

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
J. Mark Hayes, II, Circuit Court Judge

RECEIVED

JUN 28 2013

S.C. Supreme Court

JEFFREY EUGENE JETER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000215

APPENDIX

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1 STATE OF SOUTH CAROLINA }
2 COUNTY OF SPARTANBURG } COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 VS.) RECORD
7 JEFFREY JETER,) 09-GS-42-1802
8 DEFENDANT.) 2009-GS-42-1413 - 1416
9 2009-GS-42-1419 - 1421
2010-GS-42-5616 - 5617

10
11 October 28th, 2010
12 Spartanburg, South Carolina

13 B E F O R E :

14 THE HONORABLE ROGER L. COUCH, Judge.

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

16 MATT KENDALL
17 ASSISTANT SOLICITOR
18 Attorney for the State

19 JAMES CHEEK
20 ASSISTANT PUBLIC DEFENDER
21 Attorney for the Defendant

22
23
24 PAMELA E. GREEN
25 Circuit Court Reporter
Seventh Judicial Circuit

1	<u>E X H I B I T S</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
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1 P R O C E E D I N G S

2
3 THE COURT: All right. Let's call the names of those
4 who will be qualified at this time.

5 SOLICITOR ANDERSON: Yes, sir.

6 George Clark.

7 THE COURT: Stand when your name is called and remain
8 standing.

9 (Defendant Clark stands.)

10 SOLICITOR ANDERSON: Jeffery Jeter.

11 (Defendant stands.)

12 SOLICITOR ANDERSON: Eric Jones.

13 (Defendant stands.)

14 SOLICITOR ANDERSON: Jerry Edward Mills.

15 (Defendant stands.)

16 SOLICITOR ANDERSON: And Fransisco Javier Alejo.

17 THE OFFICER: He's not in here at this time.

18 SOLICITOR ANDERSON: Okay. We were gonna bring him in
19 just on the off chance that Ms. Jones got done.

20 THE COURT: Not here?

21 THE OFFICER: He's here, but I was told he was gonna
22 look for his private---

23 SOLICITOR ANDERSON: Ms. Jones, Tanya's still in trial,
24 Your Honor. So---

25 THE COURT: All right. These are the gentlemen we're

1 gonna qualify?

2 SOLICITOR ANDERSON: Yes, sir, Ms.---

3 THE COURT Do you have that straight as to who they
4 are?

5 THE COURT REPORTER: Yes, sir.

6 THE COURT: All right. Please swear these defendants
7 for me.

8 (WHEREUPON, all defendants were placed under oath at
9 this time.)

10 THE COURT: You can be seated.

11 (Defendants comply.)

12 THE COURT: All right. Just give me a moment. I've
13 got to mark all these indictments as far as the plea being
14 accepted, and then we can get started.

15 (Pause.)

16 THE COURT: All right. The gentlemen we're qualifying,
17 let me go over some matters with you. I'm going to go over
18 some matters with you that would be common to your cases
19 should you decide to offer a guilty plea. I'm not accepting
20 your plea at this time. Later on, we'll call your name,
21 you'll come in front of me, and at that time we'll discuss
22 the individual matters involved in your cases. I am going
23 to ask you about things that would be common to all of your
24 cases should you decide to offer a guilty plea.

25 Now, the first thing I will tell you, I have not seen

1 your indictments. You have a right to have your cases
2 considered by the Grand Jury. The Grand Jury decides
3 whether or not there's enough evidence to justify sending
4 the case to this Court for a trial or a plea.

5 They do not determine your guilt or innocence in the
6 Grand Jury proceedings. Neither you or your lawyer's
7 allowed to be at the Grand Jury proceedings, but, again, you
8 have a Constitutional right to have your case screened by
9 the Grand Jury before it comes to this Court.

10 Now, should your case come in front of me and the Grand
11 Jury has not yet considered it, and has not yet issued a,
12 issued a true bill, I can not take up the case unless you
13 are willing to waive or give up that right or that step in
14 the proceedings. We'll talk about that when I see your
15 paperwork. If the Grand Jury has already considered your
16 case, we can go forward. If the Grand Jury has not, then
17 I'll ask you whether you wish to waive that right or whether
18 you wish to wait to see what the Grand Jury's going to do.

19 So, we'll talk about that when I see your paperwork.
20 Also we'll talk about your relationship with your lawyer
21 when your case is called.

22 Your lawyer is present. He's available to you at all
23 times during this process. If, at any time, you wish to
24 consult with your lawyer, please let me know. I'll be more
25 than happy to stop, allow you to do that. You have every

1 right to discuss any matters with your attorney before we
2 proceed.

3 The first question I have for you, do any of you
4 currently suffer from any mental, physical, nervous
5 conditions, or any other conditions that would affect your
6 ability to understand what you're doing today or to handle
7 your plea, if that's true, please stand.

8 (No response.)

9 THE COURT: If any of you have taken or used any drugs
10 or any other substances that would affect your ability to
11 understand what you're doing or to make good decisions,
12 please stand.

13 (No response.)

14 THE COURT: If anyone has threatened you, coerced you,
15 put pressure on you, tried to intimidate you, or done any
16 act whatsoever to try to get you to offer a plea in your
17 case, please stand.

18 (Defendant Clark stands.)

19 THE COURT: Yes, sir, your name and---

20 THE DEFENDANT: George Clark.

21 THE COURT: Okay, sir. Your situation?

22 THE DEFENDANT: When I was getting ready to make a
23 statement to the police officers, it was a whole lot of
24 hollering and screaming and stuff. I wasn't planning on
25 making a statement. I was gonna, you know, I was gonna tell

1 them actually, you know, what happened, and then you can't
2 tell them what happened. So, you know, it was a lot of two,
3 these two mens, you know, two investigators, you know, I
4 know they probably not gonna admit to it, you know, but I'm
5 telling you that's what they done, and they came---

6 THE COURT: Well, now my question was not about whether
7 or not something happened---

8 THE DEFENDANT: Well, it was told---

9 THE COURT: Let me finish talking, then I'll let you
10 answer me.

11 My question was had anyone threatened you or coerced
12 you in an effort to get you to plead today.

13 THE DEFENDANT: Yes, sir, I say that they was
14 intimidate me to make a, make a, write a statement by
15 hollering and stuff.

16 THE COURT: Well, do you wish to challenge your
17 statement?

18 THE DEFENDANT: No, sir, I'm just gonna go ahead with
19 it.

20 THE COURT: Well, again, were they threatening you if
21 you didn't plead guilty?

22 THE DEFENDANT: No, sir, they just threatened me to
23 write a statement.

24 THE COURT: I'm sorry?

25 THE DEFENDANT: They was threatening me to write a

1 statement. Say if I didn't write the statement, you know,
2 about what I done, you know---

3 THE COURT: Well, I'm gonna tell you again, you have a
4 right, at a trial, to, to challenge any statement that you
5 make prior to the time of a trial, and you have every right
6 to demand a hearing on that subject. If that's what you
7 want, we'll be happy to stop and allow you to do that.

8 THE COURT: I'm just thinking, you know, I'm just tired
9 of being in jail. It's just prolonging the time being down
10 there in the jail.

11 THE COURT: Well, sir, again, you have a Constitutional
12 right to have a defense in your case, and if you're raising
13 that issue and want to raise that issue, I'm not telling you
14 not to. I'm, on the record, telling you you have a right to
15 do that.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And if you wish to raise that issue, we'll
18 stand you down, we'll put you on the trial docket, and we'll
19 bring your case up.

20 THE DEFENDANT: I'm just gonna go ahead with it.

21 THE COURT: Okay. So, that -- whatever they did is not
22 forcing you to offer a plea today.

23 THE DEFENDANT: No, sir.

24 THE COURT: So, whatever you're doing today is
25 something you want to do?

1 THE DEFENDANT: Yes, sir, I'm just saying a statement
2 here today.

3 THE COURT: Beg your pardon?

4 THE DEFENDANT: I'm just stating what they done.

5 THE COURT: Well, see, I'm trying to determine whether
6 or not your plea is---

7 THE DEFENDANT: Yes, sir, it's free and voluntarily---

8 THE COURT: ---freely and voluntarily given.

9 Now, don't talk when I'm talking. I'll let you finish
10 your statement. Let me finish my statement.

11 I'm telling you that we have an, you have an
12 opportunity, at this point in time, if you wish to assert
13 any of your rights, you have a right to do so.

14 My question is, however, has anyone done anything to
15 force you to offer a plea today?

16 THE DEFENDANT: No, sir.

17 THE COURT: And my question, again, to you was, did
18 anything they do force you or make you offer a plea today?

19 THE DEFENDANT: No, sir.

20 THE COURT: Okay, sir. You can have a seat.

21 Anyone else?

22 (No response.)

23 THE COURT: Now, if you are to -- if you decide to
24 offer a plea in court today, it must be done freely and
25 voluntarily, just like I explained to the gentleman. That

1 means it's something that you've thought about and you've
2 decided that you want to do.

3 Now, any of you believe that if you came in front of me
4 today to offer a plea that somehow that would be done
5 against your wishes or something that you did not wish to
6 do, please stand.

7 (No response.)

8 THE COURT: If anyone has made any promises,
9 guarantees, or assurances to you about any matters
10 whatsoever, including, but not limited to such things as
11 pardon, parole, probation, early release, or length of
12 sentence in an effort to try to get you to offer a plea,
13 please stand.

14 (Defendant responds.)

15 THE COURT: Yes, sir, your name?

16 THE DEFENDANT: George Clark.

17 THE COURT: Yes, sir.

18 THE DEFENDANT: Judge Couch, had a public defender come
19 down to the jail, I don't know who he was, and I can
20 describe him though cause I don't know who he was.

21 MR. CHEEK: May it please the Court, Your Honor?

22 THE COURT: Yes, sir.

23 MR. CHEEK: In the, in the interest of preserving my
24 client's confidentiality as well as his client,
25 attorney/client privileges --

1 THE COURT: Yes, sir.

2 MR. CHEEK: -- I'm gonna ask Mr. Clark to be seated.
3 We will deal with him on another day.

4 THE COURT: Okay.

5 THE DEFENDANT: I'm gonna plead guilty.

6 MR. CHEEK: No, sir, not today you won't. Have a seat.

7 THE COURT: We're gonna stand you down, stand your plea
8 down. I'm gonna give you a chance to consult with your
9 attorney. Obviously there's a lot of issues involved in
10 your case that need to be considered, and the reason I'm
11 asking these questions is to determine the voluntariness of
12 your plea, and whether or not anyone has made any promises
13 or guarantees. You've risen to tell me that someone has,
14 apparently has. If that's happened, then it needs to be
15 worked out.

16 THE DEFENDANT: And, judge, I just want to go ahead
17 with the trial today.

18 THE COURT: Well, sir, your attorney is telling me that
19 he's not going to do that.

20 THE DEFENDANT: I just want to go ahead today and get
21 it over with.

22 THE COURT: Well, it's not your choice. This Court has
23 to agree to accept your plea, and I'm telling you today I'm
24 not accepting your plea. So, we're gonna stand you down.

25 You can take him from the courtroom.

1 (Pause.)

2 THE COURT: Now, and to the other defendants, again,
3 the issues I'm going over are matters that are common to all
4 of your cases. I have to be sure that your plea is given
5 knowingly, intelligently, and it's of your own free will,
6 without any promises, any guarantees about anything, and
7 that's what I'm trying to determine. The gentleman who just
8 left had issues concerning people yelling at him about his
9 statements, and also apparently had issues concerning
10 promises that might have been made to him. And in that
11 case, I've determined that, at this point in time, his would
12 not be a voluntary plea.

13 We don't do this just because somebody wants to do it
14 today. It has to be a knowingly, intelligently, and
15 voluntarily given plea, and I've asked him to stand down
16 while those issues get resolved. So, we're gonna try to
17 resolve his issues if we can.

18 Now, I was asking about any promises or guarantees that
19 might have been made by anyone in making your plea. He
20 stood up. If anyone else would like a report of anyone
21 making any promises, guarantees concerning matters in
22 connection with your plea, please stand.

23 (No response.)

24 THE COURT: Now, I have to be sure that you understand
25 your rights under the Constitution because, when you offer a

1 guilty plea, you waive or give up most of your rights under
2 the Constitution, and I have to be sure that you've done
3 that knowingly and intelligently. In other words, you know
4 the rights, you understand them, and you've decided that you
5 wish to waive those rights in order to offer a guilty plea.
6 So, when I finish my explanation of your rights, if you have
7 a question, I'll give you a chance to answer those
8 questions.

9 Now, first of all, you have a right to have your case
10 considered by the Grand Jury. Again, I'll discuss that with
11 you when you come in front of me later on.

12 You have a right to an attorney, and your attorney is
13 present and available to you at all times.

14 You have a right to demand a trial by a jury. At the
15 trial, you'd be presumed to be innocent until the State
16 proved your guilt beyond a reasonable doubt. The State has
17 the only burden of proof in criminal cases. A defendant has
18 no burden of proof. You're presumed to be innocent.

19 At the trial, you could issue subpoenas to witnesses to
20 have them come to Court to testify for you. You'd have the
21 right to confront or question anyone who might testify
22 against you. At the trial, you could present all the
23 defenses that you have to the charges that are before the
24 Court.

25 Also, at the trial, you would be given the opportunity

1 to try to suppress any and all evidence that the State has
2 against you. That includes statements that you may have may
3 made prior to the time of a trial.

4 You always have a right to remain silent, and if you
5 chose to remain silent at a trial, the judge is required to
6 instruct the jury that your silence could not be used
7 against you in any fashion whatsoever.

8 Those are your rights under the Constitution. If you
9 have any questions about them, please stand.

10 (No response.)

11 THE COURT: Now, if you would like further explanation,
12 please stand.

13 (No response.)

14 THE COURT: Now, if you plead guilty and I decide to
15 accept the plea, I've already indicated I have to decide to
16 accept it. Then, in that case, you will be waiving or
17 giving up all of your constitutional rights with the
18 exception of the right of having your attorney represent you
19 as they relate to the charges that are before the Court.

20 Now, if there's any of the rights I've just gone over
21 with you that you do not wish to give up in connection with
22 a plea today, please stand.

23 (No response.)

24 THE COURT: I'll advise each of you that you have ten
25 days from the date that I, that you enter a plea and a

1 sentence is issued in which to file an appeal of that plea
2 if you choose to do so.

3 I'll declare that these defendants are qualified to
4 proceed with a plea if they decide to do that.

5 The State may call the first case.

6
7 (WHEREUPON, other guilty pleas were accept at this
8 time, and court as adjourned for the evening.)

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Thursday, October 28th, 2010

THE COURT: Mr. Kendall.

SOLICITOR KENDALL: Morning, Your Honor.

THE COURT: Good morning.

How are you doing today?

SOLICITOR KENDALL: Very good, sir. Very good.

THE COURT: All right. I'll hear from you about Mr. Jeter.

SOLICITOR KENDALL: Your Honor, before the Court is Mr. Jeffrey Jeter on Indictment 09-1802, 09-1414, 09-1413. Those four are for forgeries over \$5,000, all third or subsequents.

09-1419, receiving stolen goods under \$1,000.

09-1415, an additional forgery.

19-1420, receiving stolen goods 1,000 to 5,000.

obtaining property by false pretenses under Indictment 09-1421.

Forgery under \$5,000 on Indictment 09-1416.

