

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

—————  
Certiorari to Aiken County

Honorable Robert J. Bonds, Circuit Court Judge  
—————

MARKESE EAST,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000557  
—————

APPENDIX  
—————

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## INDEX

INDEX .....	i
TRIAL TRANSCRIPT DATED JANUARY 5-7, 2016.....	1
ARREST WARRANT, INDICTMENT, SENTENCE SHEET, AND VERDICT FORM- MURDER .....	445
ARREST WARRANT, INDICTMENT, SENTENCE SHEET, AND VERDICT FORM- ARMED ROBBERY .....	451
ARREST WARRANT, INDICTMENT, SENTENCE SHEET, AND VERDICT FORM- BURGLARY IN THE FIRST DEGREE.....	457
APPLICATION FOR POST-CONVICTION RELIEF .....	463
RETURN AND MOTION TO DISMISS.....	470
AMENDED RETURN AND PARTIAL MOTION TO DISMISS.....	475
TRANSCRIPT OF HEARING DATED MAY 14, 2019 .....	482
AMENDED APPLICATION FOR POST-CONVCITION RELIEF.....	496
PCR HEARING TRANSCRIPT DATED FEBRUARY 2, 2022.....	499
PRE-FILED PCR HEARING EXHIBITS- APPLICANT’S EXHIBIT’S #1 AND #2.....	564
ORDER GRANTING BELATED APPELLATE REVIEW OF DIRECT APPEAL ISSUES PURSUANT TO <i>WHITE</i> AND DENYING ALL OTHER POST-CONVICTION RELIEF CLAIMS .....	567

1           (The following proceedings were held February 2,  
2 2022, beginning at 10:29 AM.)

3           THE COURT:   Mr. East?

4           THE APPLICANT:  I can't -- who is that?

5           THE COURT:   Can you hear me, Mr. East?

6           THE APPLICANT:  Okay.  Yeah.

7           THE COURT:   Okay.  Mr. East, my name is Judge  
8 Bonds, and your lawyer is here and the attorney general's  
9 office is here and we are going to move forward with the  
10 post-conviction application that you filed.

11           Do you understand that, sir?

12           THE APPLICANT:  Yes, sir.

13           THE COURT:   Okay.  Before we go any further, sir,  
14 let me just go ahead and swear you in.

15           Would you raise your right hand, please, Mr. East.

16           THE APPLICANT:  I can try.

17           THE COURT:   All right.  Well, as long as you can --  
18 you're trying right now.  I can tell.

19           Mr. East, do you swear to tell the truth, the whole  
20 truth and nothing but the truth so help you God?

21           THE APPLICANT:  Yes, sir.

22           THE COURT:   All right.  Thank you, Mr. East.  You  
23 can put your hand down.

24           All right.  I'm ready to hear from Attorney General  
25 Jameson.

1           You're not -- we can't hear you.

2           MS. JAMESON: Still muted. I apologize, Your Honor.

3           May it please the Court?

4           THE COURT: Yes, ma'am.

5           MS. JAMESON: This is the matter of Markese East  
6 versus the State. Docket Number 2017-CP-02-0146.

7           On May 28, 2013, Mr. East and three co-defendants  
8 broke into the home of Shane Jones with the intent to  
9 rob him and ended up fatally shooting Mr. Jones and  
10 wounding Raven Williams, an occupant of the home.

11           The following day, Mr. East voluntarily arrived  
12 at the Aiken Department of Public Safety and gave a  
13 statement admitting his guilt and implicating his  
14 co-defendants in the murder, armed robbery and burglary.  
15 He was subsequently indicted by the Aiken County Grand  
16 Jury for murder, armed robbery and burglary. Kevin Beck  
17 was appointed to represent him and Aaron Walsh was later  
18 appointed to assist in a second chair capacity.

19           Mr. East, alongside counsel, later gave a second  
20 statement to law enforcement that was consistent with  
21 his first statement and, again, implicated himself and  
22 his co-defendants.

23           Mr. East's three co-defendants all pled guilty  
24 receiving aggregate 30-year sentences. Two of the  
25 co-defendants for murder and the ancillary offenses

1 and one co-defendant to the lesser included offense  
2 of voluntary manslaughter, all for 30-year aggregate  
3 sentences.

4 Mr. East rejected the plea offer from the State  
5 for an aggregate 30-year sentence and proceeded to a  
6 jury trial before Judge Early on January 5th of 2016.  
7 Prior to the jury being sworn, Mr. East, through his  
8 attorneys, challenged the voluntariness of both of  
9 his statements to law enforcement, and Judge Early  
10 following a Jackson v. Denno hearing deemed that they  
11 were voluntary statements and would be admissible at  
12 trial.

13 He then proceeded at trial and at the conclusion  
14 of trial the jury convicted Mr. East as indicted for  
15 murder, armed robbery and first degree burglary, and  
16 Judge Early sentenced him to confinement for concurrent  
17 terms of thirty years for each of the offenses.

18 He did not appeal his conviction or sentences at  
19 that time. He did institute the underlying PCR action  
20 we're here for today on January 26, 2017, more than  
21 a year after his conviction, asserting generally  
22 ineffectiveness without any specific grounds. The  
23 State moved to dismiss the action as untimely pursuant  
24 to the Uniform Post-Conviction Procedure Act.  
25 Thereafter, the State was contacted by trial counsel

1 Beck and notified that he had failed to file an appeal  
2 on Mr. East's behalf. The State then filed an amended  
3 return and requested a hearing to determine whether  
4 Mr. East was entitled to belated appellate review  
5 pursuant to White v. State and whether Mr. East was  
6 entitled to equitable tolling of the statute of  
7 limitations in the PCR act based on counsel's failure  
8 to timely file an appeal on his behalf.

9 A hearing was convened on May 14, 2019, before  
10 Judge Maddox. After testimony from Mr. East and trial  
11 counsel Beck, Judge Maddox determined that Mr. East did  
12 not make a knowing, intelligent and voluntary waiver  
13 of his right to direct appellate review and granted him  
14 the right to seek appellate review pursuant to White.  
15 Judge Maddox also determined that Mr. East was entitled  
16 to equitable tolling of the statute of limitations based  
17 on counsel's failure to timely file the appeal and  
18 parties were instructed to have a full evidentiary  
19 hearing. We are here today for that hearing.

20 On January 24th, Ms. Fennell, who was appointed  
21 to represent Mr. East, filed an amended application.

22 THE COURT: Hold on -- hold on one second.

23 All right. The -- Judge Maddox decided that there  
24 should be equitable tolling as it relates to the statute  
25 issue, correct?

1 MS. JAMESON: Yes, Your Honor.

2 THE COURT: He found that -- he found that he didn't  
3 knowingly waive his rights to an appeal, correct?

4 MS. JAMESON: Yes, Your Honor.

5 THE COURT: Okay. So now why -- why are we hear  
6 today? Remind me.

7 MS. JAMESON: We are here today for a hearing on  
8 any remaining allegations for post-conviction relief.

9 So Mr. East -- the State already concedes based  
10 on the testimony presented from both Mr. East and  
11 Mr. Beck at the last hearing that he is entitled to  
12 that belated appellate review, which is one of the  
13 three grounds that Ms. Fennell has raised.

14 THE COURT: Okay.

15 MS. JAMESON: We concede he's entitled to that,  
16 Judge Maddox already granted that, and so the State's  
17 position is he is entitled to that and will -- and  
18 will get that relief. He'll get the belated appellate  
19 review pursuant to White v. State and through the White  
20 procedures a special White brief will be filed raising  
21 those direct appeal issues at the same time as the PCR  
22 appeal.

23 THE COURT: All right.

24 MS. JAMESON: So we are here for -- yeah, so we're  
25 here for the two remaining issues that were raised in

1 the amended application that was served on the State  
2 last week.

3 First, whether counsel was ineffective for failing  
4 to have Mr. East's co-defendants testify at trial, and  
5 the second issue before the Court today is whether  
6 counsel was ineffective for allowing the trial to proceed  
7 while his co-defendants were present in jail-issued  
8 clothing.

9 And, again, the State concedes that Mr. East is  
10 entitled to belated appellate review. A written order  
11 was not entered by Judge Maddox and so we think it would  
12 be proper, and -- and Ms. Fennell and I discussed this,  
13 that whatever order arises from this hearing on the two  
14 remaining issues should include specific instructions  
15 that relief is granted as to the belated appellate review  
16 issue.

17 THE COURT: Okay.

18 All right. Thank you.

19 Ms. Fennell, does that -- does that summary  
20 adequately explain the history of this matter and the  
21 -- and the grounds today moving forward?

22 MS. FENNEL: It does, Your Honor.

23 THE COURT: Okay. Well, since y'all have got the  
24 burden, I'm happy to hear from you.

25 MS. FENNEL: Okay. Thank you, Your Honor.

1 I would call Mr. East to testify at this time.

2 MARKESE EAST,

3 having been previously sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. FENNELL:

6 Q. Mr. East, we have discussed this, your PCR  
7 application, several times. You understand that moving  
8 forward on your PCR application, you -- if you are  
9 successful, that you would be potentially subjecting  
10 yourself to a sentence greater than what you have  
11 already received.

12 Do you understand that?

13 A. Yes, ma'am.

14 Q. And understanding that and knowing that information,  
15 you do want to go forward with your PCR application?

16 A. Yes, ma'am.

17 Q. Okay. And you've heard the grounds cited, the failing  
18 to put co-defendants on the stand to testify and failing to  
19 prevent the trial -- or failing to prevent the trial from  
20 proceeding with your co-defendants present in jail-issued  
21 clothing.

22 Are those the allegations that you do want to go  
23 forward on today?

24 A. Yes, ma'am. Also that it was a failure to be -- that  
25 my appeal was -- they didn't ever stat -- statuate my

1 appeal. Kevin did not file for my appeal.

2 Q. That's correct. And as you heard, you are going to be  
3 granted that belated appeal. We did provide testimony at  
4 the last hearing regarding that issue and as indicated we  
5 are not going to need to take any testimony on that  
6 particular issue today.

7 Do you understand that?

8 A. Yes, ma'am.

9 Q. Okay. So I am going to ask you certain questions  
10 about the other allegations that you have raised.

11 Now -- now Mr. Beck, was he appointed to represent  
12 you?

13 A. Yes, ma'am.

14 Q. Okay. And so were you incarcerated while you were  
15 awaiting trial?

16 A. Yes, ma'am. I was in the county -- I was in the  
17 county three and a half years.

18 Q. Three and a half years?

19 A. Yes, ma'am.

20 Q. Okay. And during that time period, did you have the  
21 opportunity to meet with Mr. Beck?

22 A. Yes, ma'am, I had.

23 Q. And how frequently did you meet with him?

24 A. Probably once every three -- three to four months.

25 Q. Okay. And when you met with Mr. Beck, did -- did you

1 discuss the particular indictments that you had pending  
2 against you?

3 A. Yes, we did.

4 Q. And what -- what did you discuss?

5 A. We discussed that basically I was charged with  
6 murder and burglary first and armed robbery, but from the  
7 understanding -- we understood that, okay, the hands of  
8 one are the hands of all, but from his understanding and  
9 my understanding, I was basically just there. I had no  
10 participate in none of the acts or none of anything. I  
11 was just basically there and my -- my -- that's why I was  
12 convicted because of my -- hands of one are the hands of  
13 all law, but it doesn't state the fact that still like not  
14 none of my co-defendants or anything said I participated.  
15 They just say that okay, he -- he was just there. They  
16 didn't say that I -- I pulled a trigger of a gun, they  
17 didn't say I even went inside the house. To be -- to be  
18 charged with burglary first and armed robbery, you have to  
19 -- for armed robbery you have to take something and you  
20 have to be armed and then for a burglary first you have to  
21 at least step a foot inside the house. I did not ever do  
22 either one of those things. I didn't -- I did not ever do  
23 none of that. I was just literally there. And that's  
24 basically what he was -- he had said and he was telling me  
25 -- he was like well, we're gonna have to fight these

1 allegations of these charges, and like he told me, he said  
2 with the murder, we could try to get the murder dropped to  
3 a manslaughter, and I told him -- I said okay, well, that's  
4 -- that's a step. That's like a -- a big jump. We can  
5 start there, but they said it never -- it didn't ever  
6 happen. We went and we fought and we fought for that over  
7 and over and they wouldn't -- they wouldn't ever consider  
8 that.

9 Q. And -- and you say "they". Who do you mean when you  
10 say "they"?

11 A. The -- the courts. The -- well, Bill Weeks, the  
12 solicitor.

13 Q. Okay. And so did -- so Mr. Beck did try to negotiate  
14 some type of a plea agreement for you?

15 A. Yes. Yes, but the only plea that he was coming to me  
16 with it was -- basically it's the same thing -- it's the  
17 same thing of my sentence, 30, 30, 30, and that's it. That  
18 was my sentence. And every time he came to me with a plea  
19 it was 30 and then it was 20 and then it was 30 and it was  
20 nothing -- nothing that I ever wanted to really consider  
21 taking because it wasn't right and it's not right at all.  
22 I'm -- I'm not a murderer. I didn't kill anyone, I didn't  
23 rob anyone, I didn't burglarize anyone, and from -- my  
24 co-defendants all the say the same thing, and that's -- I  
25 don't -- I don't -- I don't get that.

1 Q. And so your allegation that -- that -- so Mr. Beck did  
2 not put any of your co-defendants on the stand to testify  
3 during your trial; is that correct?

4 A. No, ma'am, he didn't.

5 Q. Okay. And who do you think he should have put on the  
6 stand to testify?

7 A. All of them. They all would have said the same thing.  
8 Every -- everything --

9 Q. All right.

10 A. They -- they have recorded statements saying --  
11 stating the same thing. Reshawn Isaac has a -- a written  
12 statement that he had written while we was all in the  
13 county jail that they all recorded and they write the same  
14 statement saying the same thing. I had in no participant  
15 in it. I was just there.

16 Q. And you think based on -- based on those statements  
17 that your co-defendants had given that Mr. Beck should have  
18 put them on the stand to testify to -- to that?

19 A. Yes. And he -- and one also admitted to his guilt in  
20 killing our victim. He admitted to shooting him.

21 Q. And who was -- which co-defendant admitted to that?

22 A. Leon Simmons. He admitted to it.

23 Q. Okay. And did you discuss with Mr. Beck prior to  
24 going to trial the testimony that you would want each of  
25 these co-defendants to provide during trial?

1 A. I said for everyone that was on the -- there was a  
2 list that they had. I said everyone needs to get up there.  
3 Ain't -- ain't no sense in playing around with this. This  
4 -- this is my life you're talking about. Everyone needs to  
5 go on there that's on that list and he said everyone will.

6 Q. Okay. So you thought when you -- when you went to  
7 trial and those individuals were on the list, you thought  
8 that each of your co-defendants would be testifying during  
9 trial?

10 A. Yes, ma'am.

11 Q. Okay. Did -- did the State call any of your  
12 co-defendants to testify?

13 A. No.

14 Q. Okay. And you also -- well, going back to -- going  
15 back to the discussions you had with Mr. Beck while you  
16 were preparing, at what point did you make the decision to  
17 proceed to trial?

18 A. Well, when it first -- when I first got inside the  
19 county jail and he came and seen me about six or seven  
20 months after I been there and then we was having -- we was  
21 having a conversation and I told him -- I said if they want  
22 to sit there and stick me with this murder and murder  
23 versus armed robbery, yes, I want to go to trial because I  
24 didn't murder anyone, I didn't burglarize anyone, I didn't  
25 arm-rob anyone. I didn't do any of those things. Now --

1 Q. So who -- I'm sorry. Go ahead.

2 A. So I -- I -- there was just no understanding -- no  
3 understanding to me at all to where -- why am I -- why am  
4 I still being charged with that to where it's like -- okay,  
5 hands of one, hands of all, but South Carolina has a stand  
6 your ground law, a stand your ground law, and basically the  
7 man was attacking him, that's why the gun went off, so  
8 it's not like no one went in there and seriously just shot  
9 someone and just -- that just be it. That wasn't -- that  
10 wasn't it at all.

11 Q. And did Mr. Beck explain to you what he meant when he  
12 was talking about hands of one, hands of all?

13 A. He tried to explain that to me, but he also explained  
14 to me and he -- he pressured and he made sure that he put  
15 this in my head. This is his first murder trial he had  
16 ever done. This is his first murder trial he had ever  
17 done. That was the main thing he -- so basically he was  
18 telling me that he could be -- he could mess up, he could  
19 mess up and he didn't know certain things, and that's  
20 basically what he was implementing to me in my head.

21 Q. And -- and when did he tell you that this was his  
22 first murder trial?

23 A. When we first started talking.

24 Q. Okay. So you knew that throughout your preparations  
25 with Mr. Beck?

1 A. He -- that's not a conversation we had every time we  
2 talked, but he said that the first time we met and after  
3 years -- after three years of me knowing the man, you would  
4 think it would be some -- some up -- you know what I'm  
5 telling you about, some type of -- how can I say? Some  
6 type of -- basically uplifting and straightforward of  
7 having about it and being -- having knowledge about it  
8 now, that's direct, but it -- it wasn't like that at all.

9 Q. And in particular did you discuss the testimony --  
10 well, strike that. Did you go over the -- each of the  
11 co-defendants' statements that they had already provided  
12 with Mr. Beck during your preparations?

13 A. Yes, we did.

14 Q. Okay. And what did he say the impact of their  
15 testimony would be if they testified at trial?

16 A. This can help us. This can help us. They're all  
17 saying the same thing. This can help us.

18 Q. Okay. So --

19 A. But I didn't see how when not one of they statements  
20 was reviewed at my trial, not one was shown at my trial,  
21 and neither one of them got on the stand at my trial, so  
22 how could that help in my -- in my favor? I don't -- I  
23 don't understand that.

24 Q. And was the fact that he thought the statements could  
25 help you and that testimony of co-defendants could help

1 you, was that one reason that you chose to proceed to trial  
2 rather than entering into any type of guilty plea?

3 A. Yes, ma'am.

4 Q. Okay. And he ultimately did not use any of those  
5 statements or call those co-defendants to testify?

6 A. No, ma'am.

7 Q. Now were -- were those co-defendants present during  
8 your trial?

9 A. Yes, ma'am.

10 Q. And this was a four-day trial; is that right?

11 A. Yes, ma'am.

12 Q. And were they present all four days?

13 A. I want to say three days. I think three days out of  
14 the four. I'm not for sure, but I think it was three days  
15 out of the four they was there.

16 Q. Okay. And were they present in the courtroom?

17 A. Yes, ma'am.

18 Q. And so they were visible to the jury?

19 A. Yes, ma'am, they were.

20 Q. And how were they dressed when they were in the  
21 courtroom?

22 A. They had on -- they had on SCDC -- they R&E jumpers.  
23 That's what they had on.

24 Q. All right.

25 A. Gray SCDC R&E jumpers.

1 Q. And all -- all three of the defendants were dressed  
2 that way -- co-defendants?

3 A. Yes, ma'am.

4 Q. Were they -- were they shackled at the time?

5 A. Yes.

6 Q. Okay. So they -- all three of the co-defendants  
7 throughout your trial were present in the courtroom in the  
8 orange jumpsuits and shackled in the presence of the jury?

9 A. Yes, ma'am. They -- they were in gray jumpsuits.  
10 They was in R&E jumpsuits then. They weren't in orange,  
11 they was gray ones.

12 Q. They were in gray ones. Okay.

13 A. Yes, ma'am.

14 Q. Okay. And so when you noticed this, did you raise  
15 that issue with Mr. Beck?

16 A. I -- I -- I thought we was fixing to still go through  
17 with the same procedure because this can help me and I'm in  
18 trial. This is -- this is the last time that we're here  
19 right now at the trial, so, okay, yes, they're gonna go one  
20 by one and go on the stand.

21 Q. Okay. So you didn't -- you didn't speak with Mr. Beck  
22 during your trial about the fact that they were present in  
23 their jumpsuits and shackles?

24 A. No -- yes, we had -- he said that they were going to  
25 have to come back from prison to testify and I said okay,

1 that that's understandable, but I -- I still need them to  
2 testify.

3 Q. Okay. And did you -- as -- as your attorney, would  
4 you have expected Mr. Beck to raise any issues regarding  
5 the co-defendants' presence in the courtroom in -- in the  
6 prison attire?

7 A. He didn't do that.

8 Q. Okay.

9 A. When I asked him to, he -- he -- he said nothing  
10 about that. He said nothing about them. It was just like  
11 basically they were another person in the audience. That's  
12 basically how it was.

13 Q. And -- and do you believe that having them present and  
14 visible to the jury during the guilty phase of your trial,  
15 that that prevented you from having a -- a fair trial?

16 A. Yes, ma'am. They -- they see three of my  
17 co-defendants already in jumpsuits, so what's -- what's  
18 the point of us not saying -- going and saying he's guilty  
19 also? Three of them are already in jumpsuits, so why not  
20 go and say he's guilty also and put him in a jumpsuit also,  
21 too.

22 Q. Okay.

23 A. That's -- that's not right.

24 Q. Okay. And in your -- in your preparations with  
25 Mr. Beck prior to going to trial, did y'all discuss any

1 other trial strategy beyond having your co-defendants  
2 testify?

3 A. No, ma'am. It was just they was supposed to get up  
4 there and just tell the truth. That's all they was  
5 supposed to do is tell the truth. Every last one of them  
6 was gonna tell the truth about the whole situation.

7 Q. Okay. But yet none of them were put on the stand to  
8 say anything about what had happened?

9 A. No, ma'am.

10 Q. Okay. Now based on the two allegations that we  
11 are going forward on today, is there anything -- any  
12 information or anything that you've discussed with your  
13 attorney that we haven't already discussed that you think  
14 is relevant to those two allegations?

15 A. I just think that it should -- it should have been --  
16 it should have been done differently. I think if they  
17 would have put my co-defendants on the stand and he would  
18 have let them say their truth and told their part on  
19 everything in this whole situation, I don't think the jury  
20 would have found me guilty on all three charges like that.  
21 I don't think they would have found me guilty because it's  
22 -- I'm not. I'm not.

23 Q. And when your trial was over, did you discuss with  
24 Mr. Beck -- or during your trial, did you discuss with him  
25 at any time why he did not call any of your co-defendants

1 to testify?

2 A. Honestly, Ms. Nancy Fennell, after my trial and I  
3 heard my sentence and I got my time, I was so still in  
4 shock that he ain't -- he did not discuss it. The only  
5 thing he told me, that he was gonna appeal. That's all he  
6 said. I'm -- I'm gonna appeal. And even Judge -- even  
7 Judge Early can see that how much -- I was a mess because  
8 he said Mr. East, I'll see you soon. I promise you I will  
9 need to see you soon about this. Because that -- it's not  
10 right.

11 Q. Okay.

12 A. During -- during my whole trial you can tell -- you  
13 can basically tell he did -- he did not understand or know  
14 exactly what -- you could tell this was his first murder  
15 trial. You could tell that this was his first trial. He  
16 was stuttering. He couldn't even talk. He -- some of the  
17 things he had to ask for -- he asked me questions that he  
18 should have been knowing. No, you should know this. You  
19 are my attorney, you're my lawyer, you should know -- you  
20 should know these questions, you should know these answers.  
21 You have been going over this and back and forth for three  
22 and a half years. There's no way possible you're telling  
23 me you're not ready. We're not together. You knew about  
24 this before I even knew about this. And none of it made  
25 any sense to me because what makes sense is if you was just

1 like -- it's over now. There's nothing you can do. Just  
2 lay down. That's basically -- that's basically how  
3 everybody took it and how he took it. It was like there's  
4 nothing I can do. Yeah, I'll file an appeal. Yeah, that's  
5 it.

6 Q. So you don't feel like he was adequately prepared to  
7 go forward on a trial?

8 A. No. No, he was not nowhere -- no, ma'am. No, he was  
9 not nowhere near prepared.

10 Q. Okay. And the morning you went to trial, were you  
11 aware that your trial was going forward that day?

12 A. Yes, ma'am. I was aware that we was going -- we was  
13 going to trial then, but what -- what -- what am I to say  
14 when we're going to trial right then and there? It's three  
15 and a half years. You've got to be ready, right? I'm  
16 ready. That's what -- you ready? I'm ready. Okay. All  
17 right then. You ready? Let's get it. Let's go. Let's do  
18 it.

19 Q. And when y'all had made the decision to proceed to  
20 trial, had he also gone over with you the evidence that the  
21 State had against you?

22 A. Yes, ma'am.

23 Q. And other than the co-defendants' statements, what  
24 evidence did he tell you that they had against you?

25 A. The only thing they had against me was myself. If

1 they didn't have me against myself, they wouldn't have had  
2 nothing else.

3 Q. And what do you mean have you against yourself? Do  
4 you mean the statement that you had provided?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. The only thing they had was what I said about myself.

8 Q. Okay. And did y'all discuss the impact of the  
9 statement that you had given?

10 A. Yes, ma'am, we did, but it was -- but just like he  
11 said, okay, if all your co-defendants is saying the exact  
12 same thing that you're saying, you're not there -- I mean,  
13 was that you was just there, then that -- that eliminates a  
14 lot. We went over every -- every -- every who, what, when  
15 and where of the whole entire charge. That's how I found  
16 out and I noticed that you must have put a foot inside of a  
17 -- inside of a home before you can call and say that it's a  
18 burglary first. You must -- you must do that. For armed  
19 robbery you must be armed and take something or -- take  
20 something out of the -- basically home or wherever that was  
21 being robbed.

22 Q. Okay. And you had discussed with Mr. Beck the  
23 statement you had provided and the elements of -- of those  
24 charges?

25 A. Yes, ma'am.

1 Q. Okay. What was his -- based on -- on your discussion  
2 of that, what was the advice that he gave you?

3 A. The advice that he gave me was that he was gonna go  
4 through with everything we talked about. He was gonna put  
5 my co-defendants on the stand and he was gonna play they  
6 statements at the trial and that was gonna give them some  
7 type of understanding however and see the picture that was  
8 painted. That's exactly what they were gonna do.

9 Q. Okay. Okay. Is there anything else that we have not  
10 -- that we have not covered that you would like the Court  
11 to know?

12 A. No, ma'am.

13 MS. FENNEL: Okay. I don't believe I have any  
14 further questions for this witness.

15 THE COURT: All right. Does the attorney general  
16 have any questions on cross-examination?

17 MS. JAMESON: Yes, Your Honor.

18 THE COURT: Yes, ma'am. Go ahead.

19 CROSS-EXAMINATION

20 BY MS. JAMESON:

21 Q. Mr. East, you talked about your initial statement to  
22 law enforcement. You actually gave two statements to law  
23 enforcement, correct?

24 A. Yes, ma'am.

25 Q. You gave the initial statement when your uncle brought

1 you down to Aiken Department of Public Safety the day after  
2 the crime, correct?

3 A. Yes, ma'am.

4 Q. Okay. And in that statement you implicated three of  
5 your co-defendants, correct?

6 A. Yes.

7 Q. Okay. And that was Leon Simmons, correct?

8 A. Yes, ma'am.

9 Q. Brian Morton, correct?

10 A. Yes, ma'am.

11 Q. And Reshawn Isaac, correct?

12 A. Yes, ma'am.

13 Q. You also had a fourth co-defendant who wasn't indicted  
14 for a while, correct? A Trevon Butler or Tremane Butler?

15 A. They said that -- they tried to say that he was a  
16 co-defendant and tried to link him to our case, but there  
17 was no -- I didn't even understand that. I didn't know, so  
18 I couldn't say yes or no if he was.

19 Q. Okay. In your statement that you gave law  
20 enforcement, you implicated Mr. Simmons, Mr. Morton and  
21 Mr. Isaac, correct?

22 A. Yes, ma'am.

23 Q. Okay. And then they were arrested by law enforcement  
24 shortly thereafter, correct?

25 A. Yes, ma'am.

1 Q. Based in large part on the statement that you gave to  
2 law enforcement, correct?

3 A. Yes, ma'am.

4 Q. Okay. And then you were later interviewed by law  
5 enforcement a second time, correct?

6 A. Yes, ma'am.

7 Q. And that was with Mr. Beck present, correct?

8 A. Yes, ma'am.

9 Q. And -- and you voluntarily came and spoke with law  
10 enforcement, correct?

11 A. Yes, ma'am.

12 Q. And you, again, implicated those three co-defendants,  
13 correct? Leon Simmons, Brian Morton and Reshawn Isaac,  
14 correct?

15 A. Yes, ma'am.

16 Q. And all three of those co-defendants pled guilty  
17 before your trial, correct?

18 A. Yes, ma'am, they did.

19 Q. Mr. Simmons and Mr. Morton pled guilty to murder for  
20 thirty years, correct?

21 A. Yes, ma'am, they did.

22 Q. As well as burglary and armed robbery?

23 A. Yes, ma'am.

24 Q. Okay. And that was for a total of thirty years  
25 concurrent, correct?

1 A. Yes, ma'am.

2 Q. Okay. And then Reshawn Isaac pled guilty to voluntary  
3 manslaughter for thirty years, correct?

4 A. See, that -- that's something that I didn't know. I  
5 didn't know that.

6 Q. Did you --

7 A. I thought Isaac pled guilty to the same exact thing as  
8 was Leon Simmons and Brian Morton was murder.

9 Q. So you -- you thought he pled to murder for thirty  
10 years, correct?

11 A. Yes, ma'am.

12 Q. And you --

13 A. But he received manslaughter, correct?

14 Q. Yes, I said manslaughter. Correct.

15 A. Okay. Okay. So how -- that -- that -- see now that  
16 -- that's another thing I didn't know. If one of -- how  
17 come all of us is charged with mans -- I mean, murder and  
18 he's charged with manslaughter?

19 Q. You were present at your trial, correct?

20 A. Yes, ma'am, I was.

21 Q. And you were present at your sentencing, correct?

22 A. Yes, ma'am.

23 Q. So you were there when Solicitor Weeks told Judge  
24 Early that your co-defendants had all pled guilty and what  
25 they pled to, correct?

1 A. Yes, ma'am, and they -- it was pled guilty to murder.  
2 Murder, burglary first and armed robbery, not manslaughter.  
3 Not one -- not one manslaughter.

4 Q. And I believe you testified that there was an offer  
5 extended to you to plead guilty for thirty years, correct?

6 A. Say that again, ma'am.

7 Q. There was an offer that Mr. Beck discussed with you,  
8 a plea offer, for thirty years, correct?

9 A. Yes, ma'am. The burglary first, armed robbery and  
10 murder.

11 Q. Was it for murder or voluntary manslaughter?

12 A. It -- it was murder.

13 Q. And you turned that down, correct?

14 A. Yes, ma'am.

15 Q. And I believe you testified before you turned it down  
16 because you thought your co-defendants would come and --  
17 and testify on your behalf at trial, correct?

18 A. Yes, ma'am.

19 Q. And -- and what specifically did you want your  
20 co-defendants to testify to?

21 A. My co-defendants were going to testify -- Leon Simmons  
22 was going to testify that he was the shooter, which he  
23 says clearly in his -- all his statements and his recorded  
24 statement that he said. Brian Morton was gonna testify  
25 that he was one of the participant acts that was -- that

1 burglarized inside the home. Reshawn was gonna partici --  
2 well, he was gonna participate and say the exact same thing  
3 that all of them was gonna say. All them was gonna say  
4 that I was just there. Basically -- basically that's what  
5 they were all gonna say, I was just there. I was -- I did  
6 not have the murder weapon. I didn't have the weapon in my  
7 hand or none of that.

8 Q. So your testimony today is that you weren't armed with  
9 a weapon, even an unloaded weapon?

10 A. It was unloaded, so it wasn't a --

11 Q. But you did have a weapon, correct?

12 A. It wasn't -- it wasn't a violent threat of a weapon  
13 because there was no bullets in the weapon. When they --  
14 when they confiscated it, when the -- when the -- after and  
15 everything it was a gun with no bullets in it, so it was an  
16 unloaded weapon.

17 Q. But I need -- we need to be clear for the record.  
18 Your testimony is that you did have a weapon, correct?

19 A. Ma'am?

20 Q. You did have a weapon, correct?

21 A. Yes, ma'am, an unloaded weapon.

22 Q. Okay. And I believe you testified before that you  
23 never stepped foot in the home, correct?

24 A. Yes, ma'am.

25 Q. Do you recall testimony at trial that you spoke with

1 the victim as he lay dying on the kitchen floor?

2 A. That was between the back door and outside. The back  
3 door and outside. Where he was found -- the way they found  
4 him when he died was not the way he was when he died. When  
5 he -- when the situation happened, he was -- half was  
6 inside and half was outside. I was outside. If I was  
7 inside, my footprints would have been found right there in  
8 the scene exactly where all the blood and everyone of them  
9 footprints was found, not mine.

10 Q. But you did give a statement that you spoke to  
11 Mr. Jones as he had been fatally shot and lay there dying,  
12 correct?

13 A. Yes, ma'am.

14 Q. And regarding the allegation that your co-defendants  
15 appeared in their prison jumpsuits, I believe you testified  
16 that three of the four days of trial they were there?

17 A. Yes, ma'am. I want --

18 Q. Where --

19 A. -- I think -- I think it was three of the four days.  
20 I'm not exactly for sure, but I think it was three of the  
21 four days.

22 Q. Okay. And, again, you were present at your trial,  
23 correct?

24 A. Yes, ma'am.

25 Q. Do you remember on day three a discussion between

1 Mr. Beck and Solicitor Weeks about whether you would have  
2 your co-defendants testify at trial?

3 A. Yes, ma'am. And I would like them to.

4 Q. Okay. Do you recall Mr. -- Solicitor Weeks telling  
5 the Court that they would have to be transported from the  
6 detention center if you wanted them to testify at trial?

7 A. Mr. Weeks did not tell me that. Bill Weeks did not  
8 tell me that they had to be transported. He did not tell  
9 me that. Kevin Beck told me that.

10 Q. So you don't recall Solicitor Weeks telling the Court  
11 that, that if they needed to testify there needed to be  
12 advance notice so they could be brought from the detention  
13 center?

14 A. No, ma'am. I do not remember Bill Weeks saying that,  
15 ma'am.

16 Q. Okay. And where -- specifically these three of the  
17 four days that they were present in jumpsuits at your  
18 trial, where in the courtroom were they sitting?

19 A. To the left right across from the jury. The jury --  
20 the jury was on the right and -- they were all lined up on  
21 the right and they was on the left.

22 Q. Where were they sitting? In chairs?

23 A. Yes, ma'am. In chairs on the front row so that the  
24 jury could see them.

25 Q. Behind where you and the State were sitting, in -- in

1 the gallery or in front of -- in front of that?

2 A. To the right -- to the right -- okay. If you've got  
3 -- I can't -- all right. Basically you've got the judge --  
4 the booth right here and to the right of them, to the -- to  
5 the -- to the right of them was the jury and to the left  
6 was exactly where my co-defendants were sitting on the  
7 front row. If there's four rows, then they be sitting on  
8 the front row.

9 Q. Okay. Thank you.

10 MS. JAMESON: A moments indulgence, Your Honor.

11 THE COURT: Yes, ma'am.

12 BY MS. JAMESON:

13 Q. Mr. East, you've testified that you wanted your  
14 co-defendants take the stand to -- to say that you weren't  
15 involved, correct?

16 A. They was -- yes, ma'am. Yes, ma'am.

17 Q. But --

18 A. I never -- I didn't ask.

19 Q. But you admitted you were present at the home with a  
20 firearm, correct?

21 A. Yes, ma'am, I did.

22 Q. Okay. And Mr. Beck put in some cell phone and text  
23 records into evidence at the trial. Do you recall that?

24 A. Yes, ma'am, he did.

25 Q. And those text messages were between your other three

1 co-defendants or two of them from the third co-defendant's  
2 phone, planning the -- the robbery and home invasion,  
3 correct?

4 A. Planning? I -- I don't think it was planning. I  
5 think it was more of like they was -- I can't even say that  
6 because it was just a one thing. It was just one thing  
7 that implemented and said okay, this is gonna happen, but  
8 not -- not the whole -- no, they was just saying one -- one  
9 message saying okay, look, there's this many people here.

10 Q. And you weren't in those text messages and your name  
11 is never mentioned in those text messages, correct?

12 A. Not ever.

13 Q. And Mr. Beck put that into evidence before the jury,  
14 correct?

15 A. Yes, ma'am.

16 MS. JAMESON: No further questions, Your Honor.

17 THE COURT: All right. Any -- any redirect,  
18 Counsel?

19 MS. FENNELL: Yes, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. FENNELL:

22 Q. Mr. East, when you were discussing with Mr. Beck the  
23 plea agreement, did he inform you that he had actually met  
24 with Mr. Weeks and Mr. Savage and that they were refusing  
25 to entertain any plea regarding manslaughter?

1 A. He didn't ever -- they -- they didn't ever agree to  
2 it. They didn't entertain it, they didn't say nothing.  
3 They wouldn't agree to it at all.

4 Q. Okay.

5 A. The only thing the solicitor will tell you is okay,  
6 look, they -- they're gonna stick you and stay with murder.

7 Q. Okay. And so that was your understanding of -- of  
8 where the discussions were regarding a plea arrangement?

9 A. Yes, ma'am.

10 Q. And what did Mr. Beck tell you that they were offering  
11 you as far as a sentence that they were looking at if you  
12 did enter a guilty plea?

13 A. Excuse me. The same -- the same exact thing that my  
14 co-defendants had took was a 30-year plea to murder,  
15 burglary first and armed robbery.

16 Q. Okay. And that was the only thing that he relayed to  
17 you regarding discussions of a plea arrangement?

18 A. Yes, ma'am.

19 Q. Okay. Is there anything else you'd like to testify to  
20 today?

21 A. I just want to say basically that honestly -- okay.  
22 I understand that whatever was -- what happened and I was  
23 a young man and that it was wrong, and I understand that --  
24 exactly that, all right? Like Judge Early said in my trial  
25 maybe if I have a little time to sit down and think about

1 it, and I did. I had a lot of time to think about and I  
2 sit there and think about it every day, but I -- I also  
3 asked him for one thing, let me get back home to my  
4 daughter, and he told me exactly right out of his mouth  
5 that when -- he would see me soon. Basically he didn't  
6 make any promises, but he made a promise to where --  
7 everybody knows Judge Early and how he is. This man took  
8 off his glasses and he said to me I'll see you soon and he  
9 -- he did not want to sentence me because he knew that it  
10 wasn't right. That basically he knew my case better than  
11 I knew it. He knew that basically I was a high school  
12 student, had a scholarship ready to play football and ready  
13 to go off to school and play, but, no, now I'm stuck with  
14 this. My life dream, my life career has been snatched from  
15 me because of I was in the wrong place at the wrong time.  
16 That's something that's -- that's not right. I just -- I  
17 just don't agree what's right about it and I'm -- I'm just  
18 sitting here -- I'm fighting -- it's like I'm fighting a  
19 fight that I'm just steadily getting beat by because it's  
20 harder -- as harder as it is and as hard as that I'm saying  
21 that -- it's hard. It's hard. Because of them I fight  
22 over and over and over and all I keep hearing is the same  
23 thing and the same thing. It's like nobody wants to help,  
24 nobody wants to see my point of view of it, nobody wants to  
25 listen to my point of view of it, nobody cares about my

1 point of view of it. That's not right, no, because what I  
2 was, was just there. I literally was just there. If I  
3 could have helped the man, I would have helped the man. I  
4 really was just there literally and that's all that it was.  
5 I didn't -- I didn't try to -- I didn't have no intentions  
6 on this or nothing. I really was just there. And I've  
7 been -- I done had my whole entire life snatched from me  
8 and my daughter done had her father snatched from her  
9 because of this whole entire situation. Something that  
10 was -- that did not -- was really supposed to happen. No  
11 intentions on happening. None.

12 MS. FENNEL: Thank you, Mr. East.

13 THE COURT: Anything else, Counsel?

14 MS. FENNEL: I don't believe so, Your Honor.

15 (Witness excused.)

16 THE COURT: All right. You can call your next  
17 witness.

18 MS. FENNEL: I have no further witnesses, Your  
19 Honor.

20 THE COURT: Okay. That being the case, I'm happy  
21 to hear from the State.

22 MS. JAMESON: Yes, Your Honor.

23 The State would call trial counsel Kevin Beck.

24 THE COURT: All right, Mr. Beck. Raise your right  
25 hand for me, sir.



1    been appointed at that time?

2    A.    No, ma'am.  I -- I -- I can't tell you exactly the  
3    date when I was appointed, but it was several months after  
4    the incident had occurred and the -- the statement that was  
5    given the day after the incident from what best I recall,  
6    Mr. Markese was taken down to the public safety building  
7    and gave a videotaped recorded voluntary statement of the  
8    events that -- that evening.

9    Q.    When you say he was taken down to public safety, who  
10   brought him to public safety?

11   A.    It was his uncle, I believe.

12   Q.    Okay.  So law enforcement had not been -- tried to  
13   contact him or any of the co-defendants at the time,  
14   correct?

15   A.    I can't -- I'm not -- I can't recall, but there  
16   wasn't any -- there weren't any -- from what I recall,  
17   there weren't any warrants or anything out for -- for him  
18   at that time.  It was -- he was taken down there by a  
19   family member.  I -- I'm trying to remember.  There was --  
20   that there was -- I think, from what I remember, there was  
21   -- the police were doing a lot that evening after the  
22   incident happened.  I think they had worked all through  
23   the night and -- but I don't recall that he -- that there  
24   wasn't -- he wasn't taken down there by the police.

25   Q.    So he -- he voluntarily went down with a family member

1 to the best of your recollection?

2 A. Yes, ma'am.

3 Q. In this first statement that he gave, which was video  
4 recorded, did he implicate himself in the home invasion?

5 A. Yes, by, you know, going -- by going -- going down  
6 there he knew what was -- from what I recall, he knew what  
7 was going to happen. He did -- I believe in his statement  
8 he did not cross the threshold into the home, but with hand  
9 of one, hand of all, that doesn't really matter. And it's  
10 kind of -- and having a weapon, although unloaded, doesn't  
11 -- further kind of complicates the -- the issue.

12 Q. So in his statement he admitted to law enforcement he  
13 had a weapon, correct?

14 A. As -- as I recall, yes.

15 Q. In this first videotaped statement to law enforcement,  
16 did he implicate his three co-defendants?

17 A. He did.

18 Q. And that would be Leon Simmons, Brian Morton and  
19 Reshawn Isaac?

20 A. That's correct.

21 Q. What was Tremane Butler's involvement in -- in the  
22 planning of or the execution of the crimes?

23 A. Well, the -- the suspicion was from law enforcement's  
24 perspective that he -- he was a friend of the victim and  
25 he was over there at the time that the -- the shooting

1 incident happened, that they were -- they felt like he had  
2 been -- it was -- this whole thing was his idea, that he  
3 had unlocked the back door to let them in and let -- let  
4 -- I can't remember if he was talking to Simmons or Morton  
5 via phone, but it was to let them know that the door was  
6 unlocked and that now was the time to do it or something  
7 like -- like to that effect.

8 Q. So more of like an inside job kind of role in -- in  
9 the planning of the robbery and burglary?

10 A. Right. It was -- yeah, that law enforcement figured  
11 that he was the -- assumed he had a hand in it and I believe  
12 some of the -- the other witnesses -- I believe it was --  
13 it wasn't Raven, but it was the -- the victim's girlfriend  
14 who was there. I think she said some things about like she  
15 suspected that as well.

16 Q. And a few other -- do you recall whether any other  
17 witnesses testified to that? Perhaps the woman who was  
18 shot or her boyfriend?

19 A. I -- I can't recall their statements.

20 Q. Okay. There were -- do you recall any cell phone  
21 records linking the co-defendants to the crime?

22 A. I do.

23 Q. How did these implicate the co-defendants? What --  
24 can you kind of summarize the -- the text records and how  
25 they --

1 A. I believe -- as I remember it, it was kind of -- there  
2 was -- there was a lot of that whole thing, the cell phone  
3 records. There was a lot, but there were text messages  
4 between Simmons and Morton that -- I guess discussing kind  
5 of the plan or getting everything ready for them to go do  
6 this and there was -- there was one text, it may have been  
7 the last one between them, I can't recall for sure, but it  
8 -- and I can't remember exactly what it said, but it -- it  
9 hinted at a -- at an idea that it wasn't just a robbery,  
10 burglary, it was perhaps a, like, planned hit of some kind.  
11 Like it didn't give any further details or anything, but it  
12 -- it seemed like that may be what their -- they may have  
13 had that part of the -- the plan and that was the one --  
14 the one piece of the evidence -- like evidence that we put  
15 -- put in at trial.

16 Q. When you're talking about put in at trial, you  
17 introduced one exhibit at trial, correct?

18 A. Correct.

19 Q. And it was these text messages, correct?

20 A. Yes, ma'am. Or I think it was -- it wasn't all of  
21 them, I don't believe. I believe it was a couple of pages,  
22 but it was -- the main thing that we got in there was the  
23 text where it indicated -- or it seemed to indicate there  
24 was -- that Morton and Simmons had another plan further  
25 than what Mr. East may have known, that it was -- that it

1 was a hit on the -- the victim.

2 Q. What was the purpose or defense strategy in  
3 introducing those text messages?

4 A. The thought -- the thought was if there was a separate  
5 and distinct plan that the defendant wasn't aware of and it  
6 seems like if -- if there was a hit planned, Markese didn't  
7 know anything about it. In the statements he'd given and  
8 everything that -- that nothing kind of even remotely  
9 indicated that he would or knew anything about that and if  
10 that was the case, we could, I guess, convince the jury  
11 that that's was -- that happened and that Markese didn't --  
12 was not a party to it and wasn't aware of it, that that  
13 would be a -- might be a way to beat the -- the murder --  
14 the murder charge if it was -- if they were specifically  
15 going there to commit the murder and it wasn't just a -- it  
16 didn't occur by virtue of just a -- a burglary robbery.

17 Q. And Mr. East is not part of these text messages with  
18 the co-defendants, correct?

19 A. No, ma'am.

20 Q. We talked about his first statement. Did he give any  
21 additional statements to law enforcement?

22 A. There was a second one, yes.

23 Q. Okay. And -- and you were present for the second  
24 statement, correct?

25 A. I was.

1 Q. And was this more of a -- a proffer-type situation  
2 where he's talking to law enforcement and kind of  
3 clarifying information from his first statement?

4 A. It was -- from what I remember, the State, they wanted  
5 -- they were trying to get something on Trevon, like more,  
6 and they felt like that he knew something about it, but he  
7 -- he didn't -- in his first statement never said anything  
8 about that and then in the second one like, I mean, they  
9 suspected that to his own -- he did not have personal  
10 knowledge through himself that Trevon had -- had any part  
11 in this and I think in the first statement he -- Savage  
12 may have asked him about it -- or at least that was what?  
13 He had something to do with this? I could be wrong, but I  
14 -- I seem to remember that, but it was basically -- that  
15 was -- they were trying to get some more on that, but from  
16 what I -- when -- I don't -- I don't think there was ever  
17 anything inconsistent between the two statements.

18 Q. And you challenged both of these statements pre-trial,  
19 correct?

20 A. Yeah, we had a Denno hearing, but it was the -- I  
21 mean, and that was the -- kind of the thing at the  
22 beginning of this one. I just -- I didn't see a viable way  
23 to keep that first -- that statement out and even though  
24 Markese did not physically enter the threshold of the home,  
25 under the hand of one, hand of all, it -- it -- that the

1 charges would stick to him as well under the way the law  
2 works here in South Carolina.

3 Q. Did you explain that to Mr. East?

4 A. I did.

5 Q. And the co-defendants, had their charges been resolved  
6 prior to Mr. East's trial?

7 A. The -- I believe, yes, Simmons, Isaac and Morton had  
8 all pled prior to start of this trial.

9 Q. Do you recall what sentences they received?

10 A. They -- Simmons and Morton got thirty years concurrent  
11 on murder, burglary and armed robbery, and Isaac got  
12 thirty years concurrent on voluntary manslaughter, armed  
13 robbery and burglary.

14 Q. Were any plea offers extended to Mr. East?

15 A. Yes.

16 Q. What was the -- what plea offers?

17 A. Well, I guess, initially it had been, you know, thirty  
18 years concurrent on murder, armed robbery and burglary, and  
19 then we were offered -- I think it was right before trial,  
20 the -- we were offered the same because I -- as I recall,  
21 at that point Morton and Simmons had pled, the only two  
22 that was -- Markese and Isaac had not, those had not been  
23 resolved yet, and the State offered us both thirty years  
24 concurrent to voluntary manslaughter, armed robbery and  
25 burglary.

1 Q. And did you convey that final offer to voluntary to  
2 Mr. East?

3 A. I did.

4 Q. And he turned that down?

5 A. Yes, ma'am.

6 Q. Did you discuss having his three co-defendants,  
7 Mr. Simmons, Mr. Morton and Mr. Isaac, testify at trial?

8 A. We -- yeah, I -- we had discussed, you know, that we  
9 were gonna have them on the -- on the witness list and  
10 if we wanted to -- if we felt it would -- yeah, we would  
11 -- we would potentially call them as witnesses and we  
12 needed to -- to be able to call these witnesses because  
13 they were -- at that point they were all incarcerated, we  
14 would have to kind of put them -- put in an order to have  
15 them transported to be called once it was -- I guess once  
16 the State had finished its -- or rested. Once the State  
17 had rested.

18 Q. Do you recall having any discussions with the Court  
19 and Solicitor Weeks about whether they would testify and  
20 needed to be transported?

21 A. I believe -- I believe we had them -- they were  
22 transported, I believe. I don't know exactly when they  
23 were transported, but I -- I can't recall really.

24 Q. Do you have a copy of the trial transcript with you?

25 A. I do.

1 Q. If you wouldn't mind turning to page 353 of the  
2 transcript and reviewing that to yourself, I have -- I have  
3 a few questions.

4 A. Yes. Any particular line?

5 Q. Starting at line 3 through 21, so most of the page.

6 A. Okay. I have --

7 Q. Okay. This is what appears to be the third day of  
8 trial, correct, out of the four days?

9 A. I think, yeah, this -- the State had rested, yeah, so  
10 this was probably, yeah, that Wednesday, I believe.

11 Q. And Solicitor Weeks indicates to the defense team and  
12 the Court that the co-defendant potential witnesses are in  
13 the detention center, correct?

14 A. Yes.

15 Q. And they would need to be transported if you wanted  
16 them to testify, correct?

17 A. Right. It -- it says we had to let the jail know by  
18 8:00 if they were going to be -- if they were gonna be  
19 needed to be brought.

20 Q. Okay. Then it looks like a little bit further down,  
21 your co-counsel, Mr. Walsh, says to go ahead and bring two  
22 of the co-defendants, correct?

23 A. Yes, two of the three. Yes.

24 Q. To the best of your recollection, were the  
25 co-defendants ever in front of the jury in -- ever in front

1 of the jury?

2 A. To the best of my recollection, I don't -- I don't  
3 remember that. They -- they may have been -- obviously  
4 we didn't put them on the stand, but they -- from what  
5 I remember they had transported them from Aiken County  
6 Detention Center to the jail and had them in one of the  
7 various cells they have at the courthouse, but I -- as  
8 far as them being in the courtroom during Markese's trial,  
9 I -- I don't remember that.

10 Q. Is that something you think you would remember?

11 A. I think I would, but it was -- I mean, there was --  
12 there was a lot going on then, but I -- I honestly don't  
13 remember that.

14 Q. And as you just mentioned, ultimately you decided not  
15 to call any of these witnesses, correct?

16 A. Yes, ma'am.

17 Q. And why not?

18 A. Well, there was -- I don't think there was anything  
19 they could have offered that would have helped, I guess,  
20 our position and, furthermore, I -- I was concerned they  
21 were going to get up there and say things that were only  
22 gonna hurt Markese's case because ultimately what -- his  
23 statement is what kind of put them where they -- where they  
24 were at that point, so there was -- I didn't see -- I saw  
25 only risk in putting them on the stand.

1 Q. And when this decision was made, you'd already entered  
2 into evidence the text messages between the co-defendants  
3 planning the crime, correct?

4 A. Yes.

5 Q. And highlighted to the jury that Mr. East was not a  
6 party to these text conversations, correct?

7 A. Yes. Or I don't know if I highlighted the fact that  
8 Markese wasn't on it. I think I pointed out that it was,  
9 yeah, between two co-defendants.

10 MS. JAMESON: That's all for direct, Your Honor.

11 Thank you.

12 THE COURT: All right. Any cross-examination,  
13 Counsel?

14 MS. FENNELL: Yes, just a few questions, Your  
15 Honor.

16 THE COURT: Go ahead.

17 MS. FENNELL: Thank you.

18 CROSS-EXAMINATION

19 BY MS. FENNELL:

20 Q. Now, Mr. Beck, you testified that Mr. Walsh became  
21 involved in the case. At what point did he become  
22 involved?

23 A. It was a few -- it was a few weeks before the trial.  
24 I want to say it was after -- it was after we didn't take  
25 the last plea offer, so I want to say it was sometime -- it

1 was a month, three -- it was three to four weeks probably  
2 before the trial. It wasn't very, very long. I guess  
3 relatively it wasn't that long.

4 Q. Okay. So was this your first murder trial?

5 A. It was.

6 Q. Okay. Was that one of the reasons that you had  
7 Mr. Walsh join on defense?

8 A. Yes, ma'am.

9 Q. Okay. And you testified that you explained to  
10 Mr. East the theory of hands of one hands of all? What --  
11 what did you specifically tell him?

12 A. That because -- because he was a -- basically a party  
13 to going -- going there and this crime being committed,  
14 just -- even though he did not have bullets in the -- in  
15 the weapon and even though he didn't cross the -- the  
16 threshold, door frame, into the back, it still -- all of  
17 these charges all stick, all go back to him under the hands  
18 of one hands of all, which is what South Carolina -- which  
19 is what South Carolina law is.

20 Q. And did he seem to understand what you were telling  
21 him?

22 A. I -- I thought so. I mean, it was -- it -- yeah, I  
23 thought so. It was not obviously something -- he didn't  
24 agree with it, but I thought I had explained it. I thought  
25 that he understood this is what -- I guess the way it was

1 -- the way it worked even, you know, despite the things  
2 that I mentioned, the lack of bullets in the -- in the gun  
3 that he had and the fact that he did not actually cross  
4 into the home itself.

5 Q. And did you explain to him the implications of the  
6 statements that he had given?

7 A. Yes, because those statements are what ultimately  
8 brought them all -- brought the other co-defendants in, as  
9 well as -- as himself.

10 Q. Okay. And did you advise him that you thought he  
11 should take a plea arrangement if -- if offered?

12 A. I -- I -- yes, especially so with the -- the voluntary  
13 manslaughter offer because at least with that he would  
14 have gotten a few -- it wouldn't have been day for day like  
15 it is with a -- with the murder charge and -- and I know  
16 going to trial if you don't win, you run the risk of these  
17 charges getting run consecutively or getting even more than  
18 thirty, which was the minimum.

19 Q. Okay. And when you explained that to him, how early  
20 in the process were you explaining that to him?

21 A. Whenever I guess -- because we were -- the State was  
22 only offering us -- I guess at the beginning was thirty  
23 years, which is the minimum for murder, armed robbery and  
24 burglary, and I explained it to him as soon as we had an  
25 actual offer and I explained it again when we were offered

1 the voluntary manslaughter thirty years with burglary and  
2 armed robbery, which we -- we got that offer a month and a  
3 half roughly before we went to trial in January.

4 Q. Okay. And now you testified regarding the  
5 conversation that took place in -- in the trial transcript  
6 page 353 on the third day of trial, but you don't know --  
7 you can't say for sure whether any of the co-defendants --  
8 you can't say for sure that the co-defendants were never  
9 present in the courtroom during any portion of Mr. East's  
10 trial, can you?

11 A. Not a hundred percent. I don't recall. I think  
12 that's something I would remember and I don't remember it,  
13 but I -- I -- I'm not sure on that. It's been a little  
14 while, but I honestly don't remember them being present in  
15 the courtroom on any of the days.

16 Q. Now you don't remember them being present or you don't  
17 remember -- I mean, are you -- are you saying -- you're not  
18 saying that they weren't present. You're just -- it's not  
19 a memory that you have?

20 A. It's -- it's not a memory that I have.

21 Q. Okay. But you -- you would agree that at least two  
22 of the co-defendants were transported for the purpose of  
23 testifying at trial?

24 A. Yes, they were trans -- they were transported from, I  
25 guess, Aiken County Detention Center to the Aiken County

1 courthouse, but as far as them coming into the courtroom,  
2 I don't -- I can't say. I don't recall that, but they may  
3 have been in one of the cells, like I said, that they've  
4 got outside the actual courtroom.

5 Q. But you would -- you would be speculating as to where  
6 these co-defendants were --

7 A. Correct.

8 Q. -- if they were able to testify?

9 A. Correct.

10 Q. Okay. And on page 353 also it says that Mr. Walsh  
11 says yes, bring two out of the five. Who are the five?

12 A. I guess we had Simmons, Morton, Isaac -- I'm trying  
13 to -- I -- I can't remember the other two people we had  
14 on our witness -- potential witness list honestly. I want  
15 to say one of them was maybe one of the -- one of the  
16 investigators, but I -- again, I honestly can't recall who  
17 the other two were of the -- the other two of the five, but  
18 as I recall the two that we were bringing were Morton and  
19 Simmons.

20 Q. Okay. And -- and those two were incarcerated?

21 A. Yes, ma'am. They had -- they had already pled.

22 Q. Okay.

23 MS. FENNEL: Okay. I don't believe I have any  
24 additional questions. Thank you.

25 THE COURT: All right. Any redirect?

1 MS. JAMESON: No, Your Honor.

2 (Witness excused.)

3 THE COURT: All right. You can call your next  
4 witness.

5 MS. JAMESON: Your Honor, the State doesn't have  
6 any additional witnesses, but would like to make a brief  
7 closing argument.

8 THE COURT: All right. I'm happy to hear from  
9 the State and then I'll give the defense the same  
10 opportunity.

11 Yes, Madam Attorney General.

12 MS. JAMESON: Thank you, Your Honor. May it please  
13 the Court?

14 THE COURT: Uh-huh.

15 MS. JAMESON: As Your Honor is aware, in a PCR  
16 action, it is the Applicant's burden to establish that  
17 he is entitled to relief by proving by a preponderance  
18 of the evidence that both counsel was deficient and that  
19 he was prejudiced by this deficiency, and for deficiency  
20 Mr. East must prove that Mr. Beck's performance fell  
21 below an objective standard of reasonableness for a  
22 competent attorney, not merely that he could have taken  
23 a different course of action in hindsight, and for  
24 prejudice he must establish that the result of the  
25 proceeding must have been different but for counsel's

1 performance.

2 For allegations involving failing to call a witness,  
3 the witness must testify at the PCR hearing or the  
4 Applicant must otherwise provide evidence of what the  
5 testimony would be in accordance with the rules of  
6 evidence, and so as a matter of law to the first issue  
7 regarding whether Mr. Beck was ineffective for failing  
8 to have his co-defendants testify at trial, he cannot  
9 meet his burden of proof as a matter of law because he  
10 failed to present any of these purported witnesses who  
11 he asserts would have testified at trial and been helpful  
12 to him and, therefore, he can only speculate as to what  
13 they would have testified to at trial, so as a matter of  
14 law the State submits the allegation must be denied.

15 Moreover, he cannot establish that Mr. Beck was  
16 deficient because, as Mr. Beck testified, these  
17 co-defendants would have been hostile witnesses to  
18 Applicant. He gave an initial statement the day after  
19 the murder implicating all three of the co-defendants.  
20 The record is clear that this is what led to the  
21 co-defendants being implicated in the crime and it's  
22 just not conceivable that they we have been beneficial  
23 witnesses for Mr. East, they would have been hostile  
24 witnesses, and, moreover, he did not present them and  
25 so the State's position is that he has failed to meet

1 his burden of proof as to the first issue.

2 As to the remaining issue that Mr. Beck was  
3 ineffective for allowing the trial to proceed while  
4 his co -- co-defendants were present in jail-issued  
5 clothing, the State's position is that Mr. East's  
6 testimony is simply not credible as to this point. He  
7 testified that three out of the four days they were  
8 there present sitting right in the front by the jury.  
9 That is certainly something that would be noticeable to  
10 a lawyer. Mr. Beck cannot testify to any certain -- any  
11 certainty, but said he thinks that's something he would  
12 have remembered and he doesn't recall them being there.

13 Moreover, the record reflects that on day three of  
14 the trial there's a discussion between the solicitor,  
15 the defense team and Judge Early as to whether these  
16 witnesses will need to be transported from the detention  
17 center and two of them it appears were going to be  
18 transported on that fourth day. So his testimony is  
19 inherently incredible when you compare it with the  
20 record to say that for 75 percent of the trial they sat  
21 there in -- in jail clothing, it's just incredible, and  
22 it is not supported by the record.

23 Moreover, the record makes no indication that they  
24 ever appeared in the courtroom, much less before the  
25 jury, the transcript does not mention that, and the

1 State would also submit that if this incredible scenario  
2 actually happened he still wouldn't be able to establish  
3 prejudice from this. He testified that he wanted them  
4 there to testify and implicate themselves in the crime  
5 and not him. They had all plead guilty at this time.  
6 The State would have covered with them had they taken  
7 the stand that they had pled guilty to murder and  
8 voluntary manslaughter, so it would not have been a  
9 secret to the jury that they had already implicated  
10 themselves in these crimes.

11 And so the -- the State submits that he cannot  
12 establish deficiency, nor prejudice, as to that  
13 remaining ground and ask the Court to deny on that.

14 As we discussed in opening, the State does concede  
15 that he is entitled to belated appellate review pursuant  
16 to White v. State based on the testimony from the first  
17 hearing and so we would ask the Court to grant on that  
18 sole ground, but as to the remaining two we would ask  
19 the Court to find that he has not met his burden of proof  
20 as to either allegation.

21 THE COURT: All right. I'm happy to hear from you,  
22 Counsel.

23 MS. FENNEL: Thank you, Your Honor.

24 I believe Mr. East's testimony regarding what his  
25 co-defendants would have testified to, as well as

1 Mr. Beck's testimony regarding what the statements --  
2 the statements that the co-defendants had provided are  
3 all sufficient to -- for the Court to understand what  
4 those co-defendants would have testified to.

5 I think it's clear that Mr. East went to trial with  
6 the understanding that Mr. Beck as his defense counsel  
7 would put those witnesses on the stand to testify and  
8 his failure to do so prejudiced Mr. East in -- in the  
9 outcome of his trial.

10 As far as the allegation as to ineffective  
11 assistance of counsel for allowing the trial to proceed  
12 while the co-defendants were present in jail-issued  
13 clothing, Mr. East has testified that they were present.  
14 These co-defendants -- it is clear that at least two of  
15 them were present at some point during the trial.  
16 Mr. Beck testified that any -- any testimony he could  
17 provide as to this issue would be speculation and so I  
18 think based on that Mr. East's testimony is credible on  
19 that issue.

20 I don't think the transcript would necessarily --  
21 although the transcript does reference the transport of  
22 certain co-defendants on a certain day of trial, the  
23 transcript is not conclusive as to the presence of  
24 those co-defendants or, you know, their location in the  
25 courtroom or the courthouse. The transcript does not

1 reflect that, so I think the testimony that we have  
2 from Mr. East on that issue is the only testimony that  
3 we have on that issue and I think he meets the  
4 preponderance of the evidence standard on -- on that  
5 issue. And it's clear that case law indicates that  
6 that is a serious issue, allowing co-defendants to be  
7 present during the guilty phase of a trial in the  
8 presence of a jury dressed in -- in prison attire and  
9 shackled is -- is prejudicial to a defendant, and that  
10 is all, Your Honor.

11 THE COURT: All right. Mr. East, there's a 500-page  
12 transcript. I want you to know, sir, I read that  
13 transcript yesterday. I read the transcript as it  
14 relates to what Judge Early told you, sir, and Judge  
15 Early in the transcript told you at trial that his  
16 hands were tied and there's only so low he could go  
17 because his hands were tied, and so I understand, sir,  
18 the frustration. I say I understand. I'm not in the  
19 position that you are so I can't ever understand it to  
20 -- to that extent, but I certainly think, sir, the  
21 frustration that you feel at -- I don't want to say  
22 folks not listening, but not -- not seeming to care or  
23 understand the situation given the fact that you -- and  
24 I take you at your word -- given the fact that you did  
25 not enter the house, given the fact that you did not

1 have a loaded gun, and these types of matters, sir. I  
2 certainly understand when you just hear the hand of one  
3 is the hand of all that it's almost like it just kind  
4 of cuts everything off and they're not listening to the  
5 reality of the situation beyond just the phrase "the  
6 hand of one, hand of all", and I'm trying to sum this up  
7 as best I can, sir, but I understand that.

8 Now the good news that you have, of course, is  
9 that you had a previous hearing and Judge -- was it  
10 Judge Maddox?

11 MS. JAMESON: (Nods head.)

12 THE DEFENDANT: I think that's who the judge was,  
13 yes, sir.

14 THE COURT: All right. Judge Cordell Maddox. And  
15 Judge Cordell Maddox, quite frankly, did what -- what I  
16 think was very reasonable under the circumstances. He  
17 gave you an equitable toll, the fact that you missed the  
18 statute of limitations by thirteen days, eight days,  
19 whatever it was. I didn't think that -- you know, he  
20 wasn't gonna hold that against you, sir. And also he  
21 found that based upon the testimony that -- that you  
22 didn't knowingly and willingly or intelligently waive  
23 your right to an appeal, and so to that extent I think  
24 that the appeal -- you know, I wish you luck there. I  
25 don't know if that's still going on or what's up with

1 that, but certainly you've got some regress through a  
2 direct appeal, and I -- and I wish you luck with that.

3 The situation that I find myself in today is  
4 examining the other issues as it relates to the PCR that  
5 you filed and, in particular, the two matters concerning  
6 basically Mr. Beck's failure to call the co-defendants  
7 and also the fact that the co-defendants may have been  
8 -- and taking you at your word, the co-defendants were  
9 in the -- in the courtroom at some point or during some  
10 point of the trial and they were in prison garb or wear,  
11 and so, sir, those are the two things that I've got to  
12 look at today, and that's the only thing that I'm  
13 considering, and what I have to do is -- my hands are  
14 somewhat tied in that I have to apply the rules to the  
15 allegations that have been made and those rules require  
16 that Mr. Beck's conduct -- that you have the burden of  
17 proof.

18 It's just the opposite of trial. At trial they  
19 had the burden of proof, the State. In this case, sir,  
20 you have the burden of proof. Now it's not to the same  
21 standard, it's not beyond a reasonable doubt, but in  
22 this case you have the burden of proof, and what  
23 I would say is that as a result you're under an  
24 obligation, sir, to find that the conduct so undermined  
25 the proper function of the adversarial process that it

1 cannot be relied upon as having a just result. That  
2 the Applicant must show there's a reasonable probability  
3 that but for counsel's unprofessional errors the result  
4 of the proceeding would have been different. And, quite  
5 frankly, that there's a reasonable possibility -- that's  
6 there gonna be a reasonable probability, that is a  
7 probability sufficient to undermine confidence in the  
8 outcome of the trial, and what I will say is this, sir,  
9 I just don't think that the evidence today rises to that  
10 level. I don't think the evidence as it relates to the  
11 fact that there was a conscious decision on his part not  
12 to call these witnesses rises to the level to entitle  
13 to you to a new trial or whatever additional relief you  
14 might be seeking in this PCR application.

15 And I don't believe that the presence of the  
16 witnesses -- there's some disputed testimony as it  
17 relates to the witnesses. Counsel doesn't believe they  
18 were there and doesn't recall if they were there. The  
19 record tends to indicate that maybe two were gonna come  
20 on another day. Your recollection is that they were  
21 there I think -- and I can't recall, you either said  
22 three or four, the number doesn't really matter, but  
23 you did also recall that they were there for several  
24 periods of the trial. You weren't sure if it was every  
25 day, but -- but certainly they were there and I think

1 you indicated perhaps more than one day. Unfortunately,  
2 I just -- with that discrepancy, I don't believe that  
3 you've met the burden that is required in these cases.

4 So what I'm going to do is, the part of the appeal  
5 -- the part of the PCR that was granted and consented  
6 to, I believe, needs to be entered into and reflected  
7 into the order of this case and -- but as it relates to  
8 the hearing today, I'm going to deny the balance of the  
9 PCR, that is the other issues, Mr. East.

10 But now your -- your underlying issue, Mr. East,  
11 that gets you the -- the appeal that you wanted, that's  
12 still there and that's gonna go into this order. You  
13 get that, okay? I've got no control over what the  
14 outcome is or what the Court does with that. That's  
15 outside of my authority. But this order is going to  
16 include the language, sir, that reflects that the  
17 statute's not being held against you and that you'll --  
18 there was an equitable toll and you didn't voluntarily  
19 abandon your rights to appeal, and as a result, then  
20 it's up to the Court to make a decision to move forward  
21 as to whether or not they'll conduct a special review  
22 of this matter. When I say the Court, the Supreme Court  
23 or the appellate -- or the Court of Appeals, they'll  
24 make a decision concerning that, so you do have that.  
25 That's a good thing.

1           But as it relates to these two matters today, I'm  
2 gonna deny that. I'm gonna ask that -- I'm gonna ask  
3 that the attorney general prepare an order consistent  
4 with the evidence, consistent with my ruling today.

5           How long do you need to get the order? And I  
6 want you to make sure that you work with his attorney  
7 on this, particularly as it relates to the language  
8 concerning the appeal because that's protected and  
9 he's gonna be able to at least move forward and ask  
10 the Court to consider an appeal.

11           How long will it take y'all to get an order  
12 together to reflect that?

13           MS. JAMESON: Thirty days should certainly, I  
14 think, be sufficient time.

15           THE COURT: All right.

16           MS. JAMESON: And Ms. Fennell and I work together  
17 quite a bit and -- and review orders back and forth, so  
18 that shouldn't be a problem.

19           THE COURT: All right. I've got a form order  
20 that I'm gonna sign that basically kind of outlines  
21 and then y'all go and submit a formal order.

22           Is that all right with everybody? I'll have my  
23 clerk e-mail you a copy of it, okay?

24           MS. JAMESON: Yes, Your Honor.

25           THE COURT: All right. Ms. Fennell, any

1 questions?

2 MS. FENNEL: No, Your Honor.

3 THE COURT: All right. Mr. East, I wish you  
4 luck, sir. I hope things go well with your appeal or  
5 whatever's going on there, I don't know, but I'll make  
6 sure that that's reflected in the order.

7 Now, again, I can't promise what they're gonna do  
8 with it because that's outside my authority, but my  
9 order will note such that you aren't bound by those  
10 things as it relates to what I already discussed and I  
11 -- I wish you well there, okay, sir?

12 THE APPLICANT: Yes, sir.

13 THE COURT: All right, folks. Thank y'all very  
14 much.

15 MS. JAMESON: Thank you, Your Honor.

16 MS. FENNEL: Mr. East, I'll be in touch.

17 THE APPLICANT: Okay.

18 (Whereupon, the proceedings were concluded at  
19 11:58 AM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned case in Circuit Court on the 2nd day of February, 2022, recorded by via WebEx Virtual Court, and transcribed by me to the best of my ability.

This transcript may contain quoted material. Such material is reproduced as read by the speaker. This transcript may also contain transmission interruptions and/or technical difficulties and inaudible or unintelligible indications due to being conducted remotely via videoconferencing.

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

July 11, 2022

*Stacy S. Johnson*  
STACY S. JOHNSON  
CIRCUIT COURT REPORTER



July 17<sup>th</sup>, 2018

Markese East (#366609)  
RHU-SALUDA-225  
Broad River Correctional Int.  
4460 Broad River  
Columbia, SC 29210

FILED

5-14

2019 1:00 SP

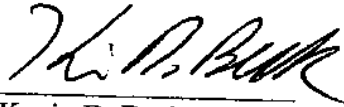
Robert L. White  
C.C.P. & G.S.

Shadell Parks  
Deputy Clerk

Hey Markese,

I am in receipt of your letter regarding your appeal from your 2016 criminal conviction in Aiken County. I guess I'm doing ok, and I hope everything is going good with you. I wish I had some better news, but I regret to inform you that your appeal was not filed. I don't know what to say other than that failure falls 100% on me, and I can't express how sorry I truly am for that failure. But please know that this failure on my part was not out of ill-will, and that I intend on doing what I can to see that this error on my part is noted and corrected. The first of which is to acknowledge and own up to this error on my part. I have contacted the lawyer with the Attorney General's Office that is handling your PCR case for the State; Julie Coleman, and informed her of this failure on my part as well. I have enclosed a copy of the letter that I sent Ms. Coleman informing her of this error on my part. I regret that I am writing you under these circumstances, but I hope you are doing well otherwise.

In kind regards,



Kevin D. Beck  
SC BAR #100019

P.O. Box 1068  
Langley, SC 29834

Phone: (803) 206-0683  
Fax: 1-866-678-6485  
Email: [kevin@beckfirmllc.com](mailto:kevin@beckfirmllc.com)

Enclosures: (1)

July 9<sup>th</sup>, 2018

South Carolina Attorney General's Office  
ATTN: Julie Amanda Coleman, Assistant Attorney General  
P.O. BOX 11549  
Columbia, SC 29211  
USPS Tracking#: 7018 0360 0000 5311 5727

RE: Markese East vs. The State of South Carolina (Case# 2017CP0200146)

Ms. Coleman

My name is Kevin Beck, and I am contacting you in regards to the Markese East vs. The State of South Carolina case with the above noted case number. I was the attorney for Mr. East in his criminal trial, and it has recently come to my attention that the appeal was not filed. I have reviewed documents that are available for viewing on the Aiken County Public Index, and I must confirm Mr. East's contention that I failed to file the appeal from his 2016 conviction. If you have any questions, or if there is any other information that I can provide you with, please feel free to contact me.

In kind regards,



Kevin Beck  
SC BAR #100019

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FILED  
5-14 2019 1:00 SP  
*Robert L. White*  
C.C.P. & G.S.  
*Sharon Parks*  
Deputy Clerk

STATE OF SOUTH CAROLINA )  
 COUNTY OF AIKEN )  
 )  
 MARKESE EAST, SCDC # 366609 , )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2017-CP-02-00146

**ORDER GRANTING BELATED  
 APPELLATE REVIEW OF DIRECT  
 APPEAL ISSUES PURSUANT TO  
WHITE AND DENYING ALL OTHER  
 POST-CONVICTION RELIEF CLAIMS**

This matter comes before this Court by way of an application for post-conviction relief filed on January 26, 2017, by Applicant Markese East alleging he was entitled to post-conviction relief based on constitutionally ineffective assistance of counsel. This Court convened an evidentiary hearing on February 2, 2022, in this Court’s virtual courtroom on the WebEx platform. Applicant was present and represented by appointed counsel Nancy C. Fennell. Respondent was represented by Senior Assistant Deputy Attorney General Megan Harrigan Jameson of the South Carolina Attorney General’s Office. Applicant’s former defense attorney, Kevin D. Beck, also testified.

Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has established he is entitled to belated appellate review of direct appeal issued pursuant to White v. State<sup>1</sup> As to the remaining issues, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to post-conviction relief and denies this application with prejudice.

<sup>1</sup> 263 S.C. 110, 208 S.E.2d 35 (1974).

FILED April 18 2022  
*Robert J. White* CHP  
 C.C.P. & G.S.  
*Charla Guiffre Blouffe*  
 Deputy Clerk

### PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. On May 28, 2013, Applicant and three co-defendants broke into the home of Shane Jones with the intent to rob him and, during the home invasion, fatally shot Mr. Jones and wounded a female occupant of the home. The following day, Applicant voluntarily arrived at Aiken Department of Public Safety and gave a video-recorded statement admitting his guilt and implicating his co-defendants in the murder, armed robbery, and burglary. As a result of this statement, Applicant and his co-defendants were arrested.

Applicant was subsequently indicted by Aiken County Grand Jury for murder (2013-GS-02-1734), armed robbery (2013-GS-02-01735), and first-degree burglary (2013-GS-02-01736). Kevin D. Beck, Esquire was appointed to represent Applicant, and Aaron Walsh, Esquire was later appointed to assist the defense as a second chair. The case was prosecuted by Then-Deputy Solicitor Bill Weeks and Assistant Solicitor Cassie Hall of the Second Circuit Solicitor's Office.

Applicant, alongside counsel, later gave a second statement to law enforcement that was consistent with his first statement and again implicated himself and his co-defendants. Applicant's three co-defendants all accepted negotiated plea offers from the State and entered guilty pleas for an aggregate thirty years of imprisonment. Applicant rejected a similar plea offer from the State and proceeded to a jury trial before the Honorable Doyet A. Early, III, circuit court judge, on January 5, 2016. Prior to trial, Applicant challenged the voluntariness of both statements to law enforcement and following a hearing pursuant to Jackson v. Denno, 378 U.S. 368 (1964), Judge Early determined both statements were voluntary and admissible. The case then proceeded to trial, and following deliberation, the jury convicted Applicant as indicted for murder, armed robbery,

and first-degree burglary. Judge Early sentenced to confinement for concurrent terms of thirty years. Applicant did not appeal his conviction or his sentence.

### **CURRENT ACTION BEFORE THE COURT**

On January 26, 2017, more than a year after his conviction and sentence became final, Applicant filed a *pro se* application for post-conviction relief, alleging he was entitled to post-conviction relief based on constitutionally ineffective assistance of counsel without any supporting facts or specific claims. In response, Respondent filed its return and motion to dismiss, asserting the application was untimely pursuant to the Uniform Post-Conviction Procedures Act (S.C. Code Ann. § 17-27-45) (Supp. 2016). Thereafter, Applicant's former trial counsel, Kevin D. Beck, contacted Respondent and advised that he had failed to file an appeal of Applicant's conviction and sentence as Applicant had requested. Based on this information, Respondent filed an amended return and partial motion to dismiss, requesting a hearing to determine whether Applicant was entitled to belated appellate review of his direct appeal issues pursuant to White v. State, 263 S.C. 110, 108 S.E.2d 35 (1974). See Wilson v. State, 348 S.C. 215, 218, 559 S.E.2d 581, 582-83 (2002) (holding the one year statute of limitations as set forth in the Uniform Post-Conviction Procedures Act does not apply to claims that an applicant was denied his or her right to direct appellate review based on ineffective assistance of counsel). Nancy Fennell, Esquire, was appointed to represent Applicant in this proceeding pursuant to Re: Appointment of Counsel in Post-Conviction Relief Cases before the Circuit Court (S.C. Sup. Ct. Order filed Oct. 6, 2008) and Rule 71.1(d), SCRPC (providing for appointment of counsel only where there is a question of law or fact which necessitates a hearing).

An initial hearing was convened May 14, 2019, before the Honorable J. Cordell Maddox, Jr., circuit court judge, limited to the issue as to whether Applicant was entitled to belated appellate

review of direct appeal issues pursuant to White and whether Applicant was entitled to equitable tolling of the statute of limitations based on counsel's failure to timely file his direct appeal. At the conclusion of the hearing, Judge Maddox orally ruled<sup>2</sup> Applicant had met his burden of establishing he was entitled to belated appellate review pursuant to White and that the statute of limitations should be tolled to allow Applicant to proceed forward with an evidentiary hearing on any other post-conviction relief claims.

On January 24, 2022, Applicant, through counsel, filed an amended application setting forth three enumerated claims of ineffective assistance of trial counsel for:

- failing to file an appeal of his conviction;
- failing to have his co-defendants testify at trial; and
- allowing the trial to proceed while his co-defendants were present in jail issued clothing.

A subsequent hearing was convened February 2, 2022, before this Court in this Court's virtual courtroom on the WebEx platform. Applicant was present and represented by counsel Fennell. Respondent was represented by Senior Assistant Deputy Attorney General Megan Harrigan Jameson of the South Carolina Attorney General's Office. Applicant's former defense attorney, Kevin D. Beck, also testified. Applicant proceeded on the three claims raised in his amended application.

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

This Court has thoroughly reviewed the record in its entirety, including the trial transcript. Additionally, this Court heard the testimony presented at the evidentiary hearing and was able to

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<sup>2</sup> No formal written order was issued by Judge Maddox, as was discussed by the parties at the start of this evidentiary hearing. Accordingly, this Court makes identical findings that Applicant is entitled to belated appellate review of direct appeal issues pursuant to White in this order.

observe the witnesses presented at the evidentiary hearing, which allowed the Court to scrutinize the credibility of all witnesses presented. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80.

***Grant of Belated Appellate Review of Direct Appeal Issues***

Initially, Applicant asserts that he was denied his right to direct appellate review of his trial because trial counsel failed to perfect an appeal on his behalf. Specifically, Applicant seeks belated appellate review pursuant to White because he did not knowingly, intelligently, and voluntarily waive his right to direct appellate review. This Court<sup>3</sup> agrees that Applicant is entitled to seek belated appellate review of his conviction and sentence pursuant to White.

“Following a trial, counsel must make certain the defendant is made fully aware of the right to appeal.” Simuel v. State, 390 S.C. 267, 270, 701 S.E.2d 738, 739 (2010) (internal citations omitted). “To waive a direct appeal, a defendant must make a knowing and intelligent decision not to pursue the appeal.” Wilson v. State, 348 S.C. 215, 217, 559 S.E.2d 581, 582 (2002) (citing Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)). “In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal or comply with the procedure in Anders v. California, 386 U.S. 738 (1967).” Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008) (internal citation omitted). “

In the present case, the uncontroverted evidence is that Applicant desired a direct appeal following his conviction and that a direct appeal was not perfected on his behalf. Applicant has testified he wished to seek direct appellate review of his convictions and sentence. Trial counsel

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<sup>3</sup> At the start of the February 2, 2022, hearing, Respondent conceded Applicant did not make a knowing, intelligent, and voluntary waiver of his right to direct appellate review and requested this Court issue an order granting Applicant the right to seek belated appellate review pursuant to White.

also testified Applicant wanted a direct appeal but that he neglected to file a notice of appeal on Applicant's behalf. Therefore, since Applicant did not knowingly and intelligently waive his right to appeal, this Court finds Applicant is entitled to seek belated appellate review of direct appeal issues pursuant to White.

### *Ineffective Assistance of Counsel*

Applicant has alleged trial counsel was constitutionally ineffective in his representation for two specific allegations as set forth in his amended application. After a thorough review of all evidence presented, this Court finds Applicant has failed to meet his requisite burden of proof as to each allegation of ineffective assistance of counsel and denies each allegation, which will be specifically addressed below.

Applicant, like all other defendants, has a right to the assistance of effective counsel as provided by the Sixth Amendment to the United States Constitution. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008). Applicant has the burden of proving the allegations in his post-conviction relief action, and when alleging that counsel was constitutionally ineffective, he must prove that "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, 466 U.S. at 686

Strickland does not guarantee perfect representation, only a " 'reasonably competent attorney.' " 466 U. S. at 687 (quoting McMann v. Richardson, 397 U.S. 759, 770 (1970)). Representation is constitutionally ineffective only if it "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. Strickland, 466 U.S. at 686. Just as there is no expectation that competent counsel will be a flawless strategist or tactician,

an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities. Id.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced Petitioner such 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, 386 S.E.2d at 625.

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. 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. Strickland, 466 U.S. 668.

Moreover, Strickland does not require a finding of ineffectiveness merely for deviation from some rigid rule of representation. Rather, Strickland requires the post-conviction relief applicant to prove “counsel made errors so serious that counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment.” Id. at 697. Therefore, the function of the post-conviction relief court is to determine if “in light of all the circumstances, the identified acts or omissions were outside the wide range of professional competent assistance” required of a criminal defense attorney.” Id. at 690.

Although courts may not indulge “post hoc rationalization” for counsel’s decision making that contradicts the available evidence of counsel’s actions, Wiggins v. Smith, 539 U.S. 510, 526-527 (2003), neither may they insist counsel confirm every aspect of the strategic basis for his or her actions. There is a “strong presumption” that counsel’s attention to certain issues to the exclusion of others reflects trial tactics rather than “sheer neglect.” Yarborough v. Gentry, 540 U.S. 1, 8 (2003). After an adverse verdict at trial even the most experienced counsel may find it difficult to resist asking whether a different strategy might have been better, and, in the course of that reflection, to magnify their own responsibility for an unfavorable outcome. Strickland, however, calls for an inquiry into the objective reasonableness of counsel’s performance, not counsel’s subjective state of mind. Id. at 688; Harrington v. Richter, 562 U.S. 86 (2011).

With respect to prejudice, an applicant must demonstrate “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome.” Strickland, 466 U.S. at 694. It is not enough “to show that the errors had some conceivable effect on the outcome of the proceeding.” Id. at 693. Counsel’s errors must be “so serious as to deprive

the defendant of a fair trial, a trial whose result is reliable.” Id. at 687. See Harrington, 562 U.S. 86.

Even under de novo review, the standard for judging counsel’s representation is a most deferential one. Unlike a later reviewing court, the attorney observed the relevant proceedings knew of materials outside the record and interacted with the client, with opposing counsel, and with the judge. It is “all too tempting” to “second-guess counsel’s assistance after conviction or adverse sentence.” Id. at 689; see also Bell v. Cone, 535 U. S. 685, 702 (2002); Lockhart v. Fretwell, 506 U. S. 364, 372 (1993). The question is whether an attorney’s representation amounted to incompetence under “prevailing professional norms,” not whether it deviated from best practices or most common custom. Strickland, 466 U.S at 690.

In assessing prejudice under Strickland, the question is not whether a court can be certain counsel’s performance had no effect on the outcome or whether it is possible a reasonable doubt might have been established if counsel acted differently. Wong v. Belmontes, 558 U.S. 15 (2009); Strickland, 466 U.S. at 693. Instead, Strickland asks whether it is “reasonably likely” the result would have been different. Id. at 696. This does not require a showing that counsel’s actions “more likely than not altered the outcome,” but the difference between Strickland’s prejudice standard and a more-probable-than-not standard is slight and matters “only in the rarest case.” Id. at 693, 697. The likelihood of a different result must be substantial, not just conceivable. Id. at 693. Harrington, 562 U.S. 86.

This Court finds Applicant has failed to meet his requisite burden of proof as to each allegation of ineffective assistance of trial counsel. Each allegation is addressed below.

*Allegation that counsel failed to present his co-defendants as defense witnesses at trial*

Applicant asserts trial counsel was ineffective for failing to present his co-defendants as defense witnesses at trial. Applicant argues these co-defendants would have been beneficial defense witnesses to testify that Applicant was not an active participant in the home-invasion-turned-murder and that he was merely present for the crimes. Despite asserting that he was just merely present, Applicant did acknowledge he was present at the scene with his co-defendants, was carrying a weapon, and spoke to the victim as he lay dying in his home.

Applicant testified he discussed whether to call the co-defendants as defense witnesses with trial counsel and trial counsel agreed they would be beneficial defense witnesses. However, none were presented at trial. He acknowledged the State did not present his co-defendants as state's witnesses nor did the State introduce their statements as evidence in Applicant's trial. Applicant testified he believed it was crucial for his defense to have his co-defendants testify on his behalf during his trial to support his defense that he was merely present.

Applicant acknowledged that he was aware he was indicted and convicted under an accomplice liability theory of "the hand of one, the hand of all" and that he discussed this with trial counsel as well as how it would impact his case. He also acknowledged that it was his initial statement to law enforcement that implicated his co-defendants and led to their arrests. He also acknowledged that all co-defendants accepted responsibility for their involvement and pled guilty prior to Applicant's trial. Despite this, Applicant insisted his co-defendants would have been beneficial witnesses for his defenses at trial.

Applicant did not present any of his co-defendants to testify or otherwise provide evidence of their testimony in accordance with the rules of evidence at the hearing.

In response to this allegation, the State presented testimony from trial counsel. Counsel testified that Applicant had already given a full statement implicating himself and his co-defendants by the time he was appointed. He testified that this first statement was video-recorded and voluntary. He elaborated that Applicant told law enforcement that he was present at the scene, knew what was going to happen in terms of the robbery, and had a weapon (albeit unloaded). Counsel confirmed that it was this initial statement that led to the arrest of Applicant and all other co-defendants. He testified he did not have a winning argument to suppress or otherwise prevent this statement from being admitted into evidence at trial.

Counsel testified he fully explained accomplice liability under the “hand of one, hand of all” theory to Applicant and how the facts of his case fit into this theory, including that Applicant willingly went to the scene with a weapon with his co-defendants. He testified that Applicant appeared to understand this accomplice liability theory and how it would impact his case.

Counsel testified his defense strategy centered around Applicant being a minor, uninvolved participant in the crime. He acknowledged that Applicant had traveled to the scene with the co-defendants and had a weapon, but emphasized that Applicant did not enter the home, his weapon was unloaded, and Applicant did not know the plan involved possibly shooting the victim. He testified that he introduced text messages between the co-defendants in furtherance of this theory and argued the text messages do not show Applicant as an active participant in the planning of any possible shooting of the victim.

Counsel testified he discussed calling the co-defendants as witnesses at trial but ultimately determined it was not in Applicant’s interest to present them as defense witnesses. He explained that the co-defendants likely would have been hostile witnesses as Applicant initially implicated them, leading to their ultimate convictions, and all had pled guilty and received sentences by the

time of Applicant's trial. He feared that the co-defendants would have said damning things about Applicant had they been presented as witnesses and would have hurt Applicant's defense. He also testified he was able to present evidence that Applicant was merely present and not involved in any possible plan to shoot the victim based on the text messages he introduced. He testified he discussed whether to have the co-defendants testify on the record during the trial, as reflected in the trial transcript, but ultimately the decision was made by the defense team not to present the co-defendants as a matter of trial strategy.

This Court finds Applicant has failed to meet his requisite burden of proof as to this allegation. As an initial matter, Applicant failed to present any of the co-defendants as witnesses or otherwise offer evidence of what their testimony would have been in accordance with the rules of evidence, and, accordingly, this claim must fail as a matter of law. See Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (noting our courts have "repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial"); Glover v. State, 318 S.C. 496, 499, 458 S.E.2d 538, 540 (1995) (holding a PCR applicant's mere speculation as to what the witnesses' testimony would have been cannot, by itself, satisfy the burden of showing prejudice); Smith v. State, 404 S.C. 493, 502, 745 S.E.2d 378, 383 (Ct. App. 2012) (holding an applicant failed to meet his burden of proof where he failed to present testimony from any of the witnesses he asserts should have been called at trial). As Applicant failed to present any witnesses to support this allegation, this claim fails.

Moreover, this claim also fails because trial counsel articulated a valid strategic reason for *electing* not to present Applicant's co-defendants as witnesses at trial. Counsel testified all co-defendants would have been hostile witnesses and he was worried as to what each would say if

they took the stand, as it was Applicant's statement that implicated all co-defendants and directly led to their arrests. He testified he was also able to present evidence to the jury to show that Applicant was merely present, or, at the very least, not involved in any plan to shoot the victim based on the text messages from the co-defendants, thereby eliminating the need to present potentially (and likely) hostile witnesses. This was a reasonable trial strategy based on the facts and circumstances of this case. See Edwards v. State, 392 S.C. 449, 458, 710 S.E.2d 60, 65 (2011) (finding trial counsel made a valid, strategic decision not to present a co-defendant as a witness based on his observations of the co-defendant and concerns regarding his credibility); Jackson v. State, 329 S.C. 345, 351–52, 495 S.E.2d 768, 771 (1998) (holding counsel had a valid strategic reason for not calling a co-defendant as a witness where the co-defendant's credibility was a concern and the same evidence would be presented through another witness); Stokes v. State, 308 S.C. 546, 548, 419 S.E.2d 778, 779 (1992) (finding counsel's decision to not call witnesses reasonable where their testimony would have been of no value to the case and they made inconsistent statements in the past).

Accordingly, Applicant cannot meet his requisite burden of proof as to this allegation, which this Court denies and dismisses with prejudice.

***Allegation that counsel allowed his co-defendants to appear before the jury in jail attire.***

Applicant asserts trial counsel was ineffective for allowing Applicant's co-defendants to appear before the jury in jail attire. Applicant testified his co-defendants appeared before the jury in jail attire (specifically, SCDC gray jumpsuits) and shackles. He testified these co-defendants were present for three of the four days of his trial and the jury observed them in jail attire. He testified he believe this was prejudicial to his case because the jury would infer he was guilty because his co-defendants were already incarcerated. He acknowledged that this position is

contrary to his prior allegation where he asserts that he wanted his co-defendants to testify directly for the purpose of implicating themselves and diminishing Applicant's involvement.

Counsel testified that he does not recall the co-defendants ever appearing before the jury, but he cannot recall with certainty. He testified he does not believe this happened because he thinks it would have been something he would remember, especially if the co-defendants were in jail attire. Counsel testified he discussed whether to have the co-defendants transported to the courthouse with the State and the trial court at the end of the third day of trial and the record reflects the co-defendants were not at the courthouse, but rather, were housed at the Aiken County Detention Center. He believes that two of the co-defendants were transported to the courthouse on the final, fourth day of trial at his request and were placed in a holding cell but he does not believe they were ever before the jury.

This Court finds Applicant cannot meet his requisite burden of proof as to this allegation and it must be denied. Initially, the Court finds that Applicant's testimony as to this issue is not credible and is refuted by the record that shows that the co-defendants were not transported to the courthouse from the Aiken County Detention Center until the final day of trial. See Trial Tr. p. 353. This is in direct contrast to Applicant's incredible testimony that the co-defendants were present in the courtroom before the jury for the vast majority of his trial and were in jumpsuits and shackles from SCDC. This Court finds Counsel provided credible testimony that he does not believe the co-defendants were ever present before the jury in jail attire, which again, is supported by the record. Applicant has failed to present credible evidence that his co-defendants were present in jail attire before the jury, and, accordingly, this allegation is denied and dismissed with prejudice.

Additionally, this Court finds Applicant is unable to establish any prejudice had he presented credible evidence that the co-defendants were present before the jury in jail attire. At the time of Applicant's trial, his co-defendants had pled guilty and been sentenced, which is something Applicant now asserts the jury should have been told because it would have been beneficial to his defense. He has testified he believed it was vitally important for the jury to know that his co-defendants were guilty. Therefore, it does not make any logical sense that Applicant would have been prejudiced by his co-defendants appearing in jail attire if he insists that the jurors needed to know his co-defendants were guilty. Moreover, the prohibitions Applicant cites regarding jail attire before the jury are related to the defendant, not a testifying witness. See Humbert v. State, 345 S.C. 332, 337, 548 S.E.2d 862, 865 (2001) (emphasis added) ("We find it generally improper for *a defendant* to appear for a jury trial dressed in readily identifiable prison clothing."), abrogated on other grounds by Fishburne v. State, 427 S.C. 505, 832 S.E.2d 584 (2019). Accordingly, this Court find this allegation must be denied and dismissed with prejudice.

### CONCLUSION

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

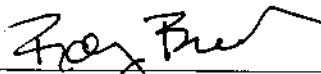
This Court notes that if Applicant wishes to appeal this order, Applicant, though his counsel of record, must file and serve a notice of appeal within thirty days from the receipt of this Order. See Rule 203 and 243, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides if the applicant wishes to seek appellate review, post-conviction

relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. Applicant is granted belated appellate review of direct appeal issues pursuant to White v. State;
2. All other allegations for post-conviction relief are be denied and dismissed with prejudice; and
3. Applicant shall remain in the custody of the State.
- 4.

AND IT IS SO ORDERED this 11 day of April, 2022.

  
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 ROBERT BONDS  
 Presiding Judge  
 Second Judicial Circuit

White, South Carolina