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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Cherokee County

Honorable G.D. Morgan, Jr., Circuit Court Judge

CHRISTOPHER A. WYLIE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000764

APPENDIX

SARAH E. SHIPE
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

CHELSEY MARTO
Assistant Attorney General
1000 Assembly St.
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHEROKEE) SEVENTH JUDICIAL CIRCUIT

INDICTMENT NOS.
2018-GS-11-818, 2018-GS-11-819,
2018-GS-11-821, 2018-GS-11-822,
2018-GS-11-823, 2018-GS-11-824

STATE OF SOUTH CAROLINA,)
PLAINTIFF,) **ORIGINAL**
)
VERSUS)
)
CHRISTOPHER AUSTIN WYLIE,)
DEFENDANT.)

PLEA HEARING IN
STATE VS. CHRISTOPHER AUSTIN WYLIE

A PLEA HEARING WAS HELD ON THE 5TH DAY OF NOVEMBER,
2019, COMMENCING AT THE HOUR OF 10:28 A.M., STANDING DOWN
AT THE HOUR OF 10:35 A.M., RESUMING AT 11:03 A.M., AND
ENDING AT THE HOUR OF 11:40 A.M., AT THE CHEROKEE COUNTY
COURTHOUSE, 125 EAST FLOYD BAKER BOULEVARD, GAFFNEY, SOUTH
CAROLINA, 29342.

BEFORE: THE HONORABLE JUDGE GRACE KNIE

REPORTED BY: LISA M. NOWELL, CERTIFIED VERBATIM REPORTER
LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
(864) 467-1373
depos@legal eagle inc. com

1 APPEARANCES:

2

3

4 KIMBERLY LESKANI C, ESQUIRE
5 CHEROKEE COUNTY SOLI CITOR' S OFFI CE
6 125 EAST FLOYD BAKER BOULEVARD, #6
7 GAFFNEY, SOUTH CAROLI NA 29340
8 ATTORNEY FOR PLAINTIFF,

9

10

11 RICKY HARRIS, ESQUIRE
12 RICKY HARRIS LAW OFFICE
13 BUSINESS TECHNOLOGY CENTER
14 145 NORTH CHURCH STREET, SUITE 501
15 SPARTANBURG, SOUTH CAROLI NA 29306
16 ATTORNEY FOR DEFENDANT.

17

18

19

20

21

22

23

24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH
25 MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 DEPUTY SOLICITOR LESKANIC:

2 Thank you, Your Honor. May it please the Court. We
3 call Christopher Wylie.

4 MR. HARRIS:

5 Let me ask Mr. Wylie a very quick question just to
6 clarify one thing.

7 THE COURT:

8 Yes, sir, take your time.

9 (OFF THE RECORD)

10 MR. HARRIS:

11 Your Honor, may we approach?

12 THE COURT:

13 Yes, sir.

14 (OFF THE RECORD)

15 THE COURT:

16 We are going to come back to Mr. Wylie.

17 (CASE IS STOOD DOWN)

18 DEPUTY SOLICITOR LESKANIC:

19 May it please the Court. Before you is Christopher
20 Austin Wylie. He is pleading guilty on seven
21 indictments. I'll let the Court know at the outset
22 there is an overall negotiation in this case of 15
23 years concurrent. He will be receiving on each case
24 the negotiated amount of time that I will set forth as
25 I call out the indictment, but the overall negotiation

1 is 15 years concurrent. The first indictment is 2018-
2 GS-11-819. That is a true bill indictment for
3 possession with intent to distribute Alprazolam. He is
4 pleading guilty as indicted with a negotiated sentence
5 of five years concurrent. 2018-GS-11-820, a true bill
6 indictment of possession of a firearm by a person
7 convicted of a violent crime. He is pleading as
8 indicted with a negotiated sentence of five years
9 concurrent. That prior violent offense is a burglary
10 second degree violent. 2018-GS-11-821 is a true bill
11 indictment for possession with intent to distribute
12 marijuana, pleading as indicted with a negotiated
13 sentence of ten years concurrent. 2018-GS-11-822, a
14 true bill indictment for unlawful carrying of a pistol,
15 pleading as indicted with a negotiated sentence of one
16 year concurrent. 2018-GS-11-823, a true bill
17 indictment for failure to stop when signaled by an
18 officer, pleading as indicted with a negotiated
19 sentence of three years concurrent. 2018-GS-11-824
20 count two is possession of a weapon during the
21 commission of a violent crime, pleading as indicted
22 with a negotiated sentence of five years concurrent.
23 And 2018-GS-11-824 count one is a true bill indictment
24 for trafficking in methamphetamine between 28 and 100
25 grams, pleading to a second offense with a negotiated

1 sentence of 15 years and \$50,000. The defendant is
2 represented by Mr. Harris on all charges. I'm handing
3 up the seven sentencing sheets along with the guilty
4 plea information sheet and the RAP sheet attached.

5 THE COURT:

6 Thank you. All right, sir, you are Christopher Austin
7 Wylie; is that correct?

8 MR. WYLIE:

9 Yes, ma'am.

10 THE COURT:

11 Okay, Mr. Wylie, we started this hearing a few moments
12 ago. Actually I guess it's been about 45 minutes ago,
13 and we stood down to give you an opportunity to talk
14 with your lawyer. Do you need any additional time to
15 speak with him?

16 MR. WYLIE:

17 No, ma'am.

18 THE COURT:

19 If, sir, during this hearing you feel the need to ask
20 questions of Mr. Harris, I will be happy to allow you
21 to do so, okay? We'll take a break if you need that,
22 all right?

23 MR. WYLIE:

24 Yes, ma'am.

25 THE COURT:

1 All right. And so, sir, you were previously qualified
2 this morning; is that correct?

3 MR. WYLIE:

4 Yes, ma'am.

5 THE COURT:

6 I need for you to speak up.

7 MR. WYLIE:

8 Yes, ma'am.

9 THE COURT:

10 And sir, if I were to ask you all of those questions
11 again at this time, would your answers be the same?

12 MR. WYLIE:

13 Yes, ma'am.

14 THE COURT:

15 All right. Sir, I'm going to go through the
16 indictments with you and the charge as to each at this
17 time, after which I'm going to hear from the Deputy
18 Solicitor, Ms. Leskanić; I'm going to hear from your
19 lawyer, Mr. Harris; and lastly, sir, I will hear from
20 you, okay, before I issue the sentence. So don't
21 worry, you do have an opportunity to tell me anything
22 that you want to.

23 MR. WYLIE:

24 Yes, ma'am.

25 THE COURT:

1 And sir, this is coming before me today, as I
2 understand it, as a negotiated sentence. And what that
3 tells me, first of all, is that there's been a lot of
4 time put into this before today, and I'm assuming that
5 you've had some input in talking with your lawyer
6 concerning that negotiated sentence. And if -- and I'm
7 going to tell you this again in a few minutes. But if
8 I find that I can't go along with the negotiations of
9 counsel, I can reject this plea or I -- if I find I can
10 go along with it, I can accept the plea. But I cannot
11 change the negotiations that have been made. Do you
12 understand that?

13 MR. WYLIE:

14 Yes, ma'am.

15 THE COURT:

16 Okay. And again, if you have any questions about
17 anything as we go along, you stop me, all right? And
18 you're not on any type of medication?

19 MR. WYLIE:

20 No, ma'am.

21 THE COURT:

22 All right, thank you. All right. So, Mr. Wylie, I
23 have a true billed indictment and this is indictment
24 18-GS-11-824, and this is an indictment for trafficking
25 in methamphetamine. It's a two count indictment. As

1 to count one, it's trafficking in methamphetamine, and
2 count two is possession of a firearm during the
3 commission of a violent crime. And sir, it's my
4 understanding that the weight involved was more than 28
5 grams but less than 100 grams and that you are pleading
6 as a second offense. The mandatory minimum sentence as
7 to count one is seven years with a maximum of 30 years
8 and a \$50,000 fine. So sir, first let me ask, as to
9 count one of indictment 18-824, do you understand the
10 offense that you're entering your plea to?

11 MR. WYLIE:

12 Yes, ma'am.

13 THE COURT:

14 Do you understand the potential penalty?

15 MR. WYLIE:

16 Yes, ma'am.

17 THE COURT:

18 And sir, I'm sure that Mr. Harris has discussed this
19 with you, but this is classified as a violent and a
20 serious offense. Do you have any questions for him or
21 for me regarding that classification, sir?

22 MR. WYLIE:

23 No, ma'am.

24 THE COURT:

25 And has that been explained to you prior to today?

1 MR. WYLIE:

2 Yes, ma' am.

3 THE COURT:

4 And today?

5 MR. WYLIE:

6 Yes, ma' am.

7 THE COURT:

8 All right. And as to count two, sir, or A on true
9 billed indictment 18-824(A), you have been charged with
10 possession of a weapon during the commission of a
11 violent crime. The potential penalty, sir, is five
12 years, and the five years, sir, is mandatory. Do you
13 understand that?

14 MR. WYLIE:

15 Yes, ma' am.

16 THE COURT:

17 Has that been explained to you?

18 MR. WYLIE:

19 Yes, ma' am.

20 THE COURT:

21 Do you have any questions about that?

22 MR. WYLIE:

23 No, ma' am.

24 THE COURT:

25 All right. I have a true billed indictment 18-GS-11-

1 823 and that was for failure to stop a motor vehicle
2 when signaled by an officer, and the potential penalty
3 as a first offense is 90 days up to three years and/or
4 -- or a fine of not less than \$500 and the 90 days can
5 be suspended. On that indictment, sir, do you
6 understand the offense that you're entering your plea
7 to?

