sentence, but I don't remember him asking for an  
8 appeal.

9 Q. And in situations similar to this when clients  
10 are upset because they don't get the minimum, is  
11 them being upset a basis for you to file an appeal?

12 A. No.

13 MR. DAVIDSON: Nothing further, Your Honor.

14 THE COURT: All right. Anything else from the  
15 State?

16 MR. DAVIDSON: No, Your Honor.

17 THE COURT: All right. Anything else on behalf  
18 of the petitioner?

19 MR. THOMAS: No, Your Honor. I would like, if  
20 I may, just to have a minute or two just to briefly  
21 summarize our position in this, Your Honor.

22 THE COURT: All right.

23 MR. THOMAS: If it pleases the Court. I just  
24 finished my notes.

25 THE COURT: That's fine. Yeah, I'll give you a

1 minute. Be glad to.

2 MR. THOMAS: Yes, sir. This is an unusual  
3 case, and I talked to Savoyy about it. It got to me  
4 late and we reviewed the case. And, of course, we  
5 noticed obviously the problem with the  
6 post-conviction relief not being filed timely.

7 I filed this action with the understanding with  
8 Savoyy that really what we're dealing with is the  
9 belated direct appeal. I do think that there is  
10 evidence in this case that he requested the -- the  
11 appeal. I think there's evidence that he attempted  
12 to follow through with this -- with the -- the clerk  
13 of court, that he received response from the clerk.  
14 Unfortunately, those -- that information is not  
15 available as far as in a -- in a letter, but I think  
16 that we meet the burden in the standard for being  
17 granted the belated appeal.

18 And this is kind of where we're going with it.  
19 I don't know what the Court of Appeals is going to  
20 do. We may not be able to get beyond the  
21 explanation part of appealing a -- a guilty plea,  
22 but we would ask the Court to allow us to do that.  
23 I think that clearly there is evidence, and that's  
24 why we went into the facts about the plea itself and  
25 really the voluntariness, knowing and intelligently,

1 freely and voluntarily given. I think there is a  
2 question as to whether or not that happened.

3 He is, in essence, barred from the PCR which  
4 would be infective assistant side, but the -- the  
5 plea process is, if it's not freely and voluntarily,  
6 knowingly and intelligently given, it is a  
7 fundamental denial of due process. There is a  
8 constitutional issue here.

9 What we're asking the Court, if you would grant  
10 the belated appeal as to allow us to present that  
11 issue to the Appellate Court to make a determination  
12 if, in fact, one, they would let it go forward, and,  
13 two, they would hear it. And then, of course, we  
14 would then have to go into more briefer detail in  
15 regarding to why it was not invol -- why it was not  
16 voluntarily given.

17 I think one of the things that jumped out at  
18 me ---

19 THE COURT: Let me ask you this, Mr. Thomas. I  
20 think ultimately when you're asking the final  
21 question, I mean, his whole -- it wasn't a  
22 constitutional issue. As he just said, "I thought I  
23 was getting 10 and I got 15."

24 MR. THOMAS: Well, I think it runs -- I think  
25 that's the surface of it, but I think that issue

1 runs deeper down to if -- if he -- if the Court was  
2 to find -- not this Court, of course, but if a Court  
3 was to find that his understanding was that he was  
4 going to receive the minimum sentence and that his  
5 agreement to enter into the plea was based upon  
6 that, no matter whether or not, you know, there was  
7 information about 10 to 20. I think we've kind of  
8 gone beyond that, then I think that the plea is  
9 involuntary.

10 And I think it's -- it's -- it's not his  
11 necessarily completely his expectation. It is the  
12 motivation and understanding that created a  
13 situation for him to enter into the plea, and -- and  
14 that would be our argument.

15 And then if that happens, then it is a  
16 fundamental denial of due process. And I think  
17 there is a difference and I haven't worked this  
18 completely through, but, you know, you have the  
19 ineffective assistance of counsel side  
20 post-conviction relief, and then, you know, in my  
21 discussions with him and his testimony on the stand  
22 is this thing about understanding, "I understood  
23 this is what I thought I was going to get."

24 And that's the crux of our argument in that  
25 this understanding prevented him from entering to

1 the plea voluntarily. And as a result, it is a  
2 denial of due process.

3 THE COURT: All right. Thank you.

4 Mr. Davidson?

5 MR. DAVIDSON: May it please the Court? The  
6 State would submit that Mr. Woodard has failed to  
7 establish ineffective assistance of counsel as far  
8 as the White belated appeal issue.

9 Ms. Gibbs testified she would've discussed with  
10 Mr. Woodard his right to appeal before the plea  
11 hearing and that the judge also mentioned his appeal  
12 rights during the plea hearing. She testified she  
13 didn't recall him ever asking her to appeal, and  
14 from her recollection never showed any interest in  
15 filing a direct appeal. However, she also testified  
16 it's her practice that if a client asks her to  
17 appeal, she does file one.

18 Also, Ms. Gibbs testified that she saw no  
19 appealable issues with the plea hearing. And if she  
20 had, she would've filed a direct appeal. Instead,  
21 she said if she were to have filed an appeal, it  
22 would've been an Anders appeal.

