

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Florence County

Thomas A. Russo, Circuit Court Judge

---

RECEIVED

APR 23 2012

S.C. Supreme Court

ORIGINAL

RONTELL SINGLETARY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

---

APPENDIX

---

KATHRINE H. HUDGINS  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

DAVID SPENCER  
Assistant Deputy Attorney General

P. O. Box 11549  
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX .....i

TRIAL TRANSCRIPT ..... 1

INDICTMENT AND SENTENCING SHEET .....57

APPLICATION FOR POST-CONVICTION RELIEF .....60

RETURN .....67

POST-CONVICTION RELIEF HEARING TRANSCRIPT ..... 72

ORDER OF DISMISSAL .....109

STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE ) COURT OF GENERAL  
SESSIONS

STATE OF SOUTH CAROLINA)

STATE,)

v. )

RONTELL SINGLETARY )

DEFENDANT.)

TRANSCRIPT OF RECORD  
07-GS-21-562  
September 7, 2009  
Florence, South Carolina

**BEFORE:**

THE HONORABLE RALPH KING ANDERSON, JR., JUDGE

**APPEARANCES:**

E.L. CLEMENTS, III, ESQ.  
Assistant Solicitor

C. STEVEN MCLAURIN, ESQ.  
Assistant Public Defender

FRANCES BAKIS-RAY, RPR  
Circuit Court Reporter

## INDEX

	Page
Qualify jury panel	3
Striking of the jury	12
Motion to relieve counsel	21
Guilty plea:	
Voir dire of defendant	28
Facts by Mr. Clements	38
Remarks by investigators	48
Mitigation by Mr. McLaurin	51
Remarks by defendant	55
Sentence of the Court	55

## EXHIBITS

### STATE'S:

	No. Description	I.D./EVD.
	1 Photos	46/46

### COURT'S:

	1 Affidavit of defendant	28/28
	2 Certificate of counsel	28/28

1       **MR. CLEMENTS:** If it please the Court, Your Honor, the  
2 State would call the case of the State of South Carolina  
3 versus Rontell Singletary. It is indictment number  
4 2007-GS-21-562. This is an indictment for murder, Your  
5 Honor.

6       **THE COURT:** Jurors, please give me your attention. You  
7 have heard the solicitor call the case for trial, a  
8 pending charge for murder under indictment 07-GS-21-562,  
9 the State versus Rontell Singletary.

10       Mr. Singletary, would you please stand and face the  
11 jury panel.

12       Is there any member of the jury panel who is related  
13 by blood or connected by marriage to the defendant Rontell  
14 Singletary? If so, please stand.

15       Yes, your name and number please.

16       **MR. CLEMENTS:** Your Honor, this is also a witness.  
17 She's not the juror. I don't think she understood.

18       **THE COURT:** Okay, thanks. Okay.

19       Anyone please?

20       (There was no response.)

21       **THE COURT:** Is there any member of the jury panel who  
22 has any direct or indirect connection with the defendant  
23 Rontell Singletary? If so, please stand.

24       (There was no response.)

25       **THE COURT:** Thank you, sir, please be seated.

1 I will call the roll now of the prospective  
2 witnesses for the State. As I call your name please stand  
3 and remain standing please. Please remain standing.  
4 Chief Billy Brown, Lake City Police Department; Sergeant  
5 Eric Bonette, Saint George Police Department.

6 Is he here, Mr. —

7 MR. CLEMENTS: He's not here, Your Honor, and he was  
8 formerly of the Lake City Police Department, Your Honor.

9 THE COURT: Okay. Officer Barry Barton.

10 MR. CLEMENTS: Not here, Your Honor.

11 THE COURT: Officer Kim Cockfield.

12 MR. CLEMENTS: Not here, Your Honor.

13 THE COURT: Officer Charles Filyaw.

14 MR. CLEMENTS: He's not here yet, Your Honor.

15 THE COURT: Officer Jerry Gainey, Agent Shelby Larry,  
16 Lieutenant Keith Von Lutcken.

17 MR. CLEMENTS: He's not present in the courtroom, Your  
18 Honor.

19 THE COURT: Officer Ski McAllister.

20 MR. CLEMENTS: He's not present, Your Honor.

21 THE COURT: Officer Bobby Williams, Debra Williams,  
22 Brenley (ph) Broach with the EMS.

23 MR. CLEMENTS: Not present, Your Honor.

24 THE COURT: Jean New, EMS.

25 MR. CLEMENTS: Not present, Your Honor.

1       **THE COURT:** Carnell Montgomery, Lake City Fire  
2 Department.

3       **MR. CLEMENTS:** Not present, Your Honor.

4       **THE COURT:** Tyrone Randolph, Lake City Fire Department.

5       **MR. CLEMENTS:** Not present.

6       **THE COURT:** Agent Janice Bryson with SLED.

7       **MR. CLEMENTS:** Your Honor, none of the SLED agents or  
8 the pathologist are present this morning.

9       **THE COURT:** I will identify these for you. Agent  
10 Leatherman with SLED; Agent Emily Reinhart, SLED; Agent  
11 Adrian Riley, SLED; Agent Laurie Shacker, SLED; and a  
12 medical pathologist from Newberry by the name of Doctor  
13 Janice Ross. I continue with the witness list. If they  
14 are in the courtroom just stand. Clarissa Burgess, Daniel  
15 Burgess, Ettaphine Burgess, Willie Dennis, Rhonda Floyd,  
16 Lakisha Graham, Celette Graham, Donald Hammond, Latoisha  
17 Hickson, Marsha Hickson, Jarrod McFadden, Maurice Sauls,  
18 Fannie Singletary. Is there any member of the jury panel  
19 who is related by blood or connected by marriage to any of  
20 these witnesses? If so, please stand.

21                               (There was no response.)

22       **THE COURT:** Is there any member of the jury panel who  
23 has any direct or indirect connection of any nature  
24 whatsoever with any of these witnesses? If so, please  
25 stand. Name and number please.

1 THE POTENTIAL JUROR: Kathy Cassidy, 23.

2 THE COURT: Yes, Ms. Cassidy.

3 THE POTENTIAL JUROR: I'm familiar with Brenley Broach  
4 on EMS.

5 THE COURT: In regard to that nexus take a deep breath.  
6 As a matter of conscience can you give everyone a fair and  
7 impartial trial in this case, the State and the Defendant  
8 Rontell Singletary?

9 THE POTENTIAL JUROR: Yes.

10 THE COURT: Thank you.

11 Anyone else? Anyone else please?

12 MR. CLEMENTS: Your Honor, just to be sure we have  
13 everything that the jurors might need to know, one of our  
14 witnesses, Miss Ettaphine Burgess, she is commonly known  
15 as Delphine. Everyone calls her Delphine Burgess.

16 THE COURT: Delphine Burgess, anyone connected by  
17 marriage, related to blood to this witness, anyone who has  
18 any direct or indirect connection with this witness? If  
19 so, please stand.

20 (There was no response.)

21 THE COURT: Thank you.

22 Please be seated.

23 The paper that I hold in my hand is called an  
24 indictment. It contains the pending charges. It does not  
25 prove anything. It is not evidence. It simply is what we

1 call in the law the charging paper. Count one is murder.  
2 The allegation is that on January 4, 2006, the defendant  
3 Rontell Singletary did kill Jimmy Wade Christmas by means  
4 of beating him repeatedly in the head, by kicking him, and  
5 by hitting him repeatedly in the face with an object, and  
6 by stabbing him in the chest and neck with a sharp object  
7 and that Jimmy Wade Christmas did die as a proximate  
8 result thereof. Is there any member of the jury panel who  
9 has ever heard this case discussed at all or who has made  
10 a statement about this case? If so, please stand.

11 (There was no response.)

12 THE COURT: Is there any member of the jury panel who is  
13 conscious of or aware of any bias or prejudice for or  
14 against the State or the defendant Rontell Singletary? If  
15 so, please stand.

16 (There was no response.)

17 THE COURT: Is there any member of the jury panel who  
18 could not give all parties a fair and impartial trial? If  
19 not, please stand.

20 (There was no response.)

21 THE COURT: Is there any member of the jury panel or any  
22 member of your immediate family who is now being  
23 represented by the Solicitor's Office of any of his staff  
24 in any legal matter or who has in the past been  
25 represented by the Solicitor's Office or staff in any

1 capacity? If so, please stand.

2 (There was no response.)

3 **THE COURT:** Counsel for defense has identified himself.

4 Is there any member of the jury panel who is now being  
5 represented by Mr. McLaurin or who has in the past been  
6 represented by Mr. McLaurin in any legal matter? If so,  
7 please stand.

8 (There was no response.)

9 **THE COURT:** Is there any member of the jury panel or any  
10 member of your immediate family who has been the victim of  
11 a violent crime? If so, please stand.

12 (There was no response.)

13 **THE COURT:** Is there any member of the jury panel who is  
14 a member of organizations that take a position in regard  
15 to a particular type of criminal activity such as MADD,  
16 Mothers Against Drunk Drivers; SADD, Students Against  
17 Drunk Driving; CADRE, Services Against Domestic Violence  
18 and the like. If you or any member of your family is a  
19 member of such organization or who have contributed money  
20 to such organization please stand.

21 Your name and number please.

22 **THE POTENTIAL JUROR:** Don't know my number. My name is  
23 Frieda Cox and I'm the county coordinator for Pee Dee  
24 Coalition against domestic sexual assault. I work there  
25 as a victim advocate.

1 MR. CLEMENTS: That's number 30, Your Honor.

2 THE COURT: I got it. Ms. Cox, as a matter of  
3 conscience, can you give the State and the Defendant a  
4 fair and impartial trial in this case?

5 THE POTENTIAL JUROR: I don't think so.

6 THE COURT: Take a deep breath now. I want to remove  
7 this ambivalence or equivocation. I need a yes or no.  
8 Just take a deep breath. As a matter of conscience can  
9 you give the State and the Defendant a fair and impartial  
10 trial? Yes or no.

11 THE POTENTIAL JUROR: That's a no, I think. No. No.  
12 No.

13 THE COURT: All right. Let the record show I concluded  
14 it is a no. All right, have a seat please. She will be  
15 excused in the case. She will be excused. Ms. Cox is  
16 excused.

17 Your name and number please.

18 THE POTENTIAL JUROR: Your Honor, at that than make mere  
19 Shaw, juror number 134. My wife was in the past employed  
20 with the Pee Dee Coalition against domestic sexual  
21 assault, has not been for four years with us. I just  
22 wanted to mention it.

23 THE COURT: Yes, and I'm delighted you did because  
24 that's what we need. All right, can you give both the  
25 State and the Defendant a fair and impartial trial?

1 THE POTENTIAL JUROR: Yes, Your Honor.

2 THE COURT: Thank you. Based on his response he's  
3 qualified.

4 Anyone else please. Anyone else? Anyone else?

5 (There was no response.)

6 THE COURT: Further voir dire requested by the State?

7 MR. CLEMENTS: Your Honor, if you haven't already  
8 covered it we would ask that you query the jury on whether  
9 they -- any of them have a close family member that has  
10 ever been prosecuted by the Twelfth Judicial Circuit  
11 Solicitor's Office.

12 THE COURT: Is there any member of the jury panel or any  
13 member of your immediate family who has been prosecuted by  
14 the Twelfth Circuit Solicitor's Office in any legal  
15 charge? If so, please stand.

16 (There was no response.)

17 THE COURT: Anything else, Mr. Solicitor?

18 MR. CLEMENTS: That's all, Your Honor, thank you so  
19 much.

20 THE COURT: Defense? Any further query?

21 MR. MCLAURIN: Nothing from the Defense, Your Honor.

22 THE COURT: All right. Jurors, let me explain the  
23 system to you. Heretofore I have indicated that the  
24 circuit court is a bipartite court. We have the general  
25 sessions which we're in now today, the criminal division.

1 We have the court of common pleas which is the civil  
2 division. We draw the jury in the general sessions court  
3 by a personal selection process. In the civil court it's  
4 a individual selection by virtue of a list and you would  
5 not know if you had been excused until after court was  
6 over. Here we bring you forward one by one. As the clerk  
7 calls the role and calls the first person forward you will  
8 come forward and stand in front of this mic. Ms. Bailiff,  
9 would you turn the mic around for me please.

10 THE BAILIFF: Yes, sir.

11 THE COURT: You stand in front of the mic and we ask the  
12 State what they desire. The State has the right to accept  
13 you or the State has the right to excuse you. If the  
14 State accepts you remain standing because we go to the  
15 Defense. The Defense has the right to accept you or to  
16 excuse you. If the Defense accepts you you've been  
17 accepted by both parties, and you will have a seat in the  
18 jury box. If the Defense excuses you, you will return to  
19 your seat. Now please, folk, do not be embarrassed or  
20 upset if you get excused. This is just the way the system  
21 works, and I don't want you to go home and fret over the  
22 fact that some lawyer in the case excuses you. They have  
23 various reasons in regard to the exercise of these  
24 challenges which are called peremptory challenges. You  
25 might not have enough hair to suit them or something like

1 that. Just understand this is the way the system works.

2 Lawyers, as you exercise these peremptory challenges  
3 please remember Batson versus Kentucky, Batson versus  
4 Kentucky. We now use a computer to draw the jury.  
5 Historically, we used this cylinder and roll it around and  
6 pull your name from the box. Now the glorified computer  
7 draws your name. And we will draw the names now and then  
8 go down the list.

9 (Pause.)

10 THE COURT: Of course you lawyers know this, but just  
11 for the sake of the record, five and ten. Five and ten.

12 MR. CLEMENTS: Your Honor, may we approach the Bench.

13 THE COURT: Yeah.

14 (WHEREUPON, counsel approached the Bench for an  
15 off-the-record discussion.)

16 THE COURT: All right, lawyers, give me your attention.  
17 We can't print off but we can now look at the list on the  
18 computer, just certainly will not print same. I'm going  
19 to use the list and the clerk will just call the list one  
20 by one seriatim.

21 Mr. Clerk, no one living coming in.

22 THE BAILIFF: All right, that should limit it.

23 THE DEPUTY CLERK OF COURT: When I call your name if you  
24 will bring your belongings with you. Come in front of the  
25 microphone and just take it back to the courtroom please.

1 Juror 89, Kelly Lee (white female). What say the  
2 State?

3 MR. CLEMENTS: Please present Ms. Lee.

4 THE DEPUTY CLERK OF COURT: What say the Defendant?

5 MR. MCLAURIN: We'll excuse Ms. Lee.

6 THE DEPUTY CLERK OF COURT: You've been excused from  
7 this trial. If you will return to your seat.

8 66, Gwen Hannah (white male). What say the State?

9 MR. CLEMENTS: Please present Mr. Hannah.

10 THE DEPUTY CLERK OF COURT: What say the Defendant?

11 MR. MCLAURIN: We'll excuse Mr. Hannah.

12 THE DEPUTY CLERK OF COURT: You've been excused from  
13 this trial only. You may return to your seat.

14 86, Thomas Koliass (white male).

