

THE STATE OF SOUTH CAROLINA
In The Supreme Court

ORIGINAL

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S Goodstein, Circuit Court Judge

Case No 2007 CP 18 0202

Eric D Phillips, Jr , #280843

Respondent,

v

State of South Carolina,

Petitioner

APPENDIX

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of his testimony over that of the State's witnesses. However, the Applicant testified that he only fired a few shots the night of the incident. The presence of eight shell casings at the scene, which a witness for the State testified were all fired by the Applicant since they found them at the scene, completely obliterated the Applicant's testimony and eliminated the possibility of an acquittal. Had the extra shell casings been properly excluded, the state of the forensic evidence found at the scene would have comported with the Applicant's testimony. Given these facts, the Applicant was undeniably prejudiced by defense counsel's failure to object to the extra shell casings.

Finally, even if the Applicant was not prejudiced by defense counsel's failure to object to the shell casings, the Applicant was certainly prejudiced by his attorney's argument to the jury that the Applicant fired eight shots the night of the incident. See Lounds v. State, 380 S.C. 454, 465, 670 S.E.2d 646, 652 (2008) (petitioner's own counsel damaged the defense case because [counsel's] closing argument did not support petitioner's account of what had happened). Consequently, the Applicant is entitled to a new trial on this ground.

2. Failure to Present Character Evidence of the Victim

During the Applicant's testimony, the Applicant began to testify that he was afraid of the victims because he had heard about things they had done. Tr. p. 226, lines 17-18. The State objected and the Applicant testified *in camera* that he had heard that the victims were involved in a shooting prior to this incident. See Tr. p. 228, lines 3-18. The trial court overruled the objection but stated that Mr. Dukes would not go any further into that matter. Tr. p. 230, lines 3-5. The jury was then brought back to the courtroom and the Applicant's testimony continued without any additional evidence being admitted about the victims' prior actions.

At the evidentiary hearing convened in this case the Applicant testified that his opinion of the victims was that they were dangerous people and that they had a reputation for violence in the community. The Applicant alleged that defense counsel was ineffective for failing to present this testimony at trial. This Court agrees.

Generally speaking, evidence of a person's character is not admissible for proving action in conformity therewith on a particular occasion. Rule 404(a) SCR. However, evidence of a pertinent trait of character of the victim of the crime offered by an accused is admissible at a criminal trial. Rule 404(a)(2) SCR. When character evidence is admissible, it may be shown by reputation or opinion testimony. Rule 405(a) SCR. However, specific instances of an individual's character may not be admitted unless that individual's character is an essential element of a charge or defense. Rule 405(b) SCR. Reputation testimony is not barred by the hearsay rules. Rule 803(22) SCR.

While the Applicant's proffered testimony may not have been admissible because it was evidence of the victims' specific instances of conduct, defense counsel did not proffer opinion or reputation evidence of the victims' character. Clearly, such testimony would have been admissible. See Rule 404(a)(2) SCR. Furthermore, the testimony would have been highly relevant. Consequently, defense counsel committed error by failing to attempt to admit the Applicant's testimony as to his opinion of the victims' character and their reputation in the community for violence.

Additionally, the Applicant was prejudiced by defense counsel's failure to do admit this evidence. The crucial issue at trial was whether the jury believed that John Griffin was the aggressor or that the Applicant was the aggressor. Testimony that the victims were violent individuals likely would have shifted the scales in the Applicant's favor as to which version of

the events the jury believed. Consequently, defense counsel was ineffective for failing to present this clearly admissible evidence, and the Applicant is entitled to a new trial on this ground.

C Defense Counsel's Failure to Object to the Solicitors' Closing Arguments

[W]hile [the prosecutor] may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one. Berger v. United States, 295 U.S. 78, 88 (1935). The standard of review is whether the prosecutors' comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. Darden v. Wainwright, 477 U.S. 168, 181 (1986) (quoting Donnelly v. DeChristoforo, 416 U.S. 637, 643 (1974)).

The Applicant alleges that defense counsel was ineffective for failing to object to improper arguments made by the solicitors prosecuting the Applicant in the following respects: (1) failure to object to portions of the argument wherein the State argued that the primary difference between ABHAN and ABWIK was malice, and (2) failure to object to portions of the argument wherein the State argued that the Applicant should have conspired with key witnesses to change their testimony if he wanted to be found not guilty. This Court shall address each argument in turn.

1. Failure to Object to the Differences Between ABHAN and ABWIK

Applicant asserts that trial Counsel's failure to object to various portions of the solicitor's closing argument constitutes ineffective assistance of counsel.

Applicant first asserts that Counsel's failure to object to a portion of the solicitor's closing argument wherein the solicitor defined ABHAN. Applicant specifically takes issue with that portion of the solicitor's argument discussing malice in the context of ABHAN.

Even though he's not charged in the indictment with this, this is a lesser included charge. And if you find that the facts don't fit the malice, express or implied, malice aforethought, then you can find that he was guilty of [ABHAN]. Now what is that? It's an unlawful act of a violent nature to the person of another, accompanied by circumstances of aggravation.

(Tr. p. 268, lines 1-9) Later, another solicitor made the following statements in closing argument:

Now, the judge is also going to charge you with a lesser crime, assault and battery of a high and aggravated nature, two counts of that, one dealing with John Griffin and one dealing with Gerald Griffin. But very simply, the difference, ladies and gentlemen, is the lack of malice. And I submit to you, ladies and gentlemen, when you take a loaded forty-five caliber pistol out of your pocket and start shooting, intending on hitting somebody, it doesn't get any more malicious, and it doesn't get any more violent than that, it just doesn't get any. I submit to you, if either one of them had died that night he'd be over there sitting, charged with murder, the most serious crime in our state.

(Tr. p. 305, line 15 – p. 406, line 3)

The trial judge repeatedly informed the jury that the arguments of the attorneys were not evidence. (Tr. p. 261, lines 19-20) Counsel reminded the jurors that the attorneys' remarks were not evidence. (Tr. p. 273, lines 3-13) Counsel admonished the jury that the judge's charge on the law should be the law applied. (Tr. p. 283, lines 19-24; p. 284, lines 13-15) In its jury charge, the court again reminded the jurors that they were to determine the facts and must accept the law as given by the court. (Tr. p. 312, lines 8-18)

The trial judge defined ABWIK as "an unlawful [act] of a violent nature to the person of another, with malice aforethought, either express or inferred." (Tr. p. 314, lines 14-16) The court added:

Well, malice is an essential element of the crime of [ABWIK]. Malice is a term of art, a technical term importing wickedness and

excluding just cause or legal excuse. Malice in any form, whether it arises from hatred, ill will, or otherwise, is still malice.

Malice must be aforethought. The law does not require that malice should exist for any particular time before the commission of the act, but malice must exist in the mind of the accused just before and at the time of the commission of the act. There must be a combination of the previous evil intent and the act producing the result.

Malice aforethought might be either expressed or inferred.

(Tr. p. 314, line 19 - p. 317, line 17.) The judge continued:

Now, what we mean by [ABHIAN] it is defined as the unlawful and intentional infliction of a violent injury on the person of another accompanied by circumstances of aggravation. The definition of assault and battery of a high and aggravated nature are very similar. Both of them start out the unlawful and intentional infliction of violent injury upon the person of another. ABWIK assault and battery with intent to kill adds with malice aforethought. ABHAN assault and battery of a high and aggravated adds accompanied by circumstances of aggravation. That is the difference in the two.

It is committed with a spirit of wantonness or with a reckless disregard for the rights and safety of others.

(Tr. p. 317, line 18 - p. 318, line 22.) The court then provided examples of circumstances of aggravation:

The current Circuit Court Benchbook provides the following suggested language when charging ABHIAN as a lesser-included offense of ABWIK:

Included within the offense of assault with intent to kill is the lesser offense of assault of a high and aggravated nature. Assault of a high and aggravated nature contains all of the elements of assault with intent to kill except malice aforethought. In addition, the State must prove beyond a reasonable doubt a circumstance of aggravation.

Indeed, ABHIAN is not predicated on the absence of malice. As discussed in State v. Fennell, 340 S.C. 266, 274-275, 531 S.E.2d 512, 517 (2000) (internal citations omitted):

The State does not however have to prove the defendant acted with malice to obtain an ABHAN conviction because the circumstances that give rise to ABHAN may also give rise to an inference of malice. Thus a defendant may be convicted of ABHAN regardless of whether malice is present. The required mental state for ABIK like murder is malice aforethought.

Applicant asserts that this charge and the solicitor's arguments are objectionable pursuant to State v. Tyler, 348 S.C. 526, 560 S.E.2d 888 (2002). In Tyler the court re-emphasized that ABHAN should not be analogized to voluntary manslaughter.

The trial court's charge was a correct statement of the law. Malice is a required element of ABWIK. As stated, the arguments and charge are emphasizing that malice is necessary for a finding of ABWIK. Even assuming *arguendo* that the solicitor's comments could have been misinterpreted, the correct charge given by the court would correct any misgivings. For these reasons, I do not find Counsel's failure to object unreasonable beyond professional norms. Nor do I find prejudice such that the outcome of the trial would have been different.

2. Failure to Object to the Solicitor's Allegation that the Applicant Should Have Conspired with Witnesses to Present False Testimony

During Deputy Solicitor Sorenson's closing argument, he stated:

Now, the last person I want to talk to you about is who I feel is probably the most important witness in this whole case. And if you noticed, he's the person that Mr. Duke's probably spent the least time talking about, because he doesn't want to talk about him, because they don't know what to do with him, because they can't explain him, and he absolutely kills their defense. And that's Peter Willis. Peter Willis, his cousin, his friend, his co-defendant, and the person that he got into trouble and got charged as an accessory for driving him away from the scene of the shooting. I submit to you, ladies and gentlemen, if Mr. Willis had observed everything that Eric Phillips testified to you about, if he had observed this mob attacking him, threatening to kill him, heard the gun fall like Mr. Phillips said there was no doubt everybody out there heard, and then saw the fact that Mr. Phillips was defending himself, don't you think that that's what he would have told you? I mean

it's his cousin. I mean that's going to serve him better. I mean if he's not guilty then Mr. Phillips. I mean Mr. Willis is obviously not guilty of aiding him in getting away from that scene. But that's not what he did. Ladies and gentlemen, I submit to you he told you the truth. He told you the truth. *As I said, you know, he was. His biggest mistake was back in December of two thousand and three that morning, he didn't have a chance to get with Peter Willis and get him with the program. Get him with the program.*

Tr. p. 297 line 21-p. 298 line 24 (emphasis added)

The Applicant alleges that defense counsel was ineffective for failing to object to this portion of the State's closing argument. The Applicant argues that he was prejudiced by defense counsel's failure to do so.

A solicitor has the right to state his version of the testimony and to comment on the weight to be given such testimony. State v. Caldwell, 300 S.C. 494, 504, 388 S.E.2d 816, 822 (1990). In view of the evidence in the record, the solicitor's comments were not improper because they addressed Applicant's credibility, a central issue in the case. State's witness Willis, who had given Applicant a ride to and from the Waffle House and had been with Applicant at the time of the shooting, related a different version of events than did Applicant. The solicitor's comment was made in context of noting that Applicant and his girlfriend, Lloyd, gave similar testimony while Willis' version of events was consistent with testimony of the State's witnesses. In this context, the failure of counsel to not object to the solicitor's statement may rise to the level of ineffective assistance of counsel, but this Court does not find this failure prejudiced the Applicant such that the outcome of the trial would have been different.

D. Defense Counsel's Failure to Sufficiently Argue the Applicant's Defenses to the Jury

The Applicant alleges that defense counsel was ineffective for failing to sufficiently argue the Applicant's defenses—self-defense and ABHAN—to the jury during his closing

argument. The Applicant contends that had defense counsel done so, there is a reasonable likelihood that the result at his trial would have been different. Accordingly, the Applicant argues that he is entitled to a new trial. This Court agrees.

A comprehensive review of defense counsel's closing argument reveals that defense counsel's entire closing argument was devoted to recapping each witness' testimony at trial. The following is the *only* portion of defense counsel's closing argument devoted to actually arguing that the Applicant was not guilty:

[The Applicant] did what he thought he had to do. That's what we call self-defense. And I'm sure you are all familiar with that term; it means that you have a right to defend yourself. And I'm sure that the judge's charge and all will go much more into that, and if I mis-state anything to you that's contrary to the law that the judge charges you, please don't accept what I say, but listen to what the judge says and to what his instructions will be.

So that pretty well sums up my ideas about this case and about the facts therein. And what I would ask each of you to do is, when you go to that jury room and begin your deliberations, to search through these facts, search through these facts. That's all we ask you to do, and take the law as the judge will charge you and apply it to these facts. And we feel that if you do, under these circumstances, with the lack of evidence and what evidence is there, that the right verdict in this case would be self-defense and that he is not guilty of any crime.

Tr. p. 283 line 16-p. 284 line 20

Defense counsel's performance was simply inadequate.⁴ It is clear from his closing argument to the jury that defense counsel did not argue that the Applicant was not guilty in any meaningful way, and did not argue that the Applicant could be found guilty of ABHIAN in any way whatsoever. Instead, defense counsel simply told the jury that the case was one of self-

⁴ The Applicant testified to this Court that after defense counsel concluded his closing argument, he came back to counsel table and told the Applicant that he could not argue this case like he wanted to due to his illness. This issue will be addressed in more detail below.

defense. This argument was insufficient, especially given the serious nature of the crimes that the Applicant was facing.

Furthermore, the Applicant was prejudiced by defense counsel's failures. The jury had the benefit of two solicitors' closing arguments demonstrating exactly why the Applicant was guilty of ABWIK and how he was not guilty of ABHIAN or entitled to self-defense. Defense counsel's closing argument did not in any meaningful way counter these arguments. Without a defense argument, the jury was left with ABWIK as their only available option. Had the jury had the benefit of a well-reasoned defense argument, there is a reasonable likelihood that they would have found the Applicant either guilty of ABHIAN or not guilty. Consequently, the Applicant is entitled to a new trial on this ground.

F Defense Counsel's Failure to Adequately Address the Jury Charge

1. Failure to Request Jury Charges

Applicant asserts that Counsel should have requested additional jury charges.⁷ Applicant first argues that Counsel should have requested a jury charge on specific intent. The trial judge charged the jury that a specific intent to kill need not be shown to convict for ABWIK and general intent was sufficient. (Tr. p. 316, line 17 – p. 317, line 7.) It is well-settled in our law that a showing of general intent is sufficient and trial judges should give a standard intent charge, but need not advise the jury that the defendant must have a **specific** intent to kill before he may be convicted of ABIK. State v. Foust, 325 S.C. 12-16-479, S.F.2d 50-52 (1996).

⁷ Counsel's file contained jury charges, but there was no evidence at hearing that any of the charges were submitted to the court.

(emphasis in original)⁶ I therefore find that Counsel's failure to request such a charge does not constitute deficient performance.

Applicant further asserts that Counsel erred in failing to request a jury charge that stated that if the State had not disproven self-defense beyond a reasonable doubt then they must find the Applicant not guilty. The court instructed the jury

The State has the burden of disproving self-defense by proof beyond a reasonable doubt.

(Tr. p. 319 lines 19-21.) Because the charge was given, I find that any failure by counsel to request the charge was harmless.

Finally, Applicant argues that Counsel should have requested a jury charge that all doubts must be resolved in favor of the defendant. The trial court gave correct instructions on reasonable doubt (Tr. p. 307 line 16 – p. 308 line 25.) In various terms, the court repeatedly admonished the jury that if they believed that there was a real possibility that Applicant was not guilty, they should give him the benefit of that reasonable doubt and find him not guilty. (See Tr. p. 308 lines 21-25.) The correct standard is not that all doubts be resolved in favor of the defendant; rather, the State must prove guilt beyond a reasonable doubt. I find that the charge as given correctly articulates the standard to be applied and even substantially comports with the proposed request. Therefore, assuming *arguendo* that Counsel had a duty to request such a charge, I find no prejudice from any failure to request this specific charge.

⁶ A footnote to this line reads: "To the extent the cases may be read as requiring a specific intent to kill, they are overruled."

2. Failure to Object to Jury Instructions

Applicant takes exception to several jury charges. Applicant argues that portions of the jury charge on self-defense improperly shift the burden onto the Applicant and were therefore objectionable. Applicant takes exception to the following portion of the jury charge:

Self-defense is a complete defense. And if it is established by evidence in this case then you must find the defendant not guilty.

(Tr. p. 319, lines 17-19.) However, in the next sentence, the court instructs:

The State has the burden of disproving self-defense by proof beyond a reasonable doubt.

(Tr. p. 319, lines 19-21.) Read as a whole, the charge properly conveys the State's burden to disprove self-defense. State v. Wiggins, 330 S.C. 538, 500 S.E.2d 489 (1998). I therefore find no deficiency in Counsel's failure to object to this charge.

Applicant next argues that portions of the court's charge amounted to impermissible charges on the facts of the case. Applicant specifically points to the following portions of the trial court's charge:

the charge of assault and battery with intent to kill carries within it a lesser charge of assault and battery of a high and aggravated nature. Now, under some circumstances it would carry even a third or a second lesser charge, which would be a third charge, simple assault and battery.

(Tr. p. 312, line 25 – p. 313, line 2.) Applicant also takes exception to the following portion of the charge:

Now, if there are no circumstances of aggravation, no injury, or anything of that nature, we would call that a simple assault and battery.

(Tr. p. 314, lines 7-9.) Indeed, a trial judge may instruct the jury on the law but not on the facts of a case; the disputed facts are the province of the jury. See S.C. Const. art. V, § 21. The above-

referenced portions of the trial judge's charge do not constitute a charge on the facts of the case. The charges are explanations of the offenses and carry no implication regarding the facts in dispute in the case. Therefore, I find that an objection on these grounds would have been improperly made. Counsel's failure to make such an objection does not constitute deficient performance.

F Defense Counsel's Failure to File a Direct Appeal for the Applicant

Applicant further asserts that he was denied his right to a direct appeal. Trial counsel must ensure that a criminal defendant is made fully aware of his appeal rights. White v. State, 263 S.C. 110, 208 S.F.2d 35 (1974). In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedure required by Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 F.d.2d 493 (1967). White, Id. Where the post-conviction relief court determines that the applicant did not freely and voluntarily waive his appellate rights, the applicant may petition the South Carolina Supreme Court for review of direct appeal issues pursuant to White v. State. See Rule 243, SCACR. Davis v. State, 288 S.C. 290, 342 S.F.2d 60 (1986). If a criminal defendant is found guilty after a trial, defense counsel *must* file a Notice of Appeal for him. See In re Anonymous Member of the Bar, 303 S.C. 306, 400 S.F.2d 483 (1991).

The Applicant testified that after he was convicted, he asked defense counsel about filing an appeal for him. Defense counsel informed him that he did not do appeals. After the Applicant was transferred to the Department of Corrections' custody, he attempted to file an appeal on his own. However, his appeal was untimely. The record before this Court reveals that the Applicant did not have a direct appeal. The Applicant alleges that defense counsel was ineffective for failing to file an appeal for him, and that he is entitled to a belated direct appeal.

There was no evidence in writing in trial counsel's file informing the Applicant of when his appeal would be due or that the Applicant did not wish to appeal his guilty verdict. In reviewing all the circumstances, this Court finds that the Applicant's testimony is credible on this issue.

Based on the evidence available to this court, this Court affirmatively finds that the Applicant did not knowingly and voluntarily waive his right to a direct appeal. The Court concludes that the Applicant is entitled to a belated review of his conviction(s). A petition for belated review pursuant to White v. State can remedy the Applicant's lack of a direct appeal.

G Defense Counsel's *Per Se* Ineffectiveness

Ordinarily, in order for a PCR applicant to demonstrate that defense counsel was ineffective, a PCR applicant must demonstrate that he was prejudiced by defense counsel's errors and omissions. See Strickland v. Washington *supra*. However, there are three situations where prejudice is presumed. See United States v. Cronie, 466 U.S. 648 (1984).

In Cronie, the [United States Supreme] Court identified three distinct situations in which a presumption of prejudice is appropriate. First, prejudice is presumed when the defendant is completely denied counsel at a critical stage of his trial. Cronie, 466 U.S. at 659. Second, per-se prejudice occurs if there has been a constructive denial of counsel. This happens when a lawyer entirely fails to subject the prosecution's case to meaningful adversarial testing, thus making the adversary process itself presumptively unreliable. *Id.* Third, the Court identified certain instances when, although counsel is available to assist the accused during trial, the likelihood that any lawyer, even a fully competent one, could provide effective assistance is so small that a presumption of prejudice is appropriate without inquiry into the actual conduct of the trial. *Id.*

Nance v. Ozmint, 367 S.C. 547, 551-552, 626 S.E.2d 878, 880 (2006) (additional internal citations omitted). Demonstrating *per se* prejudice is an extremely high showing for a criminal defendant to make. *Id.* at 552 (quoting Brown v. French, 147 F.3d 307, 313 (4th Cir. 1998)).

The Applicant alleges that defense counsel's performance at trial was so deficient that he has met the high burden of proof required by Cronic and that prejudice to him should be presumed. Accordingly, the Applicant argues that he is entitled to a new trial. This Court agrees.

Initially, this Court would note that defense counsel was an extremely talented lawyer who more than sufficiently represented clients in South Carolina for decades. However, his representation of the Applicant came at both the close of his career and, unfortunately, the close of his life. It is evident from the facts presented to this Court that defense counsel's sickness simply prevented him from representing the Applicant in the typically excellent manner that he had represented clients in the past.

All of the Applicant's witnesses testified that defense counsel had been sick for some time prior to the trial and that he was visibly seriously ill at trial. The Applicant testified that defense counsel told him that he could not argue the case like he wanted due to his illness. A comprehensive review of defense counsel's file in this case, which was admitted as an exhibit by the Applicant, reveals that defense counsel had little or no preparation work for the trial in his file. On numerous occasions during the trial, defense counsel misstated evidence, generally in a way harmful to the Applicant and contrary to his testimony at trial. See Tr. p. 40, line 24-p. 41, line 2, p. 282, lines 14-16. When the Applicant testified at trial, defense counsel essentially allowed the Applicant to testify in a rambling narrative. See Tr. p. 212, line 1-p. 231, line 15.

With the number of deficiencies for this particular lawyer and the number of different instances of ineffective assistance of counsel and these instances were uncharacteristic for defense counsel so while there was no evidence of illness it is consistent with someone having severe life threatening problems. Given all of these factors which this Court believes were due primarily to defense counsel's illness⁷ defense counsel simply should not have been representing the Applicant at this trial and he entirely fail[ed] to subject the prosecution's case to meaningful adversarial testing. Cronic *supra* at 659. Accordingly this Court finds that defense counsel was ineffective and that prejudice to the Applicant is presumed. Therefore this Court finds that the Applicant is entitled to a new trial⁸.

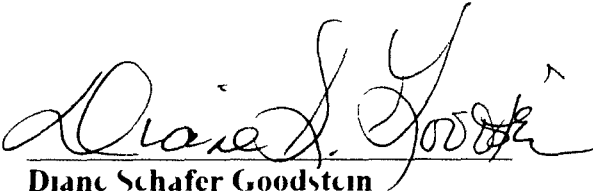
⁷ This Court would note that the South Carolina Supreme Court has held that an attorney who was too sick to adequately represent a criminal defendant at trial was ineffective pursuant to Cronic. See Nance v. Ozmint *supra*.

⁸ The Applicant has also alleged that defense counsel should have moved to be relieved as counsel due to his illness. For the same reasons as set forth above, this Court finds that defense counsel should have made such a motion.

**VII
CONCLUSION**

This Application for Post-Conviction Relief is hereby granted. The Applicant's convictions and sentences are vacated and the Applicant's case is remanded to the Dorchester County Clerk of Court for a new trial. In the event that the Respondent seeks to appeal this Order, this Court finds that the Applicant did not knowingly and voluntarily waive his right to a direct appeal and that he is entitled to seek a belated appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). The Applicant is directed to the provisions of Rule 243, SCACR, in the event that the Respondent files an appeal from this Order for the applicable provisions regarding White v. State review.

IT IS SO ORDERED



Diane Schafer Goodstein
Presiding Circuit Judge
First Judicial Circuit

Three 5 day of January 2009

[Signature] South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
 STATE VS)
Eric Phillips Jr)
 AKA)
 Race B Sex M Age 34)
 DOB [REDACTED] SS# [REDACTED])
 Address)
 City State Zip)
 DL# [REDACTED] SID# [REDACTED])

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2004
 GS 18 224
 A/W# 6561639
 Date of Offense 12/14/2003
 S C Code § 16-23-490
 CDR Code # 0151419
 CASE RESTORED
SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Possession of a Pistol Among the Commission or of a violent crime in violation of § 16-23-490 of the S C Code of Laws bearing CDR Code # 0151419
 NON VIOLENT VIOLENT SERIOUS MOST SERIOUS 17 25 45

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

ATTEST
[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 5 ~~days~~ months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable* the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation Parole and Pardon Services standard conditions of probation which are incorporated by reference
 CONCURRENT or CONSECUTIVE to sentence on _____
 The Defendant is to be given credit for time served pursuant to S C Code §24-13-40 to be calculated and applied by the State Department of Corrections
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S C Code §17 25 135

SPECIAL CONDITIONS

RESTITUTION Heard Waived Ordered
 Total \$ _____ plus 20% fee \$ _____
 Payment Terms _____
 set by SCDPPPS _____

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

Recipient	
*Fine	\$
\$14 1 206 (Assessments 107 5%)	\$
\$14 1 211(A)(1) (Conv Surcharge)	\$100 \$ <u>10000</u>
\$14 1 211(A)(2) (DUI Surcharge)	\$100 \$
\$56 5 2995 (DUI Assessment)	\$12 \$
\$ 35 13 (Public Def/Prob)	\$500 \$
\$73 3 1B TP (Law Enforce Funding)	\$25 \$ <u>350</u>
\$33 7 1B TP (Drug Court Surcharge)	\$100 \$
\$50 21 114(BUI Breath Test Fee)	\$50 \$
\$56 5 2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$ <u>375</u>
TOTAL	\$ <u>12875</u>

Appointed PD or appointed other counsel §35 13 TP Requires \$500 be paid to Clerk during probation

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

PRESIDING JUDGE [Signature]
 Judge Code 101141
 Sentence Date 10-18-06

517

WITNESSES

Hendricks, Maybelle

SGPD

ARREST WARRANT NUMBER

G561639

Arrested Dec 14, 2003

ACTION OF GRAND JURY

True Bill

3/11/04

Ronald A. Moore

Foreperson of Grand Jury
Date March 11, 2004

VERDICT

Guilty

~~*Not Guilty*~~

Henry Roberts 10/18/06
Foreperson of Petit Jury

DOCKET NO 2004GS18-0224

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

March 15, 2004 TERM

**THE STATE
vs**

Eric Deon Phillips Jr

Indictment for

**POSSESSION OF A WEAPON DURING
THE COMMISSION OF CERTAIN
CRIMES**

SC Code 16 23-490
CDR Code 0549
Class FEL F

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

Defendant

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

Defendant

Witness

C C C PLS AND G S

517 929 File 103

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

INDICTMENT
2004GS18-0224

At a Court of General Sessions convened on March 15 2004 the Grand Jurors of Dorchester County present upon their oath

**POSSESSION OF A WEAPON DURING THE COMMISSION OF CERTAIN
CRIMES**

The defendant, Eric Deon Phillips Jr , did in Dorchester County on or about December 14 2003, while committing the violent crime of Assault and Battery with the Intent to Kill have in his possession and/or did visibly display a firearm during the commission of the aforementioned crime thereby violating Section 16-23-490 of the South Carolina Code of Laws 1976 as amended

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



Robby Robbins SOLICITOR

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE 10/18/2006

INDICTMENT # 0000GS18 ENTRY DATE 12/30/2003 LAST UPDATE 12/30/2003

DEFENDANT NAME PHILLIPS, ERIC DEON JR AKA

ADDRESS [REDACTED] CITY ST GEORGE STATE SC ZIP 29477

SOCIAL SECURITY NUMBER [REDACTED] SEX M MALE RACE B BLACK

DATE OF BIRTH [REDACTED] DRIVERS LICENSE STATE / NO SC /008995309

WARRENT OR TICKET # G561639 COUNTS 00001 OFFENSE CODE 2364

NO WARRANT 00001 NAME OF OFFENSE Weapons / Sale or delivery of

DATE OF ARREST 12/14/2003 DATE REC BY CLERK 12/30/2003 SUMMARY JUDGE 000

RESTORE DATE 0/00/0000

DISP DATE ¹⁰⁻¹⁸⁻⁰⁶ ~~0/00/0000~~ DISP TYPE 1

DISP TYPE EXPLANATION

JUDGE CODE/NAME *Waller* COURT REPORTER *Walker*

CONVICTION CTS OFFENSE

SENTENCE *5 yrs*

DEFENSE ATTORNEY *Gene Dukas* PROSECUTING ATTORNEY *D. Johnson*

ARREST WARRANT

520

G-561639

STATE OF SOUTH CAROLINA

County/ Municipality of ST GEORGE

THE STATE against

ERIC DEON PHILLIPS JR

Address 275 JOHNSON HORN ROAD ST GEORGE, SOUTH CAROLINA 29477

Phone 563-6882 SSN Race B Height 600 Weight 245 Sex M DL State SC

DOB Agency ORI# SC0180100 Prosecuting Agency ST GEORGE POLICE DEPT Prosecuting Officer ASST CHIEF M HENDRICKS

Offense UNLAWFULLY POSSESSION OF A PISTOL BY CONVICTED FELON Offense Code Code/Ordinance Sec 16-23-30

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law

Signature of Judge (LS)

Date

RETURN

A copy of this arrest warrant was delivered to defendant Eric D. Phillips on Dec 14, 2003

Signature of Constable/Law Enforcement Officer SGPD

RETURN WARRANT TO

STATE OF SOUTH CAROLINA

County/ Municipality of ST GEORGE

AFFIDAVIT

Form Approved by S C Attorney General July 26 1990 SCCA 118

Personally appeared before me the affiant ASST CHIEF M HENDRICKS who being duly sworn deposes and says that defendant ERIC DEON PHILLIPS JR did within this county and state on DECEMBER 14, 2003 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of ST GEORGE) in the following particulars

DESCRIPTION OF OFFENSE UNLAWFULLY POSSESSION OF A PISTOL BY A CONVICTED FELON 16-23-30

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts

THAT ON DECEMBER 14, 2003 AT APPROXIMATELY 00440 HOURS AT 127 MOTEL DRIVE WAFFLE HOUSE, LOCATED IN THE CITY OF ST GEORGE, SOUTH CAROLINA, COUNTY OF DORCHESTER AND STATE OF SOUTH CAROLINA, ONE ERIC DEON PHILLIPS JR DID COMMIT THE OFFENSE OF UNLAWFULLY POSSESSION OF A PISTOL BY A CONVICTED FELON, IN VIOLATION OF SECTION 16-23-30 OF THE SOUTH CAROLINA CODE OF LAWS 1976 AS AMENDED, IN THAT HE DID WILLFULLY, AND UNLAWFULLY, HAVE IN HIS POSSESSION A 45 CALIBER PISTOL FACTS TO PROVE THAT ON THE AFOREMENTIONED DATE, JOHN GRIFFIN AND GERALD GRIFFIN WAS TREATED AT MEDICAL UNIVERSITY HOSPITAL FOR A GUN SHOT WOUND TO THE RIGHT SIDE AND RIGHT HAND. DEFENDANT AND CO-DEFENDANT GAVE WRITTEN SIGNED STATEMENT IMPLICATING HIMSELF AS THE SHOOTER ALL THE ABOVE IS AGAINST THE LAW, PEACE AND DIGNITY OF THE STATE OF SOUTH CAROLINA

Sworn to and subscribed before me on Dec 14, 2003 Signature of Issuing Judge (LS)

Signature of Affiant Margyella Hendricks, Asst Ch of Affiant's Address 601 SOUTH PARLER AVENUE ST GEORGE, SOUTH CAROLINA 29477 Affiant's Telephone 843-563-3643

STATE OF SOUTH CAROLINA

County/ Municipality of ST GEORGE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that on DECEMBER 14, 2003 defendant ERIC DEON PHILLIPS JR

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of ST GEORGE) as set forth below

DESCRIPTION OF OFFENSE UNLAWFULLY POSSESSION OF A PISTOL BY CONVICTED FELON 16-23-30

Now therefore you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable

Signature of Issuing Judge (LS) Judge's Address 601 SOUTH PARLER AVENUE ST. GEORGE, SOUTH CAROLINA 29477 Judge's Telephone 843-563-3643 Issuing Court Magistrate Municipal Circuit

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Dorchester)
 STATE VS)
Eric Dean Phillips, Jr)
 AKA)
 Race B Sex M Age 34)
 DOB [REDACTED] SS# _____)
 Address _____)
 City State Zip _____)
 DL# _____ SID# _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#
2004 GS 18 225
 AWW# 6561662
 Date of Offense 12/17/2003
 S C Code § 16-3-620
 CDR Code # 0 1 0 1 1 1 4
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Assault and Battery with Intent to Kill in violation of § 16-3-620 of the S C Code of Laws bearing CDR Code# 0 1 0 1 1 1 4
 NON VIOLENT VIOLENT SERIOUS MOST SERIOUS 17 25 45

The charge is As Indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury
 The plea is Without Negotiations or Recommendation Negotiated Sentence Recommendation by the State
 ATTEST [Signature] [Signature] [Signature]
 Solicitor Defendant Attorney for Defendant

WHEREFORE the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 15 ~~days~~ months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable* the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation Parole and Pardon Services standard conditions of probation which are incorporated by reference
 CONCURRENT or CONSECUTIVE to sentence on _____
 The Defendant is to be given credit for time served pursuant to S C Code §24-13-40 to be calculated and applied by the State Department of Corrections
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S C Code §17 25 135

SPECIAL CONDITIONS

RESTITUTION Heard Waived Ordered
 Total \$ _____ plus 20% fee \$ _____
 Payment Terms _____
 set by SCDPPPS _____
 Recipient _____
 *Fine \$ _____
 \$14 1 206 (Assessments 107 5%) \$ _____
 \$14 1 211(A)(1) (Conv Surcharge) \$100 \$ 1000
 \$14 1 211(A)(2) (DUI Surcharge) \$100 \$ _____
 \$56 5 2995 (DUI Assessment) \$12 \$ _____
 \$ 35 13 (Public Def/Prob) \$500 \$ _____
 \$73 3 1B TP (Law Enforce Funding) \$25 \$ 250
 \$33 7 1B TP (Drug Court Surcharge) \$100 \$ _____
 \$50 21 114(BUI Breath Test Fee) \$50 \$ _____
 \$56 5 2942(J) (Vehicle Assessment) \$40/ea \$ _____
 3% to County (if paid in installments) \$ 375
 TOTAL \$ 128.75

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

Appointed PD or appointed other counsel \$35 13 TP Requires \$500 be paid to Clerk during probation
 PRESIDING JUDGE [Signature]
 Judge Code 0114
 Sentence Date 10-18-06

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

522

WITNESSES

Hendricks, Maybelle

SGPD

ARREST WARRANT NUMBER

G561662

Arrested Dec 14, 2003

ACTION OF GRAND JURY

Date ^{True Bill} 5/13/04
[Signature]

Foreperson of Grand Jury
Date May 13, 2004

VERDICT

~~Guilty - Assault & Battery w/ Intent To Kill~~
~~Guilty Assault & Battery of High Appointed Officer~~
~~Not Guilty~~
Sherry Roberts 10/18/06
Person of Petit Jury

DOCKET NO 2004GS18-0225

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

May 17, 2004 TERM

THE STATE
vs

Eric Deon Phillips Jr

Indictment for

ASSAULT AND BATTERY WITH INTENT
TO KILL

SC Code 16-3-620
CDR Code 0014
Class FEL C

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

Defendant

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

Defendant

Witness
C C C PLS AND G S

13 PM 2 LG

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)

INDICTMENT
 2004GS18-0225

At a Court of General Sessions convened on May 17, 2004 the Grand Jurors of
 Dorchester County present upon their oath

ASSAULT AND BATTERY WITH INTENT TO KILL

The defendant Eric Deon Phillips Jr did in Dorchester County on or about December
 14 2003 with malice aforethought commit an assault and battery upon the victim,
 Gerald Griffin by shooting said victim This offense being a violation of Section 16-3-
 620 of the South Carolina Code of Laws as amended

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



Robby Robbins SOLICITOR

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE 10/18/2006

INDICTMENT # 0000GS18 ENTRY DATE 12/30/2003 LAST UPDATE 12/30/2003

DEFENDANT NAME PHILLIPS, ERIC DEON JR AKA

ADDRESS [REDACTED] CITY ST GEORGE STATE SC ZIP 29477

SOCIAL SECURITY NUMBER [REDACTED] SEX M MALE RACE B BLACK

DATE OF BIRTH [REDACTED] DRIVERS LICENSE STATE / NO SC /008993509

WARRENT OR TICKET # G561662 COUNTS 00001 OFFENSE CODE 0014

NO WARRANT00001 NAME OF OFFENSE Assault / Assault and battery

DATE OF ARREST 12/14/2003 DATE REC BY CLERK 12/30/2003 SUMMARY JUDGE 000

RESTORE DATE 0/00/0000

DISP DATE 0/00/0000 DISP TYPE

DISP TYPE EXPLANATION

JUDGE CODE/NAME COURT REPORTER

CONVICTION CTS OFFENSE

SENTENCE

DEFENSE ATTORNEY

PROSECUTING ATTORNEY

ARREST WARRANT

525

G-561663

STATE OF SOUTH CAROLINA

County/ Municipality of ST GEORGE

THE STATE

against

ERIC DEON PHILLIPS JR

Address 275 JOHNSON HORN ROAD ST GEORGE, SOUTH CAROLINA 29477

Phone 563-6882 SSN [REDACTED]

Sex M Race B Height 600 Weight 245

State SC DL# [REDACTED]

OB [REDACTED] Agency ORI# SC0180100

Prosecuting Agency ST GEORGE POLICE DEPT

Prosecuting Officer ASST CHIEF M HENDRICKS

Offense ASSAULT AND BATTERY WITH INTENT TO

KILL Offense Code

Code/Ordinance Sec 16-3-620

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to law

Signature of Judge (LS)

Date

RETURN

A copy of this arrest warrant was delivered to

Defendant ERIC D PHILLIPS

Date Dec 14, 2003

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

Signature of Constable/Law Enforcement Officer

STATE OF SOUTH CAROLINA)

County/ Municipality of ST GEORGE)

AFFIDAVIT

Form Approved by S C Attorney General July 26 1990 SCCA 518

Personally appeared before me the affiant ASST CHIEF M HENDRICKS who being duly sworn deposes and says that defendant ERIC DEON PHILLIPS JR did within this county and state on DECEMBER 14, 2003 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of ST GEORGE) in the following particulars

DESCRIPTION OF OFFENSE ASSAULT AND BATTERY WITH INTENT TO KILL 16-3-620

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts THAT ON DECEMBER 14, 2003 AT APPROX 0440 WHILE AT 127 MOTEL DRIVE WAFFLE HOUSE LOCATED IN THE TOWN OF ST GEORGE, SOUTH CAROLINA, COUNTY OF DORCHESTER, AND STATE AFORE SAID, ONE ERIC DEON PHILLIPS DID WILLFULLY, UNLAWFULLY, AND FELONIOUSLY VIOLATED SECTION OF 16-3-620 OF SOUTH CAROLINA STATE CODE OF LAWS, AS AMENDED 1976, ASSAULT AND BATTERY WITH INTENT TO KILL, IN THAT HE SHOT JOHN GRIFFIN IN THE RIGHT SIDE WITH A 45 AUTOMATIC PISTOL CAUSING BODILY INJURIES THAT REQUIRED IMMEDIATELY SURGERY FACTS TO THE SAME ARE DEFENDANT GAVE A WRITTEN SIGNED STATEMENT IMPLICATING HIMSELF BEING THE SHOOTER ALL THE ABOVE IS AGAINST THE LAW, PEACE AND DIGNITY OF THE STATE OF SOUTH CAROLINA

Sworn to and subscribed before me on Dec 14, 2003

Signature of Issuing Judge

Signature of Affiant

Affiant's Address 601 SOUTH PARLER AVENUE ST. GEORGE, SOUTH CAROLINA 29477

Affiant's Telephone 843-563-3643

STATE OF SOUTH CAROLINA)

County/ Municipality of ST GEORGE)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that on DECEMBER 14, 2003 defendant ERIC DEON PHILLIPS JR

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of ST. GEORGE) as set forth below

DESCRIPTION OF OFFENSE ASSAULT AND BATTERY WITH INTENT TO KILL 16-3-620

Now therefore you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable

Signature of Issuing Judge Judge's Address 601 SOUTH PARLER AVENUE ST. GEORGE, SOUTH CAROLINA 29477

Signature of Issuing Judge Judge's Telephone 843-563-3643

Judge Code Issuing Court Magistrate Municipal Circuit

STATE OF SOUTH CAROLINA)
 COUNTY OF Dorchester)
 STATE VS)
Eric Dean Phillips Jr)
 AKA)
 Race B Sex M Age 34)
 DOB [REDACTED] SS# _____)
 Address _____)
 City State Zip _____)
 DL# _____ SID# _____)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2003 GS 18 226
 AW# G561663
 Date of Offense 12/14/2003
 S C Code § 16-3-620
 CDR Code # 0 1 0 1 1 1 4
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO Assault and Battery with Intent to Kill in violation of § 16-3-620 of the S C Code of Laws bearing CDR Code # 0 1 0 1 1 1 4
 NON VIOLENT VIOLENT SERIOUS MOST SERIOUS 17 25 45

The charge is As Indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury
 The plea is Without Negotiations or Recommendation Negotiated Sentence Recommendation by the State
 ATTEST
[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 15 ~~days~~ months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable* the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation Parole and Pardon Services standard conditions of probation which are incorporated by reference
 CONCURRENT or CONSECUTIVE to sentence on _____
 The Defendant is to be given credit for time served pursuant to S C Code §24 13 40 to be calculated and applied by the State Department of Corrections
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S C Code §17-25 135

SPECIAL CONDITIONS

RESTITUTION Heard Waived Ordered
 Total \$ _____ plus 20% fee \$ _____
 Payment Terms _____
 set by SCDPPPS _____

Recipient		
*Fine		\$
§14 1 206 (Assessments 107 5%)		\$
§14 1 211(A)(1) (Conv Surcharge)	\$100	\$ <u>1000</u>
§14 1 211(A)(2) (DUI Surcharge)	\$100	\$
§56 5 2995 (DUI Assessment)	\$12	\$
§ 35 13 (Public Def/Prob)	\$500	\$
§73 3 1B TP (Law Enforce Funding)	\$25	\$ <u>350</u>
§33 7 1B TP (Drug Court Surcharge)	\$100	\$
§50 21 114(BUI Breath Test Fee)	\$50	\$
§56 5 2942(J) (Vehicle Assessment)	\$40/ea	\$
1% to County (if paid in installments)		\$ <u>3.75</u>
OTAL		\$ <u>12825</u>

PTUP _____ days/hours Public Service Employment
 Obtain GED _____
 Attend Voc Rehab or Job Corp _____
 May serve W/E beginning _____
 Substance Abuse Counseling _____
 Random Drug/Alcohol Testing _____
 Fine may be pd in equal consecutive weekly/monthly pmts of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other _____
 Appointed PD or appointed other counsel §35 13 TP Requires \$500 be paid to Clerk during probation
 PRESIDING JUDGE [Signature]
 Judge Code 0114
 Sentence Date 10-18-06

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

527

WITNESSES

Hendricks, Maybelle

SGPD

ARREST WARRANT NUMBER

G561663

Arrested Dec 14, 2003

ACTION OF GRAND JURY

True Bill

Date 5/13/04

[Signature]

Foreperson of Grand Jury

Date May 13, 2004

VERDICT

Guilty - Assault & Battery w/ Intent to Kill

~~*Guilty - Assault & Battery of High & Aggravated Nature*~~

~~*Not Guilty*~~

Henry Robert 10/18/06

of Petit Jury

DOCKET NO 2004GS18-0226

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

May 17, 2004 TERM

THE STATE

VS

Eric Deon Phillips Jr

Indictment for

ASSAULT AND BATTERY WITH INTENT TO KILL

SC Code 16 3-620

CDR Code 0014

Class FEL-C

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

Defendant

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

Defendant

Witness

C C C PLS AND G S

5/13/04 1:13 PM 246

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE 10/18/2006

INDICTMENT # 0000GS18 ENTRY DATE 12/30/2003 LAST UPDATE 12/30/2003

DEFENDANT NAME PHILLIPS, ERIC DEON JR AKA

ADDRESS [REDACTED] CITY ST GEORGE STATE SC ZIP 29477

SOCIAL SECURITY NUMBER [REDACTED] SEX M MALE RACE B BLACK

DATE OF BIRTH [REDACTED] DRIVERS LICENSE STATE / NO SC /008993509

WARRENT OR TICKET # G561663 COUNTS 00001 OFFENSE CODE 0014

NO WARRANT00001 NAME OF OFFENSE Assault / Assault and battery

DATE OF ARREST 12/14/2003 DATE REC BY CLERK 12/30/2003 SUMMARY JUDGE 000

RESTORE DATE 0/00/0000

DISP DATE 0/00/0000 DISP TYPE

DISP TYPE EXPLANATION

JUDGE CODE/NAME COURT REPORTER

CONVICTION CTS OFFENSE

SENTENCE

DEFENSE ATTORNEY PROSECUTING ATTORNEY

ARREST WARRANT

530

G-561662

STATE OF SOUTH CAROLINA

County Municipality of ST GEORGE

THE STATE against

ERIC DEON PHILLIPS JR

Address 275 JOHNSON HORN ROAD ST GEORGE, SOUTH CAROLINA 29477

Phone 563-6882 SSN [REDACTED]

Sex M Race B Height 600 Weight 245

DL State SC DL# [REDACTED]

DOB [REDACTED] Agency ORI# SC0180100

Prosecuting Agency ST GEORGE POLICE DEPT

Prosecuting Officer ASST CHIEF M HENDRICKS

Offense ASSAULT AND BATTERY WITH INTENT TO KILL

Code/Ordinance Sec 16-3-620

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law

Signature of Judge (LS)

Date

RETURN

A copy of this arrest warrant was delivered to defendant ERIC D PHILLIPS on Dec 14, 2003

Sgt. [Signature] SGPD Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

STATE OF SOUTH CAROLINA)

County/ Municipality of ST GEORGE)

AFFIDAVIT

Form Approved by S.C. Attorney General July 26 1990 SCCA 518

Personally appeared before me the affiant ASST. CHIEF M. HENDRICKS who being duly sworn deposes and says that defendant ERIC DEON PHILLIPS JR. did within this county and state on DECEMBER 14, 2003 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of ST. GEORGE) in the following particulars

DESCRIPTION OF OFFENSE ASSAULT AND BATTERY WITH INTENT TO KILL 16-3-620

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts

THAT ON DECEMBER 14, 2003 AT APPROX 0440 WHILE AT 127 MOTEL DRIVE WAFFLE HOUSE LOCATED IN THE TOWN OF ST GEORGE, SOUTH CAROLINA, COUNTY OF DORCHESTER AND STATE AFORESAID, ONE ERIC DEON PHILLIPS DID WILLFULLY, UNLAWFULLY, AND FELONIOUSLY VIOLATED SECTION OF 16-3-620 OF SOUTH CAROLINA STATE CODE OF LAWS, AS AMENDED 1976, ASSAULT AND BATTERY WITH INTENT TO KILL, IN THAT HE SHOT GERALD GRIFFIN IN THE RIGHT HAND WITH A 45 AUTOMATIC PISTOL CAUSING INJURIES THAT REQUIRED MEDICAL ATTENTION FACTS TO PROVE THE SAME ARE DEFENDANT GAVE A WRITTEN SIGNED STATEMENT IMPLICATING HIMSELF AS THE SHOOTER ALL THE ABOVE IS AGAINST THE LAW, PEACE, AND DIGNITY OF THE STATE OF SOUTH CAROLINA

Sworn to and subscribed before me on Dec 14, 2003 Signature of Issuing Judge [Signature]

Signature of Affiant [Signature] Affiant's Address 601 SOUTH PARLER AVENUE ST GEORGE, SOUTH CAROLINA 29477 Affiant's Telephone 843-563-3643

STATE OF SOUTH CAROLINA)

County/ Municipality of ST GEORGE)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that on DECEMBER 14, 2003 defendant ERIC DEON PHILLIPS JR

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of ST GEORGE) as set forth below

DESCRIPTION OF OFFENSE ASSAULT AND BATTERY WITH INTENT TO KILL 16-3-620

Now therefore you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable

Signature of Issuing Judge [Signature] (LS) Judge Code 6507

Judge's Address 601 SOUTH PARLER AVENUE ST GEORGE, SOUTH CAROLINA 29477 Judge's Telephone 843-563-3643

Issuing Court [] Magistrate [] Municipal [] Circuit []

LMTI330D

SCDC OFFENDER MANAGEMENT SYSTEM

UMCOMITA

RELEASE DATE SCREEN

SCDC# > 2318162

LOC BROAD RIVER

PHILLIPS JR ERIC DEON

SCDC CLASSIFICATION VIOLENT

SEXUAL REGISTRY N

SEXUAL PREDATOR NOT APP

OFFENDER TYPE ADULT-STRAIGHT SENTENCE DNA STATUS COMPLETED

GPS REQUIREMENT N

CURRENT SENTENCE 015-00-000 CONSECUTIVE SENTENCE N

CURRENT SENT START DATE 10/18/2006

PROJECTED COMPLETION DATES

MAXOUT DATE 07/15/2019 CURRENT EWC 3 F 5

YOA SIX YEAR DATE / / CURRENT EEC NOT CURRENTLY EARNING EEC

INITIAL PAROLE DATE 07/18/2019 NEXT PAROLE HEARING DATE 07/18/2019

TOTAL GT DAYS EARNED 000000 LABOR CREW/WORK PROG DATE 99/99/9999

TOTAL EARNED WORK CREDITS 000041 LABOR CREW DISQ REASON

TOTAL EDUCATION CREDITS 000000 CATEGORY 4 OR 5 OFFENSE

TOTAL EXTRA EARNED CREDITS 000

TOTAL SERVICE TIME EARNED 000173

PFYFYS > HISTORY OF DATE CHANGES

CLASSIFICATION SUMMARY REPORT DATED 04/11/07

C041957

SCDC# 318162 PHILLIPS JR,ERIC DEON
 OFFENDER TYPE ADULT-STRAIGHT SENTENCE
 INSTITUTION BROAD RIVER CORR INST
 SECURITY/CUST 3 MINIMUM IN
 CURR INCARC SENT 15 YRS 0 MOS 0 DYS
 LENTRAL MONITORING YES
 MED CLASS 1 NO MED PROB/NO WORK RESTRICT
 MENTAL CLASS NMH (NO MENTAL HEALTH TRF
 CURPENT PROGRAM NO CURRENT PROGRAM
 AGE 35

FBI# 768241FB9
 DORM M00125B
 TOBACCO USER N
 PROJ MAXOUT DATE 07/15/2019
 PROJ PAROLE DATE 07/18/2019
 EWC JOB WARDKEEPER ASSISTANT
 EDUC PGM NO CURR EDUC PROGRAM
 EWC LEVEL 3F5 EEC LEVEL
 ASSIGNMENT WARD HELPER

PREVIOUS NUMBERS

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE	COUNTY	SENTENCE	START	V/NV	CAT	INDICT
	YRS MOS DYS						
ASELT & BATT W/INTNT KILL	15 0 0	DORCHESTER		10/18/2006	V	4	046S18-225+
FIREARMS PROVISION	5 0 0	DORCHESTER		10/18/2006	N	3	046S18-224

PRIOR COMMITMENTS OVER 90 DAYS

NO PRIOR COMMITMENTS OVER 90 DAYS

DETAINERS (HOLD,WANTED,NOTIFY)

NO DETAINERS

ESCAPES

NO ESCAPE HISTORY

CRIMINAL CHARGES

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES

NO ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES

NO NON-ASSAULTIVE DISCIPLINARY HISTORY

HISTORY OF MOVEMENTS

DATE	LOCATION	STATUS	REASON
11/20/06	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
10/19/06	KIRKLAND	INCARCERATED	R&E PROCESSING
10/19/06	LIEBER	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
WARDKEEPER ASSISTANT	11/21/06	00/00/00		3F5

HISTORY OF EARNED EDUCATION CREDITS

EC DESCRIPTION	START DATE	END DATE	TERMINATION REASON

NO SCHOOL ASSIGNMENTS*

***** END OF REPORT *****