23 In conclusion, applicant -- or Mr. Woodard,  
24 sorry, has failed to satisfy the requirements set  
25 forth in the *Rowe v. Flores-Ortega* test and,

1           therefore, he's failed to show he's entitled to a  
2           belated direct appeal under *White v. State*. And as  
3           such, his application should be denied and dismissed  
4           with prejudice.

5           THE COURT: Mr. Thomas, final words?

6           MR. THOMAS: Your Honor, just in pointing out  
7           the obvious, defense counsel did say that she didn't  
8           reckon -- she didn't remember whether or not  
9           Mr. Woodard had filed or asked her to file a direct  
10          appeal, but on cross she did say that she didn't  
11          know. She said that it was possible that he  
12          could've asked. It's been a number of years. She  
13          doesn't have access to her complete file. She just  
14          had some of the notes. I don't know exactly what  
15          those are, but she did say that it was possible that  
16          he could've asked. And we believe that there's  
17          sufficient evidence for the Court to grant the  
18          belated appeal.

19          THE COURT: Well, and I think in looking at  
20          this file and reviewing the testimony that was  
21          presented, I just -- sorry, Mr. Thomas, but I'm  
22          going to -- I believe that Mr. Woodard has not met  
23          the burden necessary for belated appeal, so I'm  
24          going to deny your request there and ask that  
25          Mr. Davidson submit a proposed order.

1 MR. THOMAS: Thank you, Your Honor.

2 MR. DAVIDSON: Yes, Your Honor.

3 THE COURT: I guess that concludes our hearings  
4 today, and I'll go ahead and end this. If anybody  
5 has any questions, let me know.

6 (The proceedings concluded at 11:09 a.m.)

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## 1 C E R T I F I C A T E O F R E P O R T E R

2  
3 STATE OF SOUTH CAROLINA

4 COUNTY OF RICHLAND

5  
6 I, the undersigned, Lisa Scott, Circuit Court  
7 Reporter for the Fifth Judicial Circuit of the State  
8 of South Carolina, do hereby certify that the  
9 foregoing is a true, accurate and complete  
10 transcript of record of all the proceedings had and  
11 the evidence introduced in the hearing of the  
12 captioned cause, relative to appeal in the Circuit  
13 Court for Richland County, South Carolina, on the  
14 3rd day of December, 2020.

15 I do further certify that I am neither of kin,  
16 counsel, nor interest to any party hereto.

17  
18 April 26, 2021

19  
20 /s/Lisa Scott

21  
22 *Lisa Scott*  
23 *Circuit Court Reporter*  
24  
25

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 Savoy Woodard, #353988, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent, )  
 )

IN THE COURT OF COMMON PLEAS  
 FOR THE FIFTH JUDICIAL CIRCUIT

2019-CP-40-6527

**ORDER OF DISMISSAL**

2021 JAN 21 AM 10:18  
 FILED  
 RICHLAND COUNTY  
 JANE E. W. MCLENDEN  
 C.C.P., G.S., & F.C.

This matter comes before the Court by way of Savoy Woodard’s (Applicant) application for post-conviction relief (PCR) filed November 20, 2019. The State made its return and partial motion to dismiss all claims but *White v. State*, on or about June 15, 2020.

An evidentiary hearing convened on November 30, 2020, via Cisco Webex Meetings<sup>1</sup> at which time Applicant was present and represented by Tommy A. Thomas, Esquire. Assistant Attorney General Michael D. Davidson of the South Carolina Attorney General’s Office represented the State. At the hearing, Applicant testified on his own behalf. Respondent presented testimony from Courtney Gibbes, Esquire (“Counsel”).

Following a thorough review of the record in its entirety, as well as the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to meet his requisite burden of establishing any constitutional violations and denies this application.

<sup>1</sup> The remote hearing was scheduled pursuant to our Supreme Court’s administrative orders Re: Operation of the Trial Courts During the Coronavirus Emergency, S.C. Sup. Ct. Order amended Apr. 22, 2020 (Shearouse Adv. Sh. No. 17), and Re: Video/Audio Conferencing Hearings Statewide, Order No. 2020-04-30-01 (S.C. Sup. Ct. Order filed Apr. 30, 2020).

### PROCEDURAL HISTORY

The records before this Court establish Applicant is confined in the South Carolina Department of Corrections (SCDC) pursuant to orders of commitment of the Richland County Clerk of Court. Applicant was indicted at the August 2012 term of the Richland County Grand Jury for two counts of armed robbery (2012-GS-40-4001, -3993), two counts of strong armed / common law robbery (2012-GS-40-3999, -3980), one count of attempted armed robbery (2012-GS-40-3960), one count of first-degree assault and battery (2012-GS-40-3982), one count of assault and battery of a high and aggravated nature (ABHAN) (2012-GS-40-3959), and one count of possession of a stolen vehicle, \$2,000–\$10,000 (2012-GS-40-3998). Applicant was represented by Assistant Public Defender Courtney Ann Gibbes. Assistant Solicitor Kathryn Ashton prosecuted the case.

On January 22, 2013, Applicant pleaded guilty as indicted to all charges, before the Honorable DeAndrea Benjamin. The State recommended concurrent sentences. Judge Benjamin sentenced Applicant to serve concurrent terms of fifteen years for each armed robbery, fifteen years for each strong armed robbery, fifteen years for attempted armed robbery, ten years for first-degree assault and battery, ten years for ABHAN, and ten years for the stolen vehicle charge. Applicant did not appeal.