15 THE POTENTIAL JUROR: It's Koliass.

16 THE DEPUTY CLERK OF COURT: What say the State?

17 MR. CLEMENTS: Please present Mr. Koliass.

18 THE DEPUTY CLERK OF COURT: What say Defendant?

19 MR. MCLAURIN: We'll excuse Mr. Koliass.

20 THE DEPUTY CLERK OF COURT: You've been excused from  
21 this trial. You may return to your seat.

22 29, Tracy Coward (white female). What say the  
23 State?

24 MR. CLEMENTS: Please present Ms. Coward.

25 THE DEPUTY CLERK OF COURT: What say the Defendant?

1 MR. MCLAURIN: Swear Ms. Coward.

2 THE DEPUTY CLERK OF COURT: Please have a seat in the  
3 jury box, ma'am.

4 124, Carl Smith (white male). What say the State?

5 MR. CLEMENTS: Please present Mr. Smith.

6 DEPUTY CLERK OF COURT: What say the Defendant?

7 MR. MCLAURIN: We'll swear Mr. Smith.

8 THE DEPUTY CLERK OF COURT: Please have a seat in the  
9 jury box, sir.

10 23, Kathlene Cassidy (white female). What say the  
11 State?

12 MR. CLEMENTS: Please present Ms. Cassidy.

13 THE DEPUTY CLERK OF COURT: What say the Defendant?

14 MR. MCLAURIN: We'll excuse Ms. Cassidy.

15 THE DEPUTY CLERK OF COURT: You've been excused from  
16 this trial. You may return to your seat.

17 50, Lewellen Garland (black female). What say the  
18 State?

19 MR. CLEMENTS: Please present Ms. Garland.

20 THE DEPUTY CLERK OF COURT: What say the Defendant?

21 MR. MCLAURIN: Swear Ms. Garland.

22 THE DEPUTY CLERK OF COURT: Please have a seat in the  
23 jury box, ma'am.

24 119, Ronald Sellers (white male). What say the  
25 State?

1 MR. CLEMENTS: Please present Mr. Sellers.

2 THE DEPUTY CLERK OF COURT: What say the Defendant?

3 MR. MCLAURIN: We'll excuse Mr. Sellers for this trial.

4 THE DEPUTY CLERK OF COURT: You've been excused for this  
5 trial only. You may return to your seat.

6 DEPUTY CLERK OF COURT: 116, John Ryles (black male).  
7 What say the State?

8 MR. CLEMENTS: Please present Mr. Ryles.

9 THE DEPUTY CLERK OF COURT: What say the Defendant?

10 MR. MCLAURIN: Swear Mr. Ryles.

11 THE DEPUTY CLERK OF COURT: Please have a seat in the  
12 jury box, sir.

13 49, Charles Gardner (white male). What say the  
14 State?

15 MR. CLEMENTS: Please present Mr. Gardner.

16 DEPUTY CLERK OF COURT: What say the Defendant?

17 MR. MCLAURIN: Swear Mr. Gardner.

18 THE DEPUTY CLERK OF COURT: Please have a seat in the  
19 jury box, sir.

20 22, Regina Campbell (white female). What say the  
21 State?

22 MR. CLEMENTS: Please swear Ms. Campbell.

23 DEPUTY CLERK OF COURT: What say the Defendant?

24 MR. MCLAURIN: We'll excuse Ms. Campbell for this trial.

25 DEPUTY CLERK OF COURT: You've been excused for this

1 trial only. You may return to your seat.

2 122, Christine Scarjenski (white female). What say  
3 the State?

4 MR. CLEMENTS: Please present Ms. Scarjenski.

5 THE DEPUTY CLERK OF COURT: What say the Defendant?

6 MR. MCLAURIN: Swear Ms. Scarjenski.

7 THE DEPUTY CLERK OF COURT: Please have a seat in the  
8 jury box, ma'am.

9 100, Jamie Moore (white male). What say the State?

10 MR. CLEMENTS: Please present Mr. Moore.

11 THE DEPUTY CLERK OF COURT: What say the Defendant?

12 MR. MCLAURIN: We'll excuse Mr. Moore.

13 THE DEPUTY CLERK OF COURT: I'm sorry, you may return to  
14 your seat. You've been excused from this trial.

15 108, Claudia Parfitt, (white female). What say the  
16 State?

17 MR. CLEMENTS: Please present Ms. Parfitt.

18 THE DEPUTY CLERK OF COURT: What say the Defendant?

19 MR. MCLAURIN: Swear Ms. Parfitt.

20 DEPUTY CLERK OF COURT: Please have a seat in the jury  
21 box, ma'am.

22 68, Carl Hill (white male). What say the State?

23 MR. CLEMENTS: Please present Mr. Hill.

24 THE DEPUTY CLERK OF COURT: What say the Defendant?

25 MR. MCLAURIN: We'll excuse Mr. Hill for this trial.

1       **THE DEPUTY CLERK OF COURT:** You've been excused for this  
2 trial only. You may return to your seat.

3               126, Crystal Souther (white female). What say the  
4 State?

5       **MR. CLEMENTS:** Please present Ms. Souther.

6       **THE DEPUTY CLERK OF COURT:** What say the Defendant?

7       **MR. MCLAURIN:** Swear Ms. Souther.

8       **THE DEPUTY CLERK OF COURT:** Please have a seat in the  
9 jury box.

10              47, Trudy Gainey (white female). What say the  
11 State?

12       **MR. CLEMENTS:** Please present Ms. Gainey.

13       **THE DEPUTY CLERK OF COURT:** What say the Defendant?

14       **MR. MCLAURIN:** We'll excuse Ms. Gainey for this trial.

15       **DEPUTY CLERK OF COURT:** You've been excused from this  
16 trial only. You may return to your seat.

17              14, Jamie Book (white female). What say the State?

18       **MR. CLEMENTS:** Please excuse Ms. Book from the trial of  
19 this case only.

20       **THE DEPUTY CLERK OF COURT:** You've been excused from  
21 this trial only, ma'am. You may return to your seat.

22              24, Ricky Chockley (white male). What say the  
23 State?

24       **MR. CLEMENTS:** Please present Mr. Chockley.

25       **THE DEPUTY CLERK OF COURT:** What say the Defendant?

1 MR. MCLAURIN: We'll excuse Mr. Chockley for this trial.

2 THE DEPUTY CLERK OF COURT: You've been excused for this  
3 trial only, sir. You may return to your seat.

4 THE COURT: Ms. Clerk, is that ten?

5 THE DEPUTY CLERK OF COURT: Yes, sir.

6 53, Michael Gilbert (white male). What say the  
7 State?

8 MR. CLEMENTS: Please present Mr. Gilbert.

9 THE DEPUTY CLERK OF COURT: Does Defendant wish to  
10 challenge juror for cause?

11 MR. MCLAURIN: No, sir.

12 DEPUTY CLERK OF COURT: Please have a seat in the jury  
13 box. 34, Dieasha Darkus (black female). What say the  
14 State?

15 MR. CLEMENTS: Please present Ms. Darkus.

16 THE DEPUTY CLERK OF COURT: Does Defendant wish to  
17 challenge this juror for cause?

18 MR. MCLAURIN: No.

19 DEPUTY CLERK OF COURT: Please have a seat in the jury  
20 box, ma'am.

21 61, Cynthia Green (white female). What say the  
22 State?

23 MR. CLEMENTS: Please present Ms. Green.

24 THE DEPUTY CLERK OF COURT: Does Defendant wish to  
25 challenge the juror for cause?

1 MR. MCLAURIN: No challenge.

2 DEPUTY CLERK OF COURT: Please have a seat in the jury  
3 box, ma'am.

4 94, Mary Marlowe (white female). What say the  
5 State?

6 MR. CLEMENTS: Please present Ms. Marlowe.

7 THE DEPUTY CLERK OF COURT: Does Defendant wish to  
8 challenge the juror for cause?

9 MR. MCLAURIN: No challenge.

10 THE DEPUTY CLERK OF COURT: Please have a seat in the  
11 jury box, ma'am.

12 THE COURT: Ms. Scarjenski, please come forward, take  
13 seat number one. You'll be foreperson. You will occupy  
14 that seat at all times as foreperson. Please sit there at  
15 all times. We now go to alternate one. Under the statute  
16 it's one and two. One and two. Proceed.

17 THE DEPUTY CLERK OF COURT: 134, Steven Vanderscotten,  
18 (white male). What say the State?

19 MR. CLEMENTS: Please present Mr. Vanderscotten.

20 THE DEPUTY CLERK OF COURT: What say the Defendant?

21 MR. MCLAURIN: Excuse the juror for this trial.

22 DEPUTY CLERK OF COURT: You've been excused for this  
23 trial only. You may be seated.

24 136, Sharon Washington (black female). What say the  
25 State?

1 MR. CLEMENTS: Please present Ms. Washington.

2 THE DEPUTY CLERK OF COURT: What say the Defendant?

3 MR. MCLAURIN: Swear Ms. Washington.

4 THE DEPUTY CLERK OF COURT: Please have a seat in the  
5 jury box, Ma'am.

6 THE COURT: Ms. Washington, please sit in that seat at  
7 all times as alternate one, one please. One and two as we  
8 go to alternate two. One and two.

9 THE DEPUTY CLERK OF COURT: 27, Isaac Collins (black  
10 male). What say the State?

11 MR. CLEMENTS: Please excuse Mr. Collins from the trial  
12 of this case only.

13 THE COURT: You've been excused from this trial only.  
14 You may return to your seat.

15 Rhonda Dickerson (white female). What say the  
16 State?

17 MR. CLEMENTS: Please present Ms. Dickerson.

18 THE DEPUTY CLERK OF COURT: What say the Defendant?

19 MR. MCLAURIN: We'll excuse Ms. Dickerson for this  
20 trial.

21 THE DEPUTY CLERK OF COURT: You've been excused for this  
22 trial only. You may return to your seat.

23 135, Chuck Vanwittenburg (white male). Does the  
24 State wish to challenge this juror for cause?

25 MR. CLEMENTS: We do not.

1 THE DEPUTY CLERK OF COURT: What say the Defendant?

2 MR. MCLAURIN: We'll excuse this juror for this trial.

3 THE DEPUTY CLERK OF COURT: You've been excused for this  
4 trial only, sir. You may return to your seat.

5 109, Jane Parks (white male). Does the State wish  
6 to challenge this juror for cause?

7 MR. CLEMENTS: Madam clerk, what number was that again?

8 THE DEPUTY CLERK OF COURT: 109.

9 MR. CLEMENTS: We do not. Thank you.

10 THE DEPUTY CLERK OF COURT: Does Defendant wish to  
11 challenge this juror for cause?

12 MR. MCLAURIN: No challenge.

13 THE DEPUTY CLERK OF COURT: Please have a seat in the  
14 jury box, sir.

15 THE COURT: Ms. Parks, you need to use that seat at all  
16 times since you're alternate number two. So there are  
17 three designated seats as we try the case, the foreperson,  
18 alternate one, alternate two. The rest of you may sit  
19 anywhere other than those three designated seats. Jurors,  
20 please, if you would go to your jury room now. I need to  
21 take up matters of law and the bailiff must take up the  
22 cell phones. You cannot take the cell into the jury room.

23 (WHEREUPON, the jury was removed from the  
24 courtroom at 11:21 a.m., and the following proceedings  
25 commenced in open court.)

1       **THE COURT:** The first motion I'll take up is the motion  
2 that emanates from the Defendant where he is asking that  
3 counsel be relieved. Is that correct, counsel?

4       **MR. MCLAURIN:** That's what I've been informed by  
5 Mr. Singletary, Your Honor. He'd like to make that  
6 motion.

7       **THE COURT:** Mr. Singletary, would you please stand up.  
8 You now are making a motion to relieve your counsel in  
9 this case?

10       **THE DEFENDANT:** Yes, sir.

11       **THE COURT:** Sir?

12       **THE DEFENDANT:** Yes, sir.

13       **THE COURT:** Why?

14       **THE DEFENDANT:** He lied to me several times and I asked  
15 him to put in some other motions and he didn't.

16       **THE COURT:** We cannot hear you.

17       **MR. CLEMENTS:** Your Honor, may we approach.

18       **THE COURT:** Yes.

19               (WHEREUPON, counsel approached the Bench for an  
20 off-the-record discussion.)

21       **THE COURT:** Jurors in the audience, I have a number of  
22 motions to consider. The first one is a motion in regard  
23 to excusal of the defense counsel. The second one relates  
24 to Batson versus Kentucky and the third relates to a  
25 motion concerning evidence in the case. Because of that

1 I'm going to excuse you until 2:00 today. Please be back  
2 in the courtroom at 2:00. All jurors are excused until 2.  
3 No one leaving but jurors, no one but jurors.

4 (Pause while jury panel exits.)

5 THE COURT: All right, the motion is to relieve counsel.  
6 Anything else that you would like to present to me,  
7 Mr. Singletary? If so, please stand.

8 THE DEFENDANT: The only thing I say, Your Honor, he was  
9 lie to me plenty of times, whatever, about he was going to  
10 do this and do that and never did. He could have helped  
11 me in my situation and I wish he not to stand trial with  
12 me because this is a serious matter.

13 THE COURT: All right, have a seat.  
14 State wish to be heard?

15 MR. CLEMENTS: Your Honor, I think at this stage of the  
16 game this is a motion just for delay. Seems like we've  
17 been through this situation with Mr. Singletary previously  
18 and Mr. McKenzie — Mr. McLaurin was not relieved at that  
19 time. He has done everything I expect to hear or get from  
20 a defense attorney. Before being Solicitor I was a  
21 defense attorney myself. I think he's done a very good  
22 job to this point as far as I can tell. I know he's  
23 prepared for trial. I know he has negotiated strenuously  
24 on behalf of his client to try to get something different  
25 than what I have offered. The offer I made based on the

1 evidence I have, I think Mr. McLaurin has presented the  
2 evidence honestly to Mr. Singletary and I imagine  
3 Mr. Singletary just doesn't like what he's heard, which is  
4 the truth. And I know Mr. McLaurin has been honest with  
5 him and let him know what we have, and I think he just  
6 doesn't like that. I think he's just trying to delay this  
7 process. We're ready to go forward.

8 **THE COURT:** Mr. McLaurin, would you like to put anything  
9 on the record please?

10 **MR. MCLAURIN:** Judge, I feel like I've been through all  
11 my pretrial motions that I have filed with the Court and  
12 been through everything with Mr. Singletary, met with him  
13 on I can't tell you how many occasions out at the jail.  
14 And I feel like I've kept him informed about the status,  
15 and we're ready to go forward but certainly will honor the  
16 Court's wishes.

17 **THE COURT:** Anything further you'd like to put on the  
18 record, Mr. Singletary? If so, please stand.

19 **THE DEFENDANT:** Well, I got a little something in here,  
20 was saying he had put in for another trial or something,  
21 but at the same time you done had recommend this court  
22 date so I wonder why you lieing to me saying you put in  
23 for another trial but never did file for none of that.

24 **THE COURT:** All right, thank you, please be seated.