8 MR. WYLIE:

9 Yes, ma'am.

10 THE COURT:

11 Do understand the potential penalty?

12 MR. WYLIE:

13 Yes, ma'am.

14 THE COURT:

15 With regard to indictment 18-GS-11-822, that's the
16 unlawful carrying of a pistol. It is a true billed
17 indictment for unlawful carrying of a firearm and the
18 potential penalty is zero to one year and/or a fine of
19 up to \$1,000. As to that indictment, do you understand
20 the offense that you're entering your plea to?

21 MR. WYLIE:

22 Yes, ma'am.

23 THE COURT:

24 Do you understand the potential penalty?

25 MR. WYLIE:

1 Yes, ma' am.

2 THE COURT:

3 And I have indictment 18-821, and this is a true billed
4 indictment for possession with intent to distribute
5 marijuana. This is a second offense. The potential
6 penalty is zero to ten years and/or a fine of up to
7 \$10,000. On this indictment, do you understand the
8 potential penalty?

9 MR. WYLIE:

10 Yes, ma' am.

11 THE COURT:

12 And the offense that you're entering your plea to?

13 MR. WYLIE:

14 Yes, ma' am.

15 THE COURT:

16 I have indictment 18-GS-11-820, and this is a true
17 billed indictment for possession of a firearm or
18 ammunition by a person convicted of a violent felony.
19 The potential penalty is zero to five years and/or a
20 fine of up to \$2,000. Sir, do you understand the
21 offense that you're entering your plea to under this
22 indictment?

23 MR. WYLIE:

24 Yes, ma' am.

25 THE COURT:

1 And the potential penalty?

2 MR. WYLIE:

3 Yes, ma'am.

4 THE COURT:

5 And I have indictment 18-GS-11-819, and this is a true
6 billed indictment for possession with intent to
7 distribute Alprazolam. The potential penalty -- this
8 is a second or subsequent offense and the potential
9 penalty is zero to five years and/or a fine of up to
10 \$6,000. Sir, do you understand the offense that you're
11 entering your plea to under this indictment?

12 MR. WYLIE:

13 Yes, ma'am.

14 THE COURT:

15 And do you understand the potential penalty?

16 MR. WYLIE:

17 Yes, ma'am.

18 THE COURT:

19 All right. Now, Mr. Wylie, sir, the negotiated
20 sentence that I have heard stated on the record and
21 that I'm seeing on the paperwork before me is that,
22 with regard to these seven indictments, the sentence
23 that's been agreed to by counsel is 15 years concurrent
24 and a \$50,000 fine. And I'm sure you understand that
25 the fine is mandatory, okay? And so understanding all

1 of that, sir, do you wish to enter your plea at this
2 time on all of these charges?

3 MR. WYLIE:

4 Yes, ma' am.

5 THE COURT:

6 And how do you plead?

7 MR. WYLIE:

8 Guilty.

9 THE COURT:

10 Are you doing so freely, knowingly, and voluntarily?

11 MR. WYLIE:

12 Yes, ma' am.

13 THE COURT:

14 All right. Thank you, sir. If you will now direct
15 your attention to Deputy Solicitor Leskani c, please.

16 Yes, ma' am.

17 DEPUTY SOLICITOR LESKANIC:

18 May it please the Court. This incident occurred April
19 14th of 2018. Deputy Hutchins with the Cherokee County
20 Sheriff's Department was on routine patrol. He noticed
21 a vehicle around midnight weaving back and forth and
22 not maintaining its lane of travel, so he turned on his
23 blue lights to try to make a traffic stop. This
24 defendant was driving the car. He increased his speed,
25 continued down 8th Street, he ran several stop signs,

1 made several turns throughout Cherokee County until he
2 finally lost control of the vehicle and wrecked into
3 two parked cars in front of a residence on East Oneal
4 Street. Officers immediately got out with him. Search
5 incident to arrest, in his right front pants pocket
6 they found a baggie containing marijuana and two bags
7 containing methamphetamine. Those two bags were sent
8 to SLED, Your Honor. In one bag that was tested, it
9 was confirmed to be methamphetamine with a net weight
10 of 55.55 grams. The second bag was not tested, but the
11 weight was 14.24 grams. In his other pants pocket they
12 found a large sum of cash and a pill bottle containing
13 Alprazolam pills for which he did not have a
14 prescription for. They also found a 38 revolver in his
15 sock. They asked the defendant if he had anything else
16 on his person or in the vehicle and he told them that
17 there was more drugs in the car inside a red bag. The
18 officer went into the car, on the passenger side
19 floorboard they found a 40 caliber Ruger pistol, and on
20 the driver's side floorboard in a red bag they found
21 several other baggies containing marijuana. He was
22 then charged with the failure to stop; the trafficking
23 in methamphetamine; possession of a weapon during the
24 commission of a violent crime, that violent crime being
25 the trafficking methamphetamine; possession of a weapon

1 by someone convicted of a violent crime, that violent
2 crime was a burglary second degree violent; unlawful
3 possession of a pistol; possession with intent to
4 distribute marijuana; and possession with intent to
5 distribute Alprazolam.

6 THE COURT:

7 Okay. All right, Mr. Wylie, you heard the statements
8 of the solicitor. Is that what happened?

9 MR. WYLIE:

10 Yes, ma'am.

11 THE COURT:

12 All right, thank you. I find there is a factual basis
13 for your plea. And Ms. Leskanić, there are -- are
14 there charges being dismissed in consideration for the
15 plea?

16 DEPUTY SOLICITOR LESKANIĆ:

17 There are, Your Honor. There are no charges from this
18 incident that are being dismissed, but the defendant
19 was charged with an incident in February and also in
20 May and those charges are being dismissed.

21 THE COURT:

22 Okay. Mr. Wylie, do you understand that?

23 MR. WYLIE:

24 Yes, ma'am.

25 THE COURT:

1 Do you have any questions about that for me or for Mr.
2 Harris?

3 MR. WYLIE:

4 No, ma'am.

5 THE COURT:

6 Okay. Anything -- I'll come back to you for the
7 criminal history and prior convictions, but anything
8 else before I go now to Mr. Harris?

9 DEPUTY SOLICITOR LESKANIC:

10 No, Your Honor. I believe Mr. Harris and I may have a
11 difference of opinion on the credit for time served.
12 But if you'd like to hear from him first, I would just
13 like to be heard on that.

14 THE COURT:

15 Sure. Okay. So, Mr. Harris, I've known you for, I
16 guess, 30 years and I know how thorough you are, and
17 I've certainly tried a great number of cases against
18 Mr. Harris in years past. With regard to the
19 discovery, I heard that some of the drugs were not
20 tested. And is your client waiving that?

21 MR. HARRIS:

22 Well, Your Honor, the threshold amount to which he is
23 pleading is exceeded by almost twice the limit with the
24 testing of the one bag. I have shared that information
25 with Mr. Wylie and he has raised no concern, and I have

1 no concern since the State is going forward with a plea
2 to 28 but less than 100. It's clearly tested out to be
3 55 grams, so we don't --

4 THE COURT:

5 Yes, sir.

6 MR. HARRIS:

7 We do not raise any issue concerning --

8 THE COURT:

9 Okay, and I just wanted to confirm that. Mr. Wylie, is
10 that your understanding?

11 MR. WYLIE:

12 Yes, ma'am.

13 THE COURT:

14 All right, thank you. And so, Mr. Harris, you've had
15 an opportunity to review the evidence in the case with
16 your client?

17 MR. HARRIS:

18 Yes, Your Honor.

19 THE COURT:

20 Okay. I'm happy to hear from you, sir.

21 MR. HARRIS:

22 Thank you, Your Honor. May it please the Court. I
23 will say that Mr. Wylie's only 21 years of age. This
24 is a different case in many respects, that being one of
25 them. In candor, though, as I've discussed with my

1 client, as is plain to see, Mr. Wylie comes to this
2 point in the criminal process in large part because of
3 the mistakes -- serious mistakes that he's made in his
4 young life, having been convicted of burglary in the
5 second degree violent in the past, having been
6 convicted before of drug trafficking and other things.
7 We have indeed worked very hard and, I would like to
8 say, diligently with the solicitor's office, Ms. Wells
9 in particular, to arrive at this negotiated plea. I
10 will say I wish that I could have negotiated better.
11 Having said that, it is my opinion, stated to my
12 client, that this plea has substantial benefits for Mr.
13 Wylie and I've recommended that he accept it. He's
14 indicated that he will accept the plea. Your Honor,
15 this case has a rather convoluted procedural history.
16 So in terms of time served and so forth, it would be
17 necessary for me to explain a couple of things about
18 what's gone on before today. As the Court now knows,
19 Mr. Wylie was convicted by guilty plea of burglary in
20 the second degree violent and was sentenced to ten
21 years. Provided upon the service of three years, the
22 balance was suspended to probation for five years with
23 other conditions. Mr. Wylie was arrested three times
24 while on probation; a February incident relating to an
25 alleged pointing and presenting of a firearm, these

1 charges in April of 2018, and another set of drug
2 trafficking charges from May of 2018. As the Deputy
3 Solicitor has already indicated, the February and May
4 charges are being dismissed wholly at the conclusion of
5 this plea. But in October of last year, Mr. Wylie was
6 brought before the court for violation of probation
7 here related in large part to his re-arrest. There
8 were some other alleged violations, but allegedly
9 violations for these arrests. Mr. Wylie had three
10 years revoked and his probation ended last October. He
11 is currently doing a three year revocation sentence in
12 the Department of Corrections. He began that sentence
13 in the Department of Corrections October 23rd, 2018.
14 Now, Mr. Wylie was arrested on the incident charges on
15 April 14th, 2018. He was released one day later on
16 bond. He remained on bond until re-arrested on May
17 10th, 2018. He was arrested for the May set of drug
18 charges. He has never gotten out of custody since
19 then. So Mr. Wylie has been continuously in either the
20 custody of the Cherokee County detention center or in
21 the Department of Corrections since May 10th, 2018. I
22 will -- it's incumbent upon me, I believe, to have the
23 Court at least be aware of that, while Mr. Wylie has
24 continuously been in custody either in the County or in
25 the Department of Corrections since May 10th, 2018, Mr.

1 Wylie's bond on this set of charges was never formally
2 revoked, although a pending motion for bond has --
3 there has been a pending motion to revoke bond since
4 sometime after May 10th, 2018. Nonetheless, he has
5 been continuously in custody. So with that said, I am
6 asking the Court to accept the negotiation to sentence
7 Mr. Wylie to 15 years, all concurrent with the charges
8 he is pleading guilty to today and concurrent with his
9 Department of Corrections probation revocation sentence
10 under indictment number 15-GS-11-00087. I'm further
11 asking that the Court exercise what I believe is its
12 discretion to give credit to Mr. Wylie for all of the
13 time that he has been in custody in whatever facility
14 as has been stated. My calculation, if that were to be
15 the Court's decision, would mean that Mr. Wylie would
16 receive 545 days of total credit for time served. The
17 State has informed me that they do object to Mr. Wylie
18 receiving any credit for time he has served in the
19 Department of Corrections. I believe it's in the
20 discretion of the sentencing court to grant time served
21 or not grant time served. In other words, I think the
22 Court would not err by failing to do it for that period
23 of time, nor would the Court err in granting it. But
24 that period of time in the Department of Corrections is
25 377 days, by my calculation. So if the Court were not

1 inclined to grant credit for time served in the
2 Department of Corrections but grant credit for time
3 served in the County detention center, that would be a
4 total of 166 days of credit.

5 THE COURT:

6 Okay.

7 MR. HARRIS:

8 I apologize for the -- I told you it was convoluted,
9 and it is --

10 THE COURT:

11 Well, and so the question, though -- what is the
12 State's position on sentencing concurrent with 15-87?

13 DEPUTY SOLICITOR LESKANIC:

14 We have no objection to this sentence running
15 concurrently with the current probation violation
16 sentence that he is serving in the Department of
17 Corrections.

18 THE COURT:

19 Okay. All right. Okay, so Mr. Harris, you have
20 addressed the credit for time served and the probation
21 violation being a concurrent sentence. Is there
22 anything else, sir, that you want to address?

23 MR. HARRIS:

24 Your Honor, we would ask the Court to accept the
25 negotiation as has been put forth in his plea.

1 THE COURT:

2 Okay. And did you discuss with your client at length
3 his plea under indictment 18-824(A) which is the
4 possession of a weapon during a violent crime, the
5 mandatory five years?

6 MR. HARRIS:

7 We have discussed that and we -- we understand that
8 that would be five years but that it could be
9 concurrent.

10 THE COURT:

11 Yes, sir.

12 MR. HARRIS:

13 But we do understand that -- and actually, as I believe
14 the sentencing sheets would reflect and as I recited to
15 Mr. Wylie as I asked him to review and sign each of
16 them, there is -- since several of the offenses carry
17 mandatory -- carry maximums less than the 15 year
18 negotiated, that the State is essentially negotiating a
19 maximum incarceration sentence on each of the several
20 charges that carry lesser time.

21 THE COURT:

22 Yes, sir. Okay, thank you. All right. Mr. Wylie,
23 before I hear from you, sir, let me hear from the State
24 regarding prior convictions.

25 DEPUTY SOLICITOR LESKANIC:

1 Yes, Your Honor. 2014, burglary second degree violent.
2 2015, there are three counts of possession of a
3 Schedule I or II drug, possession with intent to
4 distribute a Schedule I through III, unlawful carrying
5 of a weapon, and trafficking in crack cocaine, which
6 would be another violent offense on his record along
7 with that burglary charge. Also a distribution of
8 methamphetamine and distribution of methamphetamine
9 within proximity of a school. 2018, some traffic
10 offenses including a DUI and driving under suspension.
11 And in 2018, the violation of probation that Your Honor
12 is aware he's currently serving time for.

13 THE COURT:

14 Okay. Okay, Mr. Wylie, is there anything that you'd
15 like to tell me, sir?

16 MR. WYLIE:

17 No, ma'am.

18 THE COURT:

19 Do you agree with the statements of your attorney?

20 MR. WYLIE:

21 Yes, ma'am.

22 THE COURT:

23 And do you understand that this is before me to accept
24 or reject the negotiations of counsel?

25 MR. WYLIE:

1 Yes, ma' am.

2 THE COURT:

3 And is that what you want me to do? Do you want me to
4 accept it?

5 MR. WYLIE:

6 Yes, ma' am.

7 THE COURT:

8 Thank you.

9 DEPUTY SOLICITOR LESKANIC:

10 Your Honor, I'm sorry. At the appropriate time, may I
11 be heard on the credit for time served?

12 THE COURT:

13 Yes, ma' am, I'm sorry.

14 DEPUTY SOLICITOR LESKANIC:

15 That's okay. Thank you. I believe under State v.
16 Crooks, a defendant is only entitled to credit for time
17 that they are serving on the charge that they are
18 pleading to. So technically, I believe, the defendant
19 is entitled to one day. That's how much time he spent
20 on these April charges. He was then arrested in May,
21 but his bond on these charges were -- was not revoked.
22 So he was being held in the detention center on a
23 completely separate set of charges that did not relate
24 back to these April charges. So I do not believe he's
25 entitled to credit for that. And also, when he was

1 sent to the Department of Corrections, he was serving
 2 time on a probation violation, but again, not serving
 3 time on these April charges. And I believe that
 4 statutorily and case law provides that they're only to
 5 receive credit for time that they are serving on the
 6 charge that they are before the Court on.

7 THE COURT:

8 Okay. Mr. Harris, anything else?

9 MR. HARRIS:

10 Well, Your Honor, as I've stated on behalf of the
 11 defendant, I believe it is in the discretion of the
 12 sentencing Court to grant credit for time served if the
 13 Court sees fit. The way I read that case is that - and
 14 I think it was the holding in that case - that a judge
 15 refusing to give credit in that case was not considered
 16 error. I don't read that to mean that a court choosing
 17 to grant credit would be in error. I think it's a
 18 discretionary matter. But it is correct, by my review
 19 of all the records, that, as I've stated, Mr. Wylie did
 20 one day on these charges, bonded out, got re-arrested
 21 less than a month later, has been continuously in
 22 custody but -- and although subject to the State's
 23 motion for revocation, that motion essentially was
 24 never heard because of the probation revocation.

25 THE COURT:

1 And those are the charges that are being dismissed?

2 DEPUTY SOLICITOR LESKANIC:

3 Yes, Your Honor.

4 THE COURT:

5 In consideration for this plea?

6 DEPUTY SOLICITOR LESKANIC:

7 Yes, Your Honor. And I --

8 MR. HARRIS:

9 That's right.

10 DEPUTY SOLICITOR LESKANIC:

11 Again, that's another case that's being handled by Ms.

12 Wells, so I'm not familiar with the facts of that case.

13 I'm sorry.

14 THE COURT:

15 Yes, ma'am, and thank you for standing in today. I'm
16 glad we can go forward with this. Okay. So Mr. Wylie,
17 sir, again, is there anything that you'd like to tell
18 me?

19 MR. WYLIE:

20 No, ma'am.

21 THE COURT:

22 All right. Okay, with regard to the matter of the
23 State versus Christopher Austin Wylie and indictment
24 2018-GS-11-824, it would be the order of the Court that
25 I am going to accept the negotiations of counsel and

1 order that the defendant be committed to the State
2 Department of Corrections for 15 years and pay a fine
3 of \$50,000. This is concurrent with his probation
4 violation on 15-87. I am going to give him credit for
5 166 days. A concurrent sentence is as to indictment
6 18-821 in which the defendant shall be committed to the
7 State Department of Corrections for 10 years. Again,
8 these are concurrent sentences. He will get the same
9 credit for time served as to each and all will be
10 concurrent with his probation violation on indictment
11 15-87. As to indictments 18-GS-11-824(A) and 18-820
12 and 819, the defendant shall be committed to the State
13 Department of Corrections for five years. With regard
14 to indictment 18-823, the defendant shall be committed
15 to the State Department of Corrections for three years.
16 And on 18-822, the defendant shall be committed to the
17 State Department of Corrections for one year. Good
18 luck to you, sir.

19
20 (HEARING CONCLUDED)
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CERTIFICATE OF REPORTER

I, LISA M. NOWELL, A NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING 27 PAGES REPRESENTS A TRUE AND ACCURATE TRANSCRIPT OF THE PLEA HEARING IN STATE VS. CHRISTOPHER AUSTIN WYLIE, WHICH WAS TAKEN BY ME ON THE 5TH DAY OF NOVEMBER, 2019.

THAT I AM NOT RELATED TO NOR THE EMPLOYEE OF ANY OF THE PARTIES HERETO, NOR RELATED TO OR EMPLOYED BY ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO, NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

Lisa M. Nowell _

LISA M. NOWELL, CVR
NOTARY PUBLIC FOR S. C.
COMMISSION EXPIRES: 11-22-2023

FORM 5

STATE OF SOUTH CAROLINA)
)
 County of Cherokee County)
)
Christopher Austin Wylie 367575)
 Full name and prison number (if any) of Applicant)

IN THE COURT OF COMMON PLEAS

20CP-110662

v.)
)
 State of South Carolina)
)
)
)

APPLICATION FOR
POST-CONVICTION RELIEF

BRANDYEN MCBEE

2020 SEP - 8 AM 12: 04

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

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, P.O. Box 2039, Ridgeland, SC 29936
2. Name and location of Court which imposed sentence Cherokee County South Carolina
3. Name(s) of co-defendant(s) (if any) ~~Shelton~~ ~~Don~~
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) See Attached Sheet(s)
 - (b) See Attached Sheet(s)

20CP-110662

Cont'd

4(a) 18-GS-11-00818; 18-GS-11-00819; 18-GS-11-00820;
18-GS-11-00821; 18-GS-11-00822; 18-GS-11-00823;
18-GS-11-00824

(b) Weapons/Point and/or Present Firearms at persons; possession
with intent to distribute AL Prazolam; weapons/possession
of firearm or ammunition by person convicted of violent felony;
possession with intent to distribute Marijuana; unlawful carrying
of firearm; failure to stop Motor vehicle when signaled by
officer; Trafficking in Methamphetamine - Count one and
possession of firearm during commission of a violent crime -
Count two

10. (a) Ineffective Assistance Of Counsel

11. (a) failing to obtain a mitigating investigator or to otherwise adequately
prepare and present powerful mitigating evidence.

2018A1110100157

2018A1110200113

" 114

" 116

" 117

" 118

" 119

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 SEP -8 AM 12:04
BRANDY W. MOBLEE

- (c) _____
- 5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) November 5, 2019
 - (b) November 5, 2019
 - (c) _____
- 6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty ✓
 - (b) after a plea of not guilty _____
 - (c) after a plea of nolo contendere _____
- 7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
- 8. If you answered "yes" to (7), list:
 - (a) the name of each Court to which you appealed:
 - i. N/A
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. N/A
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. N/A
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. N/A
 - ii. _____
 - iii. _____
- 9. If you answered "no" to (7), state your reasons for not so appealing:
 - (a) Counsel did not inform me that I had a right to appeal
 - (b) _____

(c) _____

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

(a) _____

(b) _____

(c) _____

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

(a) _____

(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. N/A

ii. _____

iii. _____

iv. _____

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

i. N/A

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

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

- i. N/A
- 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. N/A
- ii. _____
- iii. _____

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

- i. N/A
- 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:

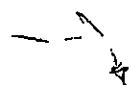
- (a) Counsel did not inform me that I had a right to do so
- (b) _____
- (c) _____

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

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

- (a) the name and address of each attorney who represented you:
 - i. Ricky Harris
145 N. Church St, Spartanburg, SC 29306
 - ii. Suite 501
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Arraignment
 - ii. preliminary hearing
 - iii. guilty plea



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

Applicant is seeking a Resentencing hearing

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

Yes, probation violation

STATE OF SOUTH CAROLINA)
County of Cherokee)

VERIFICATION

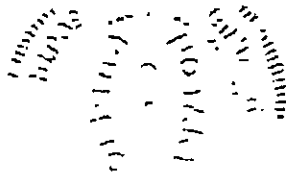
I, Christopher Wylie, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and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

Christopher Wylie

SWORN to and subscribed before me this 1st day of September, 2020.

Virginia Robison (L.S.)
Notary Public

My Commission Expires: May 20, 2021



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

I, Christopher Wylie, 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:

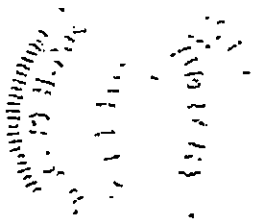
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Christopher Wylie
Applicant

SWORN or affirmed to and subscribed before me this
1st day of September, 2020.

Virginia Robinson
Notary Public

My Commission Expires: May 26, 2021



STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Christopher A. Wylie, #367575,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-11-0662

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

FILED IN THE OFFICE
CLERK OF COURT
2021 MAY 20 A 10:52
BRANDY W. SMOBE
CHEROKEE COUNTY SC

NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter "PCR") application filed on September 8, 2020 by Christopher Wylie (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 Cherokee County Clerk of Court. During its June 2018 term, the Cherokee County Grand Jury indicted Applicant for pointing or presenting firearms at a person (2018-GS-11-00818), possession with intent to distribute alprazolam (2018-GS-11-00819), possession of a firearm or ammunition by persons convicted of a violent felony (2018-GS-11-00820), possession with intent to distribute marijuana (2018-GS-11-00821), unlawful carrying of a firearm (2018-GS-11-00822), failure to stop motor vehicle when signaled by officer. (2018-GS-11-00823), and trafficking in methamphetamine (count one) and possession of a firearm during commission of a violent crime (count two) (2018-GS-11-00824). Applicant was represented by Ricky Harris, Esquire. Assistant Solicitor Kimberly Leskanic of the Seventh Circuit Solicitor's Office prosecuted the case. On November 5, 2019, Applicant appeared before

the Honorable Grace Gilchrist Knie, circuit court judge, and pled guilty to a negotiated fifteen years' imprisonment for the -824 count one, ten years' imprisonment sentence on -821, five years' imprisonment on the -819, -820, -824 count two charges, three years' on the -823 charge, one year for -822. The -818 charge was dismissed. Judge Knie sentenced Applicant in accordance with plea negotiations, sentences running concurrently. Applicant did not pursue a direct appeal.

II. Statement of Facts

On April 14, 2018, Deputy Hutchins was on a routine patrol when he noticed a vehicle around midnight weaving back and forth and not maintaining its lane of travel, so he turned on his lights and initiated a stop. (Tr. 13). Applicant sped up, continued driving, ran several stop signs, and made several turns before losing control of the vehicle and wrecked into two parked cars in front of a residence. (Tr. 13-14). Officers immediately nabbed him. (Tr. 14). During the search incident to arrest, they found a bag of marijuana and two bags of methamphetamine, a large amount of cash, and a pill bottle of Alprazolam pills without a prescription. (Tr. 14). A 38 revolver was found in his sock. (Tr. 14). When asked if he had anything else, he stated he had more drugs in the car. (Tr. 14). In the car they found a 40 caliber Ruger pistol and several other bags of marijuana. (Tr. 14).

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. "failure to obtain a mitigating investigator or otherwise adequately prepare and present powerful mitigating evidence."

Attached to and incorporated herein are Applicant's Cherokee 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). 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 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), SCRCR ("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 (2011) (quoting *Strickland*, 466 U.S. at 697).

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)).

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 claims Counsel was ineffective for failing to mitigate the sentence. However, he does not state what evidence or testimony should have been presented or why a different sentence would have been imposed if this evidence was presented. Thus, a more definite

statement is needed for Respondent to ascertain whether or not the allegation has merit. Still, the ineffective assistance of counsel allegations probably raises 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 because of failure to mitigate the sentence. 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), SCRCP, 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), SCRCPC, 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 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), SCRCPC 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

May 18, 2021

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)
)
)
 CHRISTOPHER A. WYLIE, #367575,)
)
) Applicant,)
)
) vs)
)
 STATE OF SOUTH CAROLINA,)
)
) Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS

2020-CP-11-0662


AFFIDAVIT OF SERVICE BY MAIL

FILED IN THE OFFICE
 CLERK OF COURT
 2021 MAY 20 A 10:52
 BRANDY W. MOBEE
 CHEROKEE COUNTY, SC

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** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Rodney W. Richey, Esquire
Richey & Richey, PA
Post Office Box 10916
Greenville, South Carolina 29603

DATED this 18th Day of May, 2021.



 Eva Cook, Legal Assistant
 For Respondent

State of South Carolina)	
)	
County of Cherokee)	
Christopher Wylie,)	2020-CP-11-0662
)	
Plaintiff,)	
)	
v.)	Transcript
)	
The State of SC,)	of
)	
Defendant.)	Post-conviction
)	Relief Hearing
)	
)	
)	
)	
)	
)	
)	

Date: April 19, 2022

Time: 10:48 a.m.

Location: Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, SC 29306

Reported by
Amber Payne, CVR

APPEARANCES

Presiding: The Honorable G.D. Morgan Jr.

For the Applicant: Rodney Richey, Esq.
Richey and Richey Law Firm
33 Market Point Drive
Greenville, SC 29607

For the Defendant: Chelsey Marto, Esq.
SC Attorney General's Office
1000 Assembly Street, Room 519
Columbia, SC 29201

Also Present: Ricky Harris, Esq.
Ricky Harris Law Office
145 North Church Street #34
Spartanburg, SC 29306

EXHIBITS

There were no exhibits marked during this hearing.

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Witnesses

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PROCEEDINGS

(On the Record at 10:48 a.m.)

THE COURT: All right. We're here on Case Number -- Christopher A. Wylie, Case Number 2020-CP-11-0662. Ms. Marto?

MS. MARTO: Yes, Your Honor. Thank you. May it please the Court. Mr. Wylie is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Cherokee County Clerk of Court.

During its June 2018 term, he was indicted for pointing and presenting a firearm at a person, possession with intent to distribute Alprazolam, possession of a firearm or ammunition by a person convicted of a violent felony, possession with intent to distribute marijuana, unlawful carrying of a firearm, failure to stop a motor vehicle when signaled by an officer, and trafficking of methamphetamine, possession of a firearm during the commission of a violent crime. He was represented by Mr. Ricky Harris, and assistant solicitor, Kimberly Leskanic, prosecuted the case.

On November 5, 2019, he appeared before

1 the Honorable Grace Knie and pled guilty to a
2 negotiated 15 years imprisonment for the
3 charge ending with Docket Number 824, ten
4 years imprisonment on the 821 charge, five
5 years imprisonment on 819, 820, and 824 counts
6 and three years on the 823 and one year for
7 the 822. And then another additional charge
8 was dismissed, and that would have been the
9 possession of -- for presenting of a firearm
10 at a person. All sentences ran concurrently,
11 and he was sentenced according to the
12 negotiations. He did not pursue a direct
13 appeal. Post-conviction relief application
14 was filed September 8th, 2020, and the return
15 was made May 18th, 2021. With that, I'll turn
16 it over to Mr. Richey.

17 THE COURT: All right. Mr. Richey?

18 MR. RICHEY: Thank you, Your Honor. I'll call
19 Mr. Wylie.

20 THE COURT: You step up here, Mr. Wylie?

21 THE COURT REPORTER: Put your left hand on the
22 Bible and raise your right.

23 THE APPLICANT: You want me to swear on the
24 Bible?

25 THE COURT REPORTER: Uh-huh.

1 THE APPLICANT: What if that ain't my
2 religion?

3 THE COURT REPORTER: Oh, okay. All right.
4 You can affirm.

5 THE COURT: You can affirm, then.

6 THE COURT REPORTER: Okay.

7 (WHEREUPON, the applicant was sworn.)

8 DIRECT EXAMINATION

9 BY MR. RICHEY:

10 Q Sir, would you state your name, please?

11 A Christopher Wylie.

12 Q I didn't --

13 THE COURT: (To the applicant) You can -- you
14 can take it down.

15 A Christopher Wylie.

16 Q Okay. Come up some, Mr. Wylie. And get closer to
17 the mic.

18 THE COURT: (To the applicant) Pull that mic
19 to you a little bit.

20 Q Mr. Wylie, are you in the Department of
21 Corrections?

22 A Yes, sir.

23 Q And what are you there for?

24 A Trafficking.

25 Q Trafficking what?

1 A Methamphetamine.

2 Q Okay.

3 THE COURT: (To the applicant) And if you
4 would, can you --

5 THE COURT REPORTER: Speak up.

6 THE COURT: -- speak up a little bit. She's
7 got to take down everything you say, okay?

8 THE APPLICANT: All right.

9 Q Okay. And who represented you on your charges?

10 A Ricky Harris.

11 Q And can you talk a little bit louder. I'm sorry.

12 A Ricky Harris.

13 Q Okay. And you filed an application for post-
14 conviction relief because you think Mr. Harris did
15 not properly represent you; is that correct?

16 A Correct.

17 Q Okay. You entered into a plea negotiation with the
18 State; is that correct?

19 A Correct.

20 Q And -- and they recommended or did a negotiated
21 sentence in this case; is this correct?

22 A Yes, sir.

23 Q And what was that negotiation?

24 A Fifteen -- 15.

25 Q Okay. Did you talk to your lawyer about what that

1 meant, the negotiated sentence?

2 A I mean, kind of, yeah. I mean, I didn't know. I
3 didn't even know what was going on. I -- I didn't
4 know.

5 Q He --

6 A I was young. I didn't know.

7 Q He didn't tell you about the judge had to sentence
8 you to the negotiation and not sentence you? Did
9 he talk to you about that?

10 A I only seen him one time.

11 Q You what?

12 A I only seen him one time.

13 Q One time? Now, where was that at when you saw him?

14 A That was the week before court.

15 Q Okay. And when you saw him, what'd y'all talk
16 about?

17 A He just brought me my motion.

18 Q Okay. You-all talked about the discovery?

19 A I mean, basically, but he -- I mean, he was just --
20 it was just you take the 15 and that's what it is,
21 you know what I'm saying? It wasn't nothing --
22 nothing else. No talking. No nothing.

23 Q Did you want to have a trial?

24 A No. That -- that's what they was saying. They
25 said, because they had kept me in confinement for

1 three weeks -- see what I'm saying -- because I
2 wouldn't take the 15 --

3 Q Okay.

4 A -- but it came down to, you know, take the 15 or
5 I'm going go to trial (as spoken), you know. And I
6 wasn't -- I wasn't trying to go trial.

7 Q Okay. You didn't think your case was good enough
8 that you were going to be found not guilty by a
9 jury?

10 A I -- I guess so, yes, sir.

11 Q Okay. And so -- but you believe that Mr. Harris
12 did not do any investigation in your case?

13 A Yes, sir.

14 Q Okay. What investigation did you want him to do?

15 A The -- I mean, the mitigating.

16 Q The what?

17 A The mitigating.

18 Q What's -- say that again.

19 A Mitigating.

20 Q Mitigation?

21 A Mitigation.

22 Q Okay. Okay. So you wanted him to bring proper
23 mitigation to court?

24 A Yeah. The -- like the documents to prove me. To
25 prove the things that I'm trying to say, you know

1 what I'm saying. It was -- it was -- none of that
2 was in it or nothing like -- it wasn't -- I was --
3 I didn't never see him but one time.

4 Q Okay. And -- and tell me what the mitigation is
5 exactly.

6 A It's doing an investigation into your background.

7 Q Okay. So you think he should have did more of a
8 background, holistic approach of who you were,
9 correct?

10 A Correct.

11 Q And you believe if he had done that, we would have
12 changed negotiation?

13 A Maybe before.

14 Q Okay. But you do understand that the judge had to
15 sentence you to 15 years under that -- the way it
16 was done?

17 A Right.

18 Q Right?

19 A Yes.

20 Q And -- and did you tell Mr. Harris, "Hey, I don't
21 want 15 years"?

22 A I -- I told him I didn't want to go to trial.

23 Q Okay. But did you tell him, "I don't want the 15-
24 year deal?"

25 A Of course.

1 Q Okay. And what was his response to that?

2 A The 15.

3 Q Okay. Okay. So you believe if he had had proper
4 mitigation that your negotiation would ultimately
5 went down?

6 A That and the insignificant -- the insignificance --
7 am I saying it right?

8 Q Yes. So go -- just talk.

9 A I'm making sure I'm saying it right, though.

10 Q Yeah. You're all right.

11 A With that, yes, sir. With that right there being
12 the process, yeah.

13 Q Okay. What happened in the case?

14 A Whatcha mean?

15 Q Does it mean -- how -- how did the cops -- how did
16 you get charged with this?

17 A The police had got behind me, and I took them on a
18 high-speed chase, you know what I'm saying? And it
19 -- I guess, like I --

20 THE COURT REPORTER: I can't hear him.

21 THE COURT: Can you speak up just a little?

22 She's got to take down everything you say.

23 THE APPLICANT: Yes, sir.

24 Q Go ahead.

25 A Shoot. And I had took them on a high-speed chase

1 and I had crashed the car and I had drugs and guns
2 on me, you know what I'm saying?

3 Q Okay.

4 A And that was pretty much how it happened.

5 Q Okay. How old were you when this happened?

6 A Like 20 -- 19 or 20.

7 Q Twenty years old?

8 A (Nods head up and down.)

9 Q Okay. And you believe Mr. Harris should have done
10 more because of your age?

11 A Yes, sir.

12 Q Okay. All right.

13 MR. RICHEY: Answer any questions the Attorney
14 General has for you.

15 THE COURT: All right. Cross?

16 MS. MARTO: Yes, Your Honor.

17 CROSS-EXAMINATION

18 BY MS. MARTO:

19 Q Good morning, sir.

20 A Good morning.

21 Q Now, at the plea hearing, the judge told you that
22 she was bound to the negotiations, right? That she
23 couldn't change the sentence?

24 A Yes, ma'am.

25 Q And so she told you she could either reject the

1 offer or not, but that she couldn't give you less
2 time at the hearing?

3 A Yes, ma'am.

4 Q Now, you stated you didn't want to go to trial on
5 this, correct?

6 A Yes, ma'am.

7 Q And is that still the case? You'd still rather
8 plea over a trial in retrospect?

9 A Yes, ma'am.

10 Q Now, do you -- did you want the mitigation evidence
11 to be offered to the solicitor when they were
12 trying to work out the plea deal, or did you want
13 it stated on the record at the plea hearing?

14 A The first one you ever said was like before --

15 Q Okay.

16 A -- before the trial, right?

17 Q Okay. But did Mr. Harris say that he had found you
18 the best plea offer he could, and it's that or go
19 to trial?

20 A Yes, ma'am.

21 Q Now, do you think, given the facts, you would have
22 been found guilty at trial?

23 A Yes, ma'am.

24 Q And you agreed to the facts on the record at the
25 plea hearing, right?

1 A Yes, ma'am.

2 MS. MARTO: No further questions, Your Honor.

3 THE COURT: All right. (To Mr. Richey) Any
4 redirect?

5 MR. RICHEY: No other questions. We call Mr.
6 Harris.

7 THE COURT: All right. (To the applicant)
8 You may step down. All right.

9 MR. RICHEY: Excuse me, Judge.

10 THE COURT: (To the applicant) You may step
11 down.

12 (WHEREUPON, the applicant is excused.)

13 (WHEREUPON, the witness is sworn.)

14 DIRECT EXAMINATION

15 BY MR. RICHEY:

16 Q Sir, can you state your name, please?

17 A Ricky Harris.

18 Q Mr. Harris, are you an attorney in Spartanburg?

19 A Yes.

20 Q Do you recall representing Christopher Wylie?

21 A Yes.

22 Q And -- and you were in the courtroom and heard the
23 testimony. Is there any mitigation you could have
24 presented to help him get this negotiation reduced
25 from 15 years?

1 A I assume from hearing Mr. Wylie's testimony just
2 now that he is referring to things that I might
3 have discussed with the solicitor's office in
4 negotiating his case. And, my understanding --
5 that's my understanding. And to the extent that it
6 was possible, I did that.

7 Q And -- and the facts of the case, were they
8 essentially what he testified to?

9 A Yes, sir.

10 Q Okay. And in getting the case, did -- did you talk
11 to him prior to the guilty plea and all that?

12 A Yes. I did.

13 Q And I think he testified you talked to him one
14 time; is that correct?

15 A That is incorrect. I talked to him more than that.

16 Q Okay. And when you talked to him, was the talk
17 centered around the -- the case and the
18 negotiations and all that?

19 A The discussions always involved the status of his
20 case, the discovery in the case, and I represented
21 him on more than one set of charges. He had
22 several sets of charges. The April charges that he
23 ultimately pled guilty to, probably involved the
24 most serious single allegation, which was
25 trafficking more than 28 grams. We discussed the

1 facts and circumstances of all of those cases. We
2 eventually honed in on the trafficking charges, the
3 traffic -- the high-speed chase, the traffic
4 accident that he has referenced to.

5 We discussed plea negotiations several times.
6 We discussed why was the solicitor taking this
7 attitude about his case. We speculated about that
8 quite a bit. So all of those things over the
9 course of various phone calls and in-person
10 meetings.

11 Q You said "the April set." Did he have another set
12 of cases before or after the April? Do you recall?

13 A The -- I don't remember off the top of my head. I
14 do know that when I first started representing Mr.
15 Wylie, he had a violation of probation matter
16 pending, so that tells me that he had convictions
17 certainly predating some of his arrest; and then he
18 was -- had been arrested, I think, two or three
19 times. He was arrested in, I believe, in May of
20 2018, it was certainly the April incident; and I
21 believe there was one other.

22 Q Did you discuss with him about the negotiation
23 versus recommendations or anything the judge was
24 bound by the sentence?

25 A Yes.

1 Q Okay. And did you discuss with him that the judge
2 being bound by that sentence there's really not
3 much you can do if he accept (as spoken) that
4 negotiation?

5 A Well, let -- let me answer this way -- that is
6 correct. Let me answer this way: I discussed with
7 Mr. Wylie when we discussed the State's plea offer,
8 and these negotiations took place during the summer
9 leading up to his November plea. So we went back
10 and forth with the solicitor's office during that
11 whole summer and fall. And I told Mr. Wylie that I
12 didn't agree with the State's position about his
13 case, that I thought that they were being too harsh
14 with what they wanted from the case. And I tried
15 to explain to him, although it is a matter of
16 speculation, of course, on my part, but pretty
17 educated speculation, of why they were taking the
18 approach they were taking, but that I was trying to
19 get the best I could get for him.

20 We talked about trying to convince the State
21 to come off the -- insisting on a 15-year sentence
22 as a bottom line from the State, 15 years, by
23 allowing him to plead to a range of 10 to 15 years,
24 and give some discretion to the Court, but the
25 State refused to agree to that.

1 Q Thank you.

2 MR. RICHEY: Answer any questions the Attorney
3 General has.

4 CROSS-EXAMINATION

5 BY MS. MARTO:

6 Q Good morning, sir.

7 A Good morning.

8 Q So just to confirm, you think all the mitigation
9 evidence that he brought up in court today was
10 already brought up to the solicitor; is that fair
11 to say?

12 A Well, I didn't hear any mitigation evidence today.
13 He --

14 Q Okay.

15 A He said there was some, but I didn't hear any --

16 Q Okay.

17 A -- stated. What I discussed with the solicitor at
18 various times was that he was very young, although
19 he had a substantial criminal history of -- at a
20 young age. Basically, some of what I stated to the
21 Court in the plea hearing -- it -- it's in the
22 transcript.

23 So I brought up his age. I brought up the
24 fact that I was convinced he was an addict. I -- I
25 raised the subject of what evidence do you really

1 have that he's involved in a substantial way in the
2 drug trade as opposed to being part of a -- just a
3 culture of taking and using drugs. But Mr. Wylie's
4 criminal history and, I guess, the attitude that
5 law enforcement in Cherokee County had about his --
6 him and his activities, could not be overcome with
7 any -- I don't think there was anything I could
8 have told them in -- in by way of background or
9 mitigation that would have got them to come below
10 15 years.

11 It was -- we were probably lucky, because they
12 threatened to seek a life without parole sentence
13 even at that young age. And I -- I greatly
14 disagreed with that tactic, and I expressed it to
15 them, but they were -- we were under threat if we
16 didn't accept the 15-year negotiation that they
17 would serve a "life without parole" notice.

18 Q And the decision to plead was ultimately Mr.
19 Wylie's, correct?

20 A Yes.

21 Q Okay. You've -- at least from your observations,
22 knew what he was doing by pleading?

23 A Yes. He didn't like it, but he -- he knew,
24 precisely, that -- that the judge would either
25 accept the negotiation, and he would receive a 15-

1 year sentence, or the judge would not accept the
2 negotiation, and we would then face at least the
3 risk of being served with a life notice.

4 MS. MARTO: No further questions, Your Honor.

5 THE COURT: (To Mr. Richey) Any redirect?

6 MR. RICHEY: No other questions.

7 THE COURT: All right. You may step down.

8 Thank you, sir.

9 (WHEREUPON, the witness was excused.)

10 THE COURT: All right. Any other witnesses,
11 Mr. Richey?

12 MR. RICHEY: No, sir.

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

15 MS. MARTO: No, Your Honor.

16 THE COURT: All right. All right. Anything
17 else from the parties?

18 MR. RICHEY: No, sir.

19 MS. MARTO: No, Your Honor.

20 THE COURT: All right. Thank you both. I
21 will take this under advisement.

22 MS. MARTO: Thank you, Your Honor.

23 (Whereupon the within hearing was
24 concluded at 11:06 a.m.)

25 (*This transcript may contain quoted material.

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2 by the speaker.)

STATE OF SOUTH CAROLINA)
 COUNTY OF CHEROKEE)
)
)
 Christopher A. Wylie, #367575,)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-11-0662

ORDER OF DISMISSAL

FILED IN THE OFFICE
 CLERK OF COURT
 2022 MAY 12 A 11:29
 BRANDY W. HOPKINS
 CHEROKEE COUNTY, SC

This matter comes before this Court by way of Applicant’s post-conviction relief application filed September 8, 2020. Respondent made its return on May 18, 2021, requesting an evidentiary hearing be convened. An evidentiary hearing was held on April 19, 2022, at 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 Ricky Harris 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 Cherokee County Clerk of Court. During its June 2018 term, the Cherokee County Grand Jury indicted Applicant for pointing or presenting a firearm at a person (2018-GS-11-00818), possession with intent to distribute alprazolam (2018-GS-11-00819), possession of a firearm or ammunition by persons convicted of a violent felony (2018-GS-11-00820), possession with intent to distribute marijuana (2018-GS-11-00821), unlawful

carrying of a firearm (2018-GS-11-00822), failure to stop motor vehicle when signaled by officer, (2018-GS-11-00823), and trafficking in methamphetamine (count one) and possession of a firearm during commission of a violent crime (count two) (2018-GS-11-00824). Applicant was represented by Ricky Harris, Esquire. Assistant Solicitor Kimberly Leskanic of the Seventh Circuit Solicitor's Office prosecuted the case. On November 5, 2019, Applicant appeared before the Honorable Grace Gilchrist Knie, circuit court judge, and pled guilty to a negotiated fifteen years' imprisonment for the -824 count one, ten years' imprisonment sentence on -821, five years' imprisonment on the -819, -820, -824 count two charges, three years' on the -823 charge, one year for -822. The -818 charge was dismissed. Judge Knie sentenced Applicant in accordance with plea negotiations, sentences running concurrently. Applicant did not pursue a direct appeal.

Summary of Relevant Facts

On April 14, 2018, Deputy Hutchins was on a routine patrol when he noticed a vehicle around midnight weaving back and forth and not maintaining its lane of travel, so he turned on his lights and initiated a stop. (Tr. 13). Applicant sped up, continued driving, ran several stop signs, and made several turns before losing control of the vehicle and wrecked into two parked cars in front of a residence. (Tr. 13-14). Officers immediately nabbed him. (Tr. 14). During the search incident to arrest, they found a bag of marijuana and two bags of methamphetamine, a large amount of cash, and a pill bottle of Alprazolam pills without a prescription. (Tr. 14). A 38 revolver was found in his sock. (Tr. 14). When asked if he had anything else, he stated he had more drugs in the car. (Tr. 14). In the car they found a 40 caliber Ruger pistol and several other bags of marijuana. (Tr. 14).

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:

1. "Ineffective assistance of counsel."
 - a. "failure to obtain a mitigating investigator or otherwise adequately prepare and present powerful mitigating evidence.

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

1. Ineffective assistance of counsel:
 - a. For failure to investigate and present stronger mitigation evidence in securing a more favorable plea offer; and
 - b. For failure to review discovery.

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

Applicant Testimony

Applicant testified he was arrested and charged for trafficking methamphetamine. He stated he did not think Counsel properly represented him. He stated he pled to a negotiated fifteen-year sentence. He stated he only saw Counsel one time, and they never talked about discovery. He stated he never wanted to go to trial. He testified that Counsel did not do anything for him. Applicant stated that he wanted Counsel to bring up mitigation evidence as a part of plea negotiations to obtain a more favorable plea offer. He testified that Counsel should have investigated his background more. He stated he told Counsel he never wanted to go to trial. Applicant testified that the basis of the charges was that he was on a high-speed chase, and he had drugs and guns on his person. Applicant testified he was nineteen or twenty years old at the time of the incident and that he wanted Counsel to bring this up in plea negotiations with the State.

On cross-examination, Applicant stated he wanted mitigation evidence brought up during plea negotiations, not at the plea hearing itself. He stated that the Plea Judge informed him that she was bound to the plea negotiations and could not give him a more lenient sentence. Applicant agreed he would likely be found guilty at trial and, accordingly, stated he did not want to go to trial, but wanted a more favorable plea offer.

Counsel Testimony

Counsel testified that he used whatever mitigation evidence he had knowledge of when securing the negotiated plea offer. Counsel stated he spoke with Applicant multiple times concerning several sets of charges. He stated that the trafficking charge was the most serious. Counsel testified that they discussed the status of the case, the prosecutor handling the case, and the facts of the case. He stated that Applicant had probation violations when he became involved in the case. Counsel testified that he discussed that the judge was bound to the negotiated sentence if the plea was accepted. Counsel stated that he told Applicant he did not agree with the State's position on the case and attempted to get a sentence less than fifteen years' imprisonment, but the State refused.

On cross-examination, Counsel stated that he informed the prosecutor during plea negotiations that Applicant was very young, that he was convinced he was an addict, and questioned whether he was involved in a drug trade. He stated that Applicant was lucky because the State was threatening to serve him with a notice of intent to seek life without parole if he did not plead. Counsel testified that, to the best of his knowledge, Applicant knew what he was doing by entering the plea.

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 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), SCRCP ("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 (2011) (quoting *Strickland*, 466 U.S. at 697).

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.

Failure to Investigate

Applicant claims Counsel was ineffective for failing to investigate and present Applicant's background for mitigation evidence. 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).

This Court finds this allegation is without merit. Counsel credibly testified that during plea negotiations he addressed the fact that Applicant was young and an addict in securing the fifteen years' imprisonment negotiated plea offer. Additionally, beyond stating that he wished Counsel brought up his age in plea negotiations, Applicant failed to show any mitigating evidence that Counsel did not investigate and that could have led to him procuring a more favorable plea offer or sentence. Thus, this Court finds that Counsel was not deficiency, and no prejudice can be found flowing therefrom. Accordingly, this Court declines to grant relief in this matter.

Failure to Review Discovery

Applicant's allegation that Counsel was ineffective for failure to review discovery with him is without merit. 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, the charges against him, the consequences of taking a plea, 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).

Counsel credibly testified that they reviewed the facts and status of the case with Applicant, and Applicant seemingly understood what he was pleading to when he decided to plead. Counsel also stated he had an opportunity to review the evidence with Applicant at the plea hearing. (Tr. 17). Further, no prejudice is found because Applicant repetitively stated at the plea hearing that he did not want to proceed forward at trial, but instead wanted a more favorable plea. Thus, this Court finds this claim without merit and denies relief as a result.

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.

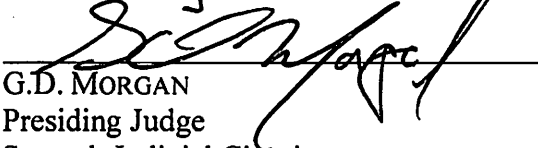
This Court notifies the Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCR 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 procedures.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 5th day of May, 2022.



G.D. MORGAN
Presiding Judge
Seventh Judicial Circuit

Spartanburg, South Carolina.

WITNESSES

Cherokee County Sheriff's Office

[Signature]

ARREST WARRANT NUMBER

2018A110100157

ACTION OF GRAND JURY
JURY CALL

[Signature]
Foreperson of Grand Jury
Date: 6-21-18

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **18-GS-11-00818**

The State of South Carolina

County of Cherokee

Barry Bannette, Solicitor

COURT OF GENERAL SESSIONS

JUNE 21 2018 TERM

THE STATE

vs.

CHRISTOPHER AUSTIN WYLIE

Indictment for

WEAPONS/POINT AND/OR PRESENT
FIREARMS AT PERSONS

SC Code: 16-23-410
CDR Code: 122
Class FEL-F

11/5/19 - NP per plea agreement

A sentenced to 15 yrs.

[Signature]

[Handwritten notes]

[Handwritten signature]

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on June 21 2018, the Grand Jurors of Cherokee County present upon their oath:

WEAPONS/POINT AND/OR PRESENT FIREARMS AT PERSON

That Christopher Austin Wylie did in Cherokee County on or about February 12, 2018, unlawfully and not in self defense present or point a loaded or unloaded firearm at another person, to wit: point/present a firearm at Brandon Scott Humphries, all in violation of §16-23-410, of 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

DOCKET NO. **18-GS-11-00819**

The State of South Carolina

County of Cherokee

Barry Barneffe, Solicitor

COURT OF GENERAL SESSIONS

June 21 2018 TERM

THE STATE

vs.

CHRISTOPHER AUSTIN WYLIE

Indictment for

POSSESSION WITH INTENT TO DISTRIBUTE
ALPRAZOLAM

SC Code: 44-53-370

WITNESSES

Cherokee County Sheriff's Office

[Signature]

ARREST WARRANT(S)

2018A1110200113

ACTION OF GRAND JURY

TRUE BILL

[Signature]

Foreperson of Grand Jury

Date: 6-21-18

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on June 21 2018, the Grand Jurors of Cherokee County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE ALPRAZOLAM

That Christopher Austin Wylie did in Cherokee County on or about April 14, 2018, possess with intent to distribute, dispense, or deliver, a quantity of Alprazolam, a schedule IV controlled substance defined by §44-53-250, SC Code of Laws, in violation of §44-53-370, (1976), as amended, such possession not having been authorized by law.

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



ASSISTANT SOLICITOR

DOCKET NO. **18-GS-11-00820**

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

June 21 2018 TERM

THE STATE

vs.

CHRISTOPHER AUSTIN WYLIE

Indictment for

**WEAPONS / POSSESSION OF FIREARM OR
AMMUNITION BY PERSON CONVICTED OF
VIOLENT FELONY**

SC Code: 16-23-0500 (A)
CDR Code: 3434
Class FEL/F

WITNESSES

Cherokee County Sheriff's Office

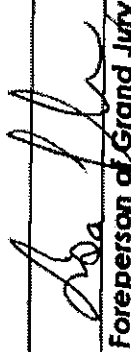


ARREST WARRANT NUMBER

2018A1110200114

ACTION OF GRAND JURY

TRUE BILL



Foreperson of Grand Jury

Date: 6-21-18

VERDICT

Foreperson of Petit Jury

Date:

FILED

18

2018 JUN 21 AM 11:00

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on June 21 2018, the
 Grand Jurors of Cherokee County present upon their oath:

**WEAPONS / POSSESSION OF FIREARM OR AMMUNITION BY PERSON CONVICTED
 OF VIOLENT FELONY**

That Christopher Austin Wylie did in Cherokee County on or about April 14,
 2018, willfully and unlawfully after being convicted of a violent crime as defined
 by §16-1-60 that is classified as a felony offense, possess a firearm or ammunition
 within this State, in violation of §16-23-0500 (A), *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

DOCKET NO. **18-GS-11-00821**

The State of South Carolina

County of Cherokee

Barry Barneffe, Solicitor

COURT OF GENERAL SESSIONS

June 21 2018 TERM

THE STATE

vs.

CHRISTOPHER AUSTIN WYLIE

Indictment for

**POSSESSION WITH INTENT TO DISTRIBUTE
MARIJUANA**

SC Code: 44-53-370

WITNESSES

Cherokee County Sheriff's Office

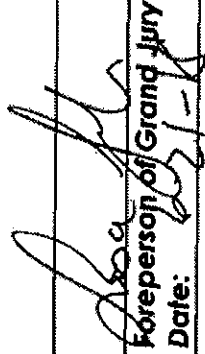


ARREST WARRANT(S)

2018A11102.0011G

ACTION OF GRAND JURY

TRIFBI


Foreperson of Grand Jury
Date: 6-21-18

VERDICT

Foreperson of Petit Jury
Date:

FILED
2018 JUN 21 AM 11:11
BRADY W. JONES

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on June 21 2018 the
Grand Jurors of Cherokee County present upon their oath:

POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA

That Christopher Austin Wylie did in Cherokee County on or about April 14,
2018, possess with intent to distribute, dispense, or deliver a quantity of
Marijuana a schedule I controlled substance, defined by §44-53-190 of the SC
Code of Laws, (1976), in violation of §44-53-370, of the SC Code of Laws, (1976),
as amended, such possession not having been authorized by law.

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



ASSISTANT SOLICITOR

WITNESSES

Cherokee County Sheriff's Office

[Signature]

DOCKET NO. **18-GS-11-00822**

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

June 21 2018 TERM

2018A1110200117

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: *6-21-18*

VERDICT

Foreperson of Petit Jury
Date:

THE STATE

vs.

CHRISTOPHEHR AUSTIN WYLLIE

Indictment for

UNLAWFUL
CARRYING OF FIREARM

SC Code: 16-23-20, 0050 (A) (2)
CDR Code: 0044
Class MIS-C

INDICTMENT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

At a Court of General Sessions, convened on June 21 2018, the
 Grand Jurors of Cherokee County present upon their oath:

UNLAWFUL CARRYING OF FIREARM

That Christopher Austin Wylie did in Cherokee County on or about April 14, 2018, willfully and unlawfully have in his possession a firearm, described as follows: a .38 special revolver, and a Ruger .40 caliber pistol, in a manner not being authorized by law to so possess a gun, in violation of §16-23-20, 50 (A)(2), *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

DOCKET NO. **18-GS-11-00823**

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

June 21 2018 TERM

THE STATE

vs.

CHRISTOPHER AUSTIN WYLIE

Indictment for

FAILURE TO STOP MOTOR VEHICLE
WHEN SIGNALLED BY OFFICER

SC Code: 56-5-750 (B)(1)
CDR Code: 0065
Class MIS/A

WITNESSES

Cherokee County Sheriff's Office

[Signature]

ARREST WARRANT NUMBER

2018A110200118

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 6-21-18

VERDICT

Foreperson of Petit Jury

Date:

FILED IN COURT OF S
COURT OF GENERAL SESSIONS
COUNTY OF CHEROKEE

BY: *[Signature]*
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on June 21 2018, the
 Grand Jurors of Cherokee County present upon their oath:

**FAILURE TO STOP MOTOR VEHICLE WHEN
 SIGNALLED BY A LAW ENFORCEMENT VEHICLE**

That Christopher Austin Wylie did in Cherokee County on or about April 14, 2018, willfully fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, in violation of §56-5-750 (B) (1), 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

DOCKET NO. **18-GS-11-00824**

The State of South Carolina

County of Cherokee

Barry Bannette, Solicitor

COURT OF GENERAL SESSIONS

JUNE 21 2018 TERM

THE STATE

vs.

CHRISTOPHER AUSTIN WYLIE

Indictment for

TRAFFICKING IN METHAMPHETAMINE-
COUNT ONE AND POSSESSION OF FIREARM
DURING COMMISSION OF A VIOLENT
CRIME- COUNT TWO

SC Code: 44-53-375; 16-23-490
CDR: 0549
CLASS: Fel/F

WITNESSES

Cherokee County Sheriff's Office

[Signature]

ARREST WARRANT NUMBER

2018A1110200119- COUNT ONE

2018A1110200115- COUNT TWO

ACTION OF GRAND JURY

TRILL

[Signature]
Foreperson of Grand Jury
Date: 8-27-18

VERDICT

Foreperson of Petit Jury

Date:

RECORDED
INDEXED
26 JUN 21 2018
BARRETT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on June 21 2018, the Grand Jurors of Cherokee County present upon their oath:

TRAFFICKING IN METHAMPHETAMINE - COUNT ONE

That Christopher Austin Wylie did in Cherokee County on or about April 14, 2018, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess (28) twenty-eight grams or more, but less than (100) one hundred grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

**POSSESSION OF FIREARM DURING
COMMISSION OF A VIOLENT CRIME- COUNT TWO**

That Christopher Austin Wylie did in Cherokee County on or about April 14, 2018, possess a firearm, during the commission of a violent crime as defined in Code §16-1-60, to wit: TRAFFICKING IN METHAMPHETAMINE, in violation of Code §16-23-490, 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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS. Christopher Austin Wylie

INDICTMENT/CASE#: 2018GS1100819
A/W#: 2018A1110200113
Date of Offense: 4/14/2018
S.C. Code § : 44-53-0370(b)(3)
CDR Code #: 0190

AKA:
Race: WHITE Sex: M Age: 21
City, State, Zip: Greenville, SC 29340

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS AS 5-1/2-6K

In disposition of the said indictment comes now the Defendant who was TO: Drugs / Manuf., possession of Schedule IV, except flunitrazepam drugs with intent to distribute - 2nd or sub. offense Alprazolam

in violation of § 44-53-0370(b)(3) of the S.C. Code of Laws, bearing CDR Code # 0190
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

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

ATTEST: Wells, Jennifer E. SC Bar# SC027498 Defendant
Harris, Ricky Keith SC Bar# SCB02750 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: PV 15-65-11-87

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 166 day

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

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

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

Recipient: Substance Abuse Counseling Random Drug/Alcohol testing

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$8.25. TOTAL \$283.25

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

Other:

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Brandy W. Mcbee
Court Reporter: Lisa Nowell

Presiding Judge
Judge Code: 2700
Sentence Date: November 5, 2019

STATE OF SOUTH CAROLINA)
 COUNTY OF Cherokee)
 STATE VS.)
 Christopher Austin Wylie)
 AKA:)
 Race: WHITE Sex: M Age: 21)
 Address:)
 City, State, Zip: Greenville, SC 29340)
 DL#: SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS1100820
 A/W#: 2018A110200114
 Date of Offense: 4/14/2018
 S.C. Code § : 16-23-0500(A)
 CDR Code #: 3434

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS Burglary
 TO: Weapons / Possession of Firearm or Ammunition by person convicted of violent felony (0-5yr +/w 0-2E) (15-GS-11-87)

in violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. 5 yr conc.

ATTEST: [Signature] 16857 [Signature] [Signature] SCB02750
 WELLS, KENNIPER E. SC Bar# Defendant Harris, Ricky Keith Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: PV 15-GS-11-97

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 166 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

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

Payment Terms: _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc. Rehab. or Job Corp. _____

Recipient: _____ May serve W/E begining _____
 Substance Abuse Counseling

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	<u>\$100</u>	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	<u>\$23</u>	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Brandy W. McBee
 Court Reporter: Lisa Nowell

Presiding Judge [Signature]
 Judge Code: 2760
 Sentence Date: November 5, 2019

STATE OF SOUTH CAROLINA

COUNTY OF Cherokee
STATE VS. Christopher Austin Wylie
AKA:
Race: WHITE Sex: M Age: 21

Address: 7th St
City, State, Zip: Gaffney, SC 29341
DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS Marijuana (0-10 to 0-10K)
TO: Drugs / Manuf., poss. of other sub. in Sch. I, II, III or flunitrazepam or analogue, w.i.t.d. - 2nd offense

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0187
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. 10 yr conc.

ATTEST: WELLS, DEAN PERE. SC Bar# 14837 SCB02750
Coxie Defendant Harris, Ricky Keith Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/year or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: PV 15-65-11-87

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 166 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

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

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 8.25

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk Brandy W. McBeal
Court Reporter: Lisa Nowell

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS1100821
A/W#: 2018A1110200116
Date of Offense: 4/14/2018
S.C. Code § : 44-53-0370(b)(2)
CDR Code #: 0187

SENTENCE SHEET

CONVICTED OF or PLEADS

Marijuana (0-10 to 0-10K)

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0187

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

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

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. 10 yr conc.

ATTEST: WELLS, DEAN PERE. SC Bar# 14837 SCB02750
Coxie Defendant Harris, Ricky Keith Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/year or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: PV 15-65-11-87

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. 166 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

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

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 8.25

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge
Judge Code: 2700
Sentence Date: November 5, 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS. Christopher Austin Wylie

INDICTMENT/CASE#: 2018GS1100822
A/W#: 2018A1110200117
Date of Offense: 4/14/2018
S.C. Code § : 16-23-0020; 16-23-0050(A)
CDR Code #: 0044

AKA:
Race: WHITE Sex: M Age: 21

Address:
City, State, Zip:
DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Weapons / Unlawful carrying of pistol

CONVICTED OF or PLEADS

in violation of § 16-23-0020; 16-23-0050(A) of the S.C. Code of Laws, bearing CDR Code # 0044
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45

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

ATTEST:
WELLS, JENNIFER E. SC Bar#
C. Wylie Defendant
Harris, Ricky Keith Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: PU 15-GS-11-87

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

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

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like §14-1-206 (Assessments 107.5 %), §14-1-211(A)(1) (Conv. Surcharge), §14-1-211(A)(2) (DUI Surcharge), §56-5-2995 (DUI Assessment), §56-1-286 (DUI Breath Test), Proviso (Public Def/Probation), §14-1-212 (Law Enforce. Funding), §14-1-213 (Drug Court Surcharge), §50-21-114(BUI Breath Test Fee), §56-5-2942(J) (Vehicle Assessment), 3% to County (if paid in installments), and TOTAL \$128.75.

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

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk Brandy W. McBee
Court Reporter: Lisa Nowell

Presiding Judge
Judge Code: 2760
Sentence Date: November 5, 2019

196
 STATE OF SOUTH CAROLINA)
 COUNTY OF Cherokee)
 STATE VS.)
 Christopher Austin Wylie)
 AKA:)
 [Redacted] 21)
 Address:)
 City, State, Zip: Gaffney, SC 29340)
 DL#:) SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS1100823
 A/W#: 2018A1110200118
 Date of Offense: 4/14/2018
 S.C. Code § : 56-05-0750(B)(1)
 CDR Code #: 0065

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Traffic / Failure to stop for a blue light, no injury or death - 1st offense (90 days - 3yr or 500)

in violation of § 56-05-0750(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0065
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. 3yr conc.

ATTEST: Wells, Jennifer E. SCB02750
16837 SCB02750
C. Wylie Defendant
Harris, Ricky Keith Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: PV 15-G-3-11-07

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 166 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

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

Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)		\$.75

TOTAL \$ 25.75

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

Appointed PD or appointed other counsel,
 Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Clerk of Court/ Deputy Clerk Brandy W. Mcbee
 Court Reporter: Lisa Nowell

Presiding Judge [Signature]
 Judge Code: 2760
 Sentence Date: November 5, 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS. Christopher Austin Wylie

INDICTMENT/CASE#: 2018GS1100824
A/W#: 2018A1110200119
Date of Offense: 4/14/2018
S.C. Code § 44-53-0375(C)(2)(b)
CDR Code #: 0389

AKA:
City, State, Zip: GREENVILLE, SC 29615
DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / Trafficking in ice, crank or crack - 28 g or more, but less than 100 g - 2nd offense (7-30yr + 50K) (Meth)

in violation of § 44-53-0375(C)(2)(b) of the S.C. Code of Laws, bearing CDR Code # 0389
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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

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

ATTEST: W. B. L. HENNINGER, E. SC Bar# 119837 SCB02798 Defendant X CWYWE Harris, Ricky Keith Attorney for Defendant SCB02750 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ 50,000; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: PV 15-GS-11-87

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 166 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

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

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3120.75.

TOTAL \$ 107,145.75

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

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Brandy W. McBeal
Court Reporter: Lisa Nowell

Presiding Judge
Judge Code: 2760
Sentence Date: November 5, 2019