### ALLEGATIONS

In his current application, Applicant alleges he is unlawfully held in custody for the following reasons:

1. Ineffective assistance of counsel:
  - a. Where Applicant entered into an involuntary guilty plea because “Applicant was told by Public Defender . . . that he was to receive the minimum for all Armed Robbery charges due to this being his first conviction.”

- b. Where plea counsel failed to file a direct appeal when "Applicant asked Defense attorney to file for [a]ppeal, but it was not filed."

Applicant requests relief in the form of a belated appeal.

Prior to the commencement of the evidentiary hearing, the State renewed its motion to dismiss all claims but for his claim he is entitled to a belated appeal.<sup>2</sup> While counsel for Applicant argued in opposition to the State's motion, he acknowledged that Applicant filed his application after the statute of limitations had expired. Based on the State's motion and argument from counsel, this Court granted the State's partial motion to dismiss all claims except the belated appeal claim, and considered the issue of whether he is entitled to a belated direct appeal pursuant to *White*.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court also had before it the records of the Richland County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, the application, the State's return, and the plea transcript. This Court has further had the opportunity to observe each witness who testified at the hearing and to closely pass upon their credibility. This Court has reviewed the trial court record and has heard the testimony of both Applicant and Counsel. The Court finds Counsel's testimony on these issues to be credible, while also finding Applicant's testimony is not credible. This Court has therefore weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by S.C. Code Ann. Sec. 17-27-80 (2003).

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<sup>2</sup> Pursuant to *White v. State*, 263 S.C. 110, 119, 108 S.E.2d 35, 39 (1974).

Here, the only issue before the Court is whether Applicant is entitled to a belated appeal pursuant to *White*. The United States Supreme Court has rejected a bright-line rule that counsel must always consult with the defendant regarding an appeal. *Roe v. Flores-Ortega*, 528 U.S. 470, 480 (2000). Instead, “counsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing.” *Id.* Further, “a highly relevant factor in this inquiry will be whether the conviction follows a trial or a guilty plea, both because a guilty plea reduces the scope of potentially appealable issues and because such a plea may indicate that the defendant seeks an end to judicial proceedings.” *Id.*

The South Carolina Supreme Court has held there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea, absent extraordinary circumstances. *Turner v. State*, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). However, the bare assertion that a defendant was not advised of appellate rights is insufficient to grant relief. *Weathers v. State*, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995). Instead, a defendant must offer proof that extraordinary circumstances exist such that he should have been advised of the right to appeal. *Id.* One situation in which extraordinary circumstances arise is when a defendant explicitly inquires about his right to appeal following a guilty plea. *Jones v. State*, 382 S.C. 589, 596, 677 S.E.2d 20, 23-24 (2009); *Weathers*, 319 S.C. at 61, 459 S.E.2d at 839.

In a post-conviction relief action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove “counsel’s conduct so undermined the proper functioning of the adversarial process that the

[proceeding] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Strickland*, 466 U.S. at 689. A PCR applicant must overcome this presumption in order to receive relief. *Cherry v. State*, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. *Id.* at 117, 386 S.E.2d at 625. First, Applicant must prove counsel’s performance was deficient. *Id.* Under this prong, the court measures an attorney’s performance by its “reasonableness under professional norms.” *Id.* (quoting *Strickland*, 466 U.S. at 688). Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* at 117-18, 386 S.E.2d at 625. To show prejudice in these circumstances, a defendant must demonstrate that there is a reasonable probability that, but for plea counsel’s deficient failure to consult with him about an appeal, he would have timely appealed. *Flores-Ortega*, 528 U.S. at 484.

In *White v. State*, 263 S.C. 110, 108 S.E.2d 35 (1974), the South Carolina Supreme Court held that even if the post-conviction relief court finds that the Applicant never voluntarily and intelligently abandoned his appeal, the court has no jurisdiction to grant a belated appeal. Therefore, where an accused establishes in a post-conviction relief hearing that he was unconstitutionally deprived of his statutory right to a direct appeal, the South Carolina Supreme

Court, upon an appeal of the post-conviction relief decision, will review the trial record and pass upon all issues properly raised and argued as if the direct appeal has been perfected.

Here, Applicant pleaded guilty on January 22, 2013. Applicant testified he pleaded freely and voluntarily and he was aware of his right to appeal his guilty plea. Applicant testified he asked Counsel to file an appeal immediately after he was sentenced to fifteen-years because he thought he was going to get ten years; however, Applicant conceded that he was aware that the judge could sentence him to any number between the minimum ten years and the maximum twenty years. Applicant testified he wrote a letter to the Clerk of Court in Richland County informing her he would like a notice of appeal and that the Clerk responded that she sent notice to the proper parties; however, Applicant presented no evidence of any proof of the letters. Applicant conceded he did not try to follow up with Counsel via another method such as a letter, a collect call, or another fax.