A petty larceny under Indictment of 10-5616.

A petty larceny under Indictment 10-5617.

Each of these, Your Honor, are third and subsequent offenses. The defendant is represented today by his attorney, Mr. James Cheek. The victims in this case have been notified. They do not wish to be here, but they seek

1 restitution in the amounts provided. There is a
2 recommendation in this case, Your Honor. It's a -- it is a
3 really three part recommendation, Your Honor. The first
4 part---

5 THE COURT: Yes, sir.

6 SOLICITOR KENDALL: ---is that Mr. Jeter pleads to five
7 counts of forgery and two counts of petty larceny to run
8 concurrently with each other and with his probation
9 violation for -- additionally that Mr. Jeter plead to one
10 count of the obtaining goods by false pretenses, and two
11 counts of receiving stolen goods with a recommendation of a
12 consecutive term of ten years suspended to five years of
13 probation with restitution. The remaining three charges
14 will be dismissed in this incident, Your Honor.

15 THE COURT: Say that recommendation one more time.

16 SOLICITOR KENDALL: Yes, sir.

17 That Mr., that Mr. Jeter -- it's a three part
18 recommendation, Your Honor.

19 THE COURT: Uh-huh. (Affirmative).

20 SOLICITOR KENDALL: The first is that Mr. Jeter pleads
21 to five counts of forgery and two counts of petty larceny to
22 run concurrent with his, with each other. He also has a
23 probation violation.

24 MR. CHEEK: Your Honor, I will tell the Court that he's
25 already signed a consent order on a revocation for five

1 years. They confirmed with probation.

2 PROBATION AGENT: Yes, Your Honor.

3 SOLICITOR KENDALL: The second part would be, following
4 his incarceration, or that he pleads guilty now.

5 THE COURT: And how much was that incarceration?
6 For how long?

7 SOLICITOR KENDALL: It would be up, be up to ten years,
8 Your Honor.

9 THE COURT: Up to tens years.

10 SOLICITOR KENDALL: And that it would be running
11 concurrent with the five years that he's already going to be
12 serving---

13 THE COURT: I got you.

14 SOLICITOR KENDALL: ---as a result of this probation.

15 THE COURT: And then the next would be a consecutive
16 five year probation with a ten year kicker if he doesn't do
17 it?

18 SOLICITOR KENDALL: Yes, sir, Your Honor.

19 THE COURT: Got you.

20 SOLICITOR KENDALL: I will dismiss the remaining three
21 charges as well.

22 THE COURT: All right. Your name is Jeffrey Eugene
23 Jeter, is that right?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Mr. Jeter, you were before me yesterday.

1 You took an oath to tell the truth.

2 Is that true?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You're still under that oath now.

5 Are you aware of that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Now, Mr. Jeter, you're before me on several
8 charges.

9 Does Mr. Cheek represent you on all the charges?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you satisfied with his services?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Is there anything else that you feel that
14 you should discuss with him at this time?

15 THE DEFENDANT: No, sir.

16 THE COURT: Is there anything that he has failed to do
17 for you?

18 THE DEFENDANT: No, sir.

19 THE COURT: Now, all of these charges carry up to ten
20 years each.

21 How many total charges are there, Mr. Kendall?

22 SOLICITOR KENDALL: There's a total of 13. He's
23 pleading to ten today, Your Honor.

24 THE COURT: Okay. So, you're looking at a total of 130
25 years on these you could serve.

1 You understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, all of them have been indicted by the
4 Grand Jury. They're properly before the Court. I've got
5 one, two, three, four, five counts of forgery. I've got two
6 counts of receiving stolen goods. I've got a petit or
7 simple larceny times two, two of those, and one obtaining
8 property under false pretenses.

9 You understand the charges?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: How do you plead?

12 THE DEFENDANT: Guilty, Your Honor.

13 THE COURT: To all of them?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, do you understand now this
16 recommendation, recommendation from the State is just a
17 recommendation?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You understand I could sentence you to --
20 you already got a probation revocation. But I could
21 sentence you to these, 130 years consecutive?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Does that change your plea?

1 THE DEFENDANT: No, sir.

2 THE COURT: Mr. Cheek, have you discussed this with Mr.
3 Jeter?

4 MR. CHEEK: I have, Your Honor.

5 THE COURT: Satisfied he understood your discussions?

6 MR. CHEEK: Yes, sir.

7 THE COURT: He tells me that he's made the decision to
8 plead guilty to the charges.

9 Do you agree with his decision?

10 MR. CHEEK: Yes, sir.

11 THE COURT: And has he had the ability to assist in his
12 defense?

13 MR. CHEEK: Yes, sir.

14 THE COURT: Does he understand the plea arrangement?

15 MR. CHEEK: Yes, sir, he does.

16 THE COURT: Mr. Jeter, you are 44?

17 THE DEFENDANT: Yes, sir.

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

19 THE DEFENDANT: Eleventh grade with GED.

20 THE COURT: Are you married?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you have children?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: How many?

25 THE DEFENDANT: I have three grown and one small.

1 THE COURT: All right. And do those children live at
2 your home?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Now, did you have a job, Mr. Jeter?

5 THE DEFENDANT: Yes, sir, I had two jobs at---

6 THE COURT: What were you doing?

7 THE DEFENDANT: A landscaping job and a janitorial job
8 I had just started on---

9 THE COURT: Okay.

10 THE DEFENDANT: ---so I can try to pay some of this
11 restitution back.

12 THE COURT: Okay. Mr. Kendall, go over the facts with
13 me on these.

14 SOLICITOR KENDALL: Your Honor, with respect to
15 Indictment 09-1802, or I guess to back-up, Your Honor, these
16 all happened kind of in two big blocks of things. If I
17 could just go through them and explain the evidence that
18 supports that and as two separate things.

19 With respect to Indictment 09-1802, on or about
20 9/7/2008, the defendant passed Check Number 2250 for \$275.31
21 at a Food Lion here in Spartanburg County. He was not
22 entitled to make this check, authorized to make it..

23 On or about 4/3/2008 he forged Check 292745 belonging
24 to R.L. Jordan Oil Company out of their beverage and alcohol
25 account in the amount of \$275.85, again, in Spartanburg

1 County. Again, he's not authorized to do so.

2 On April 4th, 2008, he forged Check Number 292747
3 belonging to R.L. Jordan in the amount of \$350. He received
4 checks belonging to R.L. Jordan knowing said checks to be
5 stolen, and on or about 6/25/2008, the check, the defendant
6 forged Check 1585 in the amount of \$800 belonging to Ruth
7 Jefferies, who's treasurer of the Spartanburg Memorial
8 account. So, her name was on the account, but it was for
9 Spartanburg Memorial.

10 He also---

11 THE COURT: Is that auditorium?

12 SOLICITOR KENDALL: Excuse me, Your Honor?

13 THE COURT: The auditorium?

14 MR. CHEEK: No, sir, Your Honor. It's the committee
15 that took over the historical restoration carried out on the
16 south side of town.

17 THE COURT: Oh, okay.

18 MR. CHEEK: The city cemetery.

19 THE COURT: I'm, I'm familiar with that.

20 Yes, sir, go ahead.

21 SOLICITOR KENDALL: Also, Your Honor, on 09-1420 he
22 received chrome, spinners, rims property of Ms. Cheryl
23 Linder. He then pawned these rims and obtained cash from
24 them from Easy Money Pawn Shop knowing that the rims were
25 not his to sell. He additionally forged Check 1553 in the

1 amount of \$800, again, belonging to Ms. Ruth Jefferies on
2 the Spartanburg Memorial account.

3 All of this was done under the name of Mr. Timothy
4 Dawkins. Timothy Dawkins was a gentleman who had his ID
5 taken, and it ended up with Mr. Jeter at some point.

6 With respect to the Food Lion charges, Your Honor, they
7 were essentially able to get him once they realized that
8 Mr. Dawkins had not written it. He tried to go back again,
9 and, at that point, they discovered it.

10 With respect to R.L. Jordan, there was, there was
11 photographs of him at the store attempting to cash these
12 checks. He also attempted to cash several of them at I
13 believe it's Carolina First Bank.

14 With respect to the checks of Ms. Jefferies, again,
15 this was on the, the, under the name of Mr. Timothy Dawkins.
16 We have both photos of him at the store as well as they
17 required a thumbprint on many of these checks. We were able
18 to match the thumbprint with Mr. Jeter's thumbprint.

19 Going forward -- oh, and to clarify something, the
20 restitution order reflects he ultimately bore the loss on
21 this. I believe that Ms. Jefferies, in talking to her, did
22 not actually lose any money, that the bank actually took a
23 loss on that. So, it's just gone straight with the
24 restitution back to the bank.

25 Respectfully to the -- with respect to the new recent

1 charges, on or about July 27th, 2010, the defendant took
2 \$130 belonging to Joan Ford. He essentially went back to a
3 restricted area of her work and just more or less took it,
4 and then he also took checks belonging to New Deal Market
5 valued under \$2,000 also or, excuse me, on about
6 August 6th, 2011, and also in Spartanburg County, Your
7 Honor.

8 THE COURT: Mr. Jeter, did you hear what the solicitor
9 just told me?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Did you understand what he said?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Is what he told me the truth?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you told me the truth today?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Anyone tell you how to answer my questions?

18 THE DEFENDANT: No, sir.

19 THE COURT: So, the answers you've given me, those all
20 came from you, is that right?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Is there any part of what we discussed now
23 or when you were in the box, that could of been yesterday or
24 whenever, that you want to go back and change anything that
25 you told me?

1 THE DEFENDANT: No, sir.

2 (Pause.)

3 THE COURT: All right. I was asking about, you about
4 whether you told me the truth, and whether the questions
5 were you, the answers were your answers. You told me they
6 were.

7 Now, all the questions I'm asking you today or
8 yesterday, if I asked all those questions again, would I get
9 the same answers verbally this time?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And are you pleading guilty because you are
12 guilty?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: I'll accept the plea. It's freely and
15 voluntarily given. The defendant is aware of the charges,
16 the penalties, had the advice of counsel, says he's
17 satisfied with that advice, and there's a factual basis for
18 his plea.

19 Mr. Cheek, you may speak for Mr. Jeter at this time.

20 MR. CHEEK: Your Honor, Mr. Jeter has asked me to
21 inform the Court that he has been in custody at the
22 Spartanburg County Detention Center on these charges for 165
23 days. He would respectfully ask the Court to also consider
24 that, at one point, he was in the State of Georgia when some
25 of these warrants were initially served on him, and that a

1 detrainer was placed on him. And, Your Honor, he's asking
2 the Court to consider giving him an additional 117 days
3 credit towards the sentence. He tells me that the charges
4 down in Clayton County, Georgia were dismissed, and that the
5 only thing that was holding him was being transitioned and,
6 from Georgia to the State of South Carolina, and I told him
7 I would ask the Court---

8 THE COURT: Does the State have a position on that?

9 SOLICITOR KENDALL: Your Honor, I actually looked into
10 this. That -- he was in a vehicle that was stolen. He was
11 not the driver of the vehicle. The charges against him were
12 dismissed. I believe I'm handling the charges against the
13 people that took that vehicle here in Spartanburg.

14 THE COURT: So, it was a stolen car from Spartanburg---

15 SOLICITOR KENDALL: It was a stolen car---

16 THE COURT: ---and they were caught in Georgia?

17 SOLICITOR KENDALL: I believe that's correct, Your
18 Honor, up in Georgia. We had tried to get them -- we were
19 kind of in a Catch 22. We couldn't revoke his bond cause he
20 was actually in Georgia. We couldn't serve him. But him
21 being in Georgia would of been grounds for bond revocation.

22 He was down there 117 days does sound correct, Your
23 Honor, and I believe those charges were dismissed against
24 him in full.

25 THE COURT: So, what's the total, Mr. Cheek?

1 Do a little quick math.

2 MR. CHEEK: 282, Your Honor.

3 THE COURT: 282.

4 All right. Anything else, Mr. Cheek, you want to tell
5 me about Mr. Jeter.

6 MR. CHEEK: Your Honor, Mr. Jeter, relative to the
7 matter involving the Spartanburg Community Memorial
8 Committee, Your Honor, I made Mr. Jeter aware of this,
9 and -- because I was concerned about a potential conflict.

10 THE COURT: Yes, sir.

11 MR. CHEEK: I explained to him that I was the lawyer
12 for the committee when we started that effort and actually
13 handled the setting up of that committee and transitioned
14 the property from the city to this committee, and that I was
15 involved in, in help raising monies for that effort, and
16 that I want him to know or believe that I would not
17 represent him fully as I possibly could in these matters as
18 I have with other people who were involved in the taking of
19 the monies.

20 I told him that, Your Honor, and I offered to also, in
21 mitigation, because I believe that Antwan Maurice Bell, who
22 is Mr. Jefferies grandson who was living in the home with
23 her, actually orchestrated all of those charges, and got
24 people involved who he knew had some substance abuse
25 problems and got them to sign and write the checks.

1 Although Mr. Antwan Maurice Bell was never arrested because
2 his grandmother, Ms. Jefferies, was adamant that, that he
3 would not have done such a thing.

4 But I will tell the Court that Mr. Bell has had under,
5 two different names. He's got some common law robbery
6 charges pending now, some simple assaults, and some
7 shoplifting enhancement charges, and was involved, as the,
8 as the alleged victim in another case I represented where he
9 accused a gentleman of robbing him, and that gentleman was
10 probably one of his partners, Your Honor, in a sense of a
11 personal relationship. Mr., Mr. Bell has been really active
12 in the community himself doing a lot of things, and I, I
13 firmly believe that he was person that allowed him to take
14 the checks and help write the checks and -- but that he was
15 never prosecuted, Your Honor.

16 But there was an association between Mr. Bell and these
17 other three people involved in taking those checks and
18 writing those checks up, and my client admits that he was
19 involved in these other matters involving or relating to
20 rather using of these checks and cashing them at the various
21 locations in Spartanburg County.

22 Your Honor, he regrets that he got himself involved,
23 first of all, with a number of these people. He regrets he
24 allowed himself to fall back into being around people that
25 he knew would probably lead him back into an active

1 addiction, and, Your Honor, he's asking the Court to have
2 mercy on him and consider accepting the recommendation of
3 the State as far as sentencing in this case is concerned.
4 He would respectfully ask the Court to consider not
5 extending the amount of time he's got to serve should the
6 Court allow him concurrent time with the probation
7 revocation. He understands that he's looking at an
8 additional five years on that particular charge, and he's
9 asking the Court to consider that he had agreed to five
10 years on the probation matter.

11 We ask the Court to consider not extending time. He
12 does understand the Court could give him up to ten years, up
13 to ten years in that particular charge as well as hoping the
14 Court might consider suspended sentence because everybody is
15 really concerned about trying to collect this restitution.

16 He was, had been willing to testify or give a statement
17 against Anthony Bell as well as the other people involved
18 were interested in giving a statement against Anthony Bell.
19 But short of any additional information that involved
20 Mr. Bell, the State was not interested in going that avenue.
21 But he was interested in being cooperative and trying to get
22 Mr. Bell involved and being prosecuted, Your Honor.