25 **Order:** The general law in the state of South

1 Carolina and in the country is that there is absolute  
2 right to counsel under the United States Constitution.  
3 Under *State versus Marshal*, 273 S.C. 552, 257 S.C. 2d 740,  
4 the Court has the right to exercise discretion in denying  
5 the defendant's motion to relieve counsel especially where  
6 the record shows that the appointed counsel has afforded  
7 the defendant adequate representation. Under *United*  
8 *States versus Gonzales*, 548 United States 140, 126 Supreme  
9 Court 2557, there is no absolute right to counsel of  
10 choice because the Court has the right to appoint counsel.  
11 The defendant does not have the right to select counsel  
12 under an appointment scenario.

13 Under *Morris versus Slackie*, 461 United States 1,  
14 103 Supreme Court 1610, 735 Lawyer's Edition 2d 610, there  
15 is absolute discretion imposed upon the trial court  
16 concerning a consideration of appointment of counsel and  
17 excusal of counsel. *State versus Bennett*, 259 S.C. 51, 90  
18 S.C.2d 497, articulates a rule in regard to, "No abuse of  
19 discretion to deny defendant's motion for a continuance  
20 made on the day of trial for the purpose of procuring new  
21 counsel where defendant's appointed counsel was present  
22 and prepared for trial." Additionally, *State versus*  
23 *Pendergrass*, 270 S.C. 1, 239 S.C.2d, 750 is efficacious in  
24 regard to the present scenario.

25 Precedent extant in South Carolina in regard to this

1 matter consists of State versus Sanders, 41 S.C. 386, 534  
2 S.C.2d 696; State versus Childers, 373 S.C. 367, 645  
3 S.C.2d 233; State versus Sterling, 377 S.C. 475, 661  
4 S.C.2d 99.

5 Luculently, the Court is very, very impressed with  
6 the representation that is provided by trial counsel to  
7 this point. And I add my imprimatur and approbation upon  
8 his performance as trial counsel by virtue of his  
9 historical presentation and representation of defendants  
10 in court. This trial counsel is an excellent trial lawyer  
11 and is without doubt very competent in regard to this  
12 venue. In fond, this trial counsel is one of the most  
13 conscientious counsel in the state in regard to  
14 representation of clients and litigants in the trial  
15 venues.

16 There is absolutely no basis for removal of this  
17 trial counsel, and we shall proceed now with the matter  
18 with counsel representing the defendant. Hopefully, the  
19 defendant will cooperate with trial counsel; but if he  
20 does not, that will not impede the trial in the slightest.  
21 And it is so ordered. All rights are reserved. All  
22 rights are protected in regard to appellate review. And  
23 it is so ordered.

24 All right. The next motion, counsel, is a Batson  
25 motion. Are you ready to proceed on that or do you want a

1 slight recess?

2 MR. MCLAURIN: Can we have a recess if we can take just  
3 a quick break?

4 THE COURT: Yes, sir. Ten minute recess and coffee for  
5 the judge.

6 (WHEREUPON, a break was taken from the  
7 proceedings.)

8 MR. CLEMENTS: If it please the Court, Your Honor. Your  
9 Honor, the jury's been chosen but not sworn; they're back  
10 in the jury room. And Mr. McLaurin tells me that his  
11 client, Mr. Rontell Singletary, whose mother Fannie  
12 Singletary is standing there with them, is willing to  
13 enter a plea as indicted and charged. He's entering a  
14 plea to murder on indictment 2007-GS-21-562. Is that  
15 correct?

16 THE COURT: Yeah, 562.

17 MR. CLEMENTS: And the State is okay with him getting a  
18 30 year sentence. I think he's been incarcerated since  
19 January 5th of '06.

20 MR. MCLAURIN: 4th of '06.

21 MR. CLEMENTS: Yeah, he got out that night, January 4th  
22 of '06.

23 THE COURT: How many? Somebody count it up for me.

24 MR. MCLAURIN: Oh, Jesus.

25 THE COURT: While you're thinking about it I'm going to

1 mark into evidence the Affidavit of Defendant for Guilty  
2 Plea Form and the Certificate of Counsel.

3 (Court's Exhibit Numbers 1 and 2 were marked  
4 and made a part of the record.)

5 (Attorney confers with defendant.)

6 THE COURT: Mr. Singletary, give me your attention.  
7 You're here before the Court now presenting a guilty plea;  
8 is that correct?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Speak up now so we can take it down and  
11 listen to you, okay?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You have now talked to your counsel since we  
14 considered a motion to be relieved. Are you satisfied now  
15 with the conference you've had with your lawyer?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Did you talk to him in detail about  
18 everything you had on your mind?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You talked to him concerning various matters  
21 involving this guilty plea?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And you're ready to proceed on this guilty  
24 plea?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Ms. Clerk, swear him.

2 THE DEPUTY CLERK OF COURT: Please raise your right  
3 hand.

4 WHEREUPON,

5 **RONTELL SINGLETARY,**

6 having been duly sworn by the Deputy Clerk of Court,  
7 testified as follows:

8 THE COURT: Sir, you are now sworn. You understand  
9 that, sir?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Sir?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And since you are sworn you are subject to  
14 purgery if you do not tell me the truth. Do you  
15 understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Sir?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And if at a later time you change your  
20 testimony you'll be guilty of purgery. Do you understand  
21 that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You understand how serious this is?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You understand you're now under oath?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: In regard to this particular matter do you  
3 need any further opportunity to talk to your counsel?

4 THE DEFENDANT: No, sir.

5 THE COURT: You ready to proceed?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: That's what you want to do?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Counsel, have you discussed with this  
10 defendant in detail the facts and circumstances from his  
11 standpoint?

12 MR. MCLAURIN: Yes, sir, Your Honor. We -- I started  
13 this case I guess two years ago, two or three years ago  
14 with Mr. Singletary. And like I said earlier, we've had  
15 numerous meetings at the jail. Of course we thought we  
16 were going to be up for trial possibly in the spring of  
17 this year so we were prepped for trial at that particular  
18 time with various meetings with Mr. Singletary so  
19 obviously we've had, you know, numerous meetings over the  
20 last week, week-and-a-half so I feel like we've had enough  
21 time together. We've been through everything. We talked  
22 this morning. We've had probably three meetings with his  
23 mother present, and the Solicitor had a meeting with us so  
24 we went over everything as much as we know how to do and  
25 he knows all the evidence inside and out. So I feel like

1 we've gone through everything we can, yes, sir.

2 THE COURT: Mr. Singletary, you signed the Affidavit of  
3 Defendant for Guilty Plea Form; is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand you were under oath when  
6 you signed this affidavit?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand you were supposed to tell  
9 the truth when you answered these questions?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You and Mr. McLaurin went over this in great  
12 detail; didn't you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Question by question?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you answer each question truthfully?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did you answer each question fully?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You understand when you sign this form you  
21 waive or give up your constitutional rights?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I'm going to go over three of these with you  
24 now. One is you have the absolute right to remain silent,  
25 to say nothing, to do nothing. By pleading guilty you

1 come forward and admit your guilt and ask for the mercy of  
2 the Court. Do you freely and voluntarily give up your  
3 right to remain silent?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Sir?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You have the absolute right to confront the  
8 witnesses against you under the constitution. What that  
9 means is you have the right to see and hear the witnesses  
10 take this witness stand and testify in open court under  
11 oath in your presence. By pleading guilty you give up  
12 that right because we do not conduct a trial. Do you  
13 freely and voluntarily give up your right to confront the  
14 witnesses against you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Answer up please so I can hear. What's the  
19 answer?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You have the absolute right to a jury trial.  
22 In this case we have drawn your jury, and in this case the  
23 jury is sitting in the back in the jury room waiting to  
24 begin the trial. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And you and your lawyer participated in  
2 regard to drawing the jury because you struck a number of  
3 potential jurors; is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you and your lawyer talked about  
6 selecting these jurors; didn't you?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You understand now by pleading guilty before  
9 the Court you waive or give up your right to a jury trial  
10 even though your jury has already been drawn?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you freely and voluntarily give up your  
13 right to a jury trial?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Are you pleading guilty freely and  
16 voluntarily?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Has anyone put any pressure on you in any  
19 way to cause you to plead guilty?

20 THE DEFENDANT: No, sir.

21 THE COURT: Anyone threaten you in any way to make you  
22 plead guilty?

23 THE DEFENDANT: No, sir.

24 THE COURT: Did you, in fact, commit the offense of  
25 murder in regard to Florence County as it relates to Jimmy

1 Wade Christmas on January 4, 2006?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Tell me specifically on the record how did  
4 Jimmy Wade Christmas die? Did you hit him in the head?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Sir?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: What did you hit him in the head with?

9 THE DEFENDANT: With my hand.

10 THE COURT: Did you kick him?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Where did you kick him?

13 THE DEFENDANT: In the head.

14 THE COURT: Did you hit him repeatedly in the face with  
15 an object?

16 THE DEFENDANT: No, sir.

17 THE COURT: You didn't have an object in your hand?

18 THE DEFENDANT: No, sir.

19 THE COURT: Did you stab him in the chest and neck with  
20 a sharp instrument?

21 THE DEFENDANT: Not in the neck.

22 THE COURT: Where did you stab him?

23 THE DEFENDANT: In the chest.

24 THE COURT: What?

25 THE DEFENDANT: In the chest.

1 THE COURT: Stabbed him in the chest?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Sir?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: What did you stab him with?

6 THE DEFENDANT: A knife.

7 THE COURT: A knife? How many times did you stab him?

8 THE DEFENDANT: Two.

9 THE COURT: Two? And when say in the chest you're  
10 getting close to the heart. Did you hit him in the heart,  
11 somewhere like that, because he died.

12 THE DEFENDANT: Not that I can remember.

13 THE COURT: Well, did he fall down and die then or did  
14 he fall down? What happened when you stabbed him twice?

15 THE DEFENDANT: He had fallen.

16 THE COURT: He fall down?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Sorry about my English. He fell down? You  
19 understand?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: There's no doubt in the world but you did  
22 kill Jimmy Wade Christmas; is that correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Sir?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Any doubt about that?

2 THE DEFENDANT: No, sir.

3 THE COURT: All right. Under State versus Thrift we're  
4 mandated to put on the record the full extent of the plea  
5 negotiations. Please, Mr. Solicitor, state on the record  
6 the full parameters in regard to the plea negotiations.

7 MR. CLEMENTS: Very simply, Your Honor, he'll enter a  
8 plea to murder for 30 years.

9 THE COURT: Is that your understanding, counsel?

10 MR. MCLAURIN: That is, Your Honor.

11 THE COURT: Is that your understanding, Mr. Singletary?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you want the Court to accept that plea  
14 negotiation?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you and your mother participate in  
17 regard to that plea negotiation?

18 THE DEFENDANT: Yes, sir, and my father.

19 MR. MCLAURIN: Judge, might I — his father was also  
20 present as we went through that.

21 THE COURT: And to your understanding, counsel, he  
22 understood the plea negotiation?

23 MR. MCLAURIN: He did, Your Honor.

24 THE COURT: And it was a free and voluntarily acceptance  
25 in regard to the plea negotiations?

1 MR. MCLAURIN: Yes, sir, Your Honor.

2 THE COURT: And the plea negotiation simply boils down  
3 to a 30 year sentence but he will be given credit for jail  
4 time already served.

5 MR. MCLAURIN: Yes, sir, correct.

6 THE COURT: Is that your understanding, Mr. Singletary?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right, Mr. Solicitor, it is absolutely  
9 necessary in my judgment to put on the record the general  
10 facts and circumstance surrounding this. I would like for  
11 the investigative officer to present part of it. You may  
12 encapsulate all of this in regard to your presentation.

13 MR. CLEMENTS: Your Honor, would you wish to hear from  
14 me first or the investigating officer first?

15 THE COURT: Your choice.

16 MR. CLEMENTS: All right. Your Honor, first to answer  
17 your previous question, according to the jail screen on  
18 the computer Mr. Singletary has been in jail 1,433 days.

19 THE COURT: 1,433 days?

20 MR. CLEMENTS: Yes, Your Honor. And Your Honor, the  
21 reason that he was in jail that long before this case came  
22 to trial was the chief investigator on this case was  
23 Investigator Shelby Larry who worked for SLED back in  
24 2006, and he has spent the last several years over in -- I  
25 thought he was in Afghanistan but it was Iraq and he got

1 back in November. And as you are aware as Mr. McLaurin  
2 stated that we were attempting to try this case in the  
3 spring and we set it for day certain when Investigator  
4 Larry was back.

5 THE COURT: What is your understanding of the days now?  
6 Make sure you agree to that, counsel, and Mr. Singletary.  
7 How many days has he been in jail?

8 MR. MCLAURIN: That would be about right. I've  
9 multiplied it out. You know, January 5th of next, you  
10 know, year of 2010 will be four years so that's just shy

11 —  
12 THE COURT: So it's 1,433 days?

13 MR. CLEMENTS: Yes, sir. And —

14 THE COURT: Proceed Mr. Solicitor.

15 MR. CLEMENTS: Your Honor, I'd like to invite Chief  
16 Brown and Agent Larry to step up, Your Honor. And Your  
17 Honor, as far as victims in the courtroom, Your Honor,  
18 Mr. Jimmy Christmas, the father.

19 THE COURT: Will you bring them around, have them seated  
20 in the jury box.

21 MR. CLEMENTS: If I call your name if you will come sit  
22 in the jury box please. Mr. Jimmy Christmas, Sandra  
23 Dennis, the mother; Carrie McElveen, sister; Jackie  
24 McElveen, an aunt; Bobby Hutto, an aunt; and Jessica  
25 Williams, a cousin, Your Honor, are all present in the

1 courtroom.

2 THE COURT: And they are now seated in the jury box?

3 MR. CLEMENTS: Yes, Your Honor. Your Honor, on  
4 January 4th, 2006, Wade Christmas – everyone called him  
5 Wade – was at WC Dennis's bar in Lake City. And  
6 according to Rhonda Floyd, who worked there as bartender,  
7 he frequented that establishment very often and she would  
8 many times give him a ride home. I think he lived in the  
9 Scranton area; is that correct?

10 THE INVESTIGATOR: Camp Branch area.

11 THE COURT: Camp Branch area.

12 MR. CLEMENTS: And he was there at Lake City at WC's bar  
13 and he had been there since late that afternoon and this  
14 was sometime around, I think, 9:30 or 10:00. And he told  
15 Ms. Floyd he was going to go to a friend's house,  
16 Mr. Hammond, whose nickname is Dope, and he would be back  
17 before she closed and she was going to give him a ride  
18 home. She said he didn't have any money because she had  
19 just bought him a drink because he didn't have any money.  
20 But he took off walking in that – and she never heard  
21 from him again. He got to the area of Gaddy Street in  
22 Westover Street in Lake City which was just a few blocks  
23 way, he was walking. And that's where his body was found  
24 outside of a trailer that was lived in by Mr. George  
25 Russell. Law enforcement talked to him. He had been in

1 his trailer watching the ball game drifting on and off  
2 asleep, wake up, go back asleep, wake up, go back asleep,  
3 never heard anything, never saw anything. But it was  
4 outside his trailer. Also at the same time there were  
5 many other people that the State were gonna call that were  
6 present at Ms. Ettaphine Burgess's trailer, which was  
7 close by there, and she goes by Delphine. And she was  
8 there with her daughters and several other people. And  
9 Jarrod McFadden came there, and he was there getting his  
10 hair loosened. And Rontell Singletary came and he was  
11 there and they had been drinking some. I think everybody  
12 was kind of partying a little bit. Ms. Burgess told me  
13 that Mr. Singletary did something or said something she  
14 thought was disrespect in her house so she put him out.  
15 And Jarrod stayed and was having his hair loosened. And  
16 at some time period past -- she wasn't sure how long; the  
17 other witnesses weren't sure how long -- that Rontell  
18 Singletary came back to the house and they wouldn't let  
19 him in, but he wanted Jarrod. So Jarrod ended up going  
20 outside and stayed gone for a while and then came back.

21 But when they saw Rontell Singletary when he came to  
22 the house, he had what appeared to be blood on him and  
23 some said he had blood on his clothes. Some said he had  
24 blood on a towel and asked him about it; he said it was  
25 barbecue sauce. But I think Jarrod McFadden came back to

1 the house; Rontell never did.

2       There were some people got in an argument, and I  
3 think it was Mr. McFadden. He said it was me and another  
4 guy arguing and Ettaphine Burgess called the police and so  
5 he left. Rontell Singletary saw him again, told him to  
6 leave. And so I'll get a little bit more detail on what  
7 Jarrod McFadden told us Rontell showed him and told him in  
8 a little bit. But they left and the police were called  
9 and Jerry Gainey went out and Filyaw, Sergeant Filyaw -- I  
10 think he's here. They went to go to the disturbance; but  
11 when they got there Ms. Burgess said everything was okay,  
12 they quit arguing, the people had left. And so they left.

13       Another citizen, Mr. Sauls, Mr. Maurice Sauls, had  
14 driven by and seen a body laying in front of a trailer  
15 there on Gaddy Westover Street close to the corner,  
16 thought he saw blood. He saw the police coming and he  
17 thought oh, they're going there so I won't say anything.  
18 But they rode past and they were going to Ms. Burgess's  
19 where the disturbance was. So he cut the block, turned  
20 around and come back. And he stopped one of the officers,  
21 and I think it was officer Gainey, said there's somebody  
22 laying down over there by this trailer, looks like that he  
23 might have blood on him, I don't know if it they're hurt  
24 or drunk, whatever. So Mr. Gainey, Officer Gainey, got  
25 Ms. Burgess and one of her daughters to go with him

1 thinking it might be someone that was drunk and they might  
2 know who it was. When they got there they saw a body with  
3 a face that was just beaten and stomped and blood all over  
4 it, and the two ladies ran off hysterically screaming back  
5 to their trailer.

6 They immediately started their process of securing  
7 the crime scene, called Florence County Sheriff's  
8 forensics. They called investigators on-call. They  
9 called SLED. Sergeant Williams and Lieutenant Bonette,  
10 they responded from Lake City police. Chief Brown, who  
11 was Captain Brown at that time responded. Shelby Larry  
12 responded. And they talked to people out on the scene and  
13 some of them that were in the crowd that kind of gathered  
14 around outside out -- the fire department also came,  
15 helped rope off the area and secure the area. And the  
16 people gathered and some of them said they saw Rontell  
17 Singletary back there but had changed clothes. There was  
18 one person, Ms. Celette Graham who told, I believe,  
19 Sergeant Debra Williams that they better check out Rontell  
20 Singletary because she had seen him earlier, he had blood  
21 on his clothes and changed his clothes. They went to his  
22 mother's house and she said, well, he'd been by here,  
23 changed clothes, said something about he might be going to  
24 jail tonight. And they began to investigate.

25 They got a search warrant. They found bloody

1 clothes underneath Ms. Singletary's trailer that Mr.  
2 Rontell Singletary had taken off and put those bloody  
3 clothes under the trailer, found some bloody socks in a  
4 shed or by a shed. And ultimately, they were submitted to  
5 SLED, tested for DNA, and came back to Wade Christmas'  
6 DNA. They ended up talking to Jarrod McFadden. He was  
7 also arrested and charged. He was going to testify. He  
8 was in jail for a long period of time; then finally, he  
9 agreed that he would take a polygraph. He told his story  
10 of what Mr. Singletary did when he came back to the  
11 trailer and that is he went, said, I beat this guy up and  
12 went and saw him and he thought he was still alive at the  
13 time. Later Mr. Singletary told them I went back and  
14 killed him. And he wanted to know why you did that and he  
15 said, well, I just felt like I had to. I guess, I don't  
16 know, my theory is perhaps he didn't want to be identified  
17 and thought the man could identify him. Mr. McFadden said  
18 he got a couple of stories from Mr. Singletary about why  
19 he did it. He said it didn't really make sense. One was  
20 about the guy was trying to get dope from him and he  
21 didn't have any dope. And the other was the guy said  
22 something, about you tried to rob me so he followed him  
23 but he wasn't sure exactly why it happened but  
24 Mr. Singletary told him about what happened.

25 When they were both taken from the Lake City police

1 department by Officer Burton delivered to the county jail  
2 Mr. Singletary made the statement to Officer Burton, why  
3 you taking him, he didn't have anything to do with this,  
4 speaking about Jarrod McFadden. Mr. Burton said they had  
5 some other conversation in the back seat but the radio and  
6 road noise he didn't hear what they were saying, but when  
7 they were leaving he did hear Mr. Singletary ask him that  
8 question. Mr. McFadden was offered a polygraph. He  
9 passed it as telling -- being truthful about what  
10 happened, that he didn't have anything to do with fighting  
11 Mr. Christmas, hitting Mr. Christmas, stabbing Mr.  
12 Christmas, or anything about that. But what he did do,  
13 what he was guilty of was misprision of a felony; that he  
14 didn't come forward, didn't call any attention, didn't try  
15 to help the man in any way.

16 We had DNA on sweat pants that were worn by  
17 Mr. Singletary, a hat, baseball cap, that was found in his  
18 room. The sweat pants were found underneath the house. A  
19 nylon jacket that was found underneath the house also had  
20 Mr. Christmas' DNA. And there were socks outside the shed  
21 that also had Mr. Christmas' DNA, all at Mr. Singletary's  
22 residence where he lived with Fannie Singletary. There  
23 were several individuals that saw him when he came back to  
24 Ms. Ettaphine Burgess's trailer, that he had blood on it,  
25 well he had blood on his shirt. A shirt wasn't found. A

1 towel with blood was not found. They took some towels out  
2 of his room but there were no towels blood that was found.  
3 But Jarrod McFadden said that Mr. Singletary was burning  
4 up a towel and maybe something else outside his house.  
5 None of that was ever found. There was a knife that was  
6 found. It was a little folding knife, I guess, about that  
7 long called a spider, spider knife. Was found in a ditch  
8 about 40 feet from Mr. Christmas's body, and it had blood  
9 on it, DNA that matched Mr. Christmas.

10 THE COURT: What is the length of the blade on this  
11 so-called knife?

12 MR. CLEMENTS: I think the blade was probably about that  
13 long.

14 THE INVESTIGATOR: Three-and-a-half inches.

15 MR. CLEMENTS: Three-and-a-half inches. He was stabbed.  
16 As Mr. Singletary said, he was stabbed twice in the chest  
17 area, one punctured aorta. His face was severely beaten  
18 and stomped and looked like the neck might have been  
19 stomped and ear almost ripped off where -- not ripped  
20 completely off but skin split -- but he was severely  
21 stomped and beaten.

22 THE COURT: Do you have photographs of this?

23 MR. CLEMENTS: Your Honor, I do.

24 THE COURT: Let's put them into the record. It's  
25 necessary and essential to have a full justifiable record

1 in regard to plea so I'm taking the precaution to do all  
2 of this.

3 MR. CLEMENTS: Your Honor, these are pictures of the  
4 knife, pictures of Mr. Christmas where he was found, and  
5 pictures of the clothes that were found, Your Honor.

6 (Items shown to defense counsel ).

7 MR. CLEMENTS: They do have some of Sergeant Debra  
8 Williams' notes on them, but those are probably the  
9 easiest way to put them into evidence is with all these  
10 photos that are like six or five to a sheet.

11 MR. MCLAURIN: Okay, all right. Mark them as a unit,  
12 Ms. Court Reporter?

13 THE COURT REPORTER: Yes, sir, State's.

14 (WHEREUPON, State Exhibit No. 1, photographs, was  
15 marked for identification and admitted into evidence.)

16 THE COURT: Let the record show I have the photographs  
17 depicting the knife, specifically the knife in its  
18 entirety, the knife in regard to the blade and the type of  
19 blade. I have photographs in regard to the victim with  
20 injuries that are, of course, in reference to his face and  
21 his chest. The location of the puncture wounds in the  
22 chest, they're located in proximity to the aortic valve.  
23 And my statement about that is made because I know where  
24 the aortic valve is in a person having sustained open  
25 heart surgery with a valve being replaced, a metallic

1 valve. The location of the scene and the site, more  
2 photographs in regard to this individual depicting  
3 serious, serious injuries to the face and to his chest.  
4 The photographs prove with absolute certitude the type of  
5 injuries that were inflicted upon this victim. State's  
6 Exhibit Number 1.

7 Proceed.

8 MR. CLEMENTS: Thank you, Your Honor. Your Honor,  
9 Mr. Singletary was Mirandised, gave a statement putting  
10 himself at the scene as I stated, said that he did beat  
11 the man and hit him with his fist and stomped him, but at  
12 that time denied that he stabbed him. He said some  
13 unknown black male that he didn't know who they were came  
14 around the corner so he left, and he thought that guy did  
15 it. He told Mr. Jarrod McFadden that he did it. He's  
16 told Your Honor here he stabbed him twice in the chest.  
17 We believe that is what happened. What the State does not  
18 know, Your Honor, is we do not understand the motive. We  
19 do know based on autopsy that Mr. Christmas's blood  
20 alcohol level was about a .30. I asked the lady,  
21 Ms. Floyd, that was his friend that was the bartender,  
22 asked if he ever got belligerent when he was drinking.  
23 She said he could. We don't know if -- and Mr. McFadden  
24 could not tell me either. He said Mr. Singletary gave him  
25 two stories. We don't know if it was an attempt to buy

1 drugs or a drug deal gone bad or it was just an encounter.  
2 We know Mr. Singletary was drinking quite a bit that night  
3 as well; that by his own test-- statement he gave law  
4 enforcement, also by statement of other witnesses, we  
5 don't know if it was that fueled by alcohol, something was  
6 said that caused this to occur. There's no explanation  
7 for it. Of course, Your Honor, if we did have the  
8 explanation of why it happened it would certainly not be  
9 exculpatory of this type of situation. But we talked with  
10 the family. We've made him the offer. If he pled guilty  
11 to murder and did not make the family go through the  
12 emotional cost of having to go through this trial that we  
13 would be satisfied with 30 year sentence.

14 THE COURT: What about the officers that are standing  
15 here? Full name please for the record.

16 THE INVESTIGATOR: Shelby Louis Larry.

17 THE COURT: Yes, sir.

18 THE INVESTIGATOR: I was employed with the -- I was a  
19 special agent with the South Carolina Law Enforcement  
20 Division at the time of this investigation. I was called  
21 out to assist the Lake City Police Department with this  
22 case in a combined effort with the -- I'm sorry, Sergeant  
23 Williams and Lieutenant Bonnett. We were able to  
24 determine that Rontell Singletary and Jarrod McFadden were  
25 involved in this matter. And we were able to place them

1 into custody and proceed with the necessary judicial  
2 pleadings required in this case.

3 THE COURT: All right.

4 CHIEF BROWN: Yes, sir, I'm Chief Brown, Lake City  
5 Police Department at that time. Your Honor, I was a  
6 captain of investigations. From this night when everybody  
7 was called out, the time we actually identified  
8 Mr. Christmas, this is one of the most brutal murders I've  
9 seen. And I've been in Lake City 32 years. Like the  
10 agent said, through the investigation work through the  
11 Lake City Police Department, SLED, and other agencies  
12 involved, that's why we're here today, what took place  
13 that night, and the statements he gave us and continued  
14 over to now until his court time, Your Honor. Thank you.

15 THE COURT: Mr. Solicitor, does any member of the family  
16 desire to address the Court?

17 MR. CLEMENTS: Your Honor, if they do I would ask they  
18 stand and state their name if any of you wish to address  
19 His Honor.

20 THE MOTHER: I'm Sandra Dennis. I'm Wade's mother. And  
21 I wish we could withdraw that plea now 'cause he deserves  
22 life. If it's not too late. But hearing this testimony I  
23 had no idea my child was beat like that, and I don't  
24 understand how this little fellow could do such horrendous  
25 act on one person. He deserves life.

1 THE COURT: Thank you. Anyone else?

2 MS. MCELVEEN: My name is Carrie McElveen, Wade was --  
3 is my brother. Wade was 40 years old when this boy took  
4 his life. There's no reason to believe that Wade would  
5 not have lived at least 30 years or more. My father is  
6 40-- my daddy is 74 years old and still healthy. We can't  
7 get the Wade back. Nothing we can do can get Wade back.  
8 But I -- 30 years is the minimum that we would ask for.

9 THE COURT: Thank you.

10 THE FATHER: I'm Wade's daddy and I --

11 THE COURT: Full name.

12 THE FATHER: Jimmy Christmas.

13 THE COURT: Yes.

14 THE FATHER: And I think he ought to get life too.

15 THE COURT: Thank you.

16 THE FATHER: Or to be put away for life or either  
17 executed. I believe in eye for an eye. I know that's old  
18 fashioned; but that's the way I feel, I can't help it.

19 THE COURT: Thank you.

20 All right, Mr. Solicitor, any of the other officers  
21 want to address the Court in terms of the officers who  
22 assisted in the investigation?

23 MR. CLEMENTS: Your Honor, we have Officers Filyaw,  
24 Gainey, Williams, Bonette, and Williams here. If any of  
25 them wish to speak, Your Honor, I would give them this

1 opportunity.

2 SERGEANT FILYAW: Your Honor.

3 THE COURT: Full name.

4 SERGEANT FILYAW: Charles Filyaw, Sergeant Charles  
5 Filyaw with the Lake City Police Department. I've been  
6 with the department going on 20 years, and I'd known this  
7 young man all my life and I didn't -- he was beaten so bad  
8 that night didn't even recognize him at first, you know,  
9 till I found a card in his pocket that says Wade's  
10 Handyman Service. And that's when I recognized who he was  
11 but he was brutally, brutally beaten.

12 THE COURT: Any other officer?

13 (There was no response.)

14 THE COURT: Anything else, Mr. Solicitor?

15 MR. CLEMENTS: That's all, Your Honor.

16 THE COURT: All right. Counsel, you're recognized.

17 MR. MCLAURIN: Yes, sir, Your Honor, if it please the  
18 Court. Of course Mr. Singletary stands here with his  
19 mother, Fannie Singletary and his father. I think he's in  
20 the audience back here, Mr. Tommy Smith. Rontell grew up  
21 in Lake City, went to Lake City High School, went through  
22 the 12th grade there. And his father Tommy had a handyman  
23 business and that's where after he got out that's where he  
24 worked with his dad doing painting and construction work.  
25 He has no children. And it's -- this is kind of a

1 shocking situation for his parents in that he had no  
2 record except for a simple assault back three or four  
3 years ago so this is not someone who's got a drug record  
4 and violent record, somebody like that. He has absolutely  
5 no record. And his parents, particularly Ms. Fannie  
6 Singletary, of course whose standing here, says that he's  
7 just been a great son, helped her out in the house. They  
8 lived together throughout all this time and helped take  
9 care of his mother there at the house. This particular  
10 night – and the area that this is in, it's a very violent  
11 area. It's right off of Main Street of Lake City and it's  
12 a mobile home park there that is just really a violent  
13 area. And Rontell's grown up around that kind of  
14 environment all his life. He tells me the background of  
15 the story is that on New Year's of that year, which of  
16 course was three or four days earlier, somebody had come  
17 and shot up a bunch of cars at their house, at the  
18 neighbor's house and so he started carrying a knife at  
19 that point because he was fearful for his life. There was  
20 some threats made during that particular time. So he does  
21 that particular January 4th go out that evening and go  
22 over to Delphine Burgess's house and they start drinking,  
23 him and Jarrod McFadden over there. And he leaves to, I  
24 think he was going to go actually to the store to get more  
25 things to drink. And as he's walking he has always

1 maintained that Mr. Christmas indicated to him that maybe  
2 Rontell had robbed him in the past, and they got into a  
3 fight. And Rontell, this is about 10:30, 11:00 at night.  
4 And as the solicitor already indicated Mr. Christmas was  
5 highly intoxicated and Rontell was probably too. He spun  
6 around and lost his mind and his control and did stab  
7 Mr. Christmas on that evening. Now I know there's been  
8 some talk about the pictures that were submitted and the  
9 brutality of this beating but I looked at the autopsy and  
10 there was no injury to the brain. There was no reason to  
11 believe that if it had just been this beating that we  
12 would be here today according to the autopsy. It was the  
13 one blow to the, as you said, the aorta that was up near  
14 the heart; that's kind of what did it.

15 Rontell, like I said, I've been representing him for  
16 two years. For a year-and-a-half he denied really any  
17 involvement, Your Honor, except for the statement that he  
18 gave where he said he did get in a fight with him. But  
19 over the summer he, to his credit, he wrote me a letter  
20 and said he had done a lot of soul searching and that he  
21 wanted to confess and wanted to come forward and just his  
22 heart was – his mind and his heart was just weighing on  
23 him and so he did. He wrote me that letter and actually  
24 wrote, I believe, the chief over there and told him that  
25 he wanted to come forward and talk with him about it so

1 I'm encouraged by that; that he did, he did find it in his  
2 heart to come forward and come here today and admit his  
3 guilt, admit what he did.

4 I know he wishes that if he could have that -- you  
5 know, it happened so quick, if you could have that five or  
6 ten seconds back, I know he wishes he could. I know he  
7 wants to apologize to the family and knows they've been  
8 through a lot. He's been in jail for four years now and  
9 he's learned a lot. And he knows he's gonna spend a lot  
10 more time in jail. And I think when he gets out he's  
11 gonna be a changed man. He's gonna be a grown adult in  
12 the latter part of his life, but he can still do some  
13 good. I -- you know, he made a motion to be relieved but  
14 when we had meetings it's not like one of these meetings  
15 where I've had clients say, I'm not telling you anything,  
16 get away, I don't even want to see you. It's not like  
17 that at all, Judge. He's been very cooperative with me.  
18 Yes, sir, no, sir, I mean, we've had good meetings.  
19 That's why sometimes it was shocking to hear when we get  
20 in court he would make some of these motions, but I can  
21 understand his frustration and the fact he's been in jail  
22 that long and haven't had his day in court so I think that  
23 caused some frustration for him but. Judge, we just ask  
24 you to give him the minimum sentence which has been  
25 recommended through the State. We ask you to go along

1 with that. I think once he gets out you will not hear  
2 from him; he will be a different person. And he made a  
3 huge error, huge mistake, that's gonna change his life  
4 forever and I just ask for your mercy in that regard  
5 'cause I know he wanted to make a statement or two, Your  
6 Honor.

7 THE COURT: All right, Mr. Singletary.

8 THE DEFENDANT: To the family that I'm sorry for my  
9 action and that I'm asking the Court to show me mercy, go  
10 with the recommendation of the solicitor.

11 THE COURT: The brutality of this crime is shocking. To  
12 take the life of a human being in this manner is  
13 repulsive, the life of an individual who simply had no  
14 reason to have death inflicted in such a manner under such  
15 circumstances. But there has been negotiation and 30  
16 years is a long time. Thirty years is a lengthy, lengthy  
17 sentence. The Court hereby accepts the plea negotiation  
18 and recommendation. The defendant Rontell Singletary is  
19 committed to the State Department of Corrections for 30  
20 years. He's given credit for jail time already served and  
21 is mandatory. Under 24-13-40 the credit is 1,433 days  
22 credit. Thank you very much.

23

24

\*\*\* END OF REQUESTED TRANSCRIPT OF RECORD \*\*\*

25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE )

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 14th day of July, 2010.

*Frances Bakis-Ray*

FRANCES BAKIS-RAY, RPR  
My Commission Expires: 9-13-2014

WITNESSES

CHIEF BILLY BROWN

LCPD

Williams

PROS:

JWL

D/O:

01-04-2006

ARREST WARRANT NO.

1331139 (1), 1331140 (1).

ACTION OF GRAND JURY

*K. [Signature]*  
Foreman of Grand Jury

VERDICT

**TRUE BILL**

Foreman of Petit Jury

Date:

DOCKET NO. 2007 - GS - 21 - 00502

The State of South Carolina,

County of FLORENCE

JWL

COURT OF GENERAL SESSIONS

MARCH

TERM

2007

THE STATE

vs.

JERODE ROMEL MCFADDEN

RONTELL SINGLETARY

Indictment for

MURDER

CERTIFIED: A TRUE COPY  
*Connie Reel Shearin*  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

FILED

2007 MAR - 8 PM 1:13

CONNIE REEL-SHEARIN  
CCCP & GS  
FLORENCE COUNTY, SC

## INDICTMENT FOR

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )  
 )

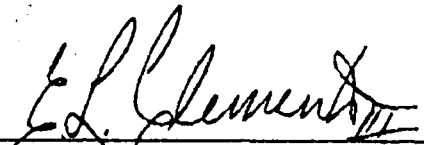
MURDER

At a Court of General Sessions, convened on MARCH 8, 2007, the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE - MURDER**

That JERODE ROMEL MCFADDEN AND RONTELL SINGLETARY did in FLORENCE County on or about January 04, 2006, violate Sections 16-03-0010, 0020 and 16-01-0060 of the Code of Laws of South Carolina (1976), as amended, in that they did feloniously, wilfully and with malice aforethought kill one Jimmy Wade Christmas, by means of beating him repeatedly in the head, by kicking him and by hitting him repeatedly in the face with an object, and by stabbing him in the chest and neck with a sharp object, and that the said Jimmy Wade Christmas did die as a proximate result thereof.

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

  
 \_\_\_\_\_  
 SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence  
STATE

INDICTMENT/CASE#: 07 -GS- 21 - 56

Rontell vs. Singletary

AW#: I-331139  
Date of Offense: 1-4-06  
S.C. Code §: 16-03-0010, 0020  
CDR Code #: 0116

AKA:  
Race:  
DOB:  
Address:  
City, State, Zip:  
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: MURDER

In violation of § 16-3-10 & 20 of the S.C. Code of Laws, bearing CDR Code # 0116  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45 (CSC w/minor 1<sup>st</sup> 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. 30 YEARS

ATTORNEY: [Signature] 15295 Rontell Singletary [Signature] 66210  
Solicitor 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 thirty days/years or ~~under the Youthful Offender Act not to exceed~~ and/or to pay a fine of thirty days/years and of payment of \$ thirty assessments as applicable; the balance is suspended with probation for thirty days/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. RENY - 1433 days credit  
 The Defendant is to be placed on 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

Set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. Or Job Corp \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_ Substance Abuse Counseling

\*Fine: \$ \_\_\_\_\_ Random Drug/Alcohol Testing

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_ Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00 \$ \_\_\_\_\_ Paid to Public Defender Fund

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_ Other: \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

§47.12 (Public Def/Prob) \$500 \$ \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \$ \_\_\_\_\_

§14-1-213 (Drug Court Surcharge) \$100 \$ \_\_\_\_\_

§50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

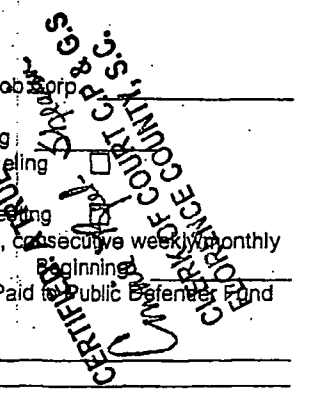
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

§90.7(SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ \_\_\_\_\_ \$ 105.00  
TOTAL

Clerk of Court/Deputy Clerk [Signature]  
Court Reporter: [Signature]

Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.  
Presiding Judge \_\_\_\_\_  
Judge Code: \_\_\_\_\_  
Sentence Date December 7, 2009



STATE OF SOUTH CAROLINA )  
 )  
County of Florence )

IN THE COURT OF COMMON PLEAS

2010-CF-21-795

Bontell Singletary 338378 )  
Full name and prison number (if any) of Applicant )

v. )

State of South Carolina )

APPLICATION FOR

POST-CONVICTION RELIEF

**INSTRUCTIONS B 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 Lee Correctional Institution  
990 Wisacky Highway Biscoville, SC 29110
2. Name and location of Court which imposed sentence Florence County  
General Session
3. Name(s) of co-defendant(s) (if any) Terode McFadden
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:  
(a) 07-GS-21562 12-7-07

CERTIFIED: A TRUE COPY  
*Christina A. L. Shipp*  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

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

- (a) December the 7<sup>th</sup> of 2009
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty ✓
- (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 Ayes@ to (7), list:

- (a) the name of each Court to which you appealed:
  - i. \_\_\_\_\_
  - ii. N/A
  - iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
  - i. \_\_\_\_\_
  - ii. N/A
  - iii. \_\_\_\_\_
- (c) the date of each such result:
  - i. \_\_\_\_\_
  - ii. N/A
  - iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
  - i. \_\_\_\_\_
  - ii. N/A
  - iii. \_\_\_\_\_

9. If you answered Ano@ to (7), state your reasons for not so appealing:

- (a) CONTACTED + Failed to Advise + Downcell Failed to Advise

(b) \_\_\_\_\_

(c) \_\_\_\_\_

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) ineffective Assistance ~~of~~ Council

(b) involuntary guilty plea

(c) Due process

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

Council Failed to investigate the case

(a) ~~Council failed to investigate the case~~

(b) Council Failed to challenge case

(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? no

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no

(d) any other petitions, motions or applications in this or any other Court? no

13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

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

ii. N/A

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

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

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

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

ii. N/A

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

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

(c) the disposition thereof:

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

ii. N/A

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

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

(d) the date of each such disposition:

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

ii. N/A

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

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

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

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

ii. N/A

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. N/A

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

(b) the proceedings in which each ground was raised:

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

ii. N/A

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) \_\_\_\_\_ *N/A* \_\_\_\_\_
- (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? no
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? no
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? no

18. If you answered Ayes@ to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
  - i. C. Steven McLaurin  
McLaurin And Baber Law Firm
  - ii. Attorney At Law  
P.O. Box 1461, Florence, SC 29501
  - iii. Scott Smith, Florence county city complex, 180 north irby street  
MSC-e, Florence, SC 29501
- (b) the proceedings at which each such attorney represented you:
  - i. Plea And Sentencing
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

vacate guilty plea

20. Are you now under sentence from any other court that you have not challenged?

no

Revised 3/2003

STATE OF SOUTH CAROLINA )

County of Lee )

VERIFICATION

I, Bentell Singletary, 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.

Bentell Singletary

SWORN to and subscribed before me this 26 day of Jan, 2010.

[Signature] (L.S.)  
Notary Public

My Commission Expires: 11-4-2015

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

I, Rontell Singletary, 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.

Rontell Singletary

*Applicant*

SWORN or affirmed to and subscribed before me this

26 day of Jan, 2010.

Debra Sims

*Notary Public*

My Commission Expires: 11-4-2015

CLERK OF SUPERIOR COURT  
JAN 26 2010

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE 12TH JUDICIAL CIRCUIT
COUNTY OF FLORENCE	)	Case No.: 2010-CP-21-795
	)	
Singletary, Rontell, #338278	)	
	)	
Applicant,	)	
	)	<b>RETURN</b>
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Respondent, making its Return to the application for post conviction relief (PCR) filed April 17, 2010, would respectfully show this Court:

**I.**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the March 2007 term of the Florence County Grand Jury for murder. C. Steven McLaurin, Esquire, represented the Applicant. Applicant pled guilty as charged on December 7, 2009 and was sentenced by the Honorable Ralph King Anderson, Jr to thirty years imprisonment. Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein by reference are the records of the Florence County Clerk of Court regarding the subject convictions and Applicant's records from the South Carolina Department of Corrections. The transcript of the guilty plea proceedings will be forwarded upon receipt.

**II.**

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

1. Ineffective assistance of counsel;

2. Involuntary Guilty Plea; and
3. "Due Process".

### III.

In a PCR proceeding, the applicant bears the burden of establishing that he is entitled to relief. Caprood v. State, 338 S.C. 103, 109, 525 S.E.2d 514, 517 (2000). First, a PCR applicant must show that his counsel's performance was deficient such that it falls below an objective standard of reasonableness. Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 693 (1984); Alexander v. State, 303 S.C. 539, 541, 402 S.E.2d 484, 485 (1991). Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry v. State, 300 S.C. 115 at 117, 386 S.E.2d 624 at 625 (1989), *citing Strickland*.

Second, an applicant must show there is a reasonable probability, but for counsel's unprofessional errors, the result of the proceeding would have been different. Strickland, 466 U.S. at 687, 104 S.Ct. at 2064, 80 L.Ed.2d at 693; Alexander, 303 S.C. at 541-42, 402 S.E.2d at 485. The Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, Id. Applicant must overcome this presumption in order to receive relief. Cherry, Id.

Where there has been a guilty plea, the applicant must prove prejudice by showing that, but for counsel's errors, there is a reasonable probability he would not have pleaded guilty and instead would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59, 106 S.Ct. 366, 370, 88 L.Ed.2d 203, 210 (1985); Jordan v. State, 297 S.C. 52, 54, 374 S.E.2d 683, 684 (1988). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

#### IV.

Applicant alleges that he did not plead guilty freely and voluntarily. The State submits this allegation has no merit. To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The State submits the transcript reflects that the pleas were knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Boykin, supra; Dover, supra. Further, because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. U.S., 519 F.2d 317 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976). The State submits Applicant should not be allowed to depart from the truth of the statements he made during his guilty plea hearing.

A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for

counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Respondent submits that Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it should therefore, be treated as such.

#### V.

Finally, Applicant's last allegation is simply: "Due Process". Respondent would submit that this claim is vague. Further, Respondent would submit that Applicant received due process in accordance with state and federal law. The Uniform Post-Conviction Procedure Act (the Act) requires that the Applicant must "... specifically set forth the grounds upon which the application is based." S.C. Code Ann. § 17-27-50 (1985). In an application for PCR, it is incumbent upon the Applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since the Applicant has failed to make even a prima facie showing, the State would submit that this allegation should be dismissed for failing to meet the requirements of the Act. In any event, the State submits this allegation is so vague that it is impossible for the State to more specifically respond.

#### VII.

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

#### VIII.

**WHEREFORE**, having made its Return, the State requests that an attorney be appointed to represent the Applicant and that a hearing be held.

Respectfully submitted,

HENRY DARGAN McMASTER  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

DAVID SPENCER  
Assistant Attorney General

By:   
**ATTORNEYS FOR RESPONDENT**

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Telephone: (803) 734-3737

June 10, 2010.

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF FLORENCE	)	2010-CP-21-795
	)	
	)	
	)	
Rontell Singletary	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
State of South Carolina	)	)
<u>RESPONDENT</u>	)	February 8, 2011
		Florence, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO, JUDGE.

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

DAVID SPENCER, ASSISTANT ATTORNEY GENERAL  
Attorney for the State

PHEOBE A. CLARK, ESQ.  
Attorney for the Applicant

KESHIA REED  
Official Court Reporter

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WITNESS                      DIRECT      CROSS      REDIRECT      RE CROSS

Rontell Singletary

Ms. Clark                      13

Mr. Spencer                      21

Steven McLaurin

Mr. Spencer                      26

Ms. Clark                      30

Certificate of Reporter 37

1 MR. SPENCER: Your Honor, whenever you're ready,  
2 I'm ready to call the first case.

3 THE COURT: All right, we're ready. Go ahead,  
4 sir.

5 MR. SPENCER: Your Honor, the first case I would  
6 call would be Rontell Singletary vs. State. Your Honor,  
7 this is 2010-CP-21-795. For the record, my name is David  
8 Spencer with the Attorney General's office.  
9 Mr. Singletary was indicted for murder in 2007. He was  
10 represented by Mr. McLaurin. I believe he was represented  
11 first by Mr. Suggs and was relieved and then Mr. McLaurin  
12 represented him. Mr. Singletary pled guilty as charged on  
13 September 7th of 2009. I note there's an error in the  
14 return says December of 2009. He was sentenced by Judge  
15 Anderson to 30 years imprisonment. There was no appeal  
16 from that. He filed this application in April of 2010.  
17 Your Honor, he is represented here today by Ms. Pheobe  
18 Clerk. And I would just ask Ms. Clark to state the  
19 allegations for the record.

20 THE COURT: Ms. Clark.

21 MS. CLARK: Thank you. Your Honor, I'm Pheobe  
22 Clark with the Wukela clerk law firm, representing Rontell  
23 Singletary. The three claims that he's making his  
24 application for post-conviction relief are ineffective  
25 assistance of counsel, involuntary guilty plea and a

1 violation of his due process rights.

2 MR. SPENCER: Your Honor, those are more kind of  
3 long the lines of causes of action. If there's anything  
4 more specific, I appreciate hearing any more specific  
5 allegations.

6 MS. CLARK: There aren't any other more specific  
7 allegations. I guess, he can explain some of those when  
8 he is on the record.

9 THE COURT: All right. Ms. Clark, have you in  
10 your representation of Mr. Singletary have you made it  
11 clear to him and does he understand that the remedy that  
12 this court can consider? In other words, so many folks  
13 file these petitions or applications and they're thinking  
14 that they can get their sentenced changed. Have you  
15 explained to Mr. Singletary that I can't do anything with  
16 his sentence. All I can do is put him back in the  
17 position he was in before he entered his guilty plea.  
18 Have you had that conversation with him?

19 MS. CLARK: Yes, sir, we have.

20 THE COURT: Okay. And so he ended up with  
21 pleading guilty and got a 30 year sentence, but if I agree  
22 with his application and I remand his case back for  
23 another disposition, that he's facing life in prison?

24 MS. CLARK: Yes, sir.

25 THE COURT: The State is not bound by any

1 agreements they made with him earlier. He would be facing  
2 on a murder charge anywhere from 30 years to life and that  
3 if he were to go back, he could possibly face a life  
4 prison -- a life sentence. Have you explain that with  
5 him?

6 MS. CLARK: Yes, sir.

7 THE COURT: All right. And he still wants to  
8 proceed?

9 MR. SPENCER: Your Honor, just briefly, the  
10 third allegation was kind of a generic due process claim  
11 and that as phrase would be a direct appeal issue. I  
12 mean, we can just kind of fair out the issues a little bit  
13 first. But, Your Honor, I would -- as it stands now, I  
14 would move to dismiss that one as a direct appeal issue.

15 THE COURT: What is the due process claim  
16 relating to?

17 MS. CLARK: He's claiming that he didn't get a  
18 right to a speedy trial. I guess, he can explain that in  
19 his ineffective assistance of counsel, he can state that  
20 he didn't get things that he requested and that would make  
21 it better.

22 THE COURT: All right. We'll proceed.

23 Mr. Singletary, what I need to make sure that  
24 you understand, sir, is that I can't do anything with your  
25 sentence. If I agree with your application, then all I

1 can do is put you back where you were before you entered  
2 your guilty plea. Were there any other charges dismissed  
3 as a result of this plea or was it just the murder charge  
4 that he was facing?

5 MR. SPENCER: There might have been a weapons  
6 charge too. I'll double check that.

7 THE COURT: Bottom line is, Mr. Singletary --  
8 please stand when I'm talking you, sir. Any charges that  
9 may have been dismissed, those will all come back. The --  
10 I'm assuming as part of the plea agreement the State  
11 agreed to recommend the 30 year sentence or recommend the  
12 minimum. They are not bound by that recommendation. In  
13 other words, if I send you back, they can seek a life  
14 sentence. You understand that?

15 MR. SINGLETARY: Yes, sir.

16 THE COURT: All right. And understanding that,  
17 you do still wish to go forward with your PCR?

18 MR. SINGLETARY: Well, today I'm not ready  
19 because I ain't had time to discuss a lot of things with  
20 my lawyer.

21 THE COURT: Well, there's no motion to continue.  
22 Are you ready to go forward, Ms. Clark?

23 MS. CLARK: I'm prepared to proceed.

24 THE COURT: I don't understand why you're not  
25 ready.

1           MR. SINGLETARY: We ain't get to study over the  
2 case. I ain't never get to read my transcript and doing  
3 what I suppose to do or whatever. I just get to see my  
4 transcript today. I been asking for a copy of it. I just  
5 ask the Court to give me continuance to give me more time.

6           THE COURT: When was this case noticed -- when  
7 did he file his application and when was it put on the  
8 docket?

9           MR. SPENCER: I believe we sent out the docket  
10 about the same time you got it, Your Honor, it would have  
11 been about four weeks ago. I find the letters here. It  
12 was filed in April of 2010.

13           THE COURT: Well, your attorney says she's  
14 ready. The case has been on the docket for over a month.  
15 And we're going to proceed if you want to proceed with  
16 your PCR. What I need you to understand, Mr. Singletary,  
17 is -- and hopefully -- let me look real quick at your  
18 application and see what you're seeking. You're asking  
19 the Court to vacate your guilty plea; is that correct?

20           MR. SINGLETARY: It is. I made a mistake I was  
21 looking for a sentence reduction. I made a mistake when I  
22 put vacating sentence.

23           THE COURT: Okay. Now, you understand -- well,  
24 maybe, you don't understand. I need you understand, okay.  
25 The purposes of post-conviction relief I can't do anything

1 to reduce your sentence. And it is important that you  
2 understand what this court can do because the only thing I  
3 can do is put you back where you were before you entered  
4 your guilty plea. And the reason that's important is that  
5 you pled guilty on a murder charge back whenever you  
6 entered that plea and the State recommended a 30 year  
7 sentence -- and Judge Anderson it was?

8 MR. SPENCER: Yes, Your Honor.

9 THE COURT: Judge Anderson agreed with that  
10 recommendation and sentenced you to 30 years. But you  
11 understand if you go back, the State is not bound by that.  
12 They don't have to recommend a 30 year sentence, they can  
13 seek life. You understand that?

14 MR. SINGLETARY: Yes, sir.

15 THE COURT: All right. Now, I can't reduce your  
16 sentence. I can't change your sentence and no court can.  
17 The only thing I can do is put you back facing that murder  
18 charge again. Is that what you want?

19 MR. SINGLETARY: Yes, sir.

20 THE COURT: All right. We will then proceed.  
21 Thank you, sir, you may have a seat.

22 MR. SINGLETARY: Can I ask another question?

23 THE COURT: Yes, sir.

24 MR. SINGLETARY: As I was saying I'm not ready  
25 to move forward on it today cause I've not got everything

1 situated, that's why I was asking for you to give me a  
2 continuance.

3 THE COURT: Well, Ms. Clark's indicates -- she's  
4 your attorney, she's the one representing you. And she  
5 indicates to the Court she's prepared and ready to go  
6 forward.

7 MR. SINGLETARY: I ain't had time to deal with  
8 her, this my first time seeing her today. We ain't sit  
9 down and went over nothing.

10 THE COURT: This the first time you met with  
11 your client, Ms. Clark?

12 MS. CLARK: We conferred via written  
13 correspondence. We just have not physically met yet, but  
14 we discussed this case.

15 THE COURT: You feel comfortable proceeding  
16 then?

17 MS. CLARK: If he doesn't feel comfortable, I  
18 don't mind making a motion for a continuance on the basis  
19 that he's not prepared, but... If in his best interest  
20 and if he's not prepared, then I will happily make a  
21 motion to continue the case based on the fact that he is  
22 not ready to proceed.

23 THE COURT: Well, you understand the claims he  
24 is making in his application; correct?

25 MR. SINGLETARY: Yes, sir.

1 THE COURT: And you are prepared to present  
2 those -- I'm not understanding what it is he needs to be  
3 prepared for if you're the attorney who is representing  
4 him and you understand his positions on these matters and  
5 you've reviewed the transcripts and you're ready to  
6 proceed.

7 MS. CLARK: Yes, sir, I am prepared to proceed.

8 THE COURT: He claims ineffective assistance of  
9 counsel and you understand -- you've conversed or  
10 communicated with him enough to understand the areas where  
11 he claims his counsel was ineffective?

12 MR. SINGLETARY: Yes, sir.

13 THE COURT: He claims that the guilty plea was  
14 involuntarily entered into and you understand the basis  
15 for his claims on that?

16 MR. SINGLETARY: Yes, sir.

17 THE COURT: You've reviewed these records and  
18 these transcripts?

19 MR. SINGLETARY: Yes, I have.

20 THE COURT: Did Mr. Singletary have the benefit  
21 of these documents?

22 MR. SINGLETARY: I don't think he saw the  
23 transcript. I think I just kind of summarized them  
24 because I didn't send the whole thing.

25 THE COURT: Mr. Spencer, I'm considering the

1 possibility of a continuance. What the State's position  
2 on that in light of what we've already heard here today.

3 MR. SPENCER: Thank you, Your Honor. I object  
4 to a continuance. You know, we've got a witness that's  
5 come all the way down from Greenville very graciously.  
6 You know, there's really no reason to have to schedule  
7 things twice. I haven't heard anything, any real reason  
8 that case needs to continue. Mr. Singletary really needs  
9 to read the transcript. I would suggest, Your Honor, he  
10 can be given sometime to go read the transcript. It's  
11 only 50 something pages long.

12 THE COURT: I'm going to -- here's what I'm  
13 going to do. And I know we wanted to try to move this  
14 case to accommodate the witnesses, but I'm going step this  
15 case down.

16 Ms. Clark, I'm going to let you and  
17 Mr. Singletary go somewhere, we'll provide a room for you  
18 and it's not a lengthy transcript and go over it with him.  
19 As it always the case with transcripts, that probably half  
20 of this isn't going to be relevant anyway because there's  
21 a lot of talking and stuff going on here that doesn't  
22 relate to his issues. You can focus in on the issues and  
23 y'all can discuss those and then we will pick it up in a  
24 little bit.

25 (WHEREUPON, a break was taken.)

1 MR. SPENCER: Your Honor, just so we have a good  
2 clear transcript, having some experience trying to find  
3 out what happened after the fact. This is 2010-CP-21-795.  
4 This case -- we called earlier this morning and after some  
5 preliminary discussion, the opposing counsel and her  
6 client had wanted some more time to go through the  
7 transcript, so that will be earlier in the proceedings  
8 should anyone ever want to transcribe all this. But, Your  
9 Honor, this case you already heard before that  
10 Mr. Singletary was indicted for murder in 2007. He pled  
11 guilty on September 7th of 2009, which was an error in the  
12 return as I had mention to this morning too. And he's  
13 represented here today by Ms. Pheobe Clark. He was  
14 represented for his plea by Mr. Steven McLaurin, who is  
15 here today. His first attorney was Mr. Suggs. Your  
16 Honor, he was convicted of 30 years imprisonment for  
17 murder. And, Your Honor, with that I would just ask Ms.  
18 Clark to state the allegations for the record again.

19 THE COURT: We've done that earlier, so that's  
20 earlier part of the this transcript and that will be on  
21 there.

22 You ready to proceed then, Ms. Clark?

23 MS. CLARK: Yes, sir, I am.

24 THE COURT: All right.

25 MR. SINGLETARY: Call Mr. Singletary.

1 THE COURT: Mr. Singletary, if you would please  
2 come around, sir, to be sworn, and to take the witness  
3 stand here, sir.

4 THE CLERK: If you would place your left hand on  
5 the Bible and raise your right hand to the best of your  
6 ability. Do you swear the testimony you give in this case  
7 will be the truth, the whole truth, and nothing but the  
8 truth so help you God?

9 MR. SINGLETARY: Yes, ma'am.

10 THE CLERK: Be seated and state your name for  
11 the record.

12 MR. SINGLETARY: My name is Rontell Singletary.

13 WHEREUPON,

14 Rontell Singletary,

15 after first having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. CLARK:

18 Q Mr. Singletary, you filed an application for  
19 post-conviction relief on April 17th 2010; is that  
20 correct?

21 A Yes, ma'am.

22 MS. CLARK: Your Honor, he would like to get  
23 these documents.

24 THE COURT: Sure, go ahead.

25

1 BY MS. CLARK:

2 Q And specifically you are claiming ineffective  
3 assistance of counsel and involuntary guilty plea; is that  
4 correct?

5 A Yes, ma'am.

6 Q Now, your third claim was due process, but you are  
7 willing to withdraw that claim; is that correct?

8 A Yes, ma'am.

9 Q All right. Who was your counsel of record at the  
10 time of your plea?

11 A Mr. Steven McLaurin.

12 Q Mr. McLaurin?

13 A Yeah.

14 MR. SPENCER: Your Honor, I'm having trouble  
15 hearing the witness if he can just speak up a little bit.

16 THE COURT: If you would speak up a little  
17 louder.

18 BY MS. CLARK:

19 Q Regarding your plea agreement, did you enter -- place  
20 information on the record at the time of your plea?

21 A Say that again?

22 Q Did you place any kind of information or enter into  
23 an affidavit for a guilty plea at the time of your plea  
24 agreement?

25 A What type of information?

1 Q For reference I'm referring to what was marked as the  
2 Court's Exhibit 1 the affidavit of defendant for guilty  
3 plea?

4 MS. CLARK: May I approach, Your Honor?

5 THE COURT: Yes, ma'am.

6 BY MS. CLARK:

7 Q Are you familiar with that?

8 A Okay. Yes, ma'am.

9 Q In that affidavit, did you raise concerns about your  
10 counsel?

11 A Yes, ma'am.

12 Q And what are some of the concerns that you had with  
13 your attorney?

14 A I believe that he was ineffective during the plea  
15 because during the plea negotiations when they asked has  
16 anyone promised you anything without reward or to get you  
17 to plead guilty, we explain yes -- well, we checked yes,  
18 but he fail to explain what was I promise.

19 Q And are you -- just to summarize so you're stating  
20 that you failed to understand what it was that you were  
21 agreeing to?

22 A Yes, ma'am.

23 Q And what was your belief or what was your  
24 understanding of the agreement?

25 A Promised me 15 years voluntary manslaughter.

1 Q You're saying that you believe that you were going to  
2 get 15 years for voluntary manslaughter, is that what you  
3 stated?

4 A Yes, ma'am.

5 Q On there -- on that same affidavit, did you raise  
6 concerns about your attorney stating that you needed more  
7 time to speak with them.

8 A Yes, ma'am. And he failed to gave me the time to  
9 speak with them.

10 MR. SPENCER: Your Honor, I would just ask --  
11 I'm not sure what parties he's referring when they're  
12 referring to this multipage ---

13 THE COURT: I'm looking at the application which  
14 is marked as Court's Exhibit 1. And, Ms. Clark, if you  
15 can direct us to a particular page where he complains  
16 about his attorney because I just read this application  
17 where it talks about satisfaction with the attorney and he  
18 apparently at least in filling out this application was  
19 very satisfied with his lawyer?

20 MS. CLARK: Yes, sir, Your Honor. In the  
21 affidavit of defendant for guilty plea on page four, he --  
22 question number four under satisfaction with the attorney,  
23 the question is asked, Do you need more time to talk with  
24 your attorney and he marks, yes.

25 THE COURT: No, he marked no.

1 MR. SPENCER: Your Honor, you may be looking  
2 at -- you might want to double check because I think  
3 there's -- the clerk of the court gave us the  
4 co-defendant's plea affidavit too.

5 THE COURT: You may be right. Well, this  
6 doesn't have a name on it. Okay, that is Mr. McFadden's.  
7 You're right. What page is that?

8 MR. SPENCER: That's on page four.

9 MS. CLARK: Yes, sir.

10 MR. SPENCER: Was there another section you  
11 referred to before that or was that the one so far.

12 MS. CLARK: That's the only one so far. Thank  
13 you.

14 BY MS. CLARK:

15 Q And on page five of that same document, number nine  
16 gave you an opportunity to voice any concerns where it  
17 says do you have any complaint that you want to make about  
18 your attorney. In fact, did you mark yes on that document  
19 as well?

20 A Yes, ma'am.

21 THE COURT: Well, now, it says your attorney,  
22 the solicitor or any police officers?

23 MS. CLARK: I apologize.

24 BY MS. CLARK:

25 Q For clarification, it says do you have any complaint

1 that you want to make about your attorney, the solicitor  
2 or any of the police officers. Did you mark yes?

3 A Yes, ma'am.

4 Q At the time of your plea when you -- you were  
5 initially going to go forward with a trial; is that  
6 correct?

7 A Yes, ma'am.

8 Q And at that time, did you make any kind of motion to  
9 relieve counsel?

10 A Yes, ma'am. He fail to prepare for trial with me.

11 Q What were your concerns at that time? Please state  
12 that clearly if you can?

13 A Because he failed to prepare for trial with me,  
14 that's why I was trying to relieve him.

15 Q All right. In terms of preparing for trial, what are  
16 the concerns that you had in his preparation for your  
17 trial?

18 A Trying to get him to get in touch with certain  
19 witnesses and have their statements presented because he  
20 was telling me that it was three other witness had wrote  
21 statements and then we never did. He said they could walk  
22 in the courtroom say somebody murdered somebody and would  
23 have got convicted to life.

24 Q And any other concerns with the preparation of trial?

25 A Not if I can remember at this point.

1 MR. SPENCER: Your Honor, we're just having real  
2 trouble back here hearing the testimony.

3 THE COURT: Mr. Singletary, this is your hearing  
4 record. This is to protect you. You need to speak  
5 loudly. You need to speak clearly and so that your lawyer  
6 can hear you, I can hear you and more importantly Ms. Reed  
7 can hear you because she's taking down everything that's  
8 being said. And this record is being prepared not only  
9 for the protection of the State, but for your protection.  
10 So please speak loudly and speak clearly, sir.

11 MR. SINGLETARY: You want me to go back over  
12 what I just went over?

13 THE COURT: What was your question?

14 BY MS. CLARK:

15 Q We were speaking about your claim that he failed to  
16 adequately prepare for trial, your attorney adequately  
17 failed to prepare for trial. And one of the things that  
18 you've already stated you believe that he did not contact  
19 the witnesses or verify whether or not witnesses would be  
20 testifying against you; is that correct?

21 A Yes, ma'am.

22 Q And I asked you if you had any other concerns with  
23 the preparation for trial. Do you have any other  
24 concerns?

25 A Not at this time, no.

1 Q Regarding your claim for an involuntary guilty plea,  
2 again what was your belief or your understanding of the  
3 agreement?

4 A I understand it was a 15 year voluntary manslaughter.

5 Q And did you feel pressured into accepting this  
6 agreement in anyway?

7 A Yes, ma'am.

8 Q And why did you feel pressured?

9 A Because they was telling me I was going to receive  
10 life if I go through with the trial. They was telling me  
11 if I didn't call the trial off (inaudible) get 15 years  
12 voluntary manslaughter.

13 Q Now, you state that you believe that you were going  
14 to get a deal for 15 years, but throughout the transcript  
15 they ask you about the 30 year sentence. And you agreed  
16 to it more than once. Why did you agree to 30 years? If  
17 you believe that you were going to have a 15 year plea  
18 agreement?

19 A Because I was told to say, yeah, to everything the  
20 judge ask and no to everything else because the judge  
21 would withdraw the plea.

22 Q When you realize that you were in fact getting the 30  
23 years, did you speak with your attorney about contesting  
24 that or making any kind of objections to that?

25 A No, ma'am, he never did say nothing.

1 MS. CLARK: No further questioning.

2 CROSS-EXAMINATION

3 BY MR. SPENCER:

4 Q Mr. Singletary, do you have a copy of the guilty plea  
5 affidavit in front of you?

6 MS. CLARK: I can give him this one for  
7 reference.

8 MR. SPENCER: That will be great. Thank you.

9 BY MR. SPENCER:

10 Q Let me ask you, Mr. Singletary, when you went through  
11 this guilty plea affidavit with your attorney, did y'all  
12 take your time with it or did you go a little bit quickly  
13 or how did it go?

14 A We took our time.

15 Q Took your time, okay. Now, do you see under  
16 satisfaction of attorney you mention that you answered  
17 number four, do you need more time to talk with your  
18 attorney? What did you want to talk to him about?

19 A About we was asking -- I was asking questions about  
20 parole and all that when we was in the back. He never did  
21 give an answer.

22 Q About parole?

23 A Yeah. About how judge gone make decisions about  
24 things, he never did gave me no answers about the pleas  
25 and all that. He was like telling me -- we didn't go

1 through basically everything that I was looking for.

2 Q Do you see under number two though and I'm looking  
3 under the portion concerning satisfaction with attorney?

4 The question is are you satisfied with the manner in which  
5 your attorney's advised and represented you and what was  
6 your answer to that?

7 A He placed, yes, because he told me to go through.

8 Q He told you to answer yes, so you answered yes?

9 A Because he tell me everything was all right. His  
10 response everything was all right.

11 Q Did he tell you to say, yes, that he needed more time  
12 to talk with you?

13 A No, I told him that myself, I say, you know, we need  
14 more time. He said everything was all right if you go  
15 through this plea.

16 Q So when he told you to answer yes, you answered yes.  
17 But if you wanted to answer yes...

18 A If I would have answer yes myself?

19 Q Are you saying these are your answers on the  
20 affidavit or they're your attorneys?

21 A Mine and his. We was just making decision.

22 Q Under plea negotiations on that same page, do you see  
23 where it references what the plea agreement is?

24 A Yes, sir.

25 Q And what does that say?

1 A Thirty year minimum.

2 Q You're saying -- when you pled guilty, are you saying  
3 you were expecting to get 15 years then or were you  
4 understanding that you were going to get 30 years after  
5 that guilty plea?

6 A No, I didn't understand I was going to get 30.

7 Q What part of the plea did you stop the judge and ask  
8 him whether or not you were going to get 15 instead of 30?

9 A I didn't ask. They said I could only talk when  
10 spoken to, so I never did stop the judge.

11 Q So you never stopped the judge and said, hey, I don't  
12 want 30 years I want 15?

13 A No.

14 Q Do you recall at your guilty plea when you were asked  
15 if anyone has -- do you remember when Judge Anderson asked  
16 you if you were pleading guilty freely and voluntarily?  
17 Do you remember what your answer was to that question?

18 A Yes, sir.

19 Q You said yes, right?

20 A Yes, sir.

21 Q And when asked if anyone has put pressure on you in  
22 anyway to cause you to plead guilty, what was your answer  
23 to that do you recall?

24 A I say no. I say no. I said no because I was told to  
25 so no.

1 Q So you're saying you just answered that way because  
2 your attorney told you to answer that way?

3 A Yes, sir. Cause he say he would withdraw the plea.

4 Q So you're telling the Court today that you were not  
5 being truthful at your guilty plea?

6 A Yes, sir.

7 Q That you were lying then?

8 A I was going with what they told me to say.

9 Q And so you were lying to go to prison?

10 A I guess that's what it was.

11 Q You were lying to get a 30 year sentence?

12 A Actually, I was suppose to be pleading to 15, but I  
13 got 30.

14 Q At what point did anyone mention a 15 year sentence  
15 during your guilty plea?

16 A When we was in the back going over the sheet or  
17 whatever, the solicitor came in there and we had talked it  
18 over or whatever. He ask me did I understand the plea and  
19 I say, yeah.

20 Q So in the back room, your attorney is telling you 15  
21 and you're right out in the courtroom. Were you in this  
22 courtroom or upstairs?

23 A Upstairs.

24 Q So you were in that big court upstairs now in front  
25 of a judge and everybody's talking 30 years and you don't

1 say anything about this back room discussion about 15  
2 years?

3 A I was told not to say anything. I was told to go  
4 ahead and do it and everything was all right.

5 Q Mr. Singletary, why were you pleading guilty?

6 A Because I was promise something.

7 Q I'm sorry why were you?

8 A Because I was promise something, that's the only  
9 reason I plea. And my lawyer fail to prepare for trial.

10 Q You're saying you pled guilty because you weren't  
11 happy with your attorney?

12 A (No response).

13 MR. SPENCER: I got no further questions.

14 THE COURT: Anything further of this witness?

15 MS. CLARK: No, Your Honor.

16 THE COURT: Thank you, sir. You may step down.

17 MS. CLARK: Your Honor, I like to have Mr.

18 McLaurin come.

19 THE COURT: Mr. McLaurin, if you come around and  
20 be sworn.

21 THE CLERK: You swear the testimony you give in  
22 this case will be the truth, the whole truth, and nothing  
23 but the truth so help you God.

24 THE WITNESS: I do.

25 THE CLERK: Be seated and state your name for

1 the record.

2 THE WITNESS: My name is Charles Stevens  
3 McLaurin.

4 (WHEREUPON, the witness leaves the witness  
5 stand.)

6 WHEREUPON,

7 Steven McLaurin,  
8 after first having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. CLARK:

11 Q How did you come to represent Rontell Singletary?

12 A I was appointed to represent him.

13 Q And at the time of your appointment, did you have a  
14 chance to review the evidence that was already before you  
15 or with the State or was there any evidence of the State  
16 at the time?

17 A Well, you talking about at my initial appointment?

18 Q Uh-huh.

19 A No, I just received the appoint in the mail. And  
20 then we ended up having this hearing, I guess, about a  
21 year and a half later. So I had a year and a half to work  
22 on the case and prepare for that trial.

23 Q And during that time, did you meet with  
24 Mr. Singletary?

25 A I did.

1 Q And did you involve him in the preparation of the  
2 case?

3 A I did. We meet numerous times. Yes, we did.

4 Q And after reviewing the file and seeing the case as a  
5 whole, what influence or what influenced you regarding  
6 maybe entering into a plea agreement versus taking the  
7 case to trial?

8 A Well, as in with any client, we discussed the pros  
9 and the cons of his case, the good points and the bad  
10 points and weighed our options. And we came up with a  
11 decision mutually between us that this was the best route  
12 to go is to work out the plea.

13 Q And what were some of the cons that made the plea  
14 agreement the best way, if you can recall?

15 A Yeah, he had given them a statement which implicated  
16 himself. And in the statement, he clearly put himself at  
17 the scene. He indicated that he had stomped on the victim  
18 and so he had himself at the scene. Then they were able  
19 to discover his clothes up under the mobile home at his  
20 mother's house. They had his mother give a statement  
21 indicating that he came in that evening saying that he was  
22 going to jail for a long time and he had blood on his  
23 clothes. So they ended up like I said finding the blood  
24 up under the mobile home. They did a DNA test. The DNA,  
25 of course, it was his blood. They had the co-defendant in

1 the case who was also going to testify against  
2 Mr. Singletary implicating him as the one who killed the  
3 victim. And they had two or three other witnesses that  
4 particular evening that said that Rontell Singletary came  
5 over to their mobile home and had blood on his clothes.  
6 And so based on those things, we -- those were the cons, I  
7 guess.

8 Q All right. And you've heard some of Mr. Singletary's  
9 earlier testimony in which he's claiming that there was a  
10 failure on some part to actually ascertain whether or not  
11 his witnesses were going to testify against him. Do you  
12 recall the circumstances regarding that? Did you see any  
13 witness statements?

14 A Yes, SLED was involved in this case and it was one of  
15 the best work ups I had seen on a case. When SLED gets  
16 involved, they give you every statement that they have.  
17 And so I had a copy of every witness, every statement that  
18 already been transcribed. And, of course, I gave that to  
19 Mr. Singletary. We reviewed that together. So he was  
20 well aware of what each witness on this particular case  
21 was going to say in writing which is -- you don't get that  
22 a lot, but we did on this case.

23 Q Regarding the plea negotiations, did -- are you aware  
24 of any type of plea or agreement for 15 years for  
25 manslaughter?

1 A No, there was no type of agreement to that effect,  
2 no.

3 Q Are you aware of any kind of prosecutorial misconduct  
4 or any other concerns with the way that this case was  
5 handled?

6 A I didn't have any concerns about any prosecutorial  
7 misconduct, no.

8 Q Also, you've heard earlier testimony that  
9 Mr. Singletary is claiming ineffective assistance of  
10 counsel. He states many times that he wanted to change  
11 attorneys or change counsel. Did you and he have any  
12 conversation about his concerns or things that he felt  
13 should have been done?

14 A Yes, we had a conversations about that and he would  
15 tell me he didn't want me involved in the case. And at  
16 one point, I in fact made a motion to withdraw, that  
17 motion was denied. Mr. Singletary and I though after that  
18 motion were able to sit down and work through things and  
19 prepare his trial. And I felt like we had pretty good  
20 relationship all the way through. As far as a client  
21 goes, we got along fine and were able to communicate and  
22 talk on a regular basis and prepare for his trial.

23 MS. CLARK: Thank you. If you'll give me just a  
24 moment, Your Honor.

25 THE COURT: Yes, ma'am.

1 (WHEREUPON, a pause in the proceedings.)

2 MS. CLARK: All right. No further questions.

3 MR. SPENCER: Your Honor, may it please the  
4 Court.

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. SPENCER:

8 Q Mr. McLaurin, did you ever tell Mr. Singletary that  
9 he was going to get 15 years for voluntary manslaughter?

10 A No, in fact just the opposite. I had told him the  
11 murder situation and what the minimum time would be.

12 Q Minimum being 30 years?

13 A Thirty years, you're right.

14 Q Were you prepared to go to trial that day?

15 A I was. Yes, I was prepared.

16 Q And what was the defense you were going to pursue?

17 A Well, you know, the main testimony they had was the  
18 co-defendant was going to testify against him. Of course,  
19 we were going to try and impeach his testimony and try to  
20 point the finger potentially at him as being the one who  
21 committed the crime. There certainly were holes in that  
22 argument, but that's one of the arguments we were going to  
23 try to make in the case. And the other argument was going  
24 to be that because he had admitted at least hitting him  
25 and stomping on his face, the other argument was going to

1 be that he did that. But he didn't actually stab the  
2 victim, which is actually what cause the death is the  
3 stabbing. So that was going to be the other argument.

4 Q Of course, not knowing what the final result would  
5 be. But what was your assessment of the likelihood a  
6 conviction?

7 A Well, I did not think it was very good that we would  
8 not be successful with the trial and he would be convicted  
9 is what my professional impression of his case was.

10 Q And he could have been convicted -- he could have  
11 received a life sentence at that point?

12 A That was the big thing that he was a relatively young  
13 man and we went through those issues and felt like if you  
14 went ahead and pled guilty, which he wanted to do that he  
15 could get out and he would still be -- I think we said  
16 maybe in his 40's or 50's somewhere in there at least.

17 Q Were you aware of any favorable witnesses that you  
18 would have considered calling?

19 A There were no favorable witnesses. He had mention at  
20 one point maybe there was some witnesses. He went --  
21 according to his testimony, he went back out and observed  
22 the victim after the stabbing. And I thought that was  
23 contrary to reason and so we were trying to explore  
24 possibly did any witnesses see him out there after the  
25 stabbing at the scene of the murder and we were not able

1 to find any and he couldn't identify any. He asked me to  
2 call his mother in which I did. We talked with his mother  
3 on several occasions and she was not able to identify  
4 anybody. So there was nobody that could give us any  
5 testimony that I knew of.

6 Q Did you tell Mr. Singletary how to answer the  
7 questions at the guilty plea?

8 A No, I did not.

9 Q Did you tell him how to answer any of the questions  
10 on the guilty plea affidavit?

11 A No, we went through it together and I did not tell  
12 him how to answer, no.

13 MR. SPENCER: Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 (WHEREUPON, a pause in the proceedings.)

16 BY MR. SPENCER:

17 Q Do you feel in your discussions with Mr. Singletary  
18 that he understood what he was doing and implications of  
19 what he was doing when he decided to plead guilty.

20 A Yes, we had a considerable amount of time as I said  
21 to consider our options. They gave us a good notice of  
22 when our trial date would be. It was a date certain that  
23 was set. So we understood the time frame that we had and  
24 had plenty of opportunity go through the case. And I felt  
25 like he made an informed decision freely and voluntarily

1 to enter into this plea.

2 Q My last question would be whose decision was it to  
3 plead guilty?

4 A It was his decision to plead guilty.

5 MR. SPENCER: Thank you. I have no further  
6 questions, Your Honor.

7 MS. CLARK: Your Honor, I have no further  
8 questions and this concludes the applicant's case.

9 THE COURT: Thank you, Mr. McLaurin. Any  
10 objection to Mr. McLaurin being released from his  
11 subpoena?

12 MS. CLARK: No.

13 MR. SPENCER: No objection, Your Honor.

14 THE COURT: All right.

15 (WHEREUPON, the witness leaves the witness  
16 stand.)

17 MR. SPENCER: We wouldn't have anything to  
18 present, Your Honor. I would just submit that the  
19 applicant hasn't met his burden of proof. And I think he  
20 received competent representation on a serious case and  
21 from an attorney who took the case very seriously. Your  
22 Honor, I would ask that the application be denied. The  
23 only real thing I speak as to the guilty plea affidavit, I  
24 think the explanation for question number four is that  
25 they were on the roll answering yes's. And I think the

1 other question -- the answers to the other questions and  
2 affidavit are more accurate. Even so, he cannot be happy  
3 with his attorney and that doesn't mean it's not a  
4 voluntary guilty plea. But Mr. McLaurin did a good job  
5 for the applicant and I ask that the application be  
6 denied. All right.

7 THE COURT: All right. Ms. Clark.

8 MS. CLARK: Your Honor, Mr. Singletary, of  
9 course, is before you on that ineffective assistance of  
10 counsel stating that he felt as though his counsel was not  
11 properly preparing for trial, that he did not have  
12 adequate time to consider some of the concerns that he  
13 had, Mr. Singletary had. He's also claiming that the plea  
14 agreement was involuntarily entered into, that he believed  
15 one thing and that he -- his agreement to answer one way  
16 would result -- would give him a different result. Those  
17 two being his claims. He's also noted on more than one  
18 occasion that in order to support his claims that he  
19 didn't believe that his counsel was preparing for trial.  
20 He's made that or contested the situation at least once  
21 during the plea agreement and once during the actual  
22 written of the affidavit. And, of course, we contesting  
23 it today.

24 THE COURT: All right. Well, nobody spent much  
25 time on the actual transcript before Judge Anderson, which

1 we all know Judge Anderson he crosses his T's and he dots  
2 his eyes. And so while the testimony was going on, I was  
3 looking at the transcript of the guilty plea. At no time  
4 during this plea was there ever any mention by anybody of  
5 a 15 year sentence. As matter of fact, the solicitor in  
6 the transcript indicated to the Court that the agreement  
7 was for -- he states -- And the State is okay with him  
8 getting a 30 year sentence and the credit for the time  
9 that he's been in. And in his guilty plea affidavit, it  
10 ask -- question one under plea negotiations, Any plea  
11 negotiations have been made by you with the solicitor's  
12 office? He says yes. If so exactly, what do you  
13 understand the agreement to be? He says 30 minimum.

14 Judge Anderson went over in great length  
15 informing him you understand you're under oath? Yes. You  
16 understand if you're not truthful while you're under oath,  
17 you could be charged with perjury? He says yes. Are the  
18 answers you're giving me to my questions are they  
19 truthful? He says yes. And throughout this entire plea,  
20 there's not one indication -- he ask him if he's please  
21 with his attorney. He says he is.

22 This was a case where before you started the  
23 trial or before during the pulling of a jury, there was a  
24 motion made to be relieved as counsel because of  
25 Mr. Singletary's not being please with Mr. McLaurin. And

1 so because of that, Judge Anderson during the taking of  
2 the plea question him extensively as to whether or not he  
3 was satisfied with his lawyer and if he had time to do the  
4 things he needed to do and to all of that he indicated  
5 everything was fine. The only indication at all that this  
6 plea was even remotely involuntarily didn't arise until he  
7 filed this PCR application. I find that he has grossly  
8 failed to meet the standard and I'm going to deny his  
9 application. It appears from everything in the record  
10 that the application fails and I'm going to deny it.

11 END OF REQUESTED TRANSCRIPT  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )  
 )  
 Singletary, Rontell, #338278 )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE 12TH JUDICIAL CIRCUIT  
 Case No.: 2010-CP-21-795

**ORDER OF DISMISSAL**

2011 FEB 22 AM 11:14  
 CONNIE REEL-SHEARIN  
 CCCP & GS  
 FLORENCE COUNTY, SC

**FILED**

This matter concerns an application for post-conviction relief (PCR) filed April 17, 2010. The State filed its return on June 10, 2010. A hearing was convened at the Florence County Courthouse on February 8, 2011. Applicant was present and represented by Pheobe A. Clark, Esquire. The State was represented by Assistant Attorney General David Spencer of the South Carolina Office of the Attorney General.

Applicant testified on his own behalf. Also testifying was his plea counsel, C. Steven McLaurin, Esquire. This Court also had before it the PCR application, the State's return, the Applicant's records from the South Carolina Department of Corrections, the Clerk of Court's records regarding the subject convictions, and the transcript of the guilty plea proceedings.

**PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the March 2007 term of the Florence County Grand Jury for murder. C. Steven McLaurin, Esquire, represented the Applicant. Applicant pled guilty as charged on December 7, 2009 and was sentenced by the Honorable Ralph King Anderson, Jr., to thirty years imprisonment. Applicant did not appeal his conviction or sentence.

CERTIFIED: A TRUE COPY  
*Connie Reel Shearin*  
 CLERK OF COURT C.P. & G.S.  
 FLORENCE COUNTY, S.C.

## ALLEGATIONS

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

1. Ineffective assistance of counsel;
2. Involuntary Guilty Plea; and
3. "Due Process".

## 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 presented at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 (2003).

### Ineffective Assistance of Counsel and Involuntary Plea

Applicant alleges his counsel was ineffective. The burden of proof is on the applicant in a PCR proceeding to prove the allegations in his application. Bell v. State, 321 S.C. 238, 467 S.E.2d 926 (1996); Rule 71.1(e), SCRCP.

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Judge v. State, 321 S.C. 554, 471 S.E.2d 146 (1996). In order to prove prejudice, an applicant must show that but for counsel's errors, there is a reasonable probability the result at trial would have been different. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Id. Where trial counsel articulates a

valid reason for employing certain trial strategy, such conduct should not be deemed ineffective assistance of counsel. Roseboro v. State, 317 S.C. 292, 454 S.E.2d 312 (1995); Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992). With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985); Stalk v. State, 383 S.C. 559, 681 S.E.2d 592 (2009); Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

Applicant's allegations generally allege that his plea was involuntary due to ineffective assistance of counsel. Applicant withdrew his allegation of lack of due process, which would not be an appropriate allegation in PCR, as it is a direct appeal issue.

This Court will now address each allegation of ineffective assistance of counsel or involuntariness of the plea below:

#### **Plea deal for fifteen years**

Applicant alleges that he was advised by counsel that if he pled guilty, he would receive a fifteen year sentence for voluntary manslaughter. Counsel testified that there was never a deal for fifteen years and that he advised Applicant that if he pled guilty, the minimum sentence was thirty years imprisonment. Counsel testified that he reviewed the evidence with Applicant and that they agreed that Applicant was likely to be convicted if he went to trial. Counsel testified that Applicant made an informed decision to plead guilty. This Court finds Applicant's testimony to lack

credibility. Counsel, in contrast, provided credible testimony. Further, Applicant's allegation is conclusively refuted by the plea transcript, where Applicant agreed that plea negotiations were that he would plead guilty to murder for a thirty year sentence. Tr. p. 36, line 3 - p. 37, line 7. This Court finds that Applicant was made aware that he was pleading guilty to murder and would receive a sentence of thirty years imprisonment. This Court finds that the plea was freely and voluntarily given. This allegation is denied.

#### **Interview witnesses**

Applicant alleges that his counsel should have interviewed the State's witnesses. Counsel testified that he was prepared for trial and had reviewed the evidence the State would present. He testified that it was likely that Applicant would be convicted if he went to trial, and if convicted, he would likely have received a life sentence. Counsel testified that the State's witnesses would testify that at the time of the murder, Applicant appeared at a gathering with blood on his clothes. Bloody clothes were recovered from underneath Applicant's trailer. Applicant gave a statement admitting he was involved in an altercation with Victim. At the guilty plea hearing, Applicant admitted murdering the victim by stabbing him in the chest. Tr. pp. 34-35.

This Court finds Counsel's testimony credible and gives it great weight. Applicant has failed to provide any competent evidence of any benefit to be gained from further investigation or preparation by counsel. This Court finds that Counsel thoroughly prepared for trial and rendered competent representation. This Court finds that Applicant has failed to meet his burden of proving Counsel's performance was deficient or that Applicant was prejudiced by any alleged deficiency of representation. This allegation is denied.

#### **CONCLUSION**

Based on the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his

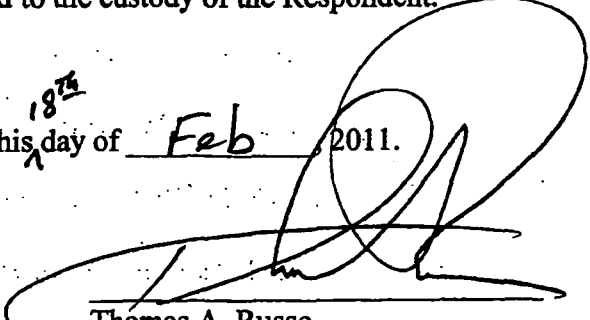
application. Therefore, this Application for Post-Conviction Relief must be denied and dismissed with prejudice.

This Court advises the parties that in order to secure the appropriate appellate review, notice of appeal must be served and filed within thirty (30) days after receipt by counsel of notice of entry of this order. See Rules 203 and 243 of the South Carolina Appellate Court Rules. This Court notes that post-conviction relief counsel must advise an applicant of the right to seek appellate review of a post-conviction relief order. State v. Bray, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, pursuant to Austin v. State, 305 S.C. 453, 409 S.E. 2d 395 (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), SCRPC, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

**IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this <sup>18<sup>th</sup></sup> day of Feb 2011.



Thomas A. Russo  
Presiding Judge  
12th Judicial Circuit

Florence, South Carolina