Counsel testified she discussed an appeal with Applicant before his plea while going over the "Advice of Rights" form. Counsel testified she explained to Applicant that the plea offer was a minimum of ten years and a maximum of twenty years. Counsel testified she explained to Applicant that she would ask Judge Benjamin to impose the minimum ten years, but ultimately Judge Benjamin had the discretion to sentence him up to twenty years. Counsel testified Applicant understood he could get any range of years between the two and that Applicant understood and still wanted to plead guilty. Counsel testified Applicant never asked her to file an appeal, but if he had, she would have done so. Counsel further testified Applicant never showed any interest in pursuing a direct appeal; however, if he had done so, she would have filed an appeal. Additionally, Counsel testified she saw no appealable issues with Applicant's guilty plea hearing, but if there had been any meritorious issues, she would have filed a direct appeal.

This Court finds Applicant has failed to meet his burden of proving he did not voluntarily and intelligently waive his right to appeal. By Applicant's own admission, he was aware he had the right to appeal if he wished. Additionally, this Court finds credible Counsel's testimony that Applicant never asked her to appeal and never showed any interest in pursuing a direct appeal. Further, this Court finds credible Counsel's testimony that she saw no appealable issues with Applicant's guilty plea hearing. Accordingly, this Court finds Applicant has failed to satisfy the requirements set forth in the *Roe v. Flores-Ortega* test and therefore, he has failed to show he is entitled to a belated direct appeal under *White v. State*.

Therefore, Applicant's request for belated review of direct appeal issues pursuant to *White* is hereby **DENIED**, and the application is dismissed with prejudice.

#### CONCLUSION

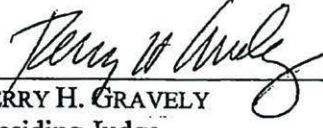
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 306 S.C. 453 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. The application for post-conviction relief be dismissed with prejudice; and
2. Applicant be remanded to the custody of the State.

AND IT IS SO ORDERED this 12<sup>th</sup> day of January, 2021.

  
\_\_\_\_\_  
PERRY H. GRAVELY  
Presiding Judge  
Fifth Judicial Circuit

Pricken, South Carolina

**WITNESSES**

(S) Inv. Joseph Clarke - RCSD

**ARREST WARRANT NUMBER**

1902912

**ACTION OF GRAND JURY**

**TRUE BILL**

*Joe R. Koenig*  
Foreperson of Grand Jury  
Date: **AUG 15 2012**

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012-GS-40-03999

**The State of South Carolina**

County of

Richland

**COURT OF GENERAL SESSIONS**

**AUGUST TERM 2012**

116

**THE STATE  
vs.**

**Savoy Luvme Woodard**

**Indictment for  
ARMED ROBBERY**

SC Code: 16-11-0330(A)  
CDR Code: 0139

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

*Savoy Luvme Woodard*  
hereby appear in my own proper person and plead guilty to the within indictment or to

*Strong Arm Robbery*

*Savoy Woodard*  
Defendant

Witness:  
*Country Boy*  
C.C.C. PLS. AND G.S.

FILED TRUE COPY  
RICHLAND COUNTY  
SOUTH CAROLINA



Judge Shealy  
 on 5/15/12  
 Type and Amount: 50,000.00 cash  
 Name of Surety: (one)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

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PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 Defendant Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 by \_\_\_\_\_  
 (Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_

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CODEFENDANTS

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**WITNESSES**

(S) Inv. Robert Martin - RCSD

**ARREST WARRANT NUMBER**

1902873

**ACTION OF GRAND JURY**

**TRUE BILL**

*Jill R. Koenigs*  
Foreperson of Grand Jury

Date: AUG 15 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012-GS-40-04001

**The State of South Carolina**

County of

Richland

**COURT OF GENERAL SESSIONS**

**AUGUST TERM 2012**

116

**THE STATE**

**vs.**

**Savoy Luvme Woodard**

**Indictment for  
ARMED ROBBERY**

SC Code: 16-11-0330(A)  
CDR Code: 0139

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

X *Savoy Woodard*  
Defendant

Witness:

*Courtney B...*  
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY  
OF ORIGINAL FILE  
JUL 25 2012  
C.C.C. & G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA



BAIL set by

WITNESSES

Judge Shrady  
on 5/15/12  
Type and Amount: \$5000.00  
Name of Surety: (one)

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CO-11 MA PS YAM SIOS

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Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_

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**WITNESSES**

(S) Inv. Robert Martin – RCSD

**ARREST WARRANT NUMBER**

M986841

**ACTION OF GRAND JURY**

**TRUE BILL**

*Jill R. Koenig*  
Foreperson of Grand Jury

Date: AUG 15 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012-GS-40-03993

**The State of South Carolina**

County of

Richland

**COURT OF GENERAL SESSIONS**

**AUGUST TERM 2012**

116

**THE STATE**

vs.