23 THE COURT: Anything you want to say, Mr. Jeter?

24 THE DEFENDANT: Yes, sir, I just like to say that I, I
25 really regret that, getting myself tied up in a situation

1 like this, and that was the reason why that I did try to
2 seek employment before I ever come to Court where I can have
3 restitution paid back off because I know it was wrong. I
4 rather just have the, give these people their money back
5 then have to turn around a lot of time for it because I have
6 a child I was raising. I have a nine year old son I'm
7 raising. His mother's out in the streets here. I'm the
8 only one raising him. I would not -- I rather for him not
9 to be raised alone because I rather for him, for me to try
10 to raise him better than I was raised myself, and I ask the
11 Court just to have mercy on me, and, if possible, just not
12 to let my sentence exceed the five years I'm already doing.

13 THE COURT: Prior record.

14 SOLICITOR KENDALL: 1985, Your Honor, Your Honor, petty
15 larceny, three counts of house breaking and grand larceny.

16 1986, burglary second.

17 1991, conspiracy and attempt to possess crack cocaine.

18 1992, joyriding.

19 1994, trespassing after notice.

20 1996, possession of marijuana, no South Carolina, looks
21 like driving without a license and shoplifting.

22 1997, a CDV.

23 1999, a petty larceny.

24 2000, property offense third or subsequent times---

25 THE COURT: Times how many?

1 SOLICITOR KENDALL: Looks like times two, Your Honor.
2 I can't tell -- well, I think that that's once. It just
3 crossed over on the page, Your Honor.

4 THE COURT: Okay.

5 SOLICITOR KENDALL: Giving false information,
6 shoplifting, and simple assault.

7 2001, three counts of shoplifting, two counts of
8 forgery, third property offenses times three, resisting
9 arrest, and trespassing.

10 2002, federal crime for counterfeiting. Conditional
11 release violations.

12 2006, shoplifting.

13 2007, property offense third or subsequent, Your Honor.

14 THE COURT: I'm gonna have your flow chart --

15 SOLICITOR KENDALL: Yes, sir.

16 THE COURT: -- made an exhibit for the plea.

17 SOLICITOR KENDALL: Yes, sir.

18 (WHEREUPON, the chart was marked as Court's Exhibit No.
19 1 and received into evidence at this time.)

20 THE COURT: Mr. Jeter, you've got over 20 convictions
21 on your record.

22 THE DEFENDANT: Yeah, I know. I, I mean I was young
23 when I was getting in all this trouble, and I realize now I
24 wished I hadn't had all these convictions.

25 THE COURT: You been getting in trouble for the last

1 couple of years. I can go over the offense dates. These
2 offense dates stream from -- was it '08 through '10?

3 SOLICITOR KENDALL: I believe that's correct, Your
4 Honor.

5 THE COURT: Over the last two years. While you were on
6 probation for another offense. Don't tell me it was when
7 you were young unless you're young right now.

8 THE DEFENDANT: Yes, sir, but I been trying to make
9 things right.

10 THE COURT: No, you hadn't. That's what you're telling
11 me.

12 THE DEFENDANT: No, that's why---

13 THE COURT: But, you know, I've learned -- I'm talking
14 now. I gave you a chance to talk.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: I've learned that sometimes you just have
17 to look at what people do. Not what they say. And looking
18 at what you do, I've told Mr. Cheek, we call it the
19 Department of Corrections, don't we?

20 MR. CHEEK: Yes.

21 THE COURT: The reason we call it the Department of
22 Corrections, Mr. Cheek, is we send people down there to try
23 to correct their behavior so they'll come back and not do
24 those things again. Some people it doesn't help because
25 they don't want to change. They want to keep doing what

1 they're doing cause I guess you think it's right or it's
2 what you ought to do or that society somehow owes it to you,
3 and I can assure you society does not owe you the
4 opportunity to victimize people especially dead people down
5 here on the south side of town. When you start stealing
6 from dead folks, pretty low. That's my opinion. You know,
7 right now, that's the one that counts. So, it's come to, to
8 a point where the only way we protect ourselves from you is
9 to take you out of our society.

10 All right. I'm through preaching cause it won't do any
11 good.

12 I've signed the restitution order.

13 On Cases 2009-1416, to 2009-1414, an 2009-1415, I have
14 sentenced you to ten years on each of those. I've run it
15 consecutive to each other, and to your probation violation.
16 So, that's 35 years.

17 The other charges I have sentenced you to ten years run
18 consecutively with the exception of Case Number 2009-1413.
19 That one I have sentenced you to ten years suspended to time
20 served with probation for five years. I have ordered the
21 probation to begin upon your release from prison. I have
22 ordered the restitution to be paid all under that particular
23 case. I've ordered payment of Public Defender's fees under
24 that case. Again, all other charges are ten years run
25 concurrent.

1 Good luck to you, sir.

2 SOLICITOR KENDALL: Thank you, Your Honor.

3

4 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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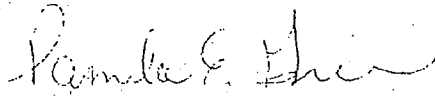
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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 27th and 28th day of October, 2010.

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

May 23rd, 2011



PAMELA E. GREEN, Court Reporter

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 VS.) RECORD
7 JEFFREY JETER,) 2011-CP-42-1967
8 DEFENDANT.)
9

10 December 17th, 2010
11 Spartanburg, South Carolina

12
13 B E F O R E:

14 THE HONORABLE ROGER L. COUCH, Judge.

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

16 MATT KENDALL
17 ASSISTANT SOLICITOR
18 Attorney for the State

19 JEFFREY JETER
20 Pro se

21 JAMES CHEEK and ANDREA PRICE
22 ASSISTANT PUBLIC DEFENDERS

23 PAMELA E. GREEN
24 Circuit Court Reporter
25 Seventh Judicial Circuit

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
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Court's Exhibits

C-1	Letter		
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P R O C E E D I N G S

1
2
3 THE COURT: All right. Mr. Kendall, tell me the
4 sentence, the circumstances under which this defendant was
5 sentenced.

6 SOLICITOR KENDALL: Your Honor, this defendant was---

7 THE COURT: And I assume, Mr. Jeter, you filed it pro
8 se?

9 DEFENDANT: Yes, sir.

10 THE COURT: Your motion?

11 DEFENDANT: Yes, sir.

12 THE COURT: Are you asking pro se today?

13 DEFENDANT: Yes, sir.

14 THE COURT: All right.

15 DEFENDANT: I have---

16 THE COURT: Go ahead, Mr. Kendall.

17 SOLICITOR KENDALL: Your Honor, this, this was done
18 here I believe the end of October. Mr. Jeter was
19 subsequently sentenced on I believe between ten offenses.
20 They're all third or subsequent property offenses.

21 In reading his motion, it is apparent, at least what he
22 is arguing and what he believes an is error, is that we were
23 sentencing under a higher amount, that the actual offenses
24 he was pleading to were higher than he actually did. That's
25 not correct.

1 Everything on the sentencing sheets were, in fact,
2 correct. They're just enhanced sentencing because they were
3 third or subsequent property offenses, Your Honor.

4 THE COURT: All right. Mr. Jeter, I'll be happy to
5 hear from you.

6 DEFENDANT: Okay. Your Honor, the, the -- he said on
7 the sentencing sheet there was an enhancement, but there's
8 no enhancement -- on the sentencing sheet, there is no
9 enhancement on none of my sentencing sheets, and the statute
10 on forgery carries zero to five, and --.

11 THE COURT: Go ahead.

12 DEFENDANT: And, and, furthermore, furthermore, Your
13 Honor, this, this whole case that was heard was a, was a
14 conflict to start with because Andrea Price was suppose to
15 originally by my lawyer in my case. I filed the motion
16 through the Clerk of Court before I was sentencing about the
17 conflict of interest with James Cheek handling my case
18 because the people that I was being charged with was the
19 mortuary about the forgery. He's also their lawyer.

20 So, I mean there was a conflict of interest for him
21 handling---

22 THE COURT: You have to slow down for me to be able to
23 understand what you're talking about.

24 DEFENDANT: There was a conflict of interest with Mr.
25 cheeks pleading my case.

1 THE COURT: With Ms. Who, Mr. Cheek?

2 DEFENDANT: Yes, ma'am. Yes, sir. I had wrote, I had
3 wrote a motion to the Clerk of Court explaining to,
4 explaining my situation to them about the conflict of
5 interest, which was on September the 15th, and I was
6 stating---

7 THE COURT: Pass that to me.

8 DEFENDANT: And that was received -- I have also a copy
9 I received back from the Public Defender's Office, Mr. Clay
10 Allen. The bottom, the bottom paragraph is what he sent
11 back. And if I'm not mistaken---

12 THE COURT: You're gonna have to give me a chance to
13 read something.

14 DEFENDANT: Okay.

15 THE COURT: Thank you.

16 (Pause.)

17 THE COURT: All right. Now, see you had, you had filed
18 an inmate request form and you received a response from the
19 Public Defender's Office indicating that they did not
20 believe they had a conflict in the case.

21 DEFENDANT: Yes, sir.

22 THE COURT: Then you appeared in front of me and pled,
23 is that right?

24 DEFENDANT: Yes, sir.

25 THE COURT: And who was your attorney for the plea?

1 DEFENDANT: James Cheeks.

2 THE COURT: All right. And did you object at that time
3 about Mr. Cheek handling---

4 DEFENDANT: I objected, I objected a couple of times
5 about Mr. Cheeks and I was, I was---

6 THE COURT: I'm talking about during the---

7 DEFENDANT: No, sir, because I -- I mean the letter I
8 got from Clay Allen stated my objection was no good.

9 THE COURT: Yes, sir.

10 But did you then continue -- did you take your
11 objection to the Court?

12 DEFENDANT: No, sir.

13 THE COURT: Okay.

14 DEFENDANT: But at which time I mean Mr. Cheeks stated
15 to you in Court that he didn't think he could give me the
16 best representation possible because he was also the lawyer
17 for the party that I was being blamed for the checks.

18 THE COURT: I don't recall that occurring.

19 Have you got a copy of the transcript that indicated
20 that?

21 DEFENDANT: No, sir.

22 THE COURT: I don't recall that occurring.

23 DEFENDANT: I mean Mr. Cheeks is standing there. I mean
24 he can---

25 THE COURT: Well, I'll talk to Mr. Cheek about it in

1 just a minute. I'm just saying I don't recall that
2 occurring.

3 DEFENDANT: Well, I can---

4 THE COURT: The transcript would speak for itself, and
5 I'm asking you do you have a copy of the transcript---

6 DEFENDANT: No, sir, I don't have a copy.

7 THE COURT: ---that indicates that?

8 Okay. Anything else you want to tell me?

9 DEFENDANT: I mean I have a copy of the mortuary itself
10 showing that Mr. James Cheeks is the lawyer for the
11 Community Mortuary.

12 THE COURT: All right. Well, let's ask Mr. Cheek.
13 Mr. Cheek.

14 MR. CHEEK: Your Honor, I am not the attorney for the
15 Spartanburg Community Memorial Committee. Not the mortuary.
16 I have no association with Spartanburg County, with
17 Spartanburg Community Mortuary nor the Spartanburg Community
18 Memorial Committee at this point in time that I put on the
19 record at the time of not only Mr. Jeter's plea, but also
20 his codefendant that---

21 THE COURT: I recall you having brought that up during
22 the plea.

23 MR. CHEEK: Yes, sir, at the time of the pleas for all
24 three of these individuals I indicated that I had some
25 knowledge of the committee, that I was one of the people in

1 the community who had worked to help establish the Community
2 Memorial Committee, that I was no longer a member, that I
3 felt confident that everybody on that committee would want
4 to show some mercy to Mr. Jeter, and actually, Your Honor,
5 the victims in the case I believe would be banks and not the
6 Committee at that time because I'm sure that the bank has
7 reimbursed the committee so that I don't think there would
8 be any conflict, and I made all of the, everyone aware of my
9 involvement I guess some 15 or 20 years ago, Your Honor.
10 It's been a long time since I've been involved with that
11 committee.

12 THE COURT: And I, I recall it being brought up at the,
13 at the---

14 MR. CHEEK: Yes, sir.

15 THE COURT: ---at the plea and I don't recall an
16 objection from Mr. Jeter at that time.

17 MR. CHEEK: Yes, sir.

18 THE COURT: Would you like to say anything, Ms. Price?

19 MS. PRICE: Yes, Your Honor.

20 With regard to Mr. Jeter's claim that this was not a
21 third or subsequent property enhancement, I sent Mr. Stepp
22 down, when I got his pro se motion, I sent Mr. Stepp down to
23 the Clerk's Office to pull copies of all of his sentencing
24 sheets where Your Honor sentenced him on the 28th of
25 October. While it does not specifically say third or

1 subsequent property offense, it does list on all of these,
2 Mr. Kendall did put these in, that they did have the -- it
3 did have the enhance sentencing range on it up to ten years,
4 Your Honor. If Your Honor would like to see these to
5 refresh your recollection---

6 THE COURT: Don't need to do that.

7 MS. PRICE: ---I'll be glad to hand these up.

8 THE COURT: And are they, in fact, third or subsequent
9 property offenses?

10 MS. PRICE: Yes, Your Honor. I believe they are.

11 DEFENDANT: But the statute that it's under, Your
12 Honor, 16-13-10(b) which states that under 16-13-10(b)
13 forgery less than 5,000 carry five years.

14 THE COURT: Unless it's a third or subsequent property
15 offense.

16 DEFENDANT: Right. But there's no -- like I said,
17 there's no, there's no thing showing, showing that it's a
18 third or subsequent property on the property---

19 THE COURT: It indicates the sentencing range, does it
20 not?

21 Show it to him.

22 MS. PRICE: It does, Your Honor.

23 DEFENDANT: I mean yes, it says -- it's indicated the
24 sentencing range, but I'm saying -- I mean that's not
25 telling me it's a subsequent property.

1 THE COURT: Well, on the record it would of been
2 discussed with you specifically, is that not right?

3 I'm asking you, Mr. Jeter.

4 DEFENDANT: I'm, I'm not sure, Your Honor.

5 THE COURT: I don't recall a plea I've ever taken that
6 I haven't told someone the sentencing range---

7 DEFENDANT: I mean it's still, it still---

8 THE COURT: ---and what they were pleading to. If
9 you've got a transcript where I failed to do that I'll be
10 glad to look at that as well.

11 DEFENDANT: I mean I've got -- I sent for copies of my
12 transcript and was denied copies of my transcript.

13 MS. PRICE: Your Honor, this -- part of these are
14 currently on direct appeal on the Court of -- a criminal
15 appeal, which is---

16 THE COURT: Oh, he's already appealed it?

17 MS. PRICE: He did -- it was appealed, but this motion
18 was filed first.

19 THE COURT: Okay.

20 All right. Mr. Kendall, do you recall the plea?

21 SOLICITOR KENDALL: I do, Your Honor. I do believe
22 that the fact that it was a third or subsequent was
23 discussed very clearly. I also do recall Mr. Cheek putting
24 on the record -- I don't believe that Mr. Jeter ever had any
25 objections to this association at all. It was discussed and

1 specifically addressed at that time.

2 DEFENDANT: Because I had no objection, but the plea
3 that was told to me that I was pleading to five counts of
4 forgery less than 5,000 and two counts of petty larceny
5 enhanced with a recommendation of the State not to exceed
6 the five years to run concurrent with the five years I was
7 serving on probation.

8 MS. PRICE: Your Honor?

9 THE COURT: I would of told you also, if it's a
10 recommendation, I'm not bound by that.

11 DEFENDANT: But you never said that you were not gonna
12 take it, that you never -- you never said that you was not
13 taking the recommendation. You said that you were not bound
14 by it, but you never said that you would not take the
15 State's recommendation.

16 THE COURT: Well, when I issued the sentence I think it
17 became apparent that I was not bound by it.

18 DEFENDANT: No, you never made that cause I---

19 THE COURT: Motion denied. Prepare an order. Thank
20 you.

21 SOLICITOR KENDALL: Thank you, Your Honor.

22 THE COURT: These are his documents. Return those to
23 him.

24 wait a second. Make, make those exhibits to the
25 hearing and give him back a copy.

1 Thank you.

2 (WHEREUPON, the letter was marked as Court's Exhibit
3 No. 1 and received into evidence at this time.)

4

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6 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 17th day of December, 2010.

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

June 24th, 2013



PAMELA E. GREEN, Court Reporter

FORM 5

2011-CP-42-1967

STATE OF SOUTH CAROLINA

County of SpartanburgJeffrey Eugene Jeter

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lee Correctional Institution
990 Wisacky Hwy Bishopville SC 29010
2. Name and location of Court which imposed sentence Spartanburg County
Court of General Sessions, 118 Cornell St, Spartanburg, SC 29306
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 09-GS-4201802, 10-GS-4205616, 09-GS-4201419, 09-GS-4201420
 - (b) 09-GS-4201421, 09-GS-4201413, 09-GS-4201414
 - (c) 09-GS-4201415, 09-GS-4201416, 10-GS-4205617

2011-CP-42-1967

5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 10 Nonviolent, 10 Nonviolent run Consecutive, another 10 Nonviolent Consecutive
- (b) 10 Nonviolent Consecutive - Six more ten years sentences
- (c) run concurrent
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ☒
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. 17 December 2010
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) See Allegation attached 10, A
- (b) See Allegation attached 10, B
- (c) See Allegation attached 10, C
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See 11, A
- (b) See 11, B
- (c) See 11, C
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? yes
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. Motion for Resentencing
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. County of Spartanburg South Carolina
- ii. _____
- iii. _____
- iv. _____

2011 MAY -2 AM 9:37

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

NO

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

(a) which grounds have been presented:

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

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

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

2011 MAY -2 AM 9:37

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

(a) N/A
 (b) _____
 (c) _____

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

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

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

(a) the name and address of each attorney who represented you:

i. James Cheek Public Defender

ii. _____

iii. _____

(b) the proceedings at which each such attorney represented you:

i. Plea, Sentencing

ii. _____

iii. _____

FILED
 CLERK OF COURT
 SHERIDAN COUNTY
 2011 MAY -2 AM 9:37
 H. HOPE BLANCHET

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

Relief from excessive Sentence in Violation of Code
§ 17-27-20 A(4) Sentence exceeds the maximum
authorized by law

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

NO

STATE OF SOUTH CAROLINA)

County of Spartanburg)

VERIFICATION

I, Jeffery E. Jeter

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

SWORN to and subscribed before me this 28
 day of April, 2011.

Dana Swine (L.S.)
 Notary Public

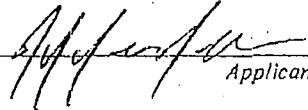
My Commission Expires: 11-4-2015

2011 MAY -2 AM 5:37

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

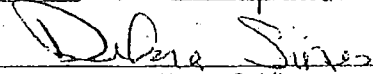
I, _____, hereby apply for leave to
proceed in this action without prepayment of fees or costs or security therefor. In support of my
application I declare under penalty of perjury that the following facts are true:

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


Applicant

SWORN or affirmed to and subscribed before me this

28 day of April, 2011.


Notary Public

My Commission Expires: 11-4-2015

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100-100-100

10, A

Will you please send me a clock stamp

Copy of every thing I have here. I send
your stamp envelope

RECEIVED
JAN 11 1937
2:11 PM - 2 AM 9:37
JAN 11 1937

Allegation

10, A Applicant was denied effective assistance of Counsel guaranteed by The Sixth Amendment.

11, A Defendant was denied his Constitutional right at all Stages of his guilty plea due to a Conflict of interest. Defense Attorney had divided loyalties to both parties in Defendant's guilty plea. (James Cheeks is associated with the Spartanburg Community Memorial Committee which was a Victim in this Case)

Fact

Criminal law 641.(5)

In order to establish a Violation of the Sixth Amendment right to Counsel based on Conflict of Interest, a defendant who raised no objection at trial must demonstrate that an actual Conflict of interest adversely affected his lawyer's performance; a defendant who shows that a Conflict of interest actually affected the adequacy of his representation need not demonstrate prejudice in order to obtain relief. U.S.C.A Const Amend 6.

Duncan V. State Cite as 315 S.E. 2d 809 (S.C. 1984)

Zuck V. State of Alabama, 588 F.2d 436 439 (5th Cir 1979) States that an actual conflict of interest occurs . . . When a defense attorney places himself in a situation inherently conductive to

11, A divided loyalties . . . If a defense attorney owes duties to a party whose interests are adverse to those of the defendant, then a actual conflict exists. The interest of the other client, and the defendant are sufficiently adverse if it's shown that the attorney owes a duty to defendant to take some action that could be detrimental to his other client. Jackson V. State, Cite 495 S.E.2d, 768 (S.C. 1998) Cuyler V. Sullivan, 446 U.S. 335 100 S.Ct 170, 864 L.E.2d 333 (1980).

Argument

Defendant contacted public Defenders office by way of Request Forms to Andrea L. Price Esquire. Defendant not once but five times tried to get his Motion of Discovery and all pending Charges against him, She never contacted him back with this information. A one Clay T Allen responded back and said that Ms Price gave defendant a copy which in fact never got it.

Defendant stated to this office that James Cheek is associated with the Victim in several of the Charges. No one actually check to see what association he had with this Company, but Stated "I do not know if Mr Cheek is indeed associated with

11, A that committee, but even if he is. Mr Cheek is not a witness in this matter. . . . Ms Price will insure that no confidential information about your involvement, if any, is given to Mr. Cheek!

Defendant by exhibit 2 was insured by The Circuit Public Defender Clay T. Allen that James Cheek would not have any thing to do with his case. See; Exhibit 2 Because of the association between them.

If you look when Applicant went in front of the Court for sentencing the public Defender that represented Applicant was in fact James Cheek. And Applicant got Four ten year sentences totaling Forty years. Which don't even go by States guidelines See remaining Issues!

Question. Why did Clay T. Allen insure Applicant that James Cheek would not have any thing to do with his case, but was his Attorney. Applicant informed him of the conflict and was false informed?

Conclusion

Vacate Conviction Demand for Further proceedings due to a conflict of interest by Attorney and Client

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	
Jeffrey Eugene Jeter, #131471,	)	2011-CP-42-1967
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed May 2, 2011, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant was indicted at the March 2009 term of the Spartanburg County Grand Jury for five counts of forgery less than \$5,000 (09-GS-42-1413, -1414, -1415, -1416, -1802), receiving stolen goods less than \$1,000 (09-GS-42-1419), receiving stolen goods between \$1,000 and \$5,000 (09-GS-42-1420), and obtaining money by false pretenses (09-GS-42-1421). He was also indicted in October 2010 for two counts of petit larceny – 3rd or subsequent (10-GS-42-5616, -5617). He was represented by James A. Cheek, Esquire. On October 28, 2010, the Applicant pled guilty as indicted. He was sentenced by the Honorable J. Mark Hayes to confinement for ten years for each of the receiving stolen goods, obtaining money by false pretenses charges, forgery (09-1802), and petit larceny charges, all ordered to run concurrently. He also received ten years on each additional forgery charge, set to run

¹ Applicant has also filed numerous documents while represented by Counsel, which Respondent submits were improperly filed and are not considered as substantive filings in this matter.

consecutive to other sentences received and the probation revocation, for an aggregate sentence of forty years. A *pro se* Motion for Resentencing was filed, but following a hearing, was denied by Judge Couch on December 17, 2010.

A timely notice of appeal was filed, but the South Carolina Court of Appeals dismissed the appeal on December 2, 2010, for a failure to demonstrate any issues preserved for appellate review. The Remittitur was returned on December 21, 2010.

Attached herewith and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, Applicant's appellate records, and the guilty plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. Ineffective assistance of counsel, in that;
 - a. A conflict of interest existed because Counsel (James Cheek) is associated with the Spartanburg Community Memorial Committee, which was a victim in the case and Clay Allen insured Applicant that James Cheek would not have anything to do with his case,
 - b. Applicant never received a copy of his discovery materials,
 - c. Counsel failed to object to the excessive sentence give by the Court when it exceeded the maximum authorized by law,
 - d. Counsel failed to file a Motion to withdraw guilty plea when the court failed to follow the State's recommendation,
 - e. Applicant signed a legally binding contract with the solicitor's office regarding a plea offer, which was not enforced.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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

IV.

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

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

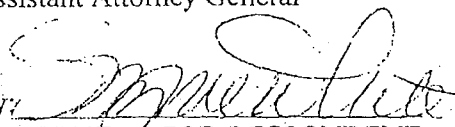
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

SUZANNE H. WHITE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

May 2, 2012.

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

) IN THE COURT OF COMMON PLEAS
) SEVENTH JUDICIAL CIRCUIT

Jeffrey Eugene Jeter,

2011-CP-42-1967

Applicant,

v.

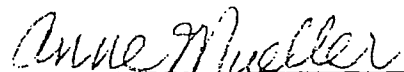
CERTIFICATE OF SERVICE BY MAIL

State of South Carolina,

Respondent.

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

J. Christopher Bonds, Esquire
Bonds Law Firm
PO Box 7121
Spartanburg, South Carolina 29304



Anne A. Mueller
Legal Assistant for the Respondent

DATED this 2nd day of May, 2012.

IN THE COURT OF COMMON PLEAS

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WITNESSES DIRECT CROSS REDIRECT RECROSS

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PLAINTIFF'S/ EXHIBITS

NO	DESCRIPTION	ID	EV
1	Letter to Jeffrey Jeter from Clay T. Allen - 9/14/10	13	

Defendant'S EXHIBITS

	(NONE)		
COURT'S EXHIBITS			
	(NONE)		

1 November 9, 2012

2 (WHEREUPON, court convened with all parties present
3 and the following proceedings were had.)

4 MS. WHITE: Your Honor, this is going to be the
5 Jeffrey Jeter case.

6 THE COURT: Ms. White.

7 MS. WHITE: Thank you, Your Honor. This is the
8 case of Jeffrey Eugene Jeter versus the State. It's case
9 number 2011-CP-42-1967. He's represented today by Mr.
10 Chris Bonds. Mr. Jeter was charged and indicated March '09
11 on five counts of forgery less than five thousand dollars;
12 receiving stolen goods, less than a thousand or between one
13 and five; and obtain goods by false pretenses; along with
14 two petit larcenies third or subsequent. He proceeded to
15 plead guilty before Judge Couch. There was a
16 recommendation for concurrent sentencing. However, Judge
17 Couch sentenced him to three ten-year consecutive terms and
18 a consecutive five-year term. And so it was an aggregate
19 total of thirty-five years. The five years was for a
20 probation revocation. There was an appeal. It was
21 dismissed for no appellate issues and he filed this
22 application alleging ineffective assistance of counsel,
23 claiming he never got discovery. There was a conflict of
24 interest. Counsel failed to object to the excessive
25 sentence, counsel failed to file a motion to withdraw and

1 the Court failed to follow the recommendation. And that
2 there was a signed plea offer that was not enforced. And
3 at this point, I will turn it over to Mr. Jeter -- excuse
4 me, to Mr. Bonds.

5 THE COURT: Yes, sir. Just to be sure that the
6 record is clear. In the return, the State referenced that
7 he pled guilty in front of me. But that was Judge Couch.

8 MS. WHITE: Yes, Your Honor. That was a mistake.
9 I apologize. Thank you, Your Honor.

10 THE COURT: Yes, sir.

11 MR. BONDS: Thank you, Your Honor. May it please
12 the Court. First, just for purposes of clarification, the
13 five years for the probation violation, I believe, was
14 actually before Judge Cooper. There was a plea -- I
15 believe as part of the plea agreement that the sentencing
16 would run concurrent with that probation violation.

17 As my first witness, I'll call Jeffrey Jeter to the
18 stand.

19 THE COURT: Mr. Jeter, just come right up here.
20 You can bring your paperwork with you. And if you would,
21 you can lay your paperwork on the counter. And place your
22 left hand on the Bible and raise your right hand and let me
23 swear you in.

24 THE WITNESS: Yes, sir.

25 THE COURT: Do you solemnly swear that the

1 testimony you're about to give the Court will be the truth,
2 the whole truth, and nothing but the truth, so help you
3 God?

4 THE WITNESS: Yes, sir.

5 THE COURT: Sir, just have a seat in that red
6 chair. Pull the red chair up to the microphone, if you
7 would. And, sir, the lady over here to my right, she's the
8 court reporter. She's taking down everything that's said.
9 So when you speak, please speak up loudly so that both she
10 and I can hear you.

11 JEFFREY EUGENE JETER,

12 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

13 DIRECT EXAMINATION

14 BY MR. BONDS:

15 Q. Mr. Jeter, please state your name for the record?

16 A. My name is Jeffrey Jeter.

17 Q. And Mr. Jeter, you are the applicant for post
18 conviction relief today. Is that correct?

19 A. Yes, sir.

20 Q. All right. You heard the opening by Ms. White. Did
21 she accurately state the charges to which you pled guilty?

22 A. Yes, sir.

23 Q. All right. And did she accurately state the basis for
24 your post conviction relief application today?

25 A. She stated ineffective assistance of counsel, conflict

1 of interest, and excessive sentencing, and prosecutorial
2 misconduct. She forgot the prosecutorial misconduct.

3 Q. Okay.

4 A. Prosecution misconduct.

5 Q. Okay. All right. Well, let's start. And you're
6 still seeking post conviction relief based on all of those
7 grounds; is that correct?

8 A. Yes, sir.

9 Q. Okay. You were represented in this case by James
10 Cheek?

11 A. Yes, sir.

12 Q. All right. Mr. Cheek is employed at the Public
13 Defender's Office. Is that correct?

14 A. Yes, sir.

15 Q. And if I may, you are an indigent person. You applied
16 for assistance from the Public Defender?

17 A. Yes, sir.

18 Q. All right. Was Mr. Cheek the original attorney
19 assigned to your case?

20 A. No, Andrea Price was the original attorney assigned to
21 my case.

22 Q. Okay. And did -- how much of your case, through the
23 course of your representation, how much did Andrea Price do
24 and how much did James Cheek do?

25 A. Based on my case, Andrea Price never really did do

Jeffrey Eugene Jeter -vs- State of South Carolina (2011-CP-42-01967)
Jeffrey Eugene Jeter - Direct Examination by Mr. Bonds

8

1 much. Because she keeps insisting that she's given me most
2 of the discovery. Because I kept asking her for it over
3 and over again, which I don't receive. I only saw Ms.
4 Price one time. And basically, James Cheek's been the one
5 who's been talking with me and coming to me about the plea.
6 He's the one that came to me with the plea.

7 Q. Okay. And so you were -- during the course of the
8 negotiations of this were you incarcerated or were you out
9 or was it a mixture?

10 A. I was out on bond. I was out on bond. I made bond
11 June 2009. And I was arrested again on ten General
12 Sessions bench warrants in September 2010.

13 Q. Okay. And then Ms. Price met with you the first time
14 you met with someone from the Public Defender's Office. Is
15 that correct?

16 A. Yes, sir.

17 Q. All right. And about how long did that meeting last?

18 A. No more than about five or ten minutes.

19 Q. Okay.

20 A. If that long.

21 Q. Okay. And when did that meeting take place?

22 A. It was the first time I was incarcerated, right before
23 I made bond in '09.

24 Q. So it was prior to June 2009?

25 A. Yes.

1 Q. Okay. And just so that we're -- I believe that the
2 various charges to which you pled guilty, and I understand
3 that some of the charges were -- you were originally
4 charged with more. But some were dismissed as part of the
5 plea agreement. Is that correct?

6 A. Okay. When Mr. Cheek came to me on September -- I
7 think October 23, I think it was, of 2010, and he was like,
8 Mr. Jeter, do you know a Matt Kendall? I'm like, no, I'm
9 not familiar Matt Kendall. Who is that? He's the
10 prosecutor in your case. I said -- he sent me here today
11 to see if we can work out a deal. Okay, what's the deal?
12 Mr. Jeter, the prosecutor's willing to give you a
13 recommendation because you have all these forgeries and
14 petit larcenies. And he said forgery now carries ten
15 years. And I was like, yes. He was like, yes. So what
16 the prosecutor's trying to do is give you a recommendation
17 for a lesser included sentence. And I said, okay. And
18 what is the recommendation? If you will plead to five
19 counts of forgery, two counts of petit larceny, to run
20 concurrent with your probation, not to exceed five years.
21 And the two counts of receiving stolen goods, one count of
22 obtaining goods under false pretenses, ten years suspended
23 to five years probation. And I said, I said, okay, I'll
24 take the plea. So he had -- at which time he had to sign
25 my sentencing sheets. And I see my sentencing sheet reads

Jeffrey Eugene Jeter -vs- State of South Carolina (2011-CP-42-01967)
Jeffrey Eugene Jeter - Direct Examination by Mr. Bonds

10

1 forgery less than five thousand. But it read zero to ten.

2 So when I asked him about the zero to ten, he said, just

3 like I told you, Mr. Jeter, forgery ---

4 Q. We'll get to that in a moment. What I'm actually --

5 what I'm asking you is you were -- just -- if I may be

6 granted a little leeway with this, you had a series of

7 charges that were charged in February of 2009. Is that

8 correct?

9 A. Right.

10 Q. And then you had some more charges that were charged

11 in September 2010?

12 A. Right.

13 Q. Okay. This plea agreement combined all of those

14 charges?

15 A. All the charges, yeah.

16 Q. Okay. So you said your first meeting with Mr. Cheek

17 was in October of 2010, I believe?

18 A. Well, that wasn't my first meeting. That's when he

19 came to me with the plea. My first meeting with Mr. Cheek

20 was in '09.

21 Q. Okay.

22 A. When he came to talk to me -- when he came to have

23 discussions with me about the situation with the mortuary.

24 And that's when he brought it to my attention that he was

25 working for that Committee when they first started this

1 effort and that he did not like the way that Ms. Ruth
2 Jeffries was handling the case because her grandson was the
3 one who took the payroll book. And he was like, if you're
4 willing to give me -- Mr. Cheek, he said, I want to work
5 with you. He said I had to fight for myself, fight for
6 myself, but I decided to work with you. If you're willing
7 to give me a statement because everybody's been charged in
8 this situation except for Mr. Bell, which it's his grandma
9 is just trying to keep him out of trouble. Because she's
10 saying he had nothing to do with it, which I know he did.

11 Q. And if I may interrupt you for a moment, you said that
12 everybody's been charged. Who had been charged?

13 A. It was me, Sharon Thomas, Wanda Poole, the three of us
14 been charged.

15 Q. Okay.

16 A. But after bail, I never received any charges. So he
17 asked me if I would give him a direct indictment -- if I
18 would give him a statement, telling him -- implicating
19 Anthony Bell as the one I got the checks from, that the
20 prosecutor would work a deal with me. And when I refused,
21 okay, then when I thought about it, and I told him when he
22 came to see me again, I told him, I said, Mr. Cheek, I
23 said, by me giving you a statement that you get a direct
24 indictment against Mr. Bell, I said, y'all don't really
25 want to deal with me because I'm implicating myself by

1 saying I had the checks. And I said, I don't think I want
2 to do that. And at which time we had a little heated
3 argument and that's when he made the statement, I hope they
4 give you the maximum on your charges.

5 Q. Who made that statement?

6 A. Mr. Cheek made the statement, I hope they give you the
7 maximum on your charges.

8 Q. While consulting you in the defense of your case?

9 A. Right. That's when I first wrote to the Clerk of
10 Court explaining the situation about the conflict of
11 interest in my case with Mr. Cheek. And asked that they -
12 - I told them I did not feel like I would get a fair trial
13 or a fair plea, and asked them for a change of venue or a
14 pro bono lawyer. And I was wrote back by Tiny Campbell.
15 She wrote back and told me to write to the Clerk of Court
16 -- I mean, write to the head of the Public Defender's
17 Office to Clay Allen. At which time, Mr. Allen wrote me
18 back a letter telling me he's not -- he was not sure was
19 Mr. Cheek affiliated with the mortuary, that he didn't know
20 if Mr. Cheek had anything to do with the mortuary, but at
21 which time he assured me that Mr. Cheek wouldn't have any
22 information about my case, have any dealings with my case.
23 Andrea Price would take over my case. But when it came
24 time for the plea, she's the one that pleaded me out. Not
25 only did I write to the Clerk of Court, I wrote to the --

1 back in 2009 I wrote to the Attorney General's Office.

2 Q. If you can stop for a moment. Thank you.

3 MR. BONDS: Your Honor, may I approach?

4 Q. I going to show you a letter. You have testified that

5 Mr. Allen responded to your request for a different

6 attorney?

7 A. Right.

8 Q. Was that in writing?

9 A. Yes, sir.

10 Q. Okay. And was that the letter that I just handed to

11 you?

12 A. Yes, sir.

13 Q. All right.

14 MR. BONDS: At this time I move to mark that as

15 Plaintiff's Exhibit 1.

16 A. Will you like for me to read it?

17 Q. No, not yet.

18 MS. WHITE: No objection, Your Honor.

19 THE COURT: Without objection, Applicant's 1.

20 (WHEREUPON, Plaintiff Exhibit Number 1 was marked for
21 identification.)

22 Q. All right. The letter that I just handed you, that is

23 Mr. Allen's response to you?

24 A. Yes, sir.

25 Q. Okay. And it's a two-page letter. Can you summarize

1 what he says?

2 A. Okay. It's -- basically it's right here.

3 Q. I'm sorry. And I know you're in cuffs, but if I may
4 -- I don't know if you can reach that.

5 A. Okay. Basically, okay, you also claim that you should
6 have another attorney because you believe that one of my
7 Assistant Public Defenders, James Cheek, is associated with
8 the Spartanburg Community Mortuary, which is a victim in
9 some of your forgery cases against you. I do not know if
10 Mr. Cheek is indeed associated with that Committee, but
11 even if he is, Mr. Cheek is not a witness in this matter
12 and would not be called to testify at your trial. I also
13 understand that Mr. Cheek does not have any direct
14 information which can or will be used against you in
15 connection with these charges. I do not believe that this
16 constitutes a conflict which would disqualify Ms. Price or
17 any other attorney in my office from serving as your
18 attorney. Ms. Price will ensure that no confidential
19 information about your involvement, if any, is give to Mr.
20 Cheek. And Ms. Price will also retain full authority over
21 the objective of your representation, so that she will not
22 be influenced by Mr. Cheek in any manner.

23 Q. And from that letter did you take that to mean that
24 James Cheek would have absolutely no involvement in your
25 case?

1 A. Right.

2 Q. Okay. Now, after this letter, did you meet with James
3 Cheek anymore?

4 A. Yeah. After I received this letter, that's when they
5 came to me in October with the plea.

6 Q. Well, the letter is marked September ---

7 A. Of 2010, September of 2010. October 2010 is when he
8 came to me with the plea.

9 Q. Okay.

10 A. Because I was arrested September the 5th on bench
11 warrants.

12 Q. Okay. At that time, you met with Mr. Cheek?

13 A. Uh-huh (affirmative). Yes, sir.

14 Q. And he came to you with a plea agreement?

15 A. Yes, sir.

16 Q. Okay. What was the plea agreement?

17 A. The plea agreement, Mr. Cheek came to me and said, Mr.
18 Jeter, do you know a Matt Kendall. Like I said, I stated I
19 do not know a Matt Kendall. Well, he's the Solicitor in
20 your case. Yes, sir. He wants me to come over here to see
21 what kind of deal we can get worked out with you today.

22 Okay. What is he offering? Mr. Jeter, if you'll plead to
23 five counts of forgery, two counts of petit larceny, a
24 sentence of five years to run concurrent with the five
25 years probation that you already have, not to exceed the

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1 five years. On the two counts of receiving stolen goods,
2 one count of obtaining money by false pretenses, ten years
3 suspended to five years probation. And I was like, okay.
4 I'll take that recommendation. He said, the only -- he
5 said; the court is seeking ten years on your charges
6 because forgery carries ten years now. The prosecutor's
7 not trying to give you the ten years. So actually he's
8 trying to work a recommendation for a lesser included
9 sentence. And I said, okay. I'll take the sentence. And
10 so as he slid the sentencing sheet for me to sign, I
11 noticed the forgery says, zero -- forgery less than five
12 thousand says zero to ten. When I asked him about it, he
13 said, Mr. Jeter, I told you forgery less than five thousand
14 carries ten years. Okay. He said, that's the reason why
15 the prosecutor is working a deal with you for the lesser
16 included offenses. Okay. Yes, sir. So after I signed my
17 sentencing sheet, the paper that he read off to me for the
18 recommendation, he slid that to me, and he said, I need you
19 to sign the bottom of that saying that I read this
20 recommendation to you, that this is the recommendation
21 taken. And once I signed that paper, I said, okay. I give
22 it all back to him. He had informed me that he would be
23 giving me a copy of the recommendation that he read off to
24 me before I went to court, but I never received it.
25 Q. Okay.

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1 A. Now they say it's nowhere to be found.

2 Q. Okay. Now, my next question, listen to it carefully,
3 did you and Mr. Cheek or you and Ms. Price talk about the
4 sentences that each of your charges carried?

5 A. Mr. Bonds, to be perfectly honest with you, no one
6 ever talked to me about the sentences about how much time
7 is each charges. The only time I was told how much time
8 that each charge carried in my sentence was when Mr. Cheek
9 came to me with the negotiation.

10 Q. Okay. So at no time did anyone ever tell you that you
11 had been charged with, I think by the time you went to
12 court, thirteen charges, the maximum amount of time that
13 you could receive on those charges?

14 A. No, sir.

15 Q. Okay. How much time were you under the impression you
16 could possibly get had you tried your case and been found
17 guilty?

18 A. Well, after I did the research on all of my charges,
19 even sent from the county jail, I sent ---

20 Q. And before you go into that, going into the plea, how
21 much time did you think you could get?

22 A. Okay. As I was saying, before I went -- before I did
23 all this research on the forgeries and everything and
24 that's what I got, I got the statute for it, embezzlement
25 16-13, whatever it is, they charged me with 16-13-10(b)(2).

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1 And once I read the statute on the forgery, I see it didn't
2 carry but five years. But Mr. Cheek led me to believe that
3 forgery had changed and that it carried ten years.

4 Q. Okay. Mr. Jeter, please listen to the question that
5 I'm asking. You testified that you consulted with Ms.
6 Price one time and Mr. Cheek several times?

7 A. Right.

8 Q. Okay. During the course of these conversations, did
9 either attorney tell you how much exposure you would have
10 if you just simply tried the case and been found guilty?

11 A. No. Because the first time Andrea Price spoke to me,
12 she never told me. When I asked her she said she wasn't
13 for sure; she hadn't talk to the Solicitor yet. So she
14 told me she didn't know what sentence that I would looking
15 for, how much time it carried.

16 Q. Okay. And with regard to Ms. Price, her meeting with
17 you took place before the, looks like, three additional
18 charges ---

19 A. Was filed.

20 Q. --- were filed?

21 A. Yes, sir.

22 Q. Is that correct?

23 A. Yes, sir.

24 Q. Okay. So did Mr. Cheek ever just say, Mr. Jeter, you
25 are facing "X" number of years?

1 A. Yes. When he came up with the plea, he said -- he
2 told me I was facing ten years for each charge.

3 Q. Okay. Now, how much time did you believe you could
4 receive had you tried the case and been found guilty?

5 A. Basically, Mr. Bonds, honestly, I'm not going to say.
6 I know -- honestly, at the time, I did not know how much
7 time I could receive. I had not looked into the situation.
8 But, no, I can honestly say I don't know how much time I
9 could receive.

10 Q. Okay. And you testified Mr. Cheek came to you with a
11 recommendation from the Solicitor. Did Mr. Cheek explain
12 to you that the recommendation from the Solicitor didn't
13 have to be accepted by the Judge?

14 A. Yes, sir. Yes, sir, he informed me that it was a
15 recommendation and the Judge does not have to accept this
16 recommendation. But he was telling, he also said, but nine
17 times out of ten, Judge Couch is a good Judge. He usually
18 goes along with the recommendation.

19 Q. Okay. And did he also inform you that you could
20 receive up to the maximum sentence for each charge that you
21 pled guilty to?

22 A. No, sir.

23 Q. So you did not understand that aspect of it?

24 A. No, sir.

25 Q. What did you believe that he meant by he didn't have

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1 to accept the recommendation?

2 A. Well, he told me he was understanding -- I was under
3 the impression the state was giving me a recommendation for
4 a lesser included offense. And that if the Judge rejected
5 the recommendation, that they could give me the ten years,
6 that they said that forgery carries. But the way he was
7 telling me like, you know, we not even going to worry about
8 the ten years because nine times out of ten, you're not
9 going to get that. Because that's why the state is giving
10 you a recommendation. And nine times out of ten, Judge
11 Couch is good with going along with the recommendation.

12 Q. Okay. And you, just to be sure that I understand, it
13 sounds like you're saying, and please correct me if I'm
14 wrong, that you believed you were facing ten years, at
15 most?

16 A. Not including the recommendation, from what he was
17 telling me, yes, ten years at the most.

18 Q. Okay. I'll ask you another question. You testified
19 that Mr. Cheek came to you with this recommendation after
20 your letter and response from Clay Allen. Why did you meet
21 with Mr. Cheek at that time?

22 A. Because, because basically I had no money to afford a
23 private, I mean, a private lawyer. I mean, I did what I
24 needed to do. I wrote to the Clerk of Court. I wrote to
25 the Public Defender's Office and let everybody know about

1 this conflict. I mean, it was evidently nobody cared about
2 the conflict because the simple fact nobody took Mr. Cheek
3 off my case.

4 Q. Okay.

5 A. So I had no money to afford an attorney so I had to go
6 along with what the state was offering me.

7 Q. So let's go to the plea. You pled guilty -- let's
8 see. Your plea was October 28, 2010?

9 A. Uh-huh (affirmative).

10 Q. Okay. You have to answer yes or no for the court
11 reporter.

12 A. Yes, sir.

13 Q. All right. And that was before Judge Couch.

14 MR. BONDS: If I may approach?

15 THE COURT: Yes, sir.

16 Q. I hand you the transcript of your plea. If you need
17 some help -- I know you're cuffed -- let me know. You
18 testified Mr. Cheek had communicated a recommendation to
19 you. Let me ask you a quick question. Did he ever provide
20 you that in writing? Did he ever give you a letter or a
21 memorandum or anything that indicated what you were
22 agreeing to, in writing?

23 A. No. Once he read it to me, he showed it to me, I read
24 it and it states everything that he had told me. And he
25 asked me to sign the bottom of the paper. And he told me

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1 that he would be giving me a copy of that also. But I
2 never received a copy of that.

3 Q. Okay. What I handed you is the transcript of the
4 trial.

5 A. Uh-huh (affirmative).

6 Q. Is the recommendation that the Solicitor put on the
7 record the recommendation that you recall?

8 A. Okay. Solicitor Matt Kendall. It says, Mr. Jeter
9 pled to five counts of forgery, two counts of petit larceny
10 to run concurrent with each other and with his probation
11 violation. Additionally, that Mr. Jeter pleads guilty to
12 one count of obtaining goods by false pretenses and two
13 counts of receiving stolen goods, with a recommendation of
14 consecutive ten-year term, suspended to five years
15 probation. The remaining three charges will be dismissed.

16 Q. Is that the recommendation that you understood?

17 A. Right. That the five counts of forgery and two counts
18 of petit larceny would be run concurrent with five years
19 probation, not to exceed the five. That's the
20 recommendation I understood.

21 Q. It is the recommendation you understood?

22 A. Yes, sir.

23 Q. Okay. Now, what did you understand that to mean? And
24 to clarify, how much time did you think you would do from
25 that recommendation?

1 A. Five years and five years probation.

2 Q. Okay. You were already doing five years. Is that
3 right?

4 A. No. I was not already doing five years. I had a
5 probation -- I had a probation revocation that I had just
6 went to court on that I was sentenced to five years to. I
7 was still in the Spartanburg County Detention Center when I
8 went to court.

9 Q. And by -- just to clarify. You were going to serve
10 five years from the probation revocation?

11 A. Yes, sir.

12 Q. And you understood that the recommendation in this
13 case would just run concurrent with that five years?

14 A. Right.

15 Q. Okay. Did you understand that to mean that you would
16 serve no additional time?

17 A. Right. Yes, sir.

18 Q. That you would be on probation?

19 A. For five years.

20 Q. Okay. What were you actually sentenced to?

21 A. I was sentenced to four ten-year sentences to run
22 consecutive.

23 Q. Okay.

24 A. I was sentenced on six charges to run concurrent, ten
25 years a piece. And then I was sentenced on another three

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1 years to run consecutive with each one of those ten, which
2 came out to a total of forty years.

3 Q. Okay. And just to clarify, I think you flipped some
4 words around. I think your -- and correct me if I'm wrong
5 -- your sentence was three ten-year terms to run
6 consecutive, and one year ten-year term to run concurrent
7 with the five years, for a total of thirty-five additional
8 years.

9 A. I was four ten-year sentences to run consecutive. He
10 gave me -- on six charges, he gave me ten years on that.
11 And then on the other charge he gave me another ten years
12 to run consecutive to that. And then he gave me another
13 ten years to run consecutive to that. And another ten
14 years to run consecutive from that, which made it forty
15 years. I'm in the Department of Corrections serving a
16 forty year sentence.

17 Q. Okay. Now ---

18 MR. BONDS: If I may approach.

19 Q. The portion of the transcript I handed you -- it's
20 page nineteen -- the Judge is asking you some questions
21 regarding your plea. Is that accurate?

22 A. Okay. Starting at line one, you took an oath to tell
23 the truth. Is that true? Yes, sir. You ---

24 Q. I'm sorry. I'm not asking you to read it off to me.
25 I'm just -- these are questions the Judge asked you about

1 your plea.. Is that correct?

2 A. Yes, sir.

3 Q. All right. Then he goes through a litany of questions
4 regarding your willingness and voluntariness to enter that
5 plea agreement?

6 A. Yes, sir.

7 Q. All right. And do you answer in the affirmative to
8 all of those questions? Do you say yes to his various
9 questions?

10 A. Yes, sir.

11 Q. And there are questions about did you tell the truth,
12 did you ---

13 A. Yes, sir.

14 Q. Is this freely and voluntarily given? Do you
15 understand that I don't have to accept your agreement?

16 A. Yes, sir.

17 Q. Okay.

18 A. Excuse me?

19 Q. Those are the types of questions on that page. Is
20 that correct?

21 A. Yes, sir.

22 Q. And you answer that, yes, it's freely and voluntarily
23 given and so forth?

24 A. It was freely and voluntarily given because the
25 recommendation that I was under, the impression that I was

1 ---

2 Q. You may finish your answer.

3 A. Like I said, my plea was freely and voluntary because
4 under the impression of the recommendation that the state
5 was giving me. If I had known -- if anybody had gave me
6 the knowledge and the understanding that the state was
7 seeking a third sequential against my charges, I would have
8 never took that recommendation. Because my understanding
9 of the recommendation was for a lesser included offense.

10 And so how could you offer me a lesser included offense and
11 then get me in the courtroom and try to give me a higher
12 grade charge?

13 Q. Okay. Well, let's get into that then. Did Mr. Cheek
14 or Ms. Price ever explain to you that the property crimes,
15 that those would be treated as a Class E Felony?

16 A. No, sir. Nobody ever told me that.

17 Q. Okay. And just by way of explanation, when a crime
18 that normally carries a lower term of imprisonment is
19 treated as a Class E Felony, it may then carry up to ten
20 years. No one explained that to you?

21 A. No, sir.

22 Q. Okay. Did Mr. Cheek or Ms. Price ever discuss with
23 you how the Solicitor would treat those charges, whether
24 they had negotiated those to be treated as a first offense,
25 second offense, or third or subsequent?

1 A. No, sir. I was never informed of that.

2 Q. Okay. And in your indictments, I believe there are
3 two petit larcenies, and those two petit larcenies are the
4 only charges that are charged as third or subsequent. Is
5 that correct?

6 A. Right. Right. Right.

7 Q. All the other indictments just bear -- they just say
8 forgery, they just say receiving stolen goods?

9 A. The only indictment that said third or subsequent was
10 the petit larceny and it was a Class E Felony. Excuse me,
11 it was a Class F Felony.

12 Q. And you have the entire transcript of the trial there.
13 At any point is there any discussion until you get to the
14 point of sentencing about a third or subsequent offense and
15 any enhancement of a charge?

16 A. Yes, sir. If you look -- if we can turn to page ---

17 Q. Well, you have my transcript, so you can turn to
18 whatever page of the transcript you like.

19 A. Okay. If it please the Court, if you can turn to page
20 sixteen in the transcript.

21 Q. I have a copy.

22 A. Where the Solicitor is making, Your Honor, before the
23 Court is Mr. Jeffrey Jeter on indictment 09-1802, 09-1414,
24 09-1413. These are forgeries over five thousand and third
25 or sequential offense. Okay. My forgeries were never over

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1 five thousand and no one ever told me about a third or
2 sequential offense. Why did Mr. Cheek not object to that?

3 Q. Okay. So one issue you have with Mr. Cheek's
4 representation is that he failed to object to the statement
5 that your forgeries were over five thousand?

6 A. Yes, sir.

7 Q. Okay.

8 MR. BONDS: And I ask the Court to take judicial
9 notice that none of the charges were over five -- they were
10 all five thousand or less.

11 Q. All right. You stated that you were sentenced to
12 forty years after you had pled guilty. Is that correct?

13 A. Yes, sir.

14 Q. All right. At that time, did anyone, namely your
15 attorney, Mr. Cheek, did he ever move to withdraw your
16 plea?

17 A. No, sir. That's another thing I was having a problem
18 with. Because I made -- when the prosecutor made the
19 recommendation and clarified on the record what the
20 recommendation was for, and James Cheek understood -- to me
21 he understood what the recommendation was for, and as you
22 can see that the plea was not going in my favor, he did not
23 one time ask the Judge that he would like to withdraw my
24 plea. And as you can see in the transcript, the Judge
25 making the comment, Mr. Jeter, you understand this is just

1 his recommendation. I do not have to take the state's
2 recommendation. Yes, sir, I understand that. But he never
3 at once told me that he was not going to take the state's
4 recommendation. And, therefore, Mr. Cheek never once
5 informed me that possibly he was not going to take the
6 state recommendation. And if I could just clarify
7 something for the record, if you don't mind, Your Honor?

8 THE COURT: Let your lawyer ask the questions.

9 THE Defendant: Okay.

10 Q. Well, let's get back. So he never moved to withdraw
11 your plea agreement?

12 A. He's never moved to withdraw my plea agreement at all.
13 And the Judge never asked me -- and the Judge never told me
14 he was not going to take the plea agreement.

15 Q. And I believe I know what you're getting at. Did the
16 Judge ever give you an opportunity to withdraw your plea
17 agreement?

18 A. No. The only thing the Judge asked me is do I
19 understand this is a recommendation? Yes, sir, I
20 understand it's a recommendation. How does that change
21 your plea? No, Judge, that does not change my plea.
22 Because he never told me that he was not going to take the
23 state's recommendation.

24 Q. And is it your belief that the Judge was required to
25 do so?

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1 A. Yeah. Because clearly -- okay. Clearly pursuant to
2 the rule, clearly pursuant to the FR Rule 11, it states
3 that the court can reject a plea agreement reached between
4 the prosecutor and the Defendant. The court must when --
5 because the court must when the party of the agreement that
6 -- the agreement must notify the party of the agreement
7 that the agreement is being rejected and inform the
8 Defendant that he or she has a right to withdraw the plea.
9 Clearly, the record will reflect that. Applicant was never
10 given that chance. FR Rule 11(c)(1)(b)(1) states that the
11 court must advise the Defendant that the Defendant has the
12 right to withdraw the plea if the court does not follow the
13 recommendation. Pursuant to FR CP Rule 11(c)(1)(A) or (C),
14 the court must do the following on the record and in open
15 court: (a) inform the party that the court rejects the
16 agreement; and (b) advise the Defendant personally that the
17 court is not required to follow the plea agreement and give
18 the Defendant an opportunity to withdraw his plea. Advise
19 the Defendant that if the plea is not withdraw, the court
20 may dispose of the case less favorably toward the Defendant
21 than the plea agreement contemplated. Therefore, since the
22 applicant was never given the chance to withdraw his plea,
23 the plea is not -- excuse me, Your Honor. It's
24 unintentionally known and -- I didn't know the plea.
25 Q. Okay. To summarize, you believe that the Federal

1 Rules of Criminal Procedure require the Judge to allow you
2 to withdraw the plea?

3 A. No. It's not only the Federal Rule of Criminal
4 Procedure. I mean, it's the rule of the South Carolina
5 Supreme Court held that -- to make requirement of Rule 11
6 of the Federal Court Rule of Procedure to apply to state
7 court. So it applies to state courts too.

8 Q. Okay. All right. Now, you also filed a motion to
9 reconsider. Is that correct?

10 A. Yes, sir.

11 Q. You filed that on your own behalf?

12 A. Yes, sir.

13 Q. And did you argue that on your own behalf?

14 A. On my motion to resentence, I argued the fact that
15 it's an excessive sentence, because my indictments read 16-
16 13-10(b)(2). And I was sentenced -- the way my sentence
17 sheets were written up, it has forgery less than five
18 thousand, 16-13-10(B), never states (1) or (2). But the
19 way I was sentenced, I was sentenced up under 16-13-
20 10(B)(1), which carries ten years.

21 Q. My question is you argued that. Is that correct?

22 A. I argued that, yes, sir.

23 Q. Okay. No one from the Public Defender's Office
24 argued?

25 A. No. Because no one -- like I said, Mr. Cheek did not

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1 ask to withdraw my plea. Mr. Cheek did not do anything.
2 After I was sentenced to forty years, Mr. Cheek didn't even
3 come back to the back room to talk to me, to try to say
4 we're going to -- I put my own appeal in. I asked for my
5 own appeal. Mr. Cheek never -- he filed the paperwork of
6 proof of appeal and everything. Mr. Cheek never came to me
7 and talked to me about the grounds of my appeal. And,
8 therefore, my appeal was denied because nobody sent the
9 merits in for my appeal. My appeal was denied thirty-six
10 days after it was put in. I never knew about my appeal
11 being denied until almost close to a year. No one sent me
12 paperwork to show my appeal. If I -- my people had not got
13 in contact with the Clerk of Court, I would have never
14 known my appeal was denied. I was three months into my PCR
15 time when I found out my appeal was denied. And then I get
16 a letter from the Attorney General's Office telling me that
17 I withdrew my appeal. I never withdrew my appeal.

18 Q. Okay. But in any event did Mr. Cheek assist you in
19 filing the appeal?

20 A. No, sir.

21 Q. Did he ever discuss with you any grounds on which you
22 may have an appeal?

23 A. No, sir. Like I said, after I come out the courtroom,
24 I ain't never seen Mr. Cheek again. I kept asking for Mr.
25 Cheek, asking for Mr. Cheek. Someone finally told me Mr.

1 Cheek done left the courthouse. I never seen him again.

2 Q. Okay. Now, I believe we've gone over this, but just
3 to be sure, there are questions in the transcript regarding
4 evidence against you. Did you ever see any documentation
5 about evidence against you?

6 A. No, sir. Like I stated, I never got a copy of my
7 motion for discovery, so I never knew what the evidence was
8 against me until you sent me that package showing me some
9 stuff.

10 Q. Okay. So you don't know what the Solicitor's Office
11 had or didn't have?

12 A. No, sir. I never did.

13 Q. And do you know who -- if there were any, any
14 witnesses in your case?

15 A. No, sir. I was so blind to the fact that I even wrote
16 to the Attorney General's Office letting them know that I
17 don't even know if I've been indicted or not. And I have a
18 letter stating from the Attorney General's Office, when I
19 wrote to the Attorney General's Office, they wrote back and
20 said Andrea Price, she needed to contact me, but she never
21 did. I didn't even know if I had been indicted, my charges
22 had been indicted or not.

23 Q. Okay. I believe you stated that there was some
24 prosecutorial misconduct. What is the basis for that?

25 A. The prosecutorial misconduct came in -- okay, as you

1 can clearly see, the prosecutorial misconduct -- at trial
2 the prosecutor deliberately misrepresentation of the fact
3 and evidence before the court in an attempt to deprive the
4 applicant a fair opportunity to present ---

5 Q. Mr. Jeter, just -- I'm sorry to interrupt. I'm asking
6 a factual question. What did Mr. Kendall do that you
7 believe to be misconduct?

8 A. When he had put the -- he made the statement that all
9 of my forgeries were over five thousand and third or
10 sequential, which none of my forgeries was over five
11 thousand. My indictments did not read that. When I
12 finally see my indictments, my indictment did not read
13 third or sequential. The only thing that read third or
14 sequential in my indictments was the petit larceny.

15 Q. Okay. You brought up some things that happened after
16 court -- or after the plea. You said Mr. Cheek left the
17 courtroom. Have you ever talked to Mr. Cheek about this
18 case?

19 A. No. It was like a year later after I had this
20 sentence, I came back to court on an unrelated charge,
21 subsequent to these charges, and the little room that they
22 keep us in over there, I happened to see Mr. Cheek over
23 there. And when we -- we had words. I was asking him
24 about, you know, did he not represent me the way he should
25 have represented me. One word went into another and we had

1 a little heated argument. And Mr. Cheek made a statement
2 to me -- excuse my expression, Your Honor, but Mr. Cheek
3 made the statement to me. Mr. Jeter, you damn right. I
4 sold your ass out last year. I got forty-one thousand for
5 selling you out last year.

6 Q. Okay. So it is your belief that he received monies
7 for ---

8 A. I'm not saying that it's my belief that he received
9 money for representing me. But, also, in my transcript, if
10 you can go to page twenty-eight in the transcript.

11 Q. Certainly.

12 A. Which Mr. Cheek is making -- Mr. Cheek, I explained to
13 him that I was the lawyer for the Committee when we started
14 that effort and actually handled the set-up of that
15 Committee and transported the papers from the city to the
16 Committee. And that I was involved to help raise money for
17 that effort. And that I want him to know I believe I would
18 not represent him fully as I possibly could in these
19 matters as I have with other peoples who were involved in
20 the taking of these monies.

21 Q. All right.

22 A. I mean, that's stating -- I mean, I'm not -- at the
23 time, when I was in my plea, I was a little naive to what
24 was going on around me. You know, until I got in prison
25 and started looking up these case laws and looking at my

1 case, that's when I found out a lot of things that happened
2 in my plea should never have happened. I mean, by Judge --
3 the presiding Judge on my plea, when Mr. Cheek informed Mr.
4 Couch that he was not going to represent me to the fullest,
5 Mr. Couch should have not heard that plea. He should have
6 discontinued that plea and appointed me an attorney that
7 would help give me the best representation. If I'm not
8 mistaken, the Constitutional right says that you are
9 entitled to the best representation possible when you enter
10 the courtroom. And Mr. Cheek stated himself that he was
11 not going to give me the best representation. Not only did
12 he state he was not going to give me the best
13 representation, he also stated that he was the lawyer for
14 the mortuary. So, therefore, there was a conflict for him
15 to even try to get on my case. To me, it's like Mr. Cheek
16 had a personal vendetta against this case because, like he
17 said, he was a lawyer for the effort. He helped raise
18 money for the effort and, you know, it's really -- he was
19 seeking revenge for the Committee because of the money that
20 I was taking from them.

21 Q. Well, we're talking about conflict of interest. And I
22 think earlier I asked you if there were other people in
23 your case and you mentioned a Sharon Thomas?

24 A. Yes, sir.

25 Q. Okay. Were you ever aware that Ms. Thomas was a

1 witness in your case?

2 A. No. When I found out that Ms. Thomas was a witness in
3 my case -- I meant to bring the letter with me. I was -- I
4 had already been incarcerated. And she's affiliated with
5 my sister, Octavius White. She's affiliated with my
6 sister. And her and my sister had some words about the
7 situation and that's when I got a letter from Sharon
8 explaining to me that she had -- I think it was like three,
9 maybe four or five statements against me that Mr. Cheek
10 asked her to write informing them that I was the one --
11 that I was the pusher behind it. That I was the mastermind
12 behind those checks.

13 Q. Okay.

14 MR. BONDS: If I might approach, Your Honor?

15 Q. I show you a document. I want you to take a look at
16 that document. Don't tell me what's in the document. Just
17 look at the document. Have you ever seen that document?

18 A. No, sir.

19 Q. All right. If I may have it back.

20 A. I don't even have a copy of that what you gave me. In
21 the package you gave me, it's not even in there.

22 Q. All right. Are you aware that Mr. Cheek was Ms.
23 Thomas' attorney?

24 A. No, I was not aware until she wrote me and told me
25 that he did her case along with Wanda Poole's case.

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1 Q. So she communicated to you and told you that Mr. Cheek
2 was her attorney?

3 A. And that she got five, she got five years and five
4 years of probation out of the whole deal.

5 Q. Okay. Now, and just so that we're really clear here.
6 You said she got five years. That was part of the charges
7 that stem from this case?

8 A. Right.

9 Q. Okay.

10 A. She said she got the recommendation -- they gave her
11 the recommendation for the five year sentence because of
12 the statement that she wrote against me.

13 Q. Okay. All right. I have no further questions.
14 Please answer any the Attorney General or the Judge may
15 have.

16 MS. WHITE: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MS. WHITE:

19 Q. Mr. Jeter, I want to talk to you a little bit about
20 the guilty plea. You testified that you -- at the time
21 when you said that you were pleased with Mr. Cheek's
22 services and there wasn't anything else you wanted to
23 discuss with him and that he hadn't failed to do anything
24 for you, that was only because you had that five-year
25 recommendation at the time; is that right?

1 A. Excuse me. Can you repeat that, ma'am?

2 Q. When you testified at the plea hearing that you were
3 pleased with Mr. Cheek's services and that there wasn't
4 anything he hadn't for you, anything he had failed to do.
5 He had done everything he wanted you to do -- or you wanted
6 him to do, that was, at the time, you're saying because
7 only you had gotten a five-year recommendation?

8 A. It was basically because of the recommendation. The
9 fact that I have already written everybody telling them
10 about the conflict of interest, nobody paid attention to
11 it, so what was I to do?

12 Q. Okay. You told the Court you noted that on page
13 twenty the court said, now you understand this
14 recommendation is just a recommendation?

15 A. Right.

16 Q. You understand I can sentence you -- you've already
17 got a probation revocation, but I could sentence you to a
18 hundred and thirty years consecutive?

19 A. Because that's when they was telling me, all my charge
20 carry ten years a piece?

21 Q. And you said, yes, sir. The court said, do you
22 understand that? Yes, sir. Does that change your plea?
23 And you said, no, sir.

24 A. No, sir.

25 Q. So at the time, you also testified that you had.

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1 discussed that with Mr. Cheek?

2 A. Right. Which I said, he was telling me my charges
3 carried ten years a piece. So when the Judge told me he
4 could give me up to a hundred and thirty years, I'm
5 basically going by what my attorney told me. I basically
6 was looking at ten years on my charges.

7 Q. Okay. And earlier today you said that nobody had ever
8 told you what you could potentially receive, other than
9 just ten years?

10 A. Right.

11 Q. So is that not true? You were aware that you could
12 face up to a hundred and thirty years?

13 A. No, this all came out in the courtroom.

14 Q. But you just said that you had talked to Mr. Cheek
15 about it and at the plea you said you'd discussed this with
16 him, Mr. Cheek said he talked with him about it.

17 A. I mean, Ms. White, don't get me wrong. I mean, at the
18 time, I was in the courtroom hoping I'm getting a five-year
19 plea. Yes, I answered, yes. But at the time, no, I have
20 not talked to Cheek about this. I'm going along. It's
21 just like Mr. Cheek told me, when you get in the courtroom,
22 yes, sir, no, sir, just go along with the questions he asks
23 you.

24 Q. So when you said, yes, sir, that you were satisfied
25 and you understood and you still wanted to go along with

1 the plea, that was not telling the truth?

2 A. It was, I mean, it was -- because I had a five-year
3 recommendation. Yes, it was telling the truth because I
4 had a five-year recommendation. If I'm getting five years,
5 yes, I'll take this recommendation for five years.

6 Q. Right. And that's what I'm asking. Earlier today you
7 testified that nobody ever advised you as to how much you
8 could potentially receive on all these charges. And yet
9 you're acknowledging here today that you were aware you
10 could receive up to a hundred and thirty years.

11 A. If you heard what I said when Mr. Cheek came to me
12 with the recommendation, I asked him why it not forgery
13 less than five thousand that carry ten years, he told me
14 because forgery less than five thousand carries ten years
15 now.

16 Q. All right. And that's not my question. If you'll
17 listen to my question. You said earlier nobody ever
18 advised you that you could face anything more than ten
19 years?

20 A. Right.

21 Q. But then at the plea and just now you acknowledge that
22 you were aware that you could get ten years consecutive on
23 each of those which would be a hundred and thirty years?

24 A. No. I never said I was aware that I could get ten
25 years consecutive because of the simple fact, if you look

1 at the transcript and the prosecutor, it's clear. It's
2 explained in the transcript, all of my charges happened
3 within two big blocks of each other. Which should have
4 come up -- which should have come as one continuous chain
5 of events, which all my charges should have been
6 consolidated.

7 Q. Okay. You continued with the plea at the time, even
8 though the Judge has advised you that you could potentially
9 receive a hundred and thirty years. And you told the Court
10 that you agreed with the facts of the case. Is that right?

11 A. Yes, sir. I mean, yes, ma'am.

12 Q. Okay. And you said that you had told him the truth.
13 Is that right?

14 A. Yes, ma'am.

15 Q. All right. The Court also acknowledged that you were
16 picked up in Georgia in possession of a stolen car. Is
17 that right?

18 A. I was charged with, I was charged with -- they charged
19 me with receiving stolen -- I mean, possession of a stolen
20 -- I mean, possession or receiving stolen goods. I was
21 never charged with the truck.

22 Q. And I didn't ask you if you were charged. When you
23 were arrested, you had been found in Georgia with a stolen
24 car. Is that right?

25 A. I was in a stolen car. I was not driving the car.

1 Q. In a stolen car?

2 A. Right. Which I did not know was stolen.

3 Q. And the charges were dismissed. I'm not asking about
4 that. I'm just saying that you were out and you were found
5 in Georgia in possession of a stolen car at the time when
6 you were brought back for these charges. Is that right?

7 A. Excuse me. Excuse me, Ms. White. Can I rephrase
8 something?

9 Q. No. Is that right? Were you found in a stolen car in
10 Georgia?

11 A. It was not in my possession, though. You keep saying
12 in my possession.

13 Q. No, I said, were you found in the car?

14 A. Yeah, I was a passenger.

15 Q. In the car?

16 A. Yes, ma'am.

17 Q. Okay. Now, Mr. Cheek did testify and he advised you
18 that he had been involved with starting the Spartanburg
19 Memorial Committee. Is that right?

20 A. Yes, ma'am.

21 Q. Okay. And he put that on the record that he had
22 talked with him about it. But he also talked about the
23 fact that he thought you weren't involved in this as much
24 as Mr. Bell, who was Ms. Jeffries' grandson; is that right?
25 That he was the one that provided the checks?

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1 A. Yes, ma'am.

2 Q. So he put all of that out there and he talked about
3 that you had gotten involved with that because someone else
4 had given you the checks. He also talked about the fact
5 that he asked the Court to go along with the recommendation
6 of the state in regards to a concurrent sentence for five
7 years?

8 A. Yes, ma'am.

9 Q. Did he not?

10 A. That's what he said in the transcript.

11 Q. Okay. So he asked the court to give you a five-year
12 concurrent sentence. Is that right?

13 A. Yes, ma'am. At the same token, when he said that the
14 plea -- the recommendation did not go in my favor, he did
15 not do anything to withdraw my plea.

16 Q. Okay. Let me ask you a question. You said that you
17 weren't aware or anything about these charges being third
18 or subsequent. You had already served time for several
19 third or subsequent charges, had you not?

20 A. Yes, ma'am.

21 Q. Okay. So you had previously either pled or been
22 convicted of third or subsequent property charges? Is that
23 correct?

24 A. Okay. Look, no, I never served -- I served time back
25 in '85 on a forgery charge.

1 Q. All right. I'm going to ask you when you -- the court
2 read your record into the plea, they said that in 2000 you
3 have a property offense, third or subsequent times two. Is
4 that correct, in 2000?

5 A. Yes, ma'am.

6 Q. So that is correct? You just said you didn't have a
7 third or subsequent ever for property?

8 A. This is saying in 2000 -- it said property offense
9 third, third or sequential times. How many times?
10 Solicitor, it looks like it's two, Your Honor. I can't
11 tell.

12 Q. I don't need you to read it. So you have been
13 sentenced before for a property crime, third or subsequent,
14 in 2000?

15 A. It was on a shoplifting charge.

16 Q. Were you sentenced for a property charge, third or
17 subsequent?

18 A. I had a five-year sentence in 2000 for a shoplifting
19 charge.

20 Q. Okay. Were you also sentenced in 2001 for three
21 counts of shoplifting, two counts of forgery, three
22 property offenses times three?

23 A. Okay. Ms. White, can I ask you to ---

24 Q. I need you to answer my question, yes or no?

25 A. According to the record, I was never convicted of

1 these charges because it states right here, prior record.
2 When the Solicitor started reading out my record, he does
3 not give no disposition about my prior record. And in
4 order to be given an enhancement, you have to put some kind
5 of -- on a disposition on a prior record. He doesn't say
6 whether it was a null process, was it handled magistrate
7 court level or was it dismissed. Basically, he read out
8 the charges, not convictions.

9 Q. Okay. So is it your testimony that you've not been
10 convicted ever before of any property crimes, third and
11 subsequent?

12 A. According to the transcript, I have not.

13 Q. No, I'm asking you, Mr. Jeter. Have you been
14 convicted, before this plea, of any property charges, third
15 or subsequent?

16 A. Yes, I was. But did the Solicitor show that I had
17 been convicted because of the way he's -- Your Honor, I'm
18 only charged.

19 Q. I'm asking you about your convictions. I'm not asking
20 you about what the Solicitor said?

21 A. Okay. Yes, I have been convicted, but the Solicitor
22 never showed in the record that I was convicted because ---

23 Q. Mr. Jeter, you were also convicted in 2006 of a
24 shoplifting and 2007 of a third or subsequent property
25 offense. Is that right?

1 A. Yes, ma'am. You're saying convicted because he never
2 said I was convicted.. Excuse me for stating that, but I
3 mean ---

4 Q. Mr. Jeter?

5 A. Ms. White.

6 Q. I'm asking you if you were convicted. I'm not asking
7 you about what anybody said. Have you been convicted in
8 2006 of shoplifting, yes or no?

9 A. Okay. I'm not ---

10 Q. Mr. Jeter.

11 A. Okay, I was convicted.

12 Q. In 2007, were you convicted of a third or subsequent
13 property offense, yes or no?

14 A. I'm not sure.

15 Q. Okay.

16 A. I'm not sure.

17 Q. All right.

18 A. At the same token, Ms. White, like I said, the man --
19 the prosecutor read off twelve charges because he had no
20 disposition. And if I'm wrong, please correct me, Your
21 Honor. In order that I have the charge, you have to show a
22 disposition was given where I've been found guilty of this
23 charge. And he has no disposition because it could have
24 been handled at Magistrate's Court. It could have been
25 thrown out. Or it could have been null processed. But

1 there's no disposition on none of these charges.

2 Q. So ---

3 A. So they're really just charges.

4 Q. --- I'm going to ask you a final question. At the
5 time you were willing to plead guilty, you did not want to
6 go to trial, but you wanted to plead guilty as long as you
7 were getting a five-year sentence. Is that right?

8 A. Yes, ma'am. Because if I thought anything more than
9 five years, I would have took the trial.

10 Q. So the only reason you want to go to trial now,
11 perhaps on the charges, is because you got more than you
12 thought on the sentence?

13 A. No, the only reason why I'm here at a PCR today,
14 because my sentence is excessive. I was excessively
15 sentenced and the recommendation, I was not given the
16 proper -- I was not give proper -- properly told how to
17 withdraw that, that I could withdraw my plea. My counsel
18 never told me about how to withdraw my plea. He never
19 tried to withdraw my plea.

20 Q. Okay.

21 A. And the statement he made himself about the mortuary,
22 that put him -- especially as a lawyer, was way below
23 professional standards.

24 Q. Okay. Just to briefly show you, I'm going to let you
25 -- you testified that Mr. Cheek had not helped you at all

1 or filed anything on your appeal. Do you see this
2 document?

3 A. I never said that. I said he filed a notice of
4 appeal. I said that.

5 Q. Okay: You acknowledge that Mr. Cheek did file a
6 notice of appeal on your behalf with the Court?

7 A. But he never filed the, he ain't never filed the
8 Brady, he never filed the grounds for the appeal.

9 Q. Okay.

10 A. And as you know if, if you file an appeal, you have to
11 file the grounds for -- you have to file your grounds for
12 the appeal. No one ever filed the grounds for the appeal.

13 No one told me that I had to file the grounds for the
14 appeal. I put in the request forms to the Clerk of Court
15 asking that an appeal be filed. And I sent them to Clerk
16 of Court -- I mean, correspondence to the Public Defender's
17 Office and asked that an appeal be filed on my behalf.

18 Q. And in regards to Mr. Cheek, you believe that he might
19 have sold you out, even though he asked the Court to accept
20 the recommendation of the five years concurrent time?

21 A. I mean, it's evident because the simple fact, I mean,
22 it states for itself -- I mean, the statements he made that
23 he was not going to represent me to the fullest. He knew he
24 was not going to represent me to the fullest. I mean, yeah,
25 he asked for the recommendation. He had to do something to

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1 make it look good. But basically, he was not going to help
2 me because he did not withdraw -- he did not -- when he sees
3 the recommendation was not going my way, he did not ask to
4 withdraw my plea. He did not ask, he did not ask -- he did
5 not say anything to the Judge about the recommendation
6 again. He just made the one statement about the
7 recommendation.

8 Q. All right.

9 A. I was sentenced to forty years. After I was sentenced
10 to forty years, I never seen my attorney. I mean, being an
11 attorney, if I'm representing a client and my client just
12 got forty years, I'm going to go and talk to my client and,
13 okay, we going to go back on appeal. We going to do this.
14 We going to do that. I was never given that opportunity
15 with my lawyer. So I'm feel as though he was satisfied with
16 what he got and left me.

17 MS. WHITE: That's all. I have no other
18 questions.

19 THE COURT: Any redirect on what she went into?

20 MR. BONDS: Yes, Your Honor, just briefly.

21 REDIRECT EXAMINATION

22 BY MR. BONDS:

23 Q. With regard to third or subsequent treatment of your
24 charges, was there ever any discussion how the
25 recommendation would go with regard to the third or

1 subsequent treatment of your charges?

2 A. No one ever told me about third or sequential treatment
3 on my charges. It was just that the state -- all my
4 forgeries carried ten years. And that the prosecutor wanted
5 to give me a recommendation of a lesser included offense.
6 And like I said, when I got in the courtroom and he reads
7 off my record, all of these third or sequential offenses,
8 how could you give me a recommendation for a lesser included
9 charge when you trying to upgrade my charges in the
10 courtroom?

11 Q. So is it your understanding that all of your charges
12 would be treated as a first offense?

13 A. Right. Because it was like I was tricked into coming
14 -- it was like I was tricked out of my plea for the
15 recommendation just to get me in the courtroom.

16 MR. BONDS: I have no further questions.

17 MS. WHITE: Just one brief question, Your Honor.

18 **RECROSS EXAMINATION**

19 **BY MS. WHITE:**

20 Q. On page sixteen when you claim the Solicitor was
21 improperly reading that your forgeries were over five
22 thousand, he also told the court that these were all third
23 and subsequent offenses.

24 A. Right.

25 Q. At that point, did you not -- if you didn't know these

1 were third and subsequent, even though you had already pled
2 years before to several third and subsequent, you didn't
3 make a statement and say, wait a second, this isn't right?

4 A. Because like I said, I'm not going to lie about it. I
5 was naive. I was depending on the five-year recommendation.
6 And then my lawyer, James Cheek, who was supposed to be my
7 lawyer, should have made -- he's my lawyer. He seen that
8 the prosecutor -- where the prosecutor was going. He should
9 have objected to that.

10 Q. But you also acknowledge that the prosecutor did say it
11 was a third or subsequent at the beginning of the plea. Is
12 that not right?

13 A. Yeah. I read it to you in the transcript.

14 Q. Okay.

15 MS. WHITE: Thank you, Your Honor. No more
16 questions.

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

18 MR. BONDS: I call Ryan Sauers to the stand.

19 THE COURT: Sir, if you would, just come right up
20 here and place your left hand on the Bible and raise your
21 right hand and let me swear you in.

22 Do you solemnly swear that the testimony you're about
23 to give will be the truth, the whole truth and nothing but
24 the truth, so help you God?

25 THE WITNESS: I do.

1 THE COURT: Thank you, sir. Just have a seat in
2 the red chair. And pull the red chair up to the microphone.
3 And if you would, give us your full name.

4 THE WITNESS: Officer Ryan Sauers, S-A-U-E-R-S.

5 THE COURT: Thank you, sir.

6 RYAN SAUERS,

7 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 MR. BONDS: Thank you, Your Honor, may it please
9 the Court.

10 DIRECT EXAMINATION

11 BY MR. BONDS:

12 Q. Mr. Sauers, where are you employed?

13 A. Lee Correctional Institution.

14 Q. All right. And Mr. Jeter testified that on October
15 27th, 2011, there was an incident between himself and Mr.
16 Cheek. Did you hear that testimony?

17 A. Yeah, I did.

18 Q. Were you present for that?

19 A. I was. I was in the holding area.

20 Q. And what happened?

21 A. Basically, I'd brought him up here for the
22 transportation run and Mr. Cheek was in there. I thought
23 that was his PCR lawyer for the time. I didn't know that
24 was his trial lawyer. So they were talking between each
25 other. And ---

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1 Q. And if I may interrupt, Mr. Cheek is seated to the
2 right of Ms. White?

3 A. Yeah.

4 Q. Please continue.

5 A. And like I said, I didn't know that was his trial
6 lawyer. I thought it was his PCR lawyer and they were
7 discussing their case. They did exchange words. And I
8 told, you know, Mr. Jeter, just let it go. You know, keep
9 quite. Let him say what he wants to say. And he did for a
10 while. And then he did make the comment of selling his case
11 out in his trial, that he sold him down the river, so to
12 speak, as he said.

13 MR. BONDS: I have no further questions. Please
14 answer any Ms. White may have.

15 **CROSS-EXAMINATION**

16 **BY MS. WHITE:**

17 Q. Officer Sauers, did you hear the entire conversation?
18 Did you know Mr. Cheek prior to this event?

19 A. No, ma'am, I'd never seen him before.

20 Q. Okay. So do you know was he being sarcastic? Was he
21 being straight up?

22 A. I mean, the tone was he -- it was a heated
23 conversation. You know, you could tell they were both
24 getting, I won't say rattled up, but they were -- their
25 voices were raised ---

1 Q. Right.

2 A. --- a bit more than normal conversation like we were
3 having?

4 Q. Okay. But when you said, sure, I sold, you know, you
5 out for forty-one thousand or whatever that the applicant
6 said, could you tell if it was being sarcastic or if it was
7 being truthful?

8 A. It sounded like a bold statement to me.

9 Q. Okay.

10 A. I know the amount was said. I can't remember but I
11 know there was an amount said. If it's what Mr. Jeter said,
12 then -- but I don't know, but it did sound like a bold
13 statement because it was, you know, you could see in his
14 face, it was a bold statement.

15 Q. Okay.

16 MS. WHITE: Thank you, Your Honor. That's all the
17 questions I have.

18 THE COURT: Any redirect only to what she went
19 into?

20 MR. BONDS: No, Your Honor. And I ask that this
21 witness -- I don't know if he needs to be excused. He
22 actually was transporting a different inmate. So I don't
23 know if they need to change out.

24 THE COURT: Any objection to the witness being
25 excused?

1 MS. WHITE: No, Your Honor.

2 THE COURT: Thank you, sir. You may step down and
3 you may be excused if you need to be.

4 THE WITNESS: Thank you, sir.

5 MR. BONDS: And that is the applicant's case.

6 THE COURT: Is the State ready to proceed?

7 MS. WHITE: Yes, Your Honor. We would call James
8 Cheek to the stand.

9 THE COURT: Come on around, sir. Please place
10 your left hand on the Bible and raise your right hand and
11 let me swear you in. Do you solemnly swear that the
12 testimony you're about to give the Court be the truth, whole
13 truth and nothing but the truth, so help you God?

14 THE WITNESS: I do.

15 THE COURT: Thank you, sir. Please have a seat in
16 the red chair and pull the red chair up to the microphone
17 and speak up loudly so that the court reporter to my right
18 and I both can hear you.

19 JAMES CHEEK,

20 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

21 DIRECT EXAMINATION

22 BY MS. WHITE:

23 Q. If you could just state your name for the record?

24 A. My name is James Cheek.

25 Q. And Mr. Cheek, do you recall representing Mr. Jeter on

1 these charges?

2 A. Yes, I do.

3 Q. And in what capacity did you represent him?

4 A. I represented him as an attorney for the Spartanburg
5 County Public Defender's Office.

6 Q. And at the time that you represented him, the plea was
7 October 28, 2010, how long had you been practicing law?

8 A. In 2010, thirty-three years. Thirty-two years.

9 Q. Okay. And how long had you been working at the PD's
10 office?

11 A. I guess about -- in 2010, I guess about four years
12 maybe.

13 Q. And what is your general role with the Public
14 Defender's Office?

15 A. My general role is to present the guilty pleas on
16 behalf of the trial attorneys. Cases are assigned to trial
17 attorneys in our office. In the interim my job is to
18 interview and be available to both the trial attorneys, the
19 prosecutor's office, as well as the inmates at the detention
20 facility and the Department of Corrections in order to
21 facilitate any plea offers or to negotiate recommendations
22 or plea offers in cases.

23 Q. So when Mr. Jeter says he was originally assigned
24 Andrea Price as an attorney, that's something that would
25 normally occur when you would end up representing someone at

1 a plea?

2 A. Correct.

3 Q. Okay. Now, in particular, with these charges, do you
4 recall meeting with him and then to discuss the plea offer
5 of the recommendation from the State?

6 A. I recall meeting with Mr. Jeter several times. There
7 were two periods of times I met with Mr. Jeter. One was
8 when we were preparing to go in for a plea with his Co-
9 Defendants. And then -- because we were going to present
10 all of them at the same time. I'd informed Mr. Jeter I
11 thought it would be in his best interest to go in with the
12 other Co-Defendants because he had a significantly longer
13 criminal history than they, but I felt that he would plead
14 at the same time they pled, the Judge might would look at
15 probably parity in sentencing, all of them appearing at the
16 same time, plead them on the same charges, that he would
17 probably -- hopefully he might benefit from any leniency the
18 Court might give at that time. When we appeared for Court
19 the following week, Mr. Jeter had instead bonded out without
20 my knowledge. So I was surprised when he was not in Court.
21 He had bonded out. Had not informed me he was bonding out.
22 And so we went ahead with the other Co-Defendants and pled
23 them. And then Mr. Jeter was taken into custody in Georgia.
24 And he was there for a significant period of time and then
25 he came back from Georgia. At that time, he approached me

1 about the sentence that his Co-Defendant had got and wanted
2 to know if I thought I could try to get him sort of about
3 the same thing. And I told him I would approach the
4 Solicitor's Office and see. At that time, he said he'd
5 tried to get back in contact with Ms. Price as she had not
6 been responsive to him and wanted to know if I would look
7 into it for him, which is what I did.

8 Q. And when you refer to the same sentence as his Co-
9 Defendant, is that something along the lines of the five
10 years that he said Ms. Thomas, I believe it was, received,
11 perhaps?

12 A. Ms. Thomas received five years suspended to two years
13 with probation to follow for five years. And Ms. Poole
14 received five years suspended to time served with five years
15 probation.

16 Q. And to your understanding did they have significant
17 records in their past?

18 A. -No, they did not.

19 Q. So at the time when you met with Mr. Jeter in regards
20 to preparing for a plea with the recommendation of five
21 years, did you talk with him about the difference between
22 negotiated sentences and recommendations?

23 A. I did.

24 Q. Okay. And did you feel like he understood that this
25 was solely a recommendation?

1 A. Absolutely. Because he kept insisting and tried to get
2 a negotiated sentence. And the State would not negotiate a
3 sentence with him because they had worked with us
4 previously. They had followed my suggestion previously that
5 we plead him along with the Co-Defendant at the same time.
6 Instead, he left and didn't tell anybody he was getting out
7 of jail, left the state, was rearrested in another state and
8 was brought back. So the Solicitor said he absolutely would
9 not negotiate a sentence under those circumstances.

10 Q. In regards to the potential sentence that Mr. Jeter
11 could receive, did you talk with him about the charges as
12 third or subsequent and what each of those carried?

13 A. I did.

14 Q. And did you talk with him about the potential for them
15 to either run concurrent or consecutive if the plea -- I
16 guess, if the offer or the recommendation wasn't followed?

17 A. I did.

18 Q. Okay. Did you feel like he understood that based on
19 your conversations?

20 A. I did.

21 Q. And ---

22 A. Both before his bonding out, as well as his returning.
23 He was very agitated when he came back in because he knew he
24 had lost an opportunity to possibly get the same type of
25 sentencing that his Co-Defendant got, and wanted to make

1 sure that I would try to do that for him.

2 Q. Tell me a little bit about the Spartanburg Memorial
3 Association. He has testified that he thinks, based on your
4 statement at the plea, that you were not going to represent
5 him well because of your association with that group?

6 A. I explained to Mr. Jeter from the very beginning that I
7 felt that he had been taken advantage of in this whole
8 situation, but not to the extent that it would establish
9 that kind of defense. That I felt that he was a pawn in all
10 of this, that he was one of the little people in it. That
11 although he was the one that went into the bank and showed
12 him pictures of himself in the bank along with Wanda Poole
13 and Sharon Thomas, all of them going to the Bank of America
14 and cashing these check, that I thought the mastermind
15 behind the whole situation was Anthony Bell. That Anthony
16 Bell was the one who had access to the checks. That Mr.
17 Jeter did not have really access to the checks on his own.
18 That Mr. Jeter -- I made Mr. Jeter aware that I was -- that
19 I knew that the checks were kept in the bedroom of Anthony
20 Bell and that Mr. Jeter had no reason to be in the bedroom
21 of Anthony Bell to get those checks. That Anthony Bell had
22 brought those checks out and introduced this whole scheme to
23 the three of them, which what I primarily presented to the
24 Solicitor's Office in an effort to try to help Mr. Jeter
25 initially, as well as secondary, when he came back in the

1 custody of the department here in Spartanburg County.

2 Q. Okay.

3 A. And that's what I did. Because I thought that Anthony
4 Bell was the perpetrator of all of this.

5 Q. So your association with the group and helping them
6 start up, did it affect your representation of Mr. Jeter at
7 all?

8 A. No, no. We're talking about -- well, I think did. I
9 think it affected it in a positive way for Mr. Jeter.
10 Because we're talking about something that happened twenty-
11 something years ago. I hadn't had any hