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**Dec 07 2022**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_

Certiorari to Spartanburg County

Honorable William A. McKinnon, Circuit Court Judge

\_\_\_\_\_

JARED CHILDRESS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001140

\_\_\_\_\_

APPENDIX

\_\_\_\_\_

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State of South Carolina	)	
	)	
County of Spartanburg	)	
The State of SC,	)	2019-GS-42-3252;
	)	2019-GS-42-3254;
Plaintiff,	)	2019-GS-42-3896;
	)	2019-GS-42-3016
v.	)	
	)	
Jared Childress,	)	
	)	Transcript
Defendant.	)	
	)	of
	)	
	)	Hearing
	)	
	)	
	)	
	)	

Date: 4/19/2021

Time: 1:34 p.m.

Location: Spartanburg County Courthouse

180 Magnolia Street, Spartanburg, SC 29306

Reported by  
Amber Payne, CVR

## APPEARANCES

Presiding: The Honorable J. Mark Hayes, II

For the Plaintiff: Jennifer Jordan, Esq.  
Seventh Circuit Solicitor's Office  
Spartanburg County Courthouse  
180 Magnolia Street  
Spartanburg, SC 29306

For the Defendant: Doug Brannon, Esq.  
Kennedy/Brannon, LLC  
104 North Daniel Morgan Ave.  
Spartanburg, SC 29306

Also Present: Agent Heather Carswell,  
Law Clerk: Alexander Mende

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PROCEEDINGS

THE COURT: Okay. You are -- you're Mr. Jared Childress?

MR. CHILDRESS: Yes, sir.

THE COURT: Sir, it's a pleasure meeting you. Sir, if you would -- this lady sitting over here to my right, she's a court reporter. She's taking down everything that's said. Whenever you speak today, I need you to speak up loud enough so that she and everybody else can hear you. If ever during this process, you cannot hear one of the lawyers or me or anybody else when they're speaking, immediately let us know. We will speak up as well.

Mr. Childress, I've got to administer an oath to you to start this process. If you would, please raise your right hand.

(WHEREUPON, the defendant is sworn.)

THE COURT: Mr. Childress, if you would, please listen to the solicitor, she's going to announce the case for us.

MS. JORDAN: Thank you, Your Honor. Your Honor, before the Court is Jared Scott Childress. He is represented by his attorney,

1 Doug Brannon, who is also present. I'm  
2 Jennifer Jordan on behalf of the State.

3 Your Honor, he is entering guilty pleas  
4 today to five charges. They arise out of two  
5 separate incidences. The negotiated sentences  
6 for concurrent sentencing in the range of  
7 seven to thirty years.

8 The first charge, Your Honor, is 2019-GS-  
9 42-3252, failure to stop for a blue light  
10 where death results.

11 The next is 2019-GS-42-3254, habitual  
12 traffic offender causing death when license  
13 has been suspended, canceled, or revoked.

14 And, Your Honor, I failed to mention the  
15 failure to stop is -- is violent.

16 Next is the trafficking and crack  
17 cocaine, 28 to 100 grams. It is a lesser  
18 included offense of the indicted charge. He  
19 is pleading guilty to that for the same  
20 negotiated range of seven to thirty years.  
21 That offense is listed under the statutes as  
22 violent and serious.

23 He has a possession of a stolen vehicle  
24 more than 2,000, but less than 3,000. He is  
25 pleading guilty to that as well and a habitual

1 traffic offender. The possession of a stolen  
2 vehicle is under 2019-GS-42-3896. The regular  
3 habitual traffic offender with no death is  
4 under 19-GS-42-3016.

5 THE COURT: So, Mr. Childress, you were able  
6 to hear the solicitor when she announced the  
7 five charges that are against you?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: The way that she announced the  
10 charges, is that consistent with your  
11 understanding of what you're pleading to  
12 today?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: All right. Mr. Childress, how old  
15 are you?

16 THE DEFENDANT: Thirty-four.

17 THE COURT: How far did you go in school?

18 THE DEFENDANT: Tenth grade.

19 THE COURT: Did you ever receive a GED?

20 THE DEFENDANT: I received it since I've been  
21 here.

22 THE COURT: Okay. You have received one now?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. Mr. Childress, I know  
25 it's difficult to speak with a mask. If you

1           are comfortable, you can remove the mask, but  
2           if not, I need you to really speak up, because  
3           we're having a little bit of problem hearing  
4           you, okay?

5           THE DEFENDANT: You said I can remove it?

6           THE COURT: Yes, sir. If you're comfortable  
7           doing that.

8                     All right. Presently, are you married,  
9           single, divorced, or widowed?

10          THE DEFENDANT: Single.

11          THE COURT: Do you have children?

12          THE DEFENDANT: Yes, Your Honor.

13          THE COURT: How many?

14          THE DEFENDANT: Four.

15          THE COURT: How old is your oldest?

16          THE DEFENDANT: Fourteen-year-old twins.

17          THE COURT: And your youngest?

18          THE DEFENDANT: My youngest is seven, and I  
19          have a eight-year-old boy, also.

20          THE COURT: Prior to being arrested on these  
21          charges, did you have a job outside of the  
22          home?

23          THE DEFENDANT: Yes, Your Honor.

24          THE COURT: What were you doing?

25          THE DEFENDANT: Commercial electric work.

1 THE COURT: For whom?

2 THE DEFENDANT: Atlantic Workforce.

3 THE COURT: Ever serve in the military?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: And on these charges, how long of  
6 time have you been in jail?

7 MR. BRANNON: 755 days, Your Honor.

8 THE COURT: Thank you, sir. Mr. Childress,  
9 within the last 24 hours, have you consumed  
10 any type of substance that's adversely or  
11 negatively affecting your ability to  
12 understand what we're doing today?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: In the past, have you ever been  
15 treated for any type of substance abuse issues  
16 or drug or alcohol problem?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Are you satisfied with the work  
19 that your lawyer has done for you in these  
20 cases?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you feel like you've had enough  
23 time to talk to him about the legal elements  
24 of the charges that you're pleading to, the  
25 facts that are behind these cases, as well as

1           any possible defenses you might have to these  
2           charges?

3           THE DEFENDANT:  Yes, Your Honor.

4           THE COURT:  Mr. Childress, has anybody come to  
5           you and threatened you in any way or promised  
6           you anything in order to get you to make the  
7           decision to enter these pleas today?

8           THE DEFENDANT:  No, Your Honor.

9           THE COURT:  Am I correct to conclude that your  
10          decision to enter these pleas today that it is  
11          a free and voluntary decision by you?

12          THE DEFENDANT:  Yes, Your Honor.

13          THE COURT:  Mr. Childress, I need for you to  
14          understand that under the law, you are  
15          presumed innocent of all of these charges, and  
16          you do have a right to a jury trial on any or  
17          all of these charges.

18                 At any jury trial that would take place,  
19          it would be the State that has the burden of  
20          proof.  And the State would have to convince  
21          all 12 members of a jury that you are, in  
22          fact, guilty beyond a reasonable doubt of each  
23          and every one of these charges.

24                 Now, Mr. Childress, do you understand  
25          that you have a right to that jury trial on

1 each one of these charges?

2 THE DEFENDANT: Yes, Your Honor. I do.

3 THE COURT: Do you wish to have a jury trial  
4 on any of these charges?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Sir, I need for you to understand  
7 that under the -- that there are other very  
8 important constitutional rights that you are  
9 entitled to, but that you have to give up in  
10 order to enter these pleas. You have to give  
11 up your right to confront and cross-examine  
12 the State's witnesses. You also have to give  
13 up your right to present evidence, which you  
14 and your lawyer might feel would establish a  
15 defense. And you have to give up your right  
16 of subpoena, as well as your right to remain  
17 silent.

18 Mr. Childress, do you understand all of  
19 those rights?

20 THE DEFENDANT: I do, Your Honor.

21 THE COURT: And do you wish to give up all of  
22 those rights and go forward with these pleas?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. Mr. Childress, please  
25 listen to the solicitor. She is going to tell

1 me the facts that are behind these cases.  
2 Please listen to her, sir, if you would.  
3 MS. JORDAN: Thank you, Your Honor. As to the  
4 habitual traffic offender with no death and  
5 the possession of a stolen vehicle, that  
6 occurred here in Spartanburg County on  
7 February the 24th, 2019. The defendant was  
8 driving the vehicle that had been reported  
9 stolen earlier that month here in Spartanburg  
10 County by Christopher Greene's father, Randy  
11 Giles. The defendant was driving that  
12 motorcycle in the county when he was seen by  
13 Deputy Barton, who was at a residence on  
14 Cannons Campground Road. The deputy went to  
15 the defendant's address, also located on  
16 Cannons Campground Road after seeing him. The  
17 deputy was out of the vehicle, so he wasn't  
18 able to follow the defendant, so he spoke to  
19 several individuals who stated the defendant  
20 had just left on the motorcycle in the same  
21 direction the officer saw the motorcycle.

22 Later that day, approximately 1800 hours,  
23 the deputy saw the same motorcycle at the  
24 defendant's house and saw the defendant  
25 wearing the same similar clothing to what he

1 had seen earlier and the motorcycle helmet. A  
2 records check showed that the defendant had  
3 been noticed and declared a habitual traffic  
4 offender for the period of May 7th, 2015 to  
5 2020. Your Honor, he was -- the officer did  
6 speak to him as far as the "why" he went into  
7 the house when he showed up -- when the  
8 officer appeared. He said that he went into  
9 the house when he saw the officer, because he  
10 wanted to put the keys up and hoping that he  
11 would not be charged due to not having a  
12 license. Your Honor, that was -- on March  
13 23rd was when he was arrested for those  
14 charges. He was released the next day.

15 Two days later is when the remainder of  
16 the charges occurred. Those happened here in  
17 Spartanburg County as well.

18 Former deputy, Cody Steiner, was on  
19 Cowtown Road here in Spartanburg County in  
20 reference to a noise complaint coming from the  
21 trailer there. He knew that, that trailer was  
22 -- belonged to Jared Childress and a Kenneth  
23 Bradley, who is my understanding is no related  
24 to my victim in this case, Ciara Bradley.  
25 They were currently living -- he had, had

1 previous reports that the defendant may be in  
2 a stolen gray/black Toyota car, and that he  
3 also may be in possession of methamphetamines.  
4 A vehicle passed the deputy when he was  
5 sitting stationary. It immediately increased  
6 its speed and failed to stop at the stop sign  
7 at the intersection of Cannons Campground Road  
8 and Foster Street.

9 The officer watched the vehicle turn  
10 right on to Foster Street, and he began to  
11 follow the vehicle attempting to catch up to  
12 it on Foster Street. The vehicle was  
13 traveling at a high rate of speed on Foster  
14 Street heading towards Cowpens when the  
15 officer observed a large amount of black smoke  
16 coming from the passenger side of the vehicle.  
17 It appeared that one of the passenger's side  
18 tires had blown due to the driver being unable  
19 to maintain control of the vehicle. The  
20 vehicle went left of center two times while he  
21 was traveling behind it on Foster Street. He  
22 also watched the vehicle make a right turn on  
23 to Pickens Court, which is a dead-end drive.  
24 As the former officer was pulling onto Pickens  
25 Court to locate the vehicle, he observed the

1 vehicle leaving the roadway traveling through  
2 a residential yard and was attempting to get  
3 back around his vehicle. He made a left turn  
4 back on to Foster Street. At this point in  
5 time, the officer activated his blue lights  
6 due to another marked vehicle traveling on  
7 Foster Street and was about to reach the  
8 intersection at Pickens Street and Foster  
9 Street. Once the officer turned left onto  
10 Foster Street, he was able to see the suspect  
11 traveling on Foster Street and that he had  
12 wrecked at the intersection of Foster Street  
13 and Goforth Street.

14 As he was approaching the vehicle to pull  
15 behind it, the vehicle pulled off again and  
16 continued to travel down Goforth Street  
17 heading towards Battleground Road. Your  
18 Honor, eventually the vehicle crashed into an  
19 18-wheeler. Ciara Bradley was a passenger in  
20 that vehicle, so the -- the lights and sirens  
21 were going on.

22 We have provided to the Court, and we  
23 would ask to make the information we provided  
24 to the Court part of the record. We provided  
25 to the Court a body-worn camera that was from

1 former Deputy Steiner. In that body-worn  
2 camera, about 25 seconds into it, you can hear  
3 the crash. The officer goes up -- parks the  
4 vehicle, goes up to the vehicle. At about  
5 five to six minutes into it, is when you see  
6 the officer notice a large quantity of  
7 methamphetamines to the -- the defendant was  
8 driving -- it's to the defendant's rights  
9 (verbatim) -- or left side right up under the  
10 seat. It ended up in that baggy being 184.56  
11 grams of methamphetamines. They later also  
12 recovered 10.5 grams of methamphetamines. I  
13 will state that there was some -- a white  
14 powder substance taken from a purse -- or  
15 taken from a bag or purse belonging to the  
16 victim. There was no controlled or  
17 prescription substances detected.

18 The drug report, which I'd also ask to  
19 make part of the record, was provided to the  
20 Court last week along with some other -- other  
21 information.

22 Your Honor, the officers did not know  
23 that Ciara was in the vehicle. And she --  
24 this was on March 26th. She passed away from  
25 her injuries as a result of this crash on the

1           29th of March 2019. She was 23 years old.  
2           She -- as the Court has seen from her autopsy  
3           report, that I'd also ask to make part of the  
4           record. She died from an extensive resolving  
5           severe left skull and scalp and mid-right  
6           scalp hemorrhage secondary to trauma and  
7           placement of the right intracranial catheter.  
8           She had other injuries that are described on  
9           Page 6 of the autopsy report, including in  
10          Part 2, fractures of the left clavicle, the  
11          left anterior and right posterior ribs, the  
12          black -- bilateral shoulder fractures and  
13          dislocations, fracture of the right humerus, a  
14          fracture of the right femur with accompanying  
15          hemorrhage. She had abrasions with contusions  
16          and superficial lacerations to the head and  
17          body as described as well. She had other --  
18          other findings that are listed on Page 6 of  
19          that autopsy report as well, Your Honor.

20                 We also provided the defendant's driving  
21          record that shows that he was still under that  
22          same habitual traffic offender designation  
23          that I previously mentioned from 2015 to 2020.

24                 I believe we also gave to the Court last  
25          week six pages of photographs from the

1 Spartanburg County Sheriff's Department that  
2 were taken by the crime scene unit of the  
3 accident scene itself.

4 And I know the Court mentioned earlier  
5 that you did have an opportunity to view the  
6 video as -- as well as all of the items that  
7 we submitted. We would just ask that those be  
8 part of the record as part of the facts in  
9 this case.

10 If I may just have one moment. The --  
11 MR. BRANNON: No objection to that request,  
12 Your Honor.

13 MS. JORDAN: Thank you. And you can hear in  
14 the body -- in the body-worn camera that the  
15 officer was stating that there were speeds of  
16 around 80 right before the crash into the --  
17 into the vehicle. The -- the vehicle was  
18 eventually found to have been stolen, and it  
19 had a tag on it that didn't belong to any  
20 license or any vehicle in the State of North  
21 Carolina.

22 Your Honor, I believe that is all as to  
23 the facts of the case. I will state just in  
24 the part of the habitual traffic offender with  
25 death and failure to stop with death, is that

1 he does violate another law while driving  
2 while he's not supposed to be or driving while  
3 running from the blue lights and sirens. And  
4 we listed all of those. And we listed what we  
5 believe was proper in the indictments  
6 including: failure to maintain proper control  
7 of the vehicle, failure to exercise due care,  
8 driving too fast for conditions, speeding,  
9 failure to maintain the proper lookout for  
10 other traffic, reckless driving. The failure  
11 to stop was also referenced in the habitual  
12 traffic offender one along with the driving  
13 under suspension and failure to maintain  
14 proper control of his vehicle and failure to  
15 yield the right-of-way to oncoming traffic.

16 THE COURT: And he does have a prior drug  
17 offense on his record?

18 MS. JORDAN: He does, Your Honor. From 2011,  
19 he has a possession of a controlled substance  
20 out of Cherokee County.

21 THE COURT: Presently on probation?

22 MS. CARSWELL: Yes, Your Honor.

23 THE COURT: The -- entering the pleas will be  
24 a violation?

25 MS. CARSWELL: Yes, Your Honor.

1 THE COURT: Mr. Childress, you were able to  
2 hear the solicitor when she conveyed to read  
3 the facts behind these cases?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you believe that as she stated  
6 the facts to me that the solicitor is  
7 substantially correct of those facts?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Now, Mr. Childress, you understand  
10 that these pleas they're being presented to me  
11 as negotiated pleas of concurrent sentences  
12 between seven and thirty years? You  
13 understand that?

14 THE DEFENDANT: I do, Your Honor.

15 THE COURT: So that if I accept the pleas, I  
16 will be bound by those negotiations, and I  
17 will have to impose a sentence between seven  
18 and thirty years and run the sentences  
19 concurrently?

20 THE DEFENDANT: I do, Your Honor.

21 THE COURT: Mr. Childress, you do also  
22 understand that by entering a plea it'd be a  
23 violation of your present probation cases?

24 THE DEFENDANT: I do now. Yes, Your Honor.

25 THE COURT: All right. And you still wish to

1 enter the plea, understanding it will be a  
2 violation of your present probation cases?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. Sir, you understand  
5 that on -- just to review with you what the  
6 potential sentences on these cases could be is  
7 that under the habitual traffic offender case,  
8 under Indictment 2019-3016, that, that is a  
9 potential five-year sentence? You understand  
10 that?

11 THE DEFENDANT: I do, Your Honor.

12 THE COURT: Sir, you also understand that  
13 under the habitual traffic offender causing  
14 death, under Indictment 2019-GS-3254, that,  
15 that potential sentence would've been a -- or  
16 could be a sentence of -- between zero to  
17 twenty years and a fine of between 5,000 and  
18 \$10,000?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: You understand that on the  
21 possession of a stolen vehicle, valued two to  
22 \$10,000, that, that is a potential five-year  
23 sentence?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: You understand that on the failure

1 to stop for blue light resulting in death,  
2 that, that is a potential sentence of zero to  
3 25 years? You understand that?

4 THE DEFENDANT: I do, Your Honor.

5 THE COURT: You also understand that, that  
6 particular offense is classified as a violent  
7 offense under the law?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And you have been able to talk to  
10 your lawyer as to the consequences and  
11 ramifications of that offense being classified  
12 as violent?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And you still wish to enter the  
15 plea, understanding that classification and  
16 ramifications of it?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And you understand that on the  
19 trafficking and ice/crack 28 grams or more,  
20 but less than 100 grams, second offense, that,  
21 that is a potential 30-year sentence and a  
22 required fine of \$50,000?

23 THE DEFENDANT: Yes. Yes, Your Honor.

24 THE COURT: And under -- and you also  
25 understand that, that particular sentence is

1           classified as both a violent and serious  
2           offense under the law?

3           THE DEFENDANT:  Yes, Your Honor.

4           THE COURT:  And have you been able to talk to  
5           your lawyers as to the consequences and  
6           ramifications of that offense being classified  
7           as both violent and serious?

8           THE DEFENDANT:  He explained it to me.  Yes,  
9           Your Honor.

10          THE COURT:  And understanding the  
11          ramifications of those two classifications of  
12          violent and serious, you still wish to enter  
13          that plea?

14          THE DEFENDANT:  Yes, Your Honor.

15          THE COURT:  Mr. Childress, are you in fact  
16          guilty of the trafficking and ice or crack or  
17          crank 28 grams, but less than 100 grams,  
18          second drug offense?

19          THE DEFENDANT:  Yes, Your Honor.

20          THE COURT:  Are you also guilty of the failure  
21          to stop for blue light resulting in death  
22          under Indictment 3252?

23          THE DEFENDANT:  Yes, Your Honor.

24          THE COURT:  Are you also guilty of the  
25          possession of a stolen vehicle value two to

1           \$10,000?

2           THE DEFENDANT: Yes, Your Honor.

3           THE COURT: Are you also guilty of the  
4           habitual traffic offender resulting in -- in  
5           death when license has been canceled or  
6           suspended or revoked?

7           THE DEFENDANT: Yes, Your Honor.

8           THE COURT: Are you also guilty of the  
9           habitual traffic offender under Indictment  
10          3016?

11          THE DEFENDANT: Yes, Your Honor.

12          THE COURT: Mr. Childress, have all of your  
13          answers to my questions today, have they been  
14          truthful and honest?

15          THE DEFENDANT: Yes, Your Honor.

16          THE COURT: (To both counsel) Discovery has  
17          been reviewed with the defense?

18          MR. BRANNON: Yes, Your Honor.

19          MS. JORDAN: Yes, Your Honor.

20          THE COURT: All right. And the prior record?

21          MS. JORDAN: Your Honor, he has, going back to  
22          2004, an accessory after the fact. He has a  
23          2008 trespassing, public disorderly conduct,  
24          driving under suspension, and DUI. There's a  
25          2009 breach of peace. The 2011 possession of

1 a controlled substance that I've already  
2 referenced, along with the driving under  
3 suspension. In 2012, driving under  
4 suspension, second; 2013, criminal domestic  
5 violence, second; 2014, driving under  
6 suspension; 2015, driving under suspension;  
7 2016, assault and battery in the second  
8 degree; 2017, driving under suspension times  
9 two; driving too fast for conditions and  
10 speeding; and in 2018, he was before Your  
11 Honor on a habitual traffic offender and  
12 failure to stop. He received an 18-month home  
13 detention sentence and was later sent to the  
14 Department of Corrections in March of that  
15 year on a violation.

16 THE COURT: Before I hear from the victim's  
17 family, he's presently on probation?

18 MS. CARSWELL: Yes, Your Honor. For assault  
19 and battery, second degree. It's out of  
20 Cherokee County. It's 2015-GS-11-1005. He  
21 had a three-year sentence suspended to four  
22 days and five years probation. In 2018 -- in  
23 January of 2018, when he pled to the -- the  
24 new habitual traffic charges, you revoked 18  
25 months of that, so there's 18 months left. I

1 understand that the amount of time that he's  
2 served satisfy that, roughly. There is  
3 restitution in the matter of about \$4500 that  
4 we would request to convert to civil judgment.

5 THE COURT: Anything from the victim in that  
6 case with restitution?

7 MS. CARSWELL: Your Honor, the victim is  
8 currently incarcerated in SCDC. We were  
9 unable to make contact, but I do have a note  
10 that the victim was contacted during the last  
11 VOP, but did not show up; and he wanted it  
12 handled with this plea.

13 THE COURT: Thank you, ma'am.

14 MS. CARSWELL: Uh-huh.

15 THE COURT: Do you have people that wish to  
16 address the court on behalf of the victim?

17 MS. JORDAN: Yes, Your Honor. I do.

18 Present in the courtroom are six people  
19 who are here. There's a cousin, Kacey  
20 Rhinehart (phonetic); stepmom, Christina  
21 Painter (phonetic), and then the mother's  
22 boyfriend, Chad Beheler (phonetic.) They will  
23 not be addressing the Court, but they are here  
24 in support of Ciara.

25 Present, though, is Amanda Boiter, who's

1 her mother. She would like to address the  
2 Court. Where would you like for her to come?  
3 Right here? Oh.

4 THE COURT: Ms. Boiter, just come right up in  
5 here. I think she needs to be last.

6 MS. JORDAN: Oh, okay. I'm sorry. I -- I  
7 will actually call the -- Christina Bradley's  
8 sister -- Christina Bradley.

9 MS. BRADLEY: Christine.

10 MS. JORDAN: Christine Bradley. She's the  
11 sister of Ciara.

12 THE COURT: I just need to let you know we are  
13 making a recording of everything that happens,  
14 so really speak up so the court reporter and I  
15 both can hear you. Just start by giving us  
16 your full name, if you would.

17 MS. BRADLEY: Theresa Danielle Christine  
18 Bradley.

19 THE COURT: Yes, ma'am. I'd be more than  
20 happy to hear from you.

21 MS. BRADLEY: I'm Ciara Bradley's sister. On  
22 March 26 -- on March 26th, 2019, Jared  
23 Childress took away a piece of me. My sister  
24 meant the absolute world to me, and now I'll  
25 never get the chance to see her again or hear

1 her voice or tell her I love her. She will  
2 never get the chance to have children or get  
3 married because of the decision -- because of  
4 his decision to run from the police.

5 Jared Childress will never understand  
6 what he took from me and my family. Ciara was  
7 the type of person who lit up every room she  
8 walked into. She always radiated positivity  
9 and -- and make everyone laugh. She barely  
10 got to live her life before Jared took it away  
11 from her. He took everything from her with  
12 just one selfish decision. He gave her no  
13 choice but to sit in that car and to wait for  
14 what was to come.

15 Jared Childress has shown everyone, the  
16 Court included, that he will not stop  
17 offending, doing drugs, running from the law,  
18 stealing cars, and finally taking my sister's  
19 life. She was only 23. She had her whole  
20 life ahead of her. He deserves to serve his  
21 life in prison for every year that she will  
22 miss out on. Thank you.

23 THE COURT: Thank you, ma'am.

24 MS. JORDAN: Your Honor, next is Karen  
25 Gilreath. She was Ciara's aunt.

1 THE COURT: Ma'am, if you would just speak up  
2 loud enough so both the court reporter and I  
3 can hear you. Just start by giving us your  
4 name, if you would.

5 MS. GILREATH: Karen Gilreath. Give me just a  
6 second.

7 THE COURT: Uh-huh.

8 MS. GILREATH: I'm Karen, Ciara's aunt. She  
9 called me "K.K." Thank you for letting me  
10 talk about my sweet niece. She was one of the  
11 kindest person (verbatim) that I know. She  
12 would give anyone the shirt off her back.

13 When she walked into a room, just her  
14 smile would light the whole room up.

15 When she was little, I would ask her from  
16 the time she could talk, I'd -- I would say,  
17 "Ciara, how pretty are you?" and she'd always  
18 reply, "So pretty it hurts." I always wanted  
19 a girl, but God seen different ways and gave  
20 me two boys; so there was a bond that me and  
21 Ciara had.

22 When Ciara was took (verbatim) from us,  
23 my whole family lost so much. I can't even  
24 explain what my whole family has lost since  
25 she's been gone.

1           I know anything that happens today is not  
2 going to bring Ciara back. I do not  
3 understand why Jared decided that his and  
4 Ciara's life were not worth more than running  
5 from the police.

6           I hold Mr. Childress responsible for the  
7 death of my sweet Ciara. And I am begging  
8 this Court to sentence him to 30 years.

9           That day, he had choices that he didn't  
10 give Ciara. I still have nightmares at least  
11 a once (verbatim) a week where I'm in the back  
12 of that car and I can't get to her and she's  
13 yelling and screaming for him to stop.

14           Was she saying that? That's all I want  
15 to know. Was she saying it? I know she was  
16 scared. She once got pulled over for a seat  
17 belt ticket, and this child stops in the  
18 middle of the road. The officers felt so bad  
19 for her, he gave her a warning and let her go.

20           Ciara has one brother and three sisters.  
21 The oldest two of her sisters graduated in  
22 2019, the year that she passed away -- passed  
23 away. One of her sisters was the  
24 valedictorian of Chesnee High School, and her  
25 whole speech was about her sister and the

1 choices that we make. Ciara -- Ciara's  
2 brother has two kids, which would be her niece  
3 and nephew, that will never know the wonderful  
4 aunt that they had. We will never get to plan  
5 her wedding, see her walk down the aisle, have  
6 her first children, buy her first home.

7 I do understand that Jared has four kids,  
8 but his decision to run from the police that  
9 day stopped my niece from ever having  
10 children.

11 For every decision we make in life, there  
12 is a consequence. My niece just wanted a ride  
13 home that day, not knowing it would be her  
14 last.

15 I forgive you. I will never forget that  
16 our sunshine was ripped out of our lives  
17 because of your choices. I pray God has mercy  
18 on Jared's soul; the mercy he didn't show my  
19 niece that day.

20 Again, me and my family are begging this  
21 Court to give justice to Ciara, and sentence  
22 Mr. Childress to 30 years for the death of my  
23 sweet and caring niece. Thank you.

24 THE COURT: Thank you, ma'am.

25 MS. JORDAN: Your Honor, while her mother

1 comes up, they do have a photograph that they  
2 would like for me to show the Court of her.  
3 They just wanted the Court to see what she  
4 looked like outside of the autopsy report and  
5 everything.

6 MS. BOITER: Can I hold it?

7 MS. JORDAN: Can we keep it right up here?  
8 We'll prop it up here.

9 THE COURT: Ma'am, if you would, just speak  
10 loud enough so that both the court reporter  
11 and I can hear you. And just give us your  
12 full name.

13 MS. BOITER: My name is Amanda Suzanne Boiter.

14 THE COURT: Yes, ma'am.

15 MS. BOITER: And I'm the mom. I -- I know  
16 you've heard a lot about Ciara's smile could  
17 light up a room and how she did light up a  
18 room. And, as you can tell, she's beautiful  
19 and vibrant and 23 and, oh, she wasn't a  
20 saint. She -- but she was smart and she  
21 learned -- she learned quick.

22 And I thought the day that I -- the day  
23 that she -- they told me that the brain  
24 activity was completely gone and they had --  
25 had to take her off the life support and she

1 was a donor. She did save six people's lives,  
2 and she -- she was positive, like everybody  
3 was telling you; and so I knew that she would  
4 want to do something to help. We donated  
5 portions that helped -- that helped her to be  
6 donated to an actual person, to education.

7 When Ciara graduated, she was given a --  
8 a lifetime scholarship to Spartanburg  
9 Methodist College. And she didn't finish  
10 that. And like I said it -- it was one of her  
11 regrets.

12 She was a hard worker. She went work to  
13 full-time. She worked in plants. She would  
14 come home dirty as any man you've ever seen.

15 I just want the Court to understand what  
16 type of a person she was; what type of person  
17 that we lost.

18 And she was planning on going back to  
19 school.

20 But, like I said, I just wanted to let  
21 the Court know what kind of person she was.  
22 And I've prepared just a little bit of how I  
23 felt the day that -- that I first saw her.  
24 She was pronounced dead on March 29th, 2019,  
25 after several days of her body fighting to

1 stay alive in the ICU, but because of the  
2 severity of the head trauma, there was no  
3 brain activity. I was told by doctors that  
4 this occurred, because the brain was deprived  
5 of oxygen for so long after the crash. It  
6 took more than two hours for Ciara's body to  
7 be extracted from the vehicle, because it was  
8 driven under an 18-wheeler. My daughter, my  
9 baby, my first-born child was almost  
10 unrecognizable to me. That's how swollen she  
11 was and how much of her body was injured in  
12 the result of the accident. I heard that more  
13 than half of the bones in her body was broken.

14 That day -- the days leading up to her  
15 death, I questioned every decision I've ever  
16 made as a mother and anything -- I questioned  
17 God. I questioned -- I questioned him. I  
18 questioned everything. But today I question  
19 the Court, and I ask the Court to -- for Mr.  
20 Childress to be responsible, because he has  
21 shown repeatedly that he will run from the  
22 law. And he's shown repeatedly that he will  
23 let -- he didn't have no concern or care or  
24 regards for his life, for other people on the  
25 roads life, or for Ciara's life. I -- I just

1 ask the Court to please sentence him  
2 accordingly to the maximum. That I -- and  
3 while I know it won't bring her back . . .  
4 I've tried to forgive you, Jared. That's all  
5 I got.

6 THE COURT: Thank you, ma'am.

7 MS. JORDAN: Your Honor, if I could just add,  
8 as you know, she wasn't the driver. She  
9 didn't have the opportunity to pull over for  
10 the police. He was the one that had that  
11 opportunity. He was the one that made the  
12 decision not to do that. He was the one that  
13 placed Ciara's life, along with all the other  
14 people that were on the road that night, in  
15 harm's way.

16 She was 23. Twenty-three years old is so  
17 -- I look back at my life and think of what  
18 I've done, you know, 23 years since then.

19 I know you'll probably hear a lot about  
20 the injuries that he suffered in the car  
21 accident or in the wreck that he caused that  
22 day. I'd just like to point out that he has  
23 the ability to recover from his injuries.  
24 Ciara did not.

25 He had only been out of the Department of

1 Corrections for about five months when this  
2 accident occurred. He went to the Department  
3 of Corrections on a home detention conversion  
4 in March of 2018 and was released on November  
5 the 1st of 2018. The Court's already heard  
6 the date of March 26th -- November 1st, 2018,  
7 and then March 26th, 2019, was the date of  
8 this wreck -- accident -- or wreck that he  
9 caused. He has a lengthy record with numerous  
10 driving convictions. We just ask the Court  
11 that you take all of that into consideration  
12 and that you sentence him to the maximum  
13 punishment possible.

14 THE COURT: Thank you, ma'am. Yes, sir, Mr.  
15 Brannon.

16 MR. BRANNON: Your Honor, my client has  
17 prepared a statement he would like to read.  
18 Would you allow him to do that first?

19 THE COURT: Yes, sir. Sir, if you would, when  
20 you speak, speak up loud enough so that both  
21 the court reporter and I can hear you. You're  
22 -- you're talking a little soft, okay? So I  
23 need you to speak up, all right?

24 THE DEFENDANT: So -- just really I just want  
25 to talk to you-all. I really wanted to be in

1 the courtroom to be able to look at you. You  
2 be able to look at me. I mean, I'm -- I can't  
3 say nothing but I'm sorry, you know. I'd like  
4 to say that I'm sorry, I mean, with all of my  
5 heart.

6 Well, actually that night were the worst  
7 mistakes I've ever made. I mean -- and why --  
8 there's not a day that goes by that I don't  
9 pray for Ciara's soul. I pray for the  
10 heartache and pain that I've caused, I have, I  
11 mean, everyday. It's -- I do. I know "sorry"  
12 isn't going to fix it. I know it don't do  
13 nothing, but I don't know what else to say;  
14 and there's nothing else I can do. I know it  
15 doesn't fix it. I know -- it bothers me to  
16 know that my action took her life.

17 But she was someone I did care for. She  
18 was someone I had learned to love. I mean, I  
19 didn't know her long, but when we were  
20 together, she -- y'all know how she was. She  
21 was just awesome, you know. I'll never forget  
22 that someone that I loved passed away because  
23 of me. And that won't never be okay with me.  
24 I can't expect for any of you to forgive me,  
25 because I can't -- because I can't forgive

1           myself. So I won't even ask for you to  
2           forgive me, but -- oh, man.

3                     All I ever meant to do, really, was to  
4           give Ciara the world. I never meant to take  
5           it from her. I made some awful decisions that  
6           day. I deserve, you know, the penalty. I'm  
7           sorry. I just don't know what you want me to  
8           say, but I just . . .

9           MR. BRANNON: Your Honor, may it please the  
10          Court. You're not going to hear about the  
11          injuries that my client suffered in this  
12          accident. My client did not want me to tell  
13          you. He does not want me to make him the  
14          focus of anything in this matter. The focus  
15          needs to be Ciara.

16                    Your Honor, a tragedy occurred on that  
17          roadway in Cowpens, South Carolina. A  
18          tragedy. My client is standing here today to  
19          be accountable for his actions. Your Honor, I  
20          was hired shortly after this accident, and the  
21          first time I saw -- I talked with Jared, it --  
22          this was the plea, "This is my fault. I did  
23          this. I must take accountability for my  
24          actions." He has been that way from the  
25          moment this happened until today where he just

1 told the family he needs to be held  
2 accountable.

3 Your Honor, I want to tell you a  
4 different story. I want to tell you about the  
5 family that's sitting on this side of the  
6 courtroom. You see, Your Honor, there's a  
7 beautiful mama sitting right here and there's  
8 the mother of his two younger children sitting  
9 back there and there's a grandmother sitting  
10 back there. And while they're crying because  
11 their son is going to go to prison today,  
12 they're crying because Ciara died on that  
13 night.

14 Your Honor, Jared Childress wasn't born  
15 an addict. Jared Childress was given the  
16 opportunities to be a productive member of  
17 this society. He was given the opportunity by  
18 that family to become a professional  
19 electrician, but, Your Honor, it doesn't  
20 matter where you come from; it doesn't matter  
21 what the color of your skin is. When you get  
22 addicted to drugs, they take you down. They  
23 don't care who you are, and that's what this  
24 is. Jared got himself addicted to drugs. The  
25 drugs caused him to do the things that he did.

1           Your Honor, since he's been incarcerated  
2           now for 755 days, you've heard he got his GED;  
3           and, Your Honor, he's taking every course that  
4           they would give him in -- in the Spartanburg  
5           County Detention Center. He took therapy for  
6           -- for drug addiction. He took every class  
7           that they would give him until COVID struck,  
8           and they had to stop those classes. He's  
9           tried to do what he can understanding what he  
10          did.

11          Your Honor, I'd ask that you sentence him  
12          to a period of time less than the 30 years. I  
13          thank you for -- and your consideration. I  
14          will tell this Court with all sincerity I've  
15          never met a defendant/a client that was more  
16          remorseful for his actions than this man.  
17          Thank you, Your Honor.

18          THE COURT: Anybody wish to address that?

19          MS. JORDAN: (No response.)

20          THE COURT: Mr. Childress, do you agree with  
21          those statements that were just made by Mr.  
22          Brannon to me?

23          THE DEFENDANT: I do, Your Honor.

24          THE COURT: Mr. Childress, I know that you've  
25          already spoken to the family of the victim, is

1           there anything else that you would like to say  
2           to me or want me to know or consider?

3           THE DEFENDANT: Yes, Your Honor. I'd just --  
4           like the solicitor stated, I -- I wasn't home  
5           long. I mean, I was home for four or five  
6           months, however long she says. I just want  
7           you to know that, like, less than a month  
8           before I come home, my father had passed away.  
9           And I come home to -- my brother had just  
10          passed away right before I went in. I come  
11          home to -- I left a five-person family. I  
12          come home to me and my mama and brother. So,  
13          I mean, I come home really depressed.

14                 The mother of my children left, and it  
15          was just me and I just -- I just turned to  
16          drugs and just wanted people around. I had my  
17          family already there. I don't know what I was  
18          thinking, but I did the wrong thing. And then  
19          I just -- I don't want nothing to take away  
20          from it. I'm just -- I just want you to know  
21          that I was severely depressed, and I just made  
22          the wrong decisions.

23                 Dealing with drugs, you know, I should  
24          have never been doing. I just started selling  
25          drugs which I shouldn't have never been doing.

1 I don't know what I was doing.

2 I hate that this short period hurt so  
3 much of my life. It took me away from so many  
4 people that love me, and -- and I won't get to  
5 raise my kids. And the kids, it just drives  
6 me crazy. And I understand it, it's just so  
7 much. It's just so much to try to explain to  
8 you, but I can't. But I was in a bad place,  
9 and I made the wrong choice. I just want you  
10 to think that too. I'm sorry. I'm sorry to  
11 everyone.

12 THE COURT: Thank you, Mr. Childress.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: I find that there is a  
15 substantial, factual basis for the plea. I  
16 find that the defendant's decision to enter  
17 the plea is made freely, voluntarily,  
18 knowingly, and intellectually by him. I find  
19 that it's a willful violation of the terms and  
20 conditions of probation by having entered the  
21 plea.

22 On the probation cases, we can do a full  
23 revocation; give him credit for the 755 days.  
24 Any outstanding monetary obligations can be  
25 reduced to civil judgment that cannot be

1 satisfied by the time that he's going to  
2 serve. We can terminate that case.

3 On these charges, on the trafficking 28  
4 grams, but less than 100, second offense, that  
5 will be a 30-year sentence and a minimum of  
6 \$50,000 fine. He will receive credit for the  
7 755 days. I'm indicating he needs the  
8 addiction treatment unit while he's at the  
9 Department of Corrections. That'll run  
10 concurrent to the 20-year sentence and the  
11 habitual traffic offender resulting in death  
12 in which you'll receive credit for 755 days.  
13 Again, the addiction treatment unit while he's  
14 at the Department of Corrections.

15 There will be a 25-year sentence on the  
16 failure to stop for blue light resulting in  
17 death. That'll run concurrent with the other  
18 charges, 755 days of credit, ATU while he's at  
19 the Department of Corrections. That'll run  
20 concurrent with the five-year sentence on the  
21 habitual traffic offender and a five-year  
22 sentence on the possession of a stolen vehicle  
23 two to \$10,000. Both of those run  
24 concurrently to each other as well with the  
25 other offenses. He will get 755 days on each

1 of those. Again, the addiction treatment unit  
2 while he's at the Department of Corrections.

3 The Court had previously reviewed the  
4 information provided by the State. That'll be  
5 marked as an exhibit to the proceeding.

6 (WHEREUPON, the documented information  
7 were marked as State's Exhibits Numbers  
8 1-5.)

9 THE COURT: Mr. Childress, good luck to you,  
10 sir.

11 MS. JORDAN: Thank you, Your Honor.

12 (Whereupon the within hearing was  
13 concluded at 2:22 p.m.)

14 (\*This transcript may contain quoted material.  
15 Such material is reproduced as read or quoted  
16 by the speaker.)

STATE OF SOUTH CAROLINA    )  
   )  
 COUNTY OF SPARTANBURG    )

CERTIFICATE

Be it known that Amber J. Payne took the foregoing proceeding and hereby attests:

that I was then and there a notary public in and for the State of South Carolina-at-large;

that the defendant was first duly sworn to testify to the truth, the whole truth, and nothing but the truth, concerning the matter in the controversy aforesaid;

that the foregoing transcript represents a true, accurate, and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

that I am neither a relative nor an employee of any of the parties hereto, nor of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action;

that, if a recording of an event was supplied by another party for purposes of transcription and I was not present during that event, the foregoing pages were transcribed to the best of my skill and ability; additionally, any identifications of speakers were provided to me by the party supplying the recording;

that, in the event of a nonappearance by the defendant, the foregoing details for the nonappearance are accurate.

In witness thereof, I have hereunto affixed my signature and title.

Amber J. Payne, CVR

Date: 2/6/2022  
 Notary public for South Carolina  
 My commission expires August 12, 2029

FORM 5

STATE OF SOUTH CAROLINA

County of Spencer

Jared Scott Childress 375636  
Full name and prison number (if any) of Applicant

Jared Scott Childress  
v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

**2021-CP-42-03644**

APPLICATION FOR  
POST-CONVICTION REVIEW

CLERK OF COURT  
SPENCER COUNTY  
ALAN W. COX  
2021 OCT 26 AM 8:32

FILED

**INSTRUCTIONS - READ CAREFULLY**

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

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

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

1. Place of detention Ridgeland Correctional Institution
2. Name and location of Court which imposed sentence Spencer County  
GENERAL SESSIONS 180 Magnolia St. P.O. Box 3483 Spartanburg SC 29304
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2019A4210201212, 2019A4210201241
  - (b) 2019A4210301245, 2019A4210201206

- (c) 2019K4210201204
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) Impr Meth 28-100 and -30 years April 19th 2021
- (b) ESBL-With Death - 25 years, Habitual Traffic offender with death 20
- (c) QCS Stolen Veh - 5 years, Habitual traffic offender - 5 years (all run, convicted)
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty X
- (b) after a plea of not guilty \_\_\_\_\_
- (c) after a plea of nolo contendere \_\_\_\_\_
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
No

8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (c) the date of each such result:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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 CLERK OF COURT  
 SPARTANBURG COUNTY  
 AMY WILCOX

9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) I failed to possess any grounds for appealing
- (b) my conviction or sentence imposed

- (c) \_\_\_\_\_
- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
  - (a) Ineffective assistance of counsel
  - (b) failed to adequately communicate
  - (c) Failed to call Character Witness at trial
- 11. State concisely and in the same order the facts which support each of the grounds set out in (10):
  - (a) See attached paper
  - (b) \_\_\_\_\_
  - (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 "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

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(c) the disposition thereof:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

NO

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

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

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

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YES
- (b) your trial, if any? YES
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

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

- (a) the name and address of each attorney who represented you:
  - i. DOUG BRANNAN
  - ii. Kennedy Brannen, LLC  
PO Box 3254
  - iii. Spartanburg, SC 29304
- (b) the proceedings at which each such attorney represented you:
  - i. Bond Revocation April 17<sup>th</sup> 2019  
Plea Hearing April 19<sup>th</sup> 2021
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

FILED  
 2021 OCT 28 AM 8:32  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 AMY W. COX

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

vacate conviction, Remand for trial

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

NO

STATE OF SOUTH CAROLINA )

County of Spartanburg )

VERIFICATION

I, Jared Childress, 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.

[Signature]

SWORN to and subscribed before me this 15<sup>th</sup> day of October, 2021.

Virginia Robinson (L.S.)  
Notary Public

My Commission Expires: April 21, 2031

FILED  
2021 OCT 26 AM 8:32  
CLERK OF COURT  
SPARTANBURG COUNTY  
MARY W. COX

Continued Question II:

A) Counsel provided ineffective assistance where petitioner would have accepted states more favorable offer of 15 years had Counsel informed petitioner of offer

B) failed to communicate to petitioner that the state 15 year plea offer would be withdrawn if the petitioner chose to attend the bond hearing, the state would recommend 25 years day for day.

C) Counsel failed to call witnesses of character where petitioner's mother, grandmother, mother of children, and friend were all there to give testimony on petitioner's behalf.

FILED  
OCT 26 AM 8:32  
CLERK OF COURT  
SMITHSON COUNTY  
AMY W. COX

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

I, Jared Scott Childress, 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.

  
Applicant

SWORN or affirmed to and subscribed before me this  
1<sup>st</sup> day of October, 2021.

Virginia Robinson  
Notary Public

My Commission Expires: April 21, 2031

2021 OCT 26 AM 8:32  
CLERK OF COURT  
SPARTANBURG COUNTY  
AMY W. COX

FILED

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Jared Childress, #375636,  
Applicant,

v.

State of South Carolina,  
Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2021-CP-42-03644

**RETURN AND MOTION FOR A  
MORE DEFINITE STATEMENT**

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter "PCR") application filed on October 26, 2021 by Jared Childress (hereafter "Applicant"). Respondent respectfully offers the following in support of its return:

**I. Procedural History**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its June 2019 term, the Spartanburg County Grand Jury indicted Applicant for habitual traffic offender (2019-GS-42-3016), failure to stop at a blue light (2019-GS-42-3252), trafficking in methamphetamine (2019-GS-42-3253), and habitual traffic offender causing death (2019-GS-42-3254). During its July 2019 term, the Spartanburg County Grand Jury indicted Applicant for possession of a stolen vehicle (2019-GS-42-3896). Applicant was represented by N. Douglas Brannon, Esquire. Assistant Solicitor Jennifer A. Jordan of the Seventh Circuit Solicitor's Office prosecuted the case. On April 19, 2021, Applicant appeared before the Honorable J. Mark Hayes, II, circuit court judge, and pled guilty to five indictments and to negotiated concurrent sentences ranging from seven to thirty years' imprisonment. Judge Hayes sentenced Applicant to thirty years.

AMENDED RETURN AND MOTION FOR A MORE DEFINITE STATEMENT  
FILED  
JUL 11 2021  
CLERK OF COURT  
SEVENTH JUDICIAL CIRCUIT  
SPARTANBURG, SOUTH CAROLINA

imprisonment for trafficking in methamphetamine, twenty-five years' imprisonment for failure to stop for a blue light, twenty years' imprisonment for habitual traffic offender resulting in death, and five years' imprisonment for both habitual traffic offender and possession of a stolen vehicle, sentences running concurrently. Judge Hayes also revoked Applicant's probation in full. Applicant did not pursue a direct appeal.

## II. Statement of Facts

Concerning the habitual traffic offender without death and possession of a stolen vehicle offenses, on February 24, 2019, Applicant was driving a vehicle reported stolen earlier in the month. (Tr. 11). Applicant was driving the vehicle when seen by Deputy Barton who was at a residence on that road. (Tr. 11). The deputy was not in his vehicle and, therefore, was unable to stop Applicant. (Tr. 11). However, he conferred with several witnesses who stated Applicant left on the motorcycle in the same direction the officer saw the motorcycle. (Tr. 11). Later that day, the deputy saw the same motorcycle at the defendant's house and saw him wearing similar clothing to what he was seen in earlier. (Tr. 11). A records check showed Applicant was noticed and declared a habitual traffic offender from May 7, 2015 to 2020. (Tr. 11-12). When asked why he entered the home upon seeing the officer, Applicant stated he went inside to put his keys up, hoping he would not get charged as a habitual offender. (Tr. 12).

Two days later, former Deputy Cody Steiner received a noise complaint coming from a trailer. (Tr. 12). He knew Applicant and Kenneth Bradley were currently living in the location. (Tr. 12-13). Previous reports indicated Applicant may have stolen a gray/black Toyota car and may be in possession of methamphetamine. (Tr. 12-13). A vehicle passed the deputy when he was sitting stationary. (Tr. 13). The vehicle immediately increased its speed and failed to stop at the stop sign. (Tr. 13). The officer began following the vehicle, which was traveling at a high

rate of speed. (Tr. 13). The officer observed a large amount of black smoke coming from the passenger side of the vehicle, which was seemingly rooted in a passenger tire being blown due to the driver being unable to control the vehicle. (Tr. 13). The vehicle went left of center two times, made a right turn on a dead-end road, and travelled through a residential yard when attempting to turn around. (Tr. 13-14). The officer activated his blue lights and saw the suspect after he had wrecked his car in the middle of the intersection. (Tr. 14). When he approached, Applicant took off down the road, ultimately crashing into an 18-wheeler. (Tr. 14). Ciara Bradley was a passenger in that vehicle. (Tr. 14).

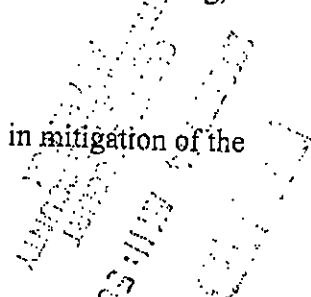
Body-camera footage was entered into evidence at the plea hearing. (Tr. 14-15). Twenty-five seconds in a crash sound occurred. (Tr. 15). The officer parked his vehicle and went up to the vehicle. (Tr. 15). The officer spotted a large amount of methamphetamine five or six minutes in. (Tr. 15). The baggie contained 184.56 grams of methamphetamine and an additional 10.5 grams of methamphetamine was also recovered. (Tr. 15). White powder was recovered from a purse that belonged to the victim. (Tr. 15). Passenger Ciara Bradley passed away from her injuries resulting from the crash. (Tr. 15-16).

### III. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the following reasons (excerpts verbatim):

1. Ineffective assistance of counsel.
  - a. Petitioner would have accepted the State's more favorable offer of 15 years had Counsel informed Petitioner of offer.
  - b. Failed to adequately communicate to Petitioner that the State 15 year plea offer would be withdrawn if the petitioner chose to attend the bond hearing, the State would recommend 25 years day for day.
  - c. Failed to call character witness at plea trial<sup>1</sup>

<sup>1</sup> Respondent interprets this allegation as a failure to call character witnesses in mitigation of the sentence.



- i. Petitioner's mother, grandmother, mother of children, and friend were all there to give testimony on Petitioner's behalf.

Attached to and incorporated herein are Applicant's Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, and the current PCR application. Respondent reserves the right to amend this return upon receipt of additional relevant information.

#### IV. Argument

##### *Ineffective Assistance of Counsel*

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Effective assistance of counsel does not mean perfect or mistake-free representation. *See Weaver v. Massachusetts*, 137 S. Ct. 1899 (2017) (“[A] defendant has a right to effective representation, not a right to an attorney who performs his duties ‘mistake-free.’” (citation omitted)); *Burt v. Titlow*, 571 U.S. 12, 24 (2013) (“[T]he Sixth Amendment does not guarantee the right to perfect counsel; it promises only the right to effective assistance[.]”); *Yarborough v. Gentry*, 540 U.S. 1, 8 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Instead, it simply means assistance that was objectively reasonable under prevailing professional norms. *Strickland*, 466 U.S. at 687-688.

When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

STATE OF SOUTH CAROLINA  
 DEPARTMENT OF CORRECTIONS  
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Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRPC ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690); *see Dunn v. Reeves*, 141 S. Ct. 2405, 2410 (2021) (noting counsel's strategic decisions are to be afforded "'strong presumption' of reasonableness that the defendant must overcome"); *Cullen v. Pinholster*, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18. "A reasonable probability is

a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Importantly, “[t]he likelihood of a different result must be *substantial*, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 112 (2011).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

In the context of a guilty plea, the applicant must show there is a reasonable probability that, but for ineffective assistance of counsel, he or she would not have pled guilty but, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Applicant’s right to contest the validity of a plea is usually, but not invariably, foreclosed because of the inherent solemnity and truthfulness included in the guilty plea process. *See Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977) (“Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible.”). Absent valid reasons why the applicant is entitled to depart from previous judicial admissions made at the plea hearing, statements made during the original proceeding remain conclusive. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

For a plea to be valid, the applicant must have been aware of the nature and crucial

elements of the offense the maximum and minimum penalties, and the rights he is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant “lacks knowledge of material evidence in the prosecution’s possession.” *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

A defendant’s knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between the court and defendant, between the court and defendant’s counsel, or both.” *Roddy v. State*, 339 S.C. at 34, 528 S.E.2d at 421 (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). “[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.” *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874 (quoting *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)). Further, “guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including claims of a violation of a constitutional right prior to the plea.” *Whetsell v. State*, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981).

#### ***Failure to Convey Plea Offer***

Applicant alleges ineffective assistance of counsel because Counsel failed to present a favorable plea to Applicant before the offer expired. “[A]s a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused.” *Missouri v. Frye*, 566 U.S. 134, 145 (2012). Further, ineffective assistance is given “[w]hen defense counsel allow the [plea] offer to expire without advising the defendant or allowing him to consider [the plea].” *Id.* at 145.

When determining prejudice for failure to convey a plea, a case-by-case determination is.

made “assessing whether but for counsel’s deficient performance a defendant would have accepted the State’s proposed plea bargain and that he would have benefited from the offer.” *Bell v. State*, 410 S.C.436, 443, 765 S.E.2d 4, 7 (2014). Prejudice is found if applicant “would have taken the plea offer had [he] been afforded effective assistance of counsel”, if “the plea would have been entered without prosecution canceling it or the trial court refusing to accept it”, and “the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time.” *Collins v. State*, 422 S.C. 250, 262, 810 S.E.2d 871, 877 (2018) (quoting *Frye*, 566 U.S. 147) (quotations omitted). Presumed prejudice is reserved to limited situations. *Bell*, 410 S.C. at 443, 765 S.E.2d at 7.

Here, Applicant alleges that his attorney failed to convey a plea offer to him before it expired. If true, Respondent concedes this constituted deficient assistance of counsel. However, Applicant fails to specify how he was prejudiced by this deficiency. Consequently, Respondent is unable to ascertain whether or not Applicant was prejudiced and, accordingly, entitled to relief sought. Thus, Respondent requests a more specific statement regarding this claim to ascertain the merit, or lack thereof, of the allegation. Additionally, an evidentiary hearing is requested because this is an allegation that raises questions of fact the record does not conclusively refute. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (“Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.”).

#### ***Failure to Mitigate Sentence***

Applicant claims Counsel was ineffective for failing to mitigate the sentence. Counsel may be found deficient for failing to sufficiently investigate and present mitigating evidence. *See*

*Council v. State*, 380 S.C. 159, 172, 670 S.E.2d 356, 363 (2008) (finding it unreasonable for counsel not to further investigate the defendant's background and present even minimal mitigating evidence obtained); *Wiggins v. Smith*, 539 U.S. 510, 521 (2003) (finding it unreasonable when Counsel failed to investigate mitigating evidence beyond a couple retained records, including the presentence investigation report and social service records); *Williams v. Taylor*, 529 U.S. 362, 398 (2000) (finding that Counsel was unreasonable for failing to evaluate the totality of available mitigation evidence). An applicant is prejudiced by this deficiency if there is a reasonable probability that a different sentence would have been imposed but for Counsel's failure to investigate and present mitigating evidence. *Council v. State*, 380 S.C. 159, 171, 670 S.E.2d 356, 362 (2008).

Applicant has not shown why Counsel was deficient for failing to call his family members or how he was prejudiced by the deficiency. Accordingly, Respondent contends that Applicant likely cannot meet his burden of proof on this ground. Still, the ineffective assistance of counsel allegations probably raise questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) ("Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.").

V. **Motion for a More Definite Statement**

Respondent moves for a more definite statement regarding Applicant's allegations. Applicant alleges that plea counsel was constitutionally ineffective. However, he does not explain exactly what Counsel did that constituted ineffective assistance of counsel. Applicant

fails to set forth with specificity any facts and circumstances upon the claim is based. The Uniform Post-Conviction Procedure Act requires that applicants must “specifically set forth the grounds upon which the application is based.” Section 17-27-50 of the Code of Laws of South Carolina (1976). In a PCR application, it is incumbent upon applicants 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). The Supreme Court of South Carolina has provided that:

[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the appellant that he was deprived of counsel is insufficient.

*Coardes v. State*, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974).

Furthermore, Rule 8(a), SCRPC, requires all civil pleadings include “a short and plain statement of the facts showing that the pleader is entitled to relief.” Respondent moves pursuant to Rule 12(e), SCRPC, to require Applicant to provide a more definite statement of his claims. Respondent moves to require Applicant to file an additional amended application well in advance of any evidentiary hearing concerning this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the allegation.

#### **VI. Other Allegations Denied**

Each and every other allegation in Applicant’s PCR application not explicitly admitted, qualified, or explain in this return is hereby denied by the Respondent.

#### **VII. Assertion of Rights to Notice of Amendments, Experts**

Applicant should raise any claims he intends to raise at the PCR evidentiary hearing well in advance of the hearing. Here, Applicant’s court-appointed attorney is the only individual

authorized to file amendments to this application, given his representative capacity, Rule 11(a), SCRPC and *pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing is a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (“Since there is no right to ‘hybrid representation’ that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.”).

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases.”); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) (“When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record.”); *see also* Rules 15(a)-(b), SCRPC (explaining how to amend a pleading). Pursuant to Section 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless the Court grants leave upon good cause shown. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent

reserves the right to request a continuance and oppose witness testimony and exhibits withheld until the last minute resulting in undue prejudice to Respondent.

**VIII. Conclusion**

WHEREFORE, Respondent requests that the Court require Applicant to provide a more definite statement and then hold an evidentiary hearing regarding Applicant's allegations.

Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO  
Assistant Attorney General

By: *Chelsey F. Marto*  
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
Telephone: (803) 734-0386

February 3, 2022



STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Jared Childress, #375636

Applicant,

v.

State of South Carolina

Respondent,

) IN THE COURT OF COMMON PLEAS  
) FOR THE SEVENTH JUDICIAL  
) CIRCUIT

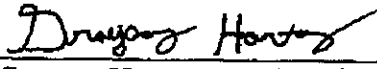
) Case No.: 2021-CP-42-03644

) Certificate of Service by Mail

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return and Motion for a More Definite Statement in the above-captioned matter on the following person by depositing the same in the United States mail, postage prepaid:

**Rodney Wade Richey, Esquire**  
**Richey & Richey, PA**  
**PO Box 10916**  
**Greenville, SC 29603-0916**

DATED this 8<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
Grayson Horton, Legal Assistant  
For Respondent



1 STATE OF SOUTH CAROLINA )  
 2 COUNTY OF SPARTANBURG ) IN THE COMMON PLEAS COURT  
 3 Jared Childress, )  
 4 Applicant, ) TRANSCRIPT OF RECORD  
 5 ) 2021-CP-42-03644  
 6 -vs- )  
 7 The State. ) June 6, 2022  
 ) Spartanburg, south Carolina

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B E F O R E :

HONORABLE WILLIAM A. MCKINNON, JUDGE

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

RODNEY RICHEY, ESQUIRE  
Attorney for the Applicant

CHELSEY MARTO, ESQUIRE  
Attorney for the State

Linda D. Moffitt  
Circuit Court Reporter

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JARED CHILDRESS (AW)

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Cross-examination by Ms. Marto

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NORMAN DOUGLAS BRANNON (AW)

Direct examination by Mr. Richey

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1 THE COURT: Yes, ma'am.

2 MS. MARTO: Thank you, Your Honor. May it please the  
3 Court.

4 We are here today on the case of Jared Childress vs.  
5 the State of South Carolina, Docket No. 2021-CP-42-03644.

6 My name is Chelsey Marto and I represent the  
7 respondent in this matter and Mr. Rodney Richey is  
8 representing the applicant.

9 The applicant is presently confined in the South  
10 Carolina Department of Corrections. During its June of  
11 2019 term he was indicted for habitual traffic offender,  
12 failure to stop for a blue light, trafficking in  
13 methamphetamine and habitual traffic offender causing  
14 death.

15 During its July 2019 term he was indicted for  
16 possession of a stolen vehicle. He was represented by  
17 Mr. Douglas Brannon, and Assistant Solicitor Jennifer  
18 Jordan prosecuted the case.

19 On April 19th of 2021 he appeared before the Honorable  
20 J. Mark Hayes and pled guilty to five indictments to  
21 negotiated concurrent sentences ranging from seven to 30  
22 years imprisonment.

23 THE COURT: Say that one more second. Negotiated  
24 plea?

25 MS. MARTO: For a range between seven and 30 years

1 imprisonment.

2 THE COURT: Negotiated plea of a range of -- okay. So  
3 meaning that there were different pleas to different  
4 charges that were negotiated, or just negotiating for the  
5 range?

6 MS. MARTO: It was just negotiated to the range.

7 THE COURT: Okay. All right.

8 MS. MARTO: And then he was sentenced to 30 years  
9 imprisonment for trafficking methamphetamine, 25 years for  
10 failure to stop for a blue light, 20 years for habitual  
11 traffic offender resulting in death and five years for both  
12 the habitual traffic offender and the possession of a  
13 stolen vehicle, all sentences running concurrently.

14 THE COURT: All right.

15 MS. MARTO: Judge Hayes also revoked his probation in  
16 full, and he did not pursue a direct appeal.

17 The application was filed October 26th of 2021 and the  
18 return made February 7th of 2022.

19 And with that, I'll turn it over to Mr. Richey.

20 MR. RICHEY: Thank you, Your Honor. At this time we  
21 call Pamela Childress.

22

23

24

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Pamela Childress  
Direct examination by Mr. Richey

1 PAMELA CHILDRESS, having been  
2 first duly sworn, testified as follows.

3 DIRECT EXAMINATION BY MR. RICHEY

4 Q Ma'am, do you know Jared Childress?

5 A Yes.

6 Q And how do you know him?

7 A That's my son.

8 Q And -- and you were involved when these cases were  
9 going on in the case.

10 A Yes.

11 Q where you talked to the lawyer? So you had some  
12 knowledge of the case.

13 A Yes, sir.

14 Q And at the guilty plea, were you present?

15 A I was.

16 Q And -- and did you have an opportunity to speak on  
17 your son's behalf?

18 A I did not.

19 Q And do you know why not?

20 A No. I don't have no idea why not.

21 Q And if you had an opportunity to speak on his behalf,  
22 what would you have said?

23 A I would liked to have spoke to the family and  
24 apologized as much as I could for what happened. And I'd  
25 lost a son, so I know what it is to lose a child. I think

Pamela Childress  
Cross-examination by Ms. Marto

1 my son was responsible for that and-but I don't think that  
2 30 years being elevated for her death or drugs was a  
3 sentence that he should have gotten.

4 Q But -- but you would have informed the Court of some  
5 of the positive aspects about him, correct?

6 A Of course.

7 Q And you believe that that would have benefited him,  
8 correct?

9 A I think of that, yes.

10 Q And that was something that you wanted to do.

11 A Yes.

12 Q And did you talk to Mr. Brannon about doing that?

13 A No.

14 Q Okay. Did you have conversations with him about the  
15 mitigation that was being presented?

16 A No. But was just informed that the date was set and  
17 to show up, and we didn't even know what time.

18 Q And during the course of this case there was a lot  
19 talked about, in some terms 15 years, correct? There was  
20 some talk about it. He could get 15 years and face 15.  
21 Was that some of the talk that was done?

22 A Yes.

23 Q And -- and was that talk with the lawyer?

24 A Yes.

25 Q With Mr. Brannon?

Pamela Childress  
Cross-examination by Ms. Marto

1 A Yes.

2 Q Okay. Thank you. Answer the questions the attorney  
3 general will have for you.

4 CROSS-EXAMINATION

5 BY MS. MARTO

6 Q Good morning, ma'am.

7 A Good morning.

8 Q So what did you talk to counsel about?

9 A I had basically with Doug, I just told him, you know,  
10 he knows the case and he was familiar with Jared. And he  
11 said, well, you know that he's looking at at least 15. And  
12 then I was, like, for what he had done and what had  
13 happened that was a fair sentence.

14 Never was told of any other time until the morning of,  
15 and then he said 20. So when he got 30 that morning, we  
16 all walked outta here stunned wondering what just happened.

17 Q Okay. But were you aware that he was pleading to a  
18 range between seven and 30 years?

19 A No.

20 Q You were present for the plea hearing?

21 A There was no plea hearing.

22 Q What do you mean, there was no plea hearing?

23 A I don't remember a plea hearing.

24 Q Do you remember showing up at the courthouse?

25 A That was the plea hearing, the day that he was tried?

Judy Cantrell  
Direct examination by Mr. Richey

- 1 The day that he got 30 years is the day of the plea  
2 hearing?
- 3 Q Yes.
- 4 A Okay. Then I was present, yes.
- 5 Q Okay. And you don't recall him ever pleading to a  
6 negotiated range between seven and 30?
- 7 A No.
- 8 Q Now, did you ever talk to -- you never talked to Mr.  
9 Brannon about speaking on behalf of your son at the plea  
10 hearing?
- 11 A I wasn't asked or told to.
- 12 Q Okay. Did you offer?
- 13 A I would have. I mean, I wasn't asked. I don't know  
14 the proceedings of this.
- 15 Q Okay. So you didn't know there was an option.
- 16 A No. I know the judge asked and Doug spoke up and  
17 said -- when he asked if we, you know, had anything to say.  
18 Doug said no.
- 19 Q And going back to the negotiated range, would you be  
20 surprised if the judge stated on the record or the state  
21 stated on the record that he was pleading to a negotiated  
22 range?
- 23 A I would be.
- 24 Q Well, I'm looking at page five of the transcript  
25 starting with line 18. It says he was pleading guilty to

Judy Cantrell  
Direct examination by Mr. Richey

1 that with the same negotiated range of seven to 30 years.

2 You have no recollection of that?

3 A If that was said that morning, no. That didn't -- I  
4 didn't understand it.

5 MS. MARTO: No further questions.

6 MR. RICHEY: No other questions.

7 THE COURT: Thank you, ma'am. You can step down.

8 MR. RICHEY: Call Ms. Cantrell.

9 JUDY CANTRELL, having been  
10 first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. RICHEY

12 Q Ma'am, could you state your name, please?

13 A My name is Judy Cantrell.

14 Q Ms. Cantrell, do you know Jared?

15 A I do.

16 Q And how do you know him?

17 A He is my grandson.

18 Q Okay. And were you -- were you present during his  
19 plea hearing or when he went to court?

20 A I was present at the court.

21 Q Okay. Did you have any positive things to say about  
22 him at that time before the judge?

23 A Of course I would have said positive things.

24 Q And is that something you wanted to do?

25 A Of course I did.

Judy Cantrell  
Cross-examination by Ms. Marto

1 Q And -- and did you get an opportunity to do that?

2 A No.

3 Q Tell -- just tell me briefly some of the things you  
4 would have said.

5 A Well, first off, like my daughter, I would have  
6 apologized to the family because I definitely understand  
7 the loss of a loved one. I've lost three grandchildren.  
8 And not making light of what happened, I would have loved  
9 to have apologized to them on their behalf and showed my  
10 sorrow for them, because I am sorry.

11 But I would have also liked to have spoken up for  
12 Jared because he was an excellent father. Was he perfect?  
13 No. But he was a good father. He was a great grandson,  
14 and he was all over a good person, but he was a drug  
15 addict.

16 Q Yes, ma'am. And do you believe those drugs was the  
17 cause of all of this.

18 A I know they were.

19 Q Okay. Thank you, ma'am. Answer any questions the  
20 attorney general has for you.

21 THE COURT: Mr. Richey, who is the victim that the  
22 witnesses keep referring, because it was a trafficking  
23 case, right?

24 MR. RICHEY: The traffic accident.

25 THE COURT: But the 30-year sentence was trafficking

Judy Cantrell  
Cross-examination by Ms. Marto

1 methamphetamine, right?

2 MR. RICHEY: Yeah, and 25 on the other one.

3 THE COURT: Okay. So --

4 MR. RICHEY: They're alleging -- when they say victim,  
5 they're alleging the young lady that was in the car at the  
6 time of the accident.

7 THE COURT: But the charge he got 30 years on --

8 MR. RICHEY: Right.

9 THE COURT: -- was the trafficking in methamphetamine  
10 with no victim.

11 MR. RICHEY: Yes, sir.

12 THE COURT: Okay.

13 Q Thank you, ma'am. Answer any questions the attorney  
14 general has for you.

15 CROSS-EXAMINATION

16 BY MR. MARTO

17 Q Good morning, ma'am.

18 A Good morning.

19 Q Did you ever have any conversations with Mr. Brannon  
20 about this case?

21 A Just the morning of when my daughter and I went to his  
22 office to see where we were supposed to go for the court  
23 proceeding.

24 He said that he would get 20 years. I remember that  
25 conversation exactly because I spoke up and said, well, I

Jared Childress  
Direct examination by Mr. Richey

1 guess I'll never see him walk out. And his exact words was  
2 probably not.

3 Q And so you -- you were present at the plea hearing,  
4 right?

5 A I'm sorry?

6 Q You were present at the plea hearing?

7 A I was present at the -- if you call it the plea  
8 hearing, yes, when he got sentenced.

9 Q And do you have any recollection of the solicitor  
10 stating he was pleading to a range of between seven and 30  
11 years?

12 A I never heard that.

13 Q Okay. Are you disputing that it is reflected in the  
14 transcript based upon what you heard in court today?

15 A well, I hate to put it that way, but I never heard the  
16 seven to 30. I always just heard the 15 or the 20.

17 MS. MARTO: No further questions.

18 THE COURT: Mr. Richey.

19 MR. RICHEY: No other questions.

20 We call Jared.

21

22

23

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25

Jared Childress  
Direct examination by Mr. Richey

1 JARED CHILDRESS, having been  
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. RICHEY

4 Q Sir, will you state your name, please?

5 A Jared Childress.

6 Q And are you currently in the department of  
7 corrections?

8 A Yes, sir.

9 Q You've got to speak up in that mic.

10 A Yes, sir.

11 Q Okay. What are you in there for?

12 A Trafficking methamphetamines, failure to stop for a  
13 blue lights resulting in death and habitual traffic  
14 offender resulting in death.

15 Q Who represented you on those charges?

16 A Doug Brannon.

17 Q And you filled an application for post conviction  
18 relief because you believe he did not effectively represent  
19 you, is that correct?

20 A Yes, sir.

21 Q And one of the -- maybe -- the first issue is did you  
22 talk -- did you talk to Mr. Brannon sufficiently enough to  
23 your case?

24 A I never spoke with Doug Brannon except for the 12  
25 hours before I come to court.

Jared Childress  
Direct examination by Mr. Richey

1 Q Okay. Prior to coming to court, you didn't have any  
2 conversation with him.

3 A One phone call maybe through my mother.

4 Q Okay. And that phone call, where were you at when  
5 that phone call took place?

6 A Spartanburg County Detention Center.

7 Q Okay. Did he come to the detention center and see you  
8 prior to those 12 hours?

9 A Never.

10 Q If did not -- did he send you discovery or something?

11 A Would not send me my discovery in the county.

12 Q What's that?

13 A He would not allow me to have my discovery in the  
14 county. He said that -- he would not send it to me.

15 Q So how -- how did you get the knowledge of your case  
16 prior, I mean?

17 A I never had none. I never had no knowledge of  
18 everything that happened with my case till 12 hours before  
19 I went to court when he visited me on Sunday to tell me  
20 that we were going to plea, the Court, Monday morning.

21 Q Okay.

22 A So I found out most of my case that day that I should  
23 have known the whole time.

24 Q Okay. So -- so you're saying he came over to the  
25 jail, sat down with you and discussed the case with you.

Jared Childress  
Direct examination by Mr. Richey

- 1 A Yes, on Sunday evening.
- 2 Q And how long was that discussion?
- 3 A Ten minutes tops.
- 4 Q Ten minutes?
- 5 A Probably tops, yes.
- 6 Q well, you got a trafficking case, right?
- 7 A Yeah. And actually he told me that that -- all he
- 8 really told me was to expect 20 years tomorrow. He told me
- 9 that I got caught with 217 grams of meth and 263 grams was
- 10 in her pocketbook. So I don't really know. That's all I
- 11 really heard. That's all I really got told.
- 12 Q well, you understand that the state has to prove that
- 13 beyond -- all of that stuff, right?
- 14 A Yes, sir.
- 15 Q Okay. Did you have a discussion about all of that?
- 16 A I mean, no. Maybe the next day right before court
- 17 here on Monday morning. Maybe when I signed the papers
- 18 really quickly.
- 19 Q So you didn't -- that's when you had a discussion
- 20 about your constitutional rights with him.
- 21 A It was too short. What we're referring to.
- 22 Q well, in the plea transcript where the Court asked you
- 23 about you waiving these rights to a jury trial and all of
- 24 that -- right --
- 25 A Yes, sir.

Jared Childress  
Direct examination by Mr. Richey

1 Q -- did you discuss that waiving of your rights with  
2 your lawyer?

3 A I'm not really sure.

4 Q Okay. Did he go over the elements of each crime with  
5 you?

6 A I remember sitting in the room and he was explaining  
7 that my trafficking charge -- I remember him saying that  
8 this is a violent and most serious, 85 percent for that one  
9 and every other charge after that. I remember him telling  
10 me that.

11 One of them was violent, but it wasn't most serious,  
12 so that would have been 65 percent violent. I do remember  
13 something along those lines, but I remember him telling me  
14 only one charge of mine was a lead indictment, which  
15 mattered, which was the trafficking methamphetamine.

16 Q where were the drugs located?

17 A where were they located?

18 Q Yeah.

19 A My motion says somewhere in the floor of the car.

20 Q So they were not on you.

21 A No.

22 Q Was that --

23 A No, sir.

24 Q Okay. Did you ever talk about trying to suppress the  
25 drugs at trial or anything?

Jared Childress  
Direct examination by Mr. Richey

1 A I have no idea about nothing I could have done. I  
2 wish I could have been led by my lawyer to those things.

3 Q You didn't understand you had a right to ask to  
4 suppress.

5 A I don't even know really. I still don't -- I still --  
6 I'm just now fully getting to understand those type of  
7 terms. So at that time, no, I had no clue.

8 Q Okay. And you discussed in your paperwork -- you  
9 talked about a 15-year plea offer.

10 A Yes, sir.

11 Q Is that correct?

12 A Yes, sir.

13 Q Okay. Talk to me about how you came about  
14 understanding this offer.

15 A Okay. I don't have my paper. I don't remember what  
16 day the -- I can't put dates on it.

17 Q Okay.

18 A But the corona virus was going on. The chief of --  
19 justice or chief of -- I can't remember the right word --  
20 but the guy over the whole state stated the people who were  
21 in jail is deferred if they didn't have a capital crime or  
22 have victims or C.D.V.s or stuff like that. They would be  
23 released on bond, on P.R. bonds, for the whole state to  
24 lower the jail population.

25 So I had my mother and my grandmother and my friends.

Jared Childress  
Direct examination by Mr. Richey

1 I had everybody I know to contact Doug to say put me in for  
2 a bond. I wanted to go home for a little while.

3 well, he put me in for a bond, and so he actually done  
4 it. So I was on the bond docket for Friday for that week.

5 I'm talking to my mother this week, and around  
6 Wednesday I talked to her. She said I got some bad news.  
7 I'm like, oh, God, what's going on.

8 well, she told me that Doug had contacted her and told  
9 her that the solicitor had saw me on the bond docket to go  
10 on for bond and that they had said that they aren't letting  
11 me go home on bond, they have a plea ready for me and  
12 they're ready to go to court.

13 So what was told to my mother was that they're  
14 offering me 15 years violent for my charges but if I step  
15 foot in the courtroom to attempt to go on my bond they will  
16 withdraw the 15-year plea and recommend 25 years day for  
17 day.

18 Now, I told my mother I don't care what they said, I  
19 want to go anyway. But she -- anyway that didn't happen,  
20 and I know that he put me in for bond because he withdrew  
21 me off the bond docket without asking me if I wanted to or  
22 not. So something had to have been said for him to pull me  
23 off that docket. That's my understanding.

24 Q Was that ever conveyed directly to you?

25 A I never was offered, never talked to Doug, never seen

Jared Childress  
Direct examination by Mr. Richey

1 Doug, so.

2 Q So Mr. Brannon -- let me. Mr. Brannon didn't write  
3 you a letter. He didn't do anything in terms of this  
4 offer.

5 A No. All he did was talk to my mother about us --  
6 about my case that I never even gave him permission to talk  
7 to her about.

8 Q Okay. Did -- did y'all have any discussions about a  
9 plea offer -- you and Mr. Brannon -- at all?

10 A No. Till 12 hours before court.

11 Q Okay. And tell me about those discussions that y'all  
12 had about a plea offer at that point.

13 A Tell you about what, now?

14 Q About the plea offer. You said you talked about 12  
15 hours before court. What did y'all talk about?

16 A Just that, basically, he just told me to expect 20. I  
17 mean, that's -- that's all I really can remember getting  
18 out of our conversation.

19 I found out how much methamphetamines they said I had  
20 on -- in the car. They found how much methamphetamine they  
21 said were on someone else.

22 I mean, I didn't know nothing about my case until  
23 right then. It was a lot to take in, and then I had to try  
24 and go on and write a letter to -- I mean, I had a lot  
25 going on that day.

Jared Childress  
Direct examination by Mr. Richey

1 Q He said expect 20?

2 A I needed to expect 20, yes. He just said -- he said  
3 I'm not saying you're going to get 20 years but I need you  
4 just be ready for that.

5 Q So -- so this --

6 A It wasn't a discussion of 30 until the next day, so.

7 Q Okay. You wanted Mr. Brannon to have your family  
8 testify in mitigation, isn't that correct? Isn't that  
9 right?

10 A On my behalf?

11 Q Yes.

12 A I had a courtroom full of people here.

13 Q Okay. And did you want Mr. Brannon to give them the  
14 opportunity to speak on your behalf?

15 A Yes, sir.

16 Q And did you talk to him about that or did you just  
17 assume that?

18 A I just assumed it. You know, there was a whole side  
19 of the family over here that was talking against me and  
20 saying everything they could bad for me. It'd be nice to  
21 have people saying something good for me.

22 Q And you believe that would have an impact in your  
23 case.

24 A I believe the judge had to look to me like, well, if  
25 his family's not going to say nothing good, there can't be

Jared Childress  
Cross-examination by Ms. Marto

1 nothing good, so, you know, that had to have hinder me in a  
2 bad way.

3 Q Okay. And so how much total time did you have with  
4 the lawyer in preparing your case?

5 A How much time did I have -- me?

6 Q Total time, yes.

7 A I was given 30 minutes, and that's giving him some.

8 Q Thirty minutes. Did you get any letters from him?

9 A Never.

10 Q No letters. You got one phone call.

11 A I may -- I may have got a letter, maybe. I don't  
12 think I did, but I'm going to give a maybe on that.

13 Q And you had one phone call.

14 A I connected with him one time on the phone call, yes.

15 Q And you -- you've had a history with this lawyer,  
16 right?

17 A I've used this lawyer before, yes.

18 Q Right. And did that surprise you, how little contact  
19 you got?

20 A It surprised me, yes.

21 Q Thank you. Answer any questions the attorney general  
22 will have.

23

24

25

Jared Childress  
Cross-examination by Ms. Marto

1 CROSS-EXAMINATION

2 BY MR. MARTO

3 Q Good morning, sir.

4 A Good morning.

5 Q So are you saying that you really only talked to your  
6 attorney for ten minutes the day before the plea?

7 A Absolutely.

8 Q Nothing more?

9 A Never.

10 Q So why did you feel comfortable entering a plea if you  
11 only had a 10-minute chat?

12 A Because he's always been a great lawyer, led me in a  
13 great way and never done me wrong. And I feel like he  
14 really just throwed me for a favor later that day.

15 Q And --

16 A That's my thoughts on the thing. I don't know really  
17 what to tell you, but I trusted my lawyer because he's  
18 always been a good lawyer.

19 Q Okay. And so you thought that he had your best  
20 interest in mind?

21 A I thought so.

22 Q And that was why he was encouraging you to plead?

23 A Yes, ma'am. And I'd been in jail for two years, I  
24 mean, yeah.

25 Q Were you facing more time at trial?

Jared Childress  
Cross-examination by Ms. Marto

1 A No. I got the maximum on everything I got.

2 Q Now, on that 10-minute chat, what did you talk about?  
3 was it really just you have a plea hearing the next day and  
4 you needed to show up or --

5 A Really, all that happened is he read my first page of  
6 my motion where it said that I got caught with 217 grams of  
7 methamphetamines and that Ciara Bradley had 263 grams of a  
8 white crystalline substance in her pocketbook. Other than  
9 that, I mean, he looked at me and told me I had no -- I had  
10 no strategy to take this to trial, I have nothing I can do,  
11 you need to expect 20 and we'll see you in the morning.

12 THE COURT: Ms. Marto, I have a question.

13 Mr. Childress, I'm looking at the transcript, and  
14 Judge Hayes asked you, "Do you feel like you have had  
15 enough time to talk to him" -- that means your lawyer --

16 THE WITNESS: Yes, sir.

17 THE COURT: -- "about the legal elements of the  
18 charges that you're pleading to, the facts that are behind  
19 these cases as well as any possible defenses that you might  
20 have." And you answered yes.

21 THE WITNESS: Yes, sir.

22 THE COURT: Were you telling the truth to Judge Hayes?

23 THE WITNESS: I mean, I was just really -- this is  
24 a -- you know, this is a scary situation. I'm really just  
25 answering yes just to go along with the proceedings to get

Jared Childress  
Cross-examination by Ms. Marto

1 my plea to get what he was trying to tell me. I mean, this  
2 is --

3 THE COURT: You said yes to Judge Hayes, but that  
4 really was not the truth.

5 THE WITNESS: I'm just saying yes because that's  
6 really just the answer you have to say for, you know,  
7 the -- the proceeding. If I would've said no, it was not  
8 my plea, right, is the way I understand it and what I was  
9 told. If I'd said no to any question, it stops my plea.

10 THE COURT: Ms. Marto.

11 Q So you really wanted to plead, sir?

12 A Ma'am?

13 Q You didn't want to go to trial, correct? You wanted  
14 to plead.

15 A I wanted a fair day. I don't want to say that I  
16 didn't want to plead, yeah. I wanted to. I wanted a  
17 better deal. Yes. I would have went to trial, yes.

18 Q You just wish you'd got a lesser sentence when you  
19 pled?

20 A I wish I would've got what I was offered, if he  
21 would've brought me what I was offered.

22 Q Was your attorney ever promising that you would get 20  
23 years or --

24 A Not even saying 30. I mean, I'm not saying 20. I'm  
25 saying I wanted the -- the chance to get the 15, the 15

Jared Childress  
Cross-examination by Ms. Marto

1 that was recommended for me. So that's the whole point of  
2 everything here.

3 Q When were you told about the 15-year offer?

4 A I never was told by him because he never brought it to  
5 me, but right before my bond, before I got removed from the  
6 bond, which is -- I can't remember the day. I don't have  
7 my papers. But that week, I mean, I know that something  
8 was said because I was removed from the bond docket without  
9 telling him to remove me from the bond docket.

10 So he didn't communicate with me none there. I mean,  
11 that's my choice, if I just want to go to bond and then  
12 give my 25 years day for day. That should have been my  
13 choice. It wasn't his to make; it wasn't my mom's to make.  
14 But they both knew about it. I didn't.

15 Q Mr. Brannon never told you you would get a 15-year  
16 offer, correct?

17 A No. He never offered it to me, never brought it to  
18 me, no.

19 Q Do you recall the state saying you were pleading to a  
20 range of between seven and 30 years at the hearing?

21 A Do I remember that? Yes.

22 Q And you still decided to go forward with your plea  
23 regardless, right?

24 A Yes, to expect 20 years. Yes.

25 Q Okay. So at the hearing you were informed and you

Norman Douglas Brannon  
Direct examination by Mr. Richey

1 decided to plead anyway knowing you could get up to 30  
2 years.

3 A Yes, I mean, yeah.

4 Q And, again, you didn't -- you were never shown any of  
5 the discovery or evidence or anything like that?

6 A No. Never. Wasn't allowed to have it. That's what  
7 he told me. He would not send it to me in the county, no.

8 Q Okay. And he never showed up to review it with you in  
9 person.

10 A Right. Before Sunday evening to go to court Monday  
11 morning. I don't really see how that'd be fair.

12 Q Okay. And at the plea hearing the judge walked you  
13 through all of the rights you were waiving, correct?

14 A Yes, ma'am.

15 Q You knew you were waiving all of those rights.

16 A And my non-being led way, yes, I mean.

17 Q And you informed the Court that you were pleading  
18 freely and voluntarily?

19 A I did inform the Court of that, yes.

20 MS. MARTO: No further questions.

21 THE COURT: Mr. Richey.

22 MR. RICHEY: No other questions.

23 we call Mr. Brannon.  
24  
25



Norman Douglas Brannon  
Direct examination by Mr. Richey

1 A Correct.

2 Q And -- and when you went down there did you discuss --  
3 what did you discuss with him?

4 A Well, the first time that I went to see him was --  
5 see, he actually did have a bond hearing. Let me correct  
6 that. He had a hearing to revoke his bond on charges -- he  
7 was -- he was out on bond for other charges when we entered  
8 this plea, and he was on probation.

9 We had a hearing in front of Judge Keith Kelly and  
10 they did not revoke his bond or revoke his probation. They  
11 left him in the Spartanburg County Detention Center.

12 I did not file for a bond initially. That was a  
13 revocation hearing. So I met him the day before that  
14 hearing to talk about that hearing. I did not want him to  
15 go to D.O.C. because then I wouldn't be able to communicate  
16 with him or meet with him. And Judge Kelly left him here  
17 in Spartanburg.

18 Q Okay. And so -- so what was the second time that you  
19 went?

20 A The second time was after I got the first group or  
21 first production of discovery materials.

22 Q Okay. And did you go over that information with him?

23 A With what I had, yes.

24 Q Okay. And did he request a copy of them?

25 A He did and I -- and of his testimony that is -- that

Norman Douglas Brannon  
Direct examination by Mr. Richey

1 is truth. I do not give defendants who are incarcerated in  
2 any detention center their discovery because the next thing  
3 you know their cellmate is a witness against them. And  
4 that's exactly what I told Jared.

5 Q \ okay. You told him that you had a reason for not  
6 giving him that.

7 A That's correct, yes.

8 Q And in -- in terms of the drug case, was there a  
9 argument that could have been made for suppressing any of  
10 those drugs?

11 A There may have been, yes, but what you need to  
12 understand is the very first time that I met with him this  
13 was a plea. He told me straight up I'm guilty, I'm going  
14 to pay my price.

15 Now, but keep in mind also that he told me that he  
16 didn't believe that the victim's family -- the victim of  
17 the traffic-accident's family -- would be angry at him.  
18 They believed that -- he believed that they would be  
19 sympathetic to him. Okay. That's what my notes indicate  
20 from the first meeting with him.

21 Q Do you recall -- Mr. Childress testified about this  
22 15-year offer, talking to mom. At any point did you say I  
23 believe that he could get 15 because Mr. -- because by  
24 Mr. Childress' testimony there was no direct offer from  
25 you. But do you know why this 15 years is out there like

Norman Douglas Brannon  
Direct examination by Mr. Richey

1 this?

2 A Absolutely. I made an offer to Jennifer Jordan to  
3 resolve all of these cases for 15 years. I made that offer  
4 and it was rejected.

5 In response Ms. Jordan allowed me to pick my judge and  
6 gave me the sentencing range of seven to 30.

7 Okay. I made the offer of 15, which was flatly  
8 rejected by the solicitor's office.

9 Q And did you discuss that with his mom that you made  
10 that?

11 A There was a conversation with -- I thought it was his  
12 mother and his grandmother. They came in the office.  
13 But -- but that offer was flatly rejected. I guess I  
14 misspoke. It wasn't flatly rejected. It was no but I'll  
15 give you seven to 30.

16 Q In terms of the -- you were in the courtroom when his  
17 mom and grandma testified.

18 A Yes.

19 Q Do you -- do you know why they were not called as  
20 witnesses?

21 A I do. And -- and let me tell you. The meeting the  
22 night before the plea, it took -- it was -- it was an hour  
23 or more. Okay. And we talked about the letter that he  
24 read the next day to the family. We talked about that  
25 letter, and the conversation was I don't want this to be

Norman Douglas Brannon  
Cross-examination by Ms. Marto

1 about me.

2       Okay. His mom and his grandmother, and I believe the  
3 mother of his children or two of his children, were in the  
4 courtroom. But he said I don't want this to be about me.  
5 And when in my recitation to Judge Hayes, I said you're not  
6 going to hear anything about him today, he doesn't want  
7 this to be about him, he wants it to be about her, that was  
8 it. And that's why I didn't ask the mother or the  
9 grandmother to speak.

10 Q     Okay. Let me ask you. You said the meeting before.  
11 Who was at that meeting? You said at the meeting we  
12 discussed that, what you just referred to.

13 A     Just he and I.

14 Q     Okay. You and him.

15 A     Yes.

16 Q     Okay. And -- and that didn't include then the  
17 grandmother or the mother.

18 A     No.

19 Q     Okay.

20 A     But I did speak to them that -- the next morning.

21 Q     Okay. And did you inform them about what the strategy  
22 was?

23 A     I don't know that I did, but I did not ask them to  
24 speak. I don't know that the strategy was -- I don't know  
25 that it was necessary for me to disclose to them.

Norman Douglas Brannon  
Cross-examination by Ms. Marto

1 Q So this case -- when you saw him -- this from your  
2 position, this was never a trial. He wanted to plead and  
3 get what he was going to get.

4 A He did. That's correct, yes.

5 Q And so y'all didn't -- so he didn't ask you questions  
6 about any strategies in the case.

7 A None whatsoever.

8 Q Suppressing the drugs and all of that.

9 A It was a -- it was a plea from the get-go, and I told  
10 Judge Hayes that in my recitation to the Court.

11 Q Answer any questions the attorney general will have  
12 for you.

13 CROSS-EXAMINATION

14 BY MS. MARTO

15 Q Good afternoon, sir.

16 Now, you gave a statement in mitigation.

17 A I did.

18 Q And generally what did that consist of?

19 A That he truly loved this young lady, that he wanted to  
20 give her the world. He certainly didn't intend to take it  
21 away from her.

22 I told the Court about his children. I told the Court  
23 about -- I mean, he had on the day of his plea been in jail  
24 for 755 days. He got his G.E.D. in jail and he took every  
25 single course or -- or therapy session that was available

Norman Douglas Brannon  
Cross-examination by Ms. Marto

1 to him.

2 I thought that was important for Judge Hayes to know.  
3 But he didn't -- he didn't -- he did not want it to be  
4 about him.

5 Q Was he dating the deceased victim at the time?

6 A He was.

7 Q And so he felt bad for taking her life and didn't want  
8 more attention on that, right?

9 A What -- what I knew was that he had been arrested  
10 shortly before the traffic accident. The victim is the one  
11 who bonded him out of jail on that charge. And it was that  
12 statement. He said she bonded me out of jail, they won't  
13 be mad at me. Okay.

14 Q Now, and, again, you told Mr. Childress that it was  
15 you that was making the 15-year offer and then that the  
16 state rejected it.

17 A I told him that I made the offer and that it was  
18 rejected, yes.

19 Q And all discovery you received you reviewed with Mr.  
20 Childress.

21 A I did -- I did. In fact, I remember when he came to  
22 the pictures, he didn't want to see them.

23 Q And he had -- from your understanding he had a full  
24 understanding of what he was pleading to, correct?

25 A Without hesitation. I had the code sections in my

1 file where I went over each of the charges, the potential  
2 sentencing ranges, the elements to each charge.

3 I went over his constitutional rights, what he would  
4 waive. And keep in mind I had represented him in the past  
5 where he entered a guilty plea. And I went over those  
6 rights at that time.

7 Q And then the Court went over his rights again.

8 A Absolutely.

9 Q Okay. And he had a full understanding he was pleading  
10 up to 30 years in prison?

11 A I certainly believed he did.

12 Q Was that communicated to him by you?

13 A Yes.

14 Q And that was communicated to him by the Court?

15 A That is correct. But he did ask what do I think, and  
16 I'm sure that I did say you need to expect 20.

17 Q But you never promised him 20.

18 A Absolutely not.

19 Q And, again, it was Mr. Childress' decision not to have  
20 his mom and grandma testify or speak at the plea hearing.

21 A I don't know that that's a truthful statement. I  
22 mean, he did not want this plea to be about him, and I took  
23 from that that the only person that should speak would be  
24 him. And he wrote it out. Okay.

25 MS. MARTO: No further questions.

1 THE COURT: Mr. Richey.

2 MR. RICHEY: No other questions.

3 THE COURT: Thank you, Mr. Brannon.

4 THE WITNESS: May I be excused, Your Honor?

5 THE COURT: Yes, sir.

6 THE WITNESS: Thank you.

7 (Whereupon, the witness was excused.)

8 MR. RICHEY: No other witnesses, Your Honor.

9 MS. MARTO: No witnesses.

10 THE COURT: Argument, Mr. Richey?

11 MR. RICHEY: Your Honor, it is our position that  
12 Mr. Childress is entitled to a new trial. What I base that  
13 on is the first issue in terms of discussing the case with  
14 Mr. Childress.

15 I will tell the Court that this is a case where he got  
16 a seven to 30-year range and there was a death in a traffic  
17 exam.

18 So this was a substantial case in terms of what I  
19 perceived to be the evidence, the penalty and those type of  
20 things. And I think Mr. Childress testified that the  
21 lawyer saw him 12 hours before the trial.

22 Okay. And I would think that would be insufficient  
23 for this type of case with -- and the evidence in this  
24 case.

25 But Mr. Brannon's testimony, I think, to a way

1 corroborated Mr. Childress' testimony in that Mr. Brannon  
2 says he went and saw him three times.

3       The first time Mr. Brannon was, like, I saw him about  
4 the revocation from previous charges. So we know that  
5 visit was about the other case.

6       And the second visit Mr. Brannon said that he  
7 discussed the case with him. Now, this is a lot of  
8 information in these type of cases.

9       He did not allow the client to have discovery.  
10 That's -- so the client did not have the ability to read  
11 the documents. And so it's our position that that -- that  
12 he should be granted a new trial.

13       As to this offer that was being bantered around, I  
14 would say, Your Honor, that -- that my client testified  
15 that he believed the offer was made. But I think the  
16 testimony of Mr. Brannon, he said expect 20.

17       Now, I don't think there was any guarantee of 20 but  
18 he expected that, and he said you can expect that.

19       But I do believe in this particular case the amount of  
20 time that was spent with him could be deemed insufficient.  
21 And I realize Mr. Brannon testified that the case was going  
22 to be a plea from the start, and I'm familiar with that  
23 process, but in this case where you have a traffic fatality  
24 and you have this much drugs and the client is not given  
25 the discovery that he --

1 THE COURT: Well, but he was shown -- well, Mr.  
2 Brannon testified he was shown the discovery, correct?

3 The -- the issue is whether or not he had a copy to  
4 keep.

5 MR. RICHEY: Well --

6 THE COURT: That's a pretty common policy, is it not,  
7 among the criminal defense bar for the reason Mr. Brannon  
8 explained, that if you give a copy of the discovery, then  
9 the cellmate or the other inmates suddenly become witnesses  
10 for the state and they know the facts of your case from the  
11 discovery?

12 MR. RICHEY: Well, I would say my position on that has  
13 been over the years that the client has a right to his  
14 files unless it's unreasonable.

15 So if the client requests his file at the jail, I  
16 don't believe the lawyer can decline that. I think the  
17 lawyer has to give it to him with the caveat, because I  
18 think there's a number of cases -- we get them all of the  
19 time -- about the file is the client's property and dah,  
20 dah, dah.

21 And so you -- my position is -- and I understand Mr.  
22 Brannon's position. I understand that position. But my  
23 position is if the client requests a file, I mean, you  
24 don't have any way of really not giving it to them, but I  
25 can appreciate Mr. Brannon's position on that.

1 THE COURT: Even -- even if that's correct, in order  
2 for me to grant the P.C.R., I have to believe your client  
3 would have not pled guilty and gone to trial if he'd seen  
4 the discovery, correct?

5 MR. RICHEY: Yeah. Well, I think you'd -- you'd have  
6 to find that -- that he didn't have enough information  
7 about his case to make an informed plea.

8 THE COURT: Right. But -- but then he -- but if he  
9 would have pled anyway if he'd been fully informed, then  
10 there's no P.C.R., right?

11 MR. RICHEY: Well, if -- well, see, we jump the hurdle  
12 because we don't know what he would have done if he's fully  
13 informed because under this logic he was not.

14 THE COURT: Well, to wrap up, wouldn't the  
15 discovery -- had he gotten the discovery, what in the  
16 discovery would have changed his mind?

17 MR. RICHEY: Well, Judge, at -- at this stage of the  
18 game he could have suppressed, moved to suppress, the  
19 drugs.

20 I mean, he could've -- he could've had a full-blown  
21 suppression hearing. And I don't know if he even got the  
22 discovery. The dope wasn't found on him. It was in the  
23 car; it was on the person.

24 I mean, he could've had a suppression hearing and  
25 said, hey, I was not in possession of the drugs because it

1 wasn't found.

2 Now, the success of it, who knows, but he could've  
3 made an argument, and you only make those arguments unless  
4 you have the discovery and you can discuss it with the  
5 client. And that's his position, is, hey, I didn't have  
6 the stuff, I requested it but I didn't have it.

7 And I found, oh, and I just believe that if the client  
8 has the file and they're able to sit down and for 700 days  
9 and look at their stuff, you know, then they'd be --  
10 they'll be more informed.

11 And I appreciate Mr. Brannon's position that he takes,  
12 and I know a lot of people that take that position. I'm  
13 not one.

14 The client requests a file, I give it to them with a  
15 caveat, hey, man, it's your file, I believe that I'm  
16 required to give you a copy of your file. But I can give  
17 you a caveat don't spread it on dah, dah, dah. But -- but  
18 if you request it, it's my position that you're going to  
19 get it.

20 For this particular reason, is because now the client  
21 always in these cases, they come in and say I never had the  
22 file, I never reviewed it, the lawyer -- because really --  
23 and I will say this about state grand jury cases. This is  
24 the problem we have when -- when you can't go down there  
25 and show them the file. We always say, look, we got in

1 those cases thousands of pages of discovery. I mean, I  
2 can't go down there and sit with the man for a week to go  
3 over this stuff.

4 And that's the problem we run into. And when we get  
5 in this environment when the client doesn't have that file  
6 and he's down there 700 days, then we get into this type of  
7 issue.

8 THE COURT: Mr. Richey, the difficulty I have and I'm  
9 sure you can understand me, he told Judge Hayes he wanted  
10 to plead.

11 MR. RICHEY: Yes, sir.

12 THE COURT: He told Judge Hayes he'd had enough time  
13 to talk to the lawyer. He told Judge Hayes he had seen  
14 everything he needed to see. And now he's coming back and  
15 telling me that wasn't the truth and he wants another bite  
16 at the apple because he doesn't like the sentence he got.  
17 That's a tough argument.

18 MR. RICHEY: Well, Your Honor, I -- if -- if it's  
19 couched in that manner, very tough, but when we look at it  
20 from the evidence presented today is we know he did not  
21 review his entire discovery. We know that.

22 I just say that and -- and so under that theory the  
23 lawyer gave the information, this is what it takes for you  
24 to plead, and he's just saying today that he would have  
25 liked to have more time.

1 THE COURT: Okay. Let me ask it this way.

2 would you agree with me that a defendant can go in  
3 front of a judge and say, Judge, I don't want to see the  
4 discovery, I've not seen it and I don't want to see it, I  
5 want to plead right now? And the judge can take that plea,  
6 right?

7 MR. RICHEY: I would agree if the defendant says,  
8 Judge, I know the facts, I've seen the -- I don't want to  
9 see the discovery, if he's -- if he's that matter of fact,  
10 I will agree with that.

11 THE COURT: Isn't that basically what Mr. Childress  
12 told Judge Hayes?

13 MR. RICHEY: No. See, Judge, I don't -- I don't think  
14 he told him I seen everything that I need to see because  
15 the lawyer presented it to him, but I'm just saying in this  
16 particular process I just think the client should have his  
17 file and so he can make a reasonable decision that, hey,  
18 this is your stuff, I got it, you down here for 700 days.

19 If they get it and testify against you, that's on you.  
20 But I believe under the rules when a client makes a  
21 reasonable request for their file -- and we get all of  
22 these letters from the jail about in-re Hadden and all of  
23 this stuff that the file is given to them, they review it  
24 and we don't have this issue that we have.

25 THE COURT: Thank you, Mr. Richey.

1 Ms. Marto.

2 MS. MARTO: Yes. Your Honor, may it please the Court.

3 For the first issue being that his attorney, I guess,  
4 didn't meet with him enough, I think that the case law  
5 establishes that brevity of time spent in consultation with  
6 counsel alone isn't sufficient enough to find a plea  
7 invalid.

8 And the state's argument would be that it's not  
9 credible that Mr. Childress would spend all of ten minutes  
10 talking to his attorney over the course of two years and  
11 then enter a plea of this magnitude.

12 And so Mr. Brannon discussed the fact that during  
13 those meetings he had several. He did discuss all of his  
14 rights, all of his charges, all of his discovery.

15 The only discovery Mr. Brannon said that Mr. Childress  
16 didn't see were photographs. And that wasn't because Mr.  
17 Brannon was unwilling to show them to him but because  
18 Mr. Childress decided not to see them. And that is his  
19 right.

20 As Your Honor pointed out, it's not incumbent upon  
21 counsel to provide a copy of the discovery, especially  
22 given the fact that he had a strategic decision in not  
23 wanting his client's cellmate to testify against him at a  
24 trial, thereby inhibiting the ability to secure any plea  
25 offer, a favorable sentence at all.

1           Additionally, I think that the offer -- concerning the  
2 offer, counsel credibly testified that the only person  
3 extending a specific year offer in this case was Mr.  
4 Brannon himself. He extended it to the state and that was  
5 rejected by the state. Instead, what was given in return  
6 was a seven-to-30-year sentence.

7           He may have been told to expect 20 years, but he  
8 certainly wasn't promised that he would be serving 20  
9 years. And the record shows that he pled to a range of  
10 seven to 30 years imprisonment.

11           Additionally, Mr. Brannon did deploy any mitigation  
12 strategy in painting him as a sympathetic person who just  
13 killed a loved one and that he had taken the steps in  
14 prison to better himself through getting a G.E.D. and  
15 taking classes, and has also stated that Mr. Childers  
16 indicated he didn't want the plea hearing to be about him,  
17 likely because he still loved this woman that died as a  
18 result of the crime that was committed.

19           And so it would be the state's position that these  
20 witnesses wouldn't mitigate this fact, likely would not  
21 lead to a lesser sentence in this regard, and therefore  
22 prejudice isn't found and that Mr. Brannon did act  
23 reasonably in deploying the mitigation strategy he used.

24           And so for these reasons we request you deny the  
25 relief.

1 THE COURT: Mr. Richey, any reply?

2 MR. RICHEY: Nothing in response, Your Honor.

3 THE COURT: I'll take this matter under advisement.

4 MS. MARTO: Thank you, Your Honor.

5 END OF REQUESTED TRANSCRIPT OF RECORD

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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 6th day of June 2022.

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

September 6, 2022

s/Linda D. Moffitt

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Linda D. Moffitt  
Circuit Court Reporter

STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 Jared Childress, #375636, )  
   Applicant, )  
   v. )  
 State of South Carolina, )  
   Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2021-CP-42-03644

**ORDER OF DISMISSAL**

**FILED**  
 2022 AUG -9 AM 10:30  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 ANY N.J. COX

This matter comes before this Court by way of Applicant’s post-conviction relief application filed October 26, 2021. Respondent made its return on February 8, 2022, requesting an evidentiary hearing be convened. An evidentiary hearing was held on June 6, 2022, at the Spartanburg County Courthouse. Rodney W. Richey, Esquire, represented Applicant. Assistant Attorney General Chelsey F. Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Counsel N. Douglas Brannon also testified. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

**Procedural History**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its June 2019 term, the Spartanburg County Grand Jury indicted Applicant for habitual traffic offender (2019-GS-42-3016), failure to stop at a blue light (2019-GS-42-3252), trafficking in methamphetamine (2019-GS-42-3253), and habitual traffic offender causing death (2019-GS-42-3254). During its July 2019 term, the Spartanburg County Grand Jury indicted Applicant for possession of a stolen

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vehicle (2019-GS-42-3896). Applicant was represented by N. Douglas Brannon, Esquire. Assistant Solicitor Jennifer A. Jordan of the Seventh Circuit Solicitor's Office prosecuted the case. On April 19, 2021, Applicant appeared before the Honorable J. Mark Hayes, II, circuit court judge, and pled guilty to five indictments and to negotiated concurrent sentences ranging from seven to thirty years' imprisonment. Judge Hayes sentenced Applicant to thirty years' imprisonment for trafficking in methamphetamine, twenty-five years' imprisonment for failure to stop for a blue light, twenty years' imprisonment for habitual traffic offender resulting in death, and five years' imprisonment for both habitual traffic offender and possession of a stolen vehicle, sentences running concurrently. Judge Hayes also revoked Applicant's probation in full. Applicant did not pursue a direct appeal.

**Summary of Relevant Facts**

Concerning the habitual traffic offender without death and possession of a stolen vehicle offenses, on February 24, 2019, Applicant was driving a vehicle reported stolen earlier in the month. (Tr. 11). Applicant was driving the vehicle when seen by Deputy Barton who was at a residence on that road. (Tr. 11). The deputy was not in his vehicle and, therefore, was unable to stop Applicant. (Tr. 11). However, he conferred with several witnesses who stated Applicant left on the motorcycle in the same direction the officer saw the motorcycle. (Tr. 11). Later that day, the deputy saw the same motorcycle at the defendant's house and saw him wearing similar clothing to what he was seen in earlier. (Tr. 11). A records check showed Applicant was noticed and declared a habitual traffic offender from May 7, 2015, to 2020. (Tr. 11-12). When asked why he entered the home upon seeing the officer, Applicant stated he went inside to put his keys up, hoping he would not get charged as a habitual offender. (Tr. 12).

Two days later, former Deputy Cody Steiner received a noise complaint coming from a

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trailer. (Tr. 12). He knew Applicant and Kenneth Bradley were currently living in the location. (Tr. 12-13). Previous reports indicated Applicant may have stolen a gray/black Toyota car and may be in possession of methamphetamine. (Tr. 12-13). A vehicle passed the deputy when he was sitting stationary. (Tr. 13). The vehicle immediately increased its speed and failed to stop at the stop sign. (Tr. 13). The officer began following the vehicle, which was traveling at a high rate of speed. (Tr. 13). The officer observed a large amount of black smoke coming from the passenger side of the vehicle, which was seemingly rooted in a passenger tire being blown due to the driver being unable to control the vehicle. (Tr. 13). The vehicle went left of center two times, made a right turn on a dead-end road, and travelled through a residential yard when attempting to turn around. (Tr. 13-14). The officer activated his blue lights and saw the suspect after he had wrecked his car in the middle of the intersection. (Tr. 14). When he approached, Applicant took off down the road, ultimately crashing into an 18-wheeler. (Tr. 14). Ciara Bradley was a passenger in that vehicle. (Tr. 14).

Body-camera footage was entered into evidence at the plea hearing. (Tr. 14-15). Twenty-five seconds in a crash sound occurred. (Tr. 15). The officer parked his vehicle and went up to the vehicle. (Tr. 15). The officer spotted a large amount of methamphetamine five- or six-minutes in. (Tr. 15). The baggie contained 184.56 grams of methamphetamine and an additional 10.5 grams of methamphetamine was also recovered. (Tr. 15). White powder was recovered from a purse that belonged to the victim. (Tr. 15). Passenger Ciara Bradley passed away from her injuries resulting from the crash. (Tr. 15-16).

**Current Action Before this Court**

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

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1. Ineffective assistance of counsel.
  - a. Petitioner would have accepted the State's more favorable offer of 15 years had Counsel informed Petitioner of offer.
  - b. Failed to adequately communicate to Petitioner that the State 15-year plea offer would be withdrawn if the petitioner chose to attend the bond hearing, the State would recommend 25 years day for day.
  - c. Failed to call character witness at plea trial.<sup>1</sup>
    - i. Petitioner's mother, grandmother, mother of children, and friends were all there to give testimony on Petitioner's behalf.

At the PCR hearing, Applicant proceeded forward on the following allegations:

1. Ineffective Assistance of Counsel.
  - a. Brevity of time in consultation.
  - b. Failure to properly mitigate the sentence.
  - c. Failure to provide a copy of the discovery to Applicant.
  - d. Failure to convey fifteen-year plea offer.
2. Involuntary plea.
  - a. Failure to discuss charges.
  - b. Telling him to expect a twenty-year sentence.

All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

### Summary of the Testimony

#### *Mother's Testimony*

Applicant's mother testified at the PCR hearing. She stated she did not speak on her son's behalf at the PCR hearing. She stated she wished she had had the opportunity to speak because she would have apologized to the victim's family. She stated she never talked to Counsel about being a mitigating witness during sentencing.

On cross-examination, Applicant's mother stated that she talked to Counsel about Applicant's sentence. However, she stated she was unaware of the sentencing range Applicant pled to. She stated she never talked to Counsel about speaking during sentencing because she did

<sup>1</sup> Respondent interprets this allegation as a failure to call character witnesses in mitigation of the sentence.

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not know proper court procedure.

*Grandmother's Testimony*

Applicant's grandmother testified that she was present at the plea hearing. She stated that, if asked, she would have said positive things about Applicant during sentencing. She stated she would have said Applicant is a good father and great grandson. On cross-examination, she stated that the only conversations she had with Counsel revolved around Counsel telling her where to go for the plea hearing. She stated she did not recall being informed of the seven- to thirty-year range Applicant pled to.

*Applicant Testimony*

Applicant testified he believed Counsel did not effectively represent him. Applicant testified that he never had any conversations with Counsel prior to arriving at the courthouse on the day of the plea. Applicant stated he may have had one phone conversation before the plea, but that he first met Counsel the morning of the plea. He stated that they had a ten-minute conversation about the case on the Sunday before the plea. Applicant stated that he never received any discovery. Applicant stated he was unsure whether he discussed the rights he was waiving with Counsel. Applicant stated that the only charge he discussed with Counsel was the lead indictment. He stated that the drugs were found on the floor. He stated that he did not ask Counsel to suppress any of the evidence because he did not know he could ask for Counsel to do that. Applicant stated he contacted Counsel about being on the bond list because of COVID-19. He stated that Counsel took him off the bond list. He stated that Counsel spoke to his mother without his permission about the case. Applicant stated that Counsel told him to expect a twenty-year sentence about twelve <sup>now</sup> ~~years~~ prior to the plea. Applicant stated that he wanted Counsel to contact his family to speak in mitigation at the sentencing hearing. He stated that he thought his

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would have led to him getting a lesser sentence.

On cross-examination, Applicant stated he pled because he trusted Counsel and thought he had his best interest in mind. Applicant stated that the day before the plea hearing Counsel told him to expect twenty years and read off the indictments. Applicant stated that he wished he received the fifteen-year offer Applicant stated he was told of. Applicant stated he knew he was pleading to a range between seven and thirty years but decided to plead anyway. He stated he was not allowed to have his discovery. Applicant stated he informed the plea court that he was pleading freely and voluntarily.

*Counsel Testimony*

Counsel testified that he visited Applicant at the jail about three times, one of which was the day before the plea. Counsel testified that Applicant had a probation revocation hearing at the same time. Counsel testified that he does not give his incarcerated clients a personal copy of discovery while their cases are pending to avoid their cellmates from becoming a State's witness at trial. However, he stated that discovery was shown to Applicant prior to the plea. Counsel stated that there was an argument for suppressing the evidence in this case, but Applicant decided to plead instead. Counsel testified that Applicant always wanted to plead. Counsel testified that he contacted the State about a potential fifteen-year plea offer, but this was rejected by the Solicitor's office. Counsel testified that the Solicitor's office offered a plea to a range of seven to thirty years' imprisonment. Counsel testified that he did not contact Applicant's family about speaking at sentencing because Applicant did not want the plea hearing to be about him. Counsel testified that this case was never going to go to trial.

On cross-examination, Counsel testified that his mitigation strategy at the plea hearing was to illustrate that Applicant took therapy session and obtained his GED when

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testified that Applicant was dating the victim previously and felt bad for taking her life. Counsel testified he told Applicant that he was the one that made the fifteen-year offer and that this was rejected by the State. Counsel testified that Applicant seemingly understood what he was pleading to. Counsel testified that the Court informed Applicant that he was pleading to a seven-to thirty-year sentence and that he never promised Applicant a twenty-year sentence.

**Findings of Fact and Conclusions of Law**

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, and this PCR action's records. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

***Ineffective Assistance of Counsel***

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense

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counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(e), SCRPC ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel's performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually "countless" ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel's deficient performance must have prejudiced the applicant so that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters "only in the rarest case" because "[t]he likelihood of a different result must be substantial, not just conceivable." *Harrington v. Richter*, 562 U.S. 86, 111-12 (2010) (quoting *Strickland*, 466 U.S. at 697).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on

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the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

### *Involuntary Plea*

In the context of a guilty plea, the applicant must show there is a reasonable probability that, but for ineffective assistance of counsel, he or she would not have pled guilty but, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Applicant's right to contest the validity of a plea is usually, but not invariably, foreclosed because of the inherent solemnity and truthfulness included in the guilty plea process. *See Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible."). Absent valid reasons why the applicant is entitled to depart from previous judicial admissions made at the plea hearing, statements made during the original proceeding remain conclusive. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

For a plea to be valid, the applicant must have been aware of the nature and crucial elements of the offense the maximum and minimum penalties, and the rights he is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant "lacks knowledge of material evidence in the prosecution's possession." *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (2009).

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A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." *Roddy v. State*, 339 S.C. at 34, 528 S.E.2d at 421 (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). "[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing." *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874 (quoting *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)). Further, "guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including claims of a violation of a constitutional right prior to the plea." *Whetsell v. State*, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981).

Applicant claims the plea was entered freely, knowingly, intelligently, and voluntarily. Applicant stated he understood he was pleading to a negotiated range of seven to thirty years' imprisonment. (Tr. 5). He stated he intended to plead to the charges as announced. (Tr. 5-6). He stated he did not use any substances prior to the plea hearing and that he was never treated for substance abuse. (Tr. 8). Applicant stated he was satisfied with Counsel and that they had enough time to talk. (Tr. 8). Applicant stated that no promises or threats were made to get him to plead and that the plea was free and voluntary. (Tr. 9). He stated he understood he was waiving his right to a jury trial, right to call and confront witnesses, right to present evidence, right to establish a defense, right to subpoena witnesses and evidence, and right to remain silent. (Tr. 9-10). He agreed with the facts as stated by the prosecutor. (Tr. 19). He stated he understood the potential sentences on all charges and that the Court was bound to negotiations if the plea was accepted. (Tr. 19-22). He stated he understood what charges were classified as violent serious,

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and the consequences of those extensions. (Tr. 21-22). He then stated he was guilty of all charges. (Tr. 22-23). At the PCR hearing, Counsel credibly testified that he thought Applicant understood what he was pleading to. Thus, this plea was seemingly entered freely, knowingly, intelligently, and voluntarily and cannot be withdrawn now.

***Brevity of Time***

Applicant alleges that Counsel was ineffective for failure to maintain regular contact with him. “[B]revity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation.” *Smith v. State*, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (2012). Applicant must show evidence indicating “how additional preparation or communication would have resulted in a different outcome.” *Id. See Jackson v. State*, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (where application failed to show ineffective assistance of counsel based on lack of preparation by neglecting to show evidence of what counsel failed to discover or what defenses counsel could have pursued had he more fully prepared for the case); *Skeen v. State*, 325 S.C. 210, 214-15, 481 S.E.2d 129, 132 (1997) (where applicant failed to show ineffective assistance of counsel when he did not present evidence showing how additional preparation would have impacted the trial).

Applicant claims that Counsel did not speak with him about the case enough. However, at the plea hearing, Applicant stated that he was satisfied with Counsel and that he had enough time to talk to Counsel. (Tr. 8). Additionally, Counsel credibly testified he met with Applicant several times to discuss the case. Beyond that, Applicant has failed to show how this brevity of time spent in consultation impacted Counsel’s representation of Applicant. There is no indication that the results of the proceedings or the decision to plead would have been different had Counsel conferred with him more. Accordingly, Applicant has failed to establish ineffective assistance of

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counsel and this Court declines to grant relief.

*Failure to Mitigate the Sentence*

Applicant claims Counsel was ineffective for failing to mitigate the sentence. Counsel may be found deficient for failing to sufficiently investigate and present mitigating evidence. *See Council v. State*, 380 S.C. 159, 172, 670 S.E.2d 356, 363 (2008) (finding it unreasonable for counsel not to further investigate the defendant's background and present even minimal mitigating evidence obtained); *Wiggins v. Smith*, 539 U.S. 510, 521 (2003) (finding it unreasonable when Counsel failed to investigate mitigating evidence beyond a couple retained records, including the presentence investigation report and social service records); *Williams v. Taylor*, 529 U.S. 362, 398 (2000) (finding that Counsel was unreasonable for failing to evaluate the totality of available mitigation evidence). An applicant is prejudiced by this deficiency if there is a reasonable probability that a different sentence would have been imposed but for Counsel's failure to investigate and present mitigating evidence. *Council v. State*, 380 S.C. 159, 171, 670 S.E.2d 356, 362 (2008).

Counsel credibly testified that he did not contact Applicant's family about speaking at sentencing because Applicant did not want the plea hearing to be about him. Counsel is not deficient for failing to mitigate a sentence upon Applicant's request. That Applicant now wishes he called individuals to speak on his behalf is of no consequence.

Additionally, this Court finds the mitigation strategy deployed was reasonable. Counsel told the Court at the plea hearing that Applicant did not want to make the matter about him and that he believed the focus needed to be on the victim. (Tr. 37). He stated that Applicant took full responsibility for his actions and that he understood he needed to be held accountable. (Tr. 37). He stated that Applicant was an addict and that the drugs caused him to do what he

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39). He stated that since being incarcerated Applicant has obtained his GED and took therapy for his drug addiction. (Tr. 39). He stated that Applicant took every class at the prison until COVID hit and the classes were stopped. (Tr. 39). Counsel stated that he never met a defendant more remorseful for his actions than Applicant. (Tr. 39). This approach was reasonable, and Counsel is not found deficient for deploying this strategy. Additionally, there has been no showing that had Counsel called his family members to speak at the plea hearing a lesser sentence would be imposed. Accordingly, no prejudice is established. Thus, relief is denied on this ground.

*Failure to Review Discovery*

Applicant testified Counsel was deficient for failure to provide Applicant with a copy of the discovery. Counsel credibly testified that he does not give his incarcerated clients a personal copy of discovery while their cases are pending to avoid their cellmates from becoming a State's witness at trial. This Court finds this decision reasonable and declines to find Counsel deficient. Additionally, no prejudice is found because this Court does not find it at all likely that Applicant would decide to proceed to trial instead because he received a copy of discovery already seemingly reviewed. Accordingly, relief is denied on this ground.

*Failure to Convey Fifteen-Year Plea Offer*

Applicant's claim of ineffective assistance of counsel for failure to convey a fifteen-year plea offer is without merit. Applicant alleges ineffective assistance of counsel because Counsel failed to present a favorable plea to Applicant before the offer expired. "[A]s a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused." *Missouri v. Frye*, 566 U.S. 145 (2012). Further, ineffective assistance is given "[w]hen defense counsel allow the plea offer to expire without advising the defendant or allowing him to consider [the plea offer]."

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When determining prejudice for failure to convey a plea, a case-by-case determination is made “assessing whether but for counsel’s deficient performance a defendant would have accepted the State’s proposed plea bargain and that he would have benefited from the offer.” *Bell v. State*, 410 S.C.436, 443, 765 S.E.2d 4, 7 (2014). Prejudice is found if applicant “would have taken the plea offer had [he] been afforded effective assistance of counsel”, if “the plea would have been entered without prosecution canceling it or the trial court refusing to accept it”, and “the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time.” *Collins v. State*, 422 S.C. 250, 262, 810 S.E.2d 871, 877 (2018) (quoting *Frye*, 566 U.S. 147) (quotations omitted). Presumed prejudice is reserved to limited situations. *Bell*, 410 S.C. at 443, 765 S.E.2d at 7.

Counsel credibly testified that the fifteen-year plea offer was proposed by him, to the State. He also credibly testified that this offer was rejected by the State and the only counter offer he received from the State was to a negotiated range between seven- and thirty-years’ imprisonment. Counsel also credibly testified that all of this was communicated to Applicant. Counsel was not deficient because he communicated to Applicant about his request for an offer and that this was rejected by the State. Also, because the State was unwilling to extend this offer, no prejudice is found. Accordingly, relief is denied on this ground.

***Failure to Discuss Charges***

Applicant alleges that Counsel was ineffective, and the plea was invalid for failure to discuss the charges with Applicant. However, Applicant was informed of the charges pled to at the plea hearing and stated he understood and wanted to enter his plea to the charges announced because he was guilty. (Tr. 5-6, 22-23). Thus, this claim is seemingly without merit and does not render the plea invalid, nor does it entitle Applicant to withdraw the plea. Accordingly, relief is

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denied on this ground.

***For Telling Applicant to Expect a Twenty-Year Sentence***

Applicant's claim that Counsel was ineffective for telling Applicant to expect a twenty-year sentence is without merit. Applicant testified that he understood he was pleading to a range between seven- and thirty-years' imprisonment, which is supported by the record. (Tr. 5, 19). Counsel also testified that at the plea hearing the Court informed Applicant that he was pleading to a seven- to thirty-year sentence and that he never promised Applicant a twenty-year sentence. Thus, Applicant's understanding that he would receive a twenty-year sentence is seemingly rooted in wishful thinking and is not supported by any evidence in the record. Accordingly, relief is denied on this ground.

**Conclusion**

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

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedure.

**IT IS THEREFORE ORDERED:**

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

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AND IT IS SO ORDERED this 1 day of August, 2022.

W.A. McKinnon 2741  
WILLIAM A. MCKINNON  
Presiding Judge  
Seventh Judicial Circuit

Spartanburg, South Carolina.

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**S.C. SUPREME COURT**

WITNESSES

SCSO

*Jimmy W. Swain*

ARREST WARRANT NUMBER

2019A4210300015

ACTION OF GRAND JURY

**True Bill**

Foreperson of Grand Jury  
Date:

JUN 07 2019

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. **19-GS-42-3016**

**The State of South Carolina**

**County of Spartanburg**

**Barry Barnette, Solicitor**

**COURT OF GENERAL SESSIONS**

**JUN 10 2019 TERM**

**THE STATE  
vs.**

**Jared S Childress**

**Indictment for  
HABITUAL TRAFFIC OFFENDER**

SC Code: 56-1-1100  
CDR Code: 0057  
Class FEL/F

SPARTANBURG COUNTY  
2019 JUN 12 AM 11:21

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )


INDICTMENT

At a Court of General Sessions, convened on JUN 07 2019, the  
Grand Jurors of Spartanburg County present upon their oath:

**HABITUAL TRAFFIC OFFENDER**

That the defendant, Jared S Childress, did in Spartanburg County on or about February 24, 2019, operate a motor vehicle after having been declared an Habitual Offender by The South Carolina Department of Public Safety, in violation of §56-1-1100, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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

  
Assistant Solicitor

WITNESSES

SCSO

*Jerry G. Powers*

ARREST WARRANT NUMBER

2019A4210201212

ACTION OF GRAND JURY

**True Bill**

Foreperson of Grand Jury

Date: JUN 07 2019

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO **19-GS-42-3252**

**The State of South Carolina**

County of Spartanburg

*Barry J Barnette, Solicitor*

COURT OF GENERAL SESSIONS

JUN 10 2019

TERM

THE STATE

vs.

JARED SCOTT CHILDRESS

Indictment for

**TRAFFICKING IN METHAMPHETAMINE**

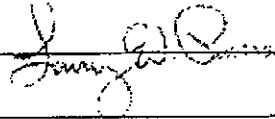
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WITNESSES

Spartanburg County Sheriff's Office

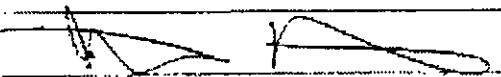


ARREST WARRANT NUMBER

2019A421020244

ACTION OF GRAND JURY

**True Bill**

  
Foreperson of Grand Jury  
Date: JUN 07 2019

VERDICT

Foreperson of Petit Jury  
Date

DOCKET NO.

19-GS-42-3254

The State of South Carolina

County of Spartanburg

*Barry J. Barnette, Solicitor*

COURT OF GENERAL SESSIONS

JUN 10 2019

TERM

THE STATE

v.

Jared Scott Childress

Indictment for

**HABITUAL TRAFFIC OFFENDER  
CAUSING DEATH**

SC Code 56-01-1105

CJR Code 3456

Class FEL/C

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

JUN 07 2019

At a Court of General Sessions, convened on \_\_\_\_\_ the

Grand Jurors of Spartanburg County present upon their oath:

**HABITUAL TRAFFIC OFFENDER CAUSING DEATH**

That the defendant, Jared Scott Chikdress, did in Spartanburg County on or about March 26, 2019, drive a motor vehicle after having been declared a Habitual Offender by The South Carolina Department of Public Safety when his license to drive had been canceled, suspended, or revoked. The Defendant violated the provisions of subsection 56-5-1100 and 56-5-1105 and violated an act forbidden by law or neglected any duty imposed by law in the driving of the vehicle, to-wit:

- (1) Driving Left of Center (Sections 56-5-1810 and 56-5-1880); and/or
- (2) Failure to follow right of way restrictions (Art 17, Section 56); and/or
- (3) Failure of driving on roadway laned for traffic (Section 56-5-1900); and/or
- (4) Failure to maintain proper control of vehicle; and/or
- (5) Driver's failure to exercise due care; and/or
- (6) Driving too fast for conditions (Section 56-5-1520 subsection (a)); and/or
- (7) Restriction on Speeding (Article II, Section 56); and/or
- (8) Failure to maintain a proper lookout for other traffic; and/or
- (9) Reckless Driving (Section 56-5-2920); and/or
- (10) Failure to Stop for a Stop Sign (Section 56-5-2330); and/or
- (11) Driving while his Driver's License is suspended (Title 56, Article 1); and/or
- (12) Following Vehicle Too Closely (Section 56-5-1950); and/or
- (13) Failure to maintain proper control of vehicle; and/or
- (14) Failure to yield the right of way to an approaching vehicle (Section 56-5-2350) and/or

which act or neglect proximately caused the death of Ciara Kalene Bradley, who died from injuries from this incident, all in violation of §§56-5-1100 and 56-5-1105, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976)*, as amended.

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

  
\_\_\_\_\_  
ASSISTANT SOLICITOR

WITNESSES

Spartanburg County Sheriff's Office

*[Handwritten signature]*

ARREST WARRANT NUMBER

2019A4210300013

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

JUL 19 2019

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 19-GS-42-3896

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUL 22 2019

TERM

THE STATE

vs.

Jared Scott Childress

Indictment for

POSSESSION OF STOLEN VEHICLE

1-52,000 and 1-510,000

SC Code 16-21-0080

CDR Code: 3467

Class: Fel/F

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

INDICTMENT

At a Court of General Sessions, convened on JUL 19 2019 the  
Grand Jurors of Spartanburg County present upon their oath:

**POSSESSION OF STOLEN VEHICLE >\$2,000<\$10,000**

That the defendant, Jared Scott Childress, did in Spartanburg County on or about February 24, 2019, receive, possess, sell, conceal, or dispose of a stolen vehicle, valued at more than Two Thousand Dollars, but less than Ten Thousand Dollars, he not being entitled to the possession of a 2003 Yamaha motorcycle belonging to Christopher Greene, knowing it to be stolen or converted under circumstances constituting a crime, in violation of §16-21-80, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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

  
ASSISTANT SOLICITOR