**Savoy Luvme Woodard**

**Indictment for  
ARMED ROBBERY**

SC Code: 16-11-0330(A)  
CDR Code: 0139

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

*Savoy Woodard*  
Defendant

Witness:  
*C. C. PLS. AND G.S.*

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
S.C. CLERK OF COURT  
RICHLAND COUNTY  
SOUTH CAROLINA



BAIL set by

Judge Byrd  
on 4/6/12  
Type and Amount: \$15,000.00 CS/SB  
Name of Surety: Can Post 10%

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

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by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)  
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Sentence: \_\_\_\_\_

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**WITNESSES**

(S) Dep. L. D. Crutchlow - RCSD

**ARREST WARRANT NUMBER**

M986835

**ACTION OF GRAND JURY**

**TRUE BILL**

*Jill R. Koenigs*  
Foreperson of Grand Jury

Date: **AUG 15 2012**

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2012-GS-40-03998**

**The State of South Carolina**

**County of**

**Richland**

**COURT OF GENERAL SESSIONS**

**AUGUST TERM 2012**

116

**THE STATE  
vs.**

**Savoy Luvme Woodard**

**Indictment for  
POSSESSION OF A STOLEN VEHICLE -  
VALUE > \$2000 BUT < \$10,000**

SC Code: 16-21-0080 (2)  
CDR Code: 3467

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

*Savoy Woodard*  
Defendant

Witness:  
*[Signature]*  
C.C.C. PLS. AND G.S.

VERIFIED TRUE COPY OF ORIGINAL FILED  
CLERK OF COURT  
RICHLAND COUNTY  
SOUTH CAROLINA



BAIL set by

Judge Byrd  
on 4/6/12  
Type and Amount: \$3500.00 PR  
Name of Surety: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

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CODEFENDANTS

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30180M.W. STEPHANIE  
202 P.O. 2

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FILED  
RICHMOND COUNTY

**WITNESSES**

(S) Inv. Joseph Clarke - RCSD

**ARREST WARRANT NUMBER**

M986949

**ACTION OF GRAND JURY**

**TRUE BILL**

*Joe R. Koenig*  
Foreperson of Grand Jury  
Date: **AUG 15 2012**

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012-GS-40-03980

**The State of South Carolina**

**County of**

**Richland**

**COURT OF GENERAL SESSIONS**

**AUGUST TERM 2012**

116

**THE STATE**

**vs.**

**Savoy Luvme Woodard**

**Indictment for  
ARMED ROBBERY**

SC Code: 16-11-0330(A)

CDR Code: 0139

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, Savoy Luvme Woodard

hereby appear in my own proper person and plead guilty to the within indictment or to

Strong Arm Robbery

*Savoy Woodard*  
Defendant

Witness:  
*City*  
C.C.C. PLS. AND G.S.

COURT FILED TRUE COPY  
DEPT. OF PROBATION AND PAROLE  
RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )

**INDICTMENT**

At a Court of General Sessions, convened on August 15, 2012, the Grand Jurors of Richland County present upon their oath:

**ARMED ROBBERY**

That Savoy Luvme Woodard did in Richland County on or about April 3, 2012, commit robbery by feloniously taking from the person or presence of Christopher Craver, by means of force or intimidation, goods or monies of Kimberly Martin and/or Christopher Craver such goods or monies being described as a 2012 Blue Hyundai Accent and/or a cell phone and/or a wallet and/or a handgun, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of section 16-11-330(A), S.C. Code of Laws, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
 DAN JOHNSON, SOLICITOR

BAIL set by

WITNESSES

Judge Shealy  
 on 4-18-2012  
 Type and Amount: 100,000 c/s one  
 Name of Surety: may post 10%

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 Defendant Attorney: \_\_\_\_\_  
 Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 by \_\_\_\_\_  
 (indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_  
 Sentence: \_\_\_\_\_

RECEIVED  
 APR 18 11:30 AM '12  
 CLERK OF COURT  
 JUDICIAL CENTER  
 COLUMBUS, OHIO

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CODEFENDANTS

\_\_\_\_\_  
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73

**WITNESSES**

(S) Dep. Joseph Clarke - RCSD

DOCKET NO. 2012-GS-40-03982

**The State of South Carolina**

County of

**Richland**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

**COURT OF GENERAL SESSIONS**

**AUGUST TERM 2012**

116

*Savoy Luvme Woodard*  
Defendant

**ARREST WARRANT NUMBER**

**M986950**

**THE STATE  
vs.**

Witness:  
*Cathy Res*  
C.C.C. PLS/AND G.S.

**ACTION OF GRAND JURY**

**Savoy Luvme Woodard**

**TRUE BILL**

*Jill R. Koenig*  
Foreperson of Grand Jury  
Date: **AUG 15 2012**

**VERDICT**

**Indictment for  
ASSAULT AND BATTERY 1ST DEGREE**

SC Code: 16-03-600(c)(1)  
CDR Code: 3412

Foreperson of Petit Jury  
Date:

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
C.C.C. PLS/AND G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA



RAIL set by

WITNESSES

ge Shady  
4-18-12

re and Amount: 100000 C/S CONC

ne of Surety: \_\_\_\_\_

MALY POST 1090

PRELIMINARY HEARING held by

dge \_\_\_\_\_

\_\_\_\_\_

Defendant Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

\_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_

on \_\_\_\_\_

by \_\_\_\_\_

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_

Sentence: \_\_\_\_\_

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CODEFENDANTS

\_\_\_\_\_

\_\_\_\_\_

RECEIVED  
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NEWELL & WEBB  
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ISMA - 1 PM 1:30  
COMMUNITY

**WITNESSES**

(S) Inv. Robert Martin - RCSD

**ARREST WARRANT NUMBER**

M987037

**ACTION OF GRAND JURY**

**TRUE BILL**

*Bill R. Koenig*  
Foreperson of Grand Jury

AUG 15 2012

Date:

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012-GS-40-03959

**The State of South Carolina**

**County of**

**Richland**

**COURT OF GENERAL SESSIONS**

**AUGUST TERM 2012**

116

**THE STATE**

**vs.**

**Savooy Luvme Woodard**

**Indictment for  
ASSAULT AND BATTERY OF HIGH  
AND AGGRAVATED NATURE**

SC Code: 16-03-0600(B)(1)

CDR Code: 3411

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I Savooy Luvme Woodard

hereby appear in my own proper person and plead guilty to the within indictment or to

Assault - Battery - 1st Degree

Savooy Woodard  
Defendant

Witness:

*[Signature]*  
C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
C.C.R.G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA



BAIL set by

Judge Sheald  
Date 4-24-12  
Type and Amount: 100,000 \$  
Name of Surety: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

JURORS

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\_\_\_\_\_  
\_\_\_\_\_

WITNESSES

Name: \_\_\_\_\_  
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CODEFENDANTS

\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES**

(S) Inv. Robert Martin - RCSD

**ARREST WARRANT NUMBER**

M987038

**ACTION OF GRAND JURY**

**TRUE BILL**

*Joe R. Koening*  
Foreperson of Grand Jury  
Date:

AUG 15 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012-GS-40-03960

**The State of South Carolina**

County of

**Richland**

**COURT OF GENERAL SESSIONS**

**AUGUST TERM 2012**

116

**THE STATE  
vs.**

**Savoy Luvme Woodard**

**Indictment for  
ATTEMPTED ARMED ROBBERY**

SC Code: 16-11-0330(B)  
CDR Code: 0026

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
J. J. [Signature]  
C.C.C.P.&G.  
RICHLAND COUNTY  
SOUTH CAROLINA

79

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

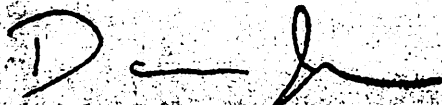
INDICTMENT

At a Court of General Sessions, convened on August 15, 2012, the  
Grand Jurors of Richland County present upon their oath:

**ATTEMPTED ARMED ROBBERY**

That Sayoyy Luvme Woodard did, in Richland County on or about March 15, 2012 while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, attempt to take and carry away the personal property from or in the immediate presence of Geraldine Hall with intent to deprive her of possession by use of force, threats, or intimidation. All in violation of Section 16-11-0330(B), S.C. Code of Laws, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

BAIL set by

Judge Shealy  
on 4/24/12  
Type and Amount: 100,000 %s case  
Name of Surety: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)  
Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

JURORS

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WITNESSES

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CODEFENDANTS

\_\_\_\_\_  
\_\_\_\_\_

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.

INDICTMENT/CASE#: 2012-GS-40-03999

Savoy Luvme Woodard

A/W#: I902912

AKA:
Race: BLACK Sex: M Age: 18

Date of Offense: 3/29/2012

DOB: 1994 SS#:
S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

Address: Rosecliff Circle

City, State, Zip: Hopkins, SC 29061-8387

DL#: SID#:

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Robbery / Common law robbery, strong arm robbery

in violation of § 16-11-0325 of the S.C. Code of Laws, bearing CDR Code # 0137

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ashton, Kathryn SC Bar# 77690 Defendant Savoy Woodard County, SC Attorney for Defendant SC Bar# 74595

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 280 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS: RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED Attend Voc. Rehab. or Job Corp.

Recipient: May serve W/E beginning

\*Fine: Substance Abuse Counseling Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5 %) § 14-1-211(A)(1) (Conv. Surcharge) \$100 § 14-1-211(A)(2) (DUI Surcharge) \$100 § 56-5-2995 (DUI Assessment) \$12 § 56-1-286 (DUI Breath Test) \$25 Proviso 47.9 (Public Def/Prob) \$500 § 14-1-212 (Law Enforce. Funding) \$25 § 14-1-213 (Drug Court Surcharge) \$150 § 50-21-114(BUI Breath Test Fee) \$50 § 56-5-2942(J) (Vehicle Assessment) \$40/ea Proviso 90.5 (SCCJA Surcharge) \$5 3% to County (if paid in installments) \$ TOTAL \$

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Appointed PD or appointed clerk

§ 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Judge Code: 2161 Sentence Date: 1-22-13

OF ORIGINAL FILED, RICHLAND COUNTY SOUTH CAROLINA

Clerk of Court/ Deputy Clerk Court Reporter: Jeanette McBride

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS. Savoy Luvme Woodard

INDICTMENT/CASE#: 2012-GS-40-04001
A/W#: 1902873
Date of Offense: 3/9/2012
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

AKA:
Race: BLACK Sex: M Age: 18
DOB: -1994 SS#:
Address: Rosecliff Cir
City, State, Zip: Hopkins, SC 29061-8387
DL#: SID#:

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ashton, Kathryn SC Bar# 77690
Savoy Woodard Defendant
Attorney for Defendant SC Bar# 74595

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment
of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 290 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
prmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL

Appointed PD or appointed other Counsel, § 47.12 requires \$500 be paid to Clerk during probation.

CERTIFIED TRUE COPY
CLERK OF COURT
C.O.C.R.C.S.

Clerk of Court/ Deputy Clerk: Jeanette McBride
Court Reporter:
SCCA/217 (03/2011)

Presiding Judge:
Judge Code: 2167
Sentence Date: 1-22-13

84  
 STATE OF SOUTH CAROLINA )  
 COUNTY OF Richland )  
 STATE VS. )  
Savoy Luvme Woodard )  
 AKA: \_\_\_\_\_ )  
 Race: BLACK Sex: M Age: 18 )  
 DOB: -1994 SS#: [REDACTED] )  
 Address: Rosecliff Cir )  
 City, State, Zip: Hopkins, SC 29061-8387 )  
 DL#: [REDACTED] SID#: \_\_\_\_\_ )  
 \*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-40-03993 ✓  
 A/W#: M986841  
 Date of Offense: 4/6/2012  
 S.C. Code § : 16-11-0330(A)  
 CDR Code #: 0139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was  
 TO: Armed Robbery

CONVICTED OF or  PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
 w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. <sup>cap c</sup>  
 ATTEST: Kathryn Ashton 77690 Savoy L Woodard City Jr 74595 <sup>2015 act</sup>  
 Ashton, Kathryn SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 15 days/months/years or  under the Youthful Offender Act not to exceed 1 years  
 and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment  
 of \$ —; plus costs and assessments as applicable\*; the balance is suspended with probation for —

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
 probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
 by the State Department of Corrections. 200  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
 Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

\_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED   
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

Appointed PD or appointed other counsel. § 47.12 requires \$500 be paid to Clerk during probation.

CERTIFIED TRUE COPY OF ORIGINAL FILED.  
 Jeanette M. Bridggs  
 C.C.C. P.S.S.  
 RICHLAND COUNTY  
 SOUTH CAROLINA

Clerk of Court/ Deputy Clerk Jeanette M. Bridggs  
 Court Reporter: Melinda  
 SCCA/217 (03/2011)

Presiding Judge WJD  
 Judge Code: 2161  
 Sentence Date: 1-22-13

STATE OF SOUTH CAROLINA )  
 COUNTY OF Richland )  
 STATE VS. )  
Savoy Luvme Woodard )  
 AKA: \_\_\_\_\_ )  
 Race: BLACK Sex: M Age: 18 )  
 DOB: -1994 SS#: [REDACTED] )  
 Address: Rosecliff Cir )  
 City, State, Zip: Hopkins, SC 29061-8387 )  
 DL#: [REDACTED] SID#: \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-40-03998  
 A/W#: M986835  
 Date of Offense: 4/6/2012  
 S.C. Code § : 16-21-0080 (2)  
 CDR Code #: 3467

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
 In disposition of the said indictment comes now the Defendant who was  
 TO: Possession Of A Stolen Vehicle

CONVICTED OF or  PLEADS

in violation of § 16-21-0080 (2) of the S.C. Code of Laws, bearing CDR Code # 3467  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
 w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. CMC41

ATTEST: Kathryn Ashton 77690 Savoy Woodard [Signature] 745 SJ  
 Ashton, Kathryn SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
 for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
 and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
 of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
 probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
 by the State Department of Corrections. 280 days  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
 Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
 Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
 Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

\_\_\_\_\_ days/hours Public Service Employment  
 Obtain GED   
 Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_  
 Substance Abuse Counseling   
 Random Drug/Alcohol testing   
 Fine may be pd. in equal, consecutive weekly/monthly  
 pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
 \$ \_\_\_\_\_ paid to Public Defender Fund  
 Other: \_\_\_\_\_

Appointed PD or appointed other counsel § 47.12 requires \$500 be paid to Clerk during probation.

**CERTIFIED TRUE COPY**  
**OF ORIGINAL FILED,**  
[Signature]  
 C.C. GRUBBS,  
 RICHLAND COUNTY  
 SOUTH CAROLINA

Clerk of Court/ Deputy Clerk: Jeanette McBride  
 Court Reporter: [Signature]  
 SCCA/217 (03/2011)

Presiding Judge  
 Judge Code: 2167  
 Sentence Date: 1-22-13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.

INDICTMENT/CASE#: 2012-GS-40-03980

Savoy Luvme Woodard

A/W#: M986949

AKA:

Date of Offense: 4/3/2012

Race: BLACK Sex: M Age: 18

S.C. Code § : 16-11-0330(A)

DOB: -1994 SS#:

CDR Code #: 0139

Address: Rosecliff Circle

City, State, Zip: Hopkins, SC 29061-8387

DL#: SID#:

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Robbery / Common law robbery, strong arm robbery

in violation of § 16-11-0325 of the S.C. Code of Laws, bearing CDR Code # 0137

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Ashton, Kathryn SC Bar# 77690 Savoy Woodard Defendant City, Jr Attorney for Defendant 74598 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 280 days The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Appointed PD or appointed other Counselor. § 47.12 requires \$500 be paid to Clerk during probation.

CERTIFIED TRUE COPY ORIGINAL FILED RICHLAND COUNTY SOUTH CAROLINA

Clerk of Court/ Deputy Clerk Jeanette McBride

Court Reporter:

Presiding Judge

Judge Code: 2167

Sentence Date: 1-02-13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS <sup>87</sup>

COUNTY OF Richland  
STATE VS.  
Savoy Luvme Woodard  
AKA:  
Race: CK Sex: M Age: 18  
DOB: 4-1994 SS#: [REDACTED]  
Address: Rosecliff Circle  
City, State, Zip: Hopkins, SC 29061-8387  
DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2012-GS-40-03982 ✓  
A/W#: M986950  
Date of Offense: 4/3/2012  
S.C. Code § : 16-03-600(c)(1)  
CDR Code #: 3412

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  
TO: Assault & Battery 1st Degree

CONVICTED OF or  PLEADS

in violation of § 16-03-600(c)(1) of the S.C. Code of Laws, bearing CDR Code # 3412  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. *coru*  
ATTEST: Kathryn Ashton 77690 Savoy Woodard County Clerk 74588  
Ashton, Kathryn SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed        years  
and/or to pay a fine of \$       ; provided that upon the service of        days/months/years and/or payment  
of \$       ; plus costs and assessments as applicable\*; the balance is suspended with probation for       

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
by the State Department of Corrections. 280 days  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$        plus 20% fee: \$         
Payment Terms:         
 Set by SCDPPPS       

PTUP         
       days/hours Public Service Employment  
Obtain GED   
Attend Voc. Rehab. or Job Corp.         
May serve W/E beginning         
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$        beginning         
\$        paid to Public Defender Fund  
Other:       

\*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Appointed PD or appointed other counsel,  
§ 47.12 requires \$500 be paid to Clerk  
during probation.

Clerk of Court/ Deputy Clerk Jeanette M. Bruggs  
Court Reporter: [Signature]  
SCCA/217 (03/2011)

Presiding Judge 2161  
Judge Code: 2161  
Sentence Date: 1-22-13  
CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
JAN 22 2013  
C.C.C. CLERK  
RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland )  
STATE VS. )

INDICTMENT/CASE#: 2012-GS-40-03959 ✓

Savoy Luvme Woodard )

A/W#: M987037

AKA: )

Date of Offense: 3/15/2012

Race: BLACK Sex: M Age: 18 )

S.C. Code § : 16-03-0600(B)(1)

DOB: 1994 SS#: )

CDR Code #: 3411

Address: Rosecliff Circle )

City, State, Zip: Hopkins, SC 29061-8387 )

DL#: SID#: )

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  
TO: Assault & Battery 1st degree

CONVICTED OF or  PLEADS

in violation of § 16-03-600(c)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45 w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. *concu*

ATTEST: *Kathryn Ashton* 77690 *Savoy Woodard* *Ch. J. J.* 74195  
Ashton, Kathryn SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed      years  
and/or to pay a fine of \$     ; provided that upon the service of      days/months/years and/or payment  
of \$     ; plus costs and assessments as applicable\*; the balance is suspended with probation for     

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. *200 days*  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$      plus 20% fee:      \$       
Payment Terms:       
 Set by SCDPPPS     

PTUP       
     days/hours Public Service Employment  
Obtain GED   
Attend Voc. Rehab. or Job Corp.       
May serve W/E beginning       
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$      beginning       
\$      paid to Public Defender Fund  
Other:     

Recipient:     

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Appointed PD or appointed other counsel. § 47.12 requires \$500 be paid to Clerk during probation.

CERTIFIED TRUE COPY OF ORIGINAL FILED, C.C.C.R.S.S. RICHLAND COUNTY SOUTH CAROLINA

Clerk of Court/ Deputy Clerk: *Jeanette McBride*  
Court Reporter: *McL...*  
SCCA/217 (03/2011)

Presiding Judge: *W.P. J.*  
Judge Code: *216*  
Sentence Date: *1-22-13*

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS <sup>80</sup>

COUNTY OF Richland  
STATE VS.  
Savoy Luvme Woodard

INDICTMENT/CASE#: 2012-GS-40-03960  
A/W#: M987038  
Date of Offense: 3/15/2012  
S.C. Code § : 16-11-0330(B)  
CDR Code #: 0026

AKA: \_\_\_\_\_  
Race: BLACK Sex: M Age: 18  
DOB: \_\_\_\_\_ -1994 SS#: \_\_\_\_\_  
Address: Rosecliff Circle  
City, State, Zip: Hopkins, SC 29061-8387  
DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  
TO: Attempted Armed Robbery

CONVICTED OF or  PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. *concur*

ATTEST: Kathryn Ashton 77690 Savoy Woodard \_\_\_\_\_ 74555  
Ashton, Kathryn SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 15 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
by the State Department of Corrections. 280 days  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Recipient: \_\_\_\_\_

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

Clerk of Court/ Deputy Clerk Jeanette McBride  
Court Reporter: \_\_\_\_\_  
SCCA/217 (03/2011)

Appointed PD or appointed other counsel  
§ 47.12 requires \$500 be paid to Clerk of Court during probation.  
CERTIFIED TRUE COPY  
ORIGINAL FILED  
Jeanette McBride  
C.C.C.R.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA  
Presiding Judge  
Judge Code: 216  
Sentence Date: 1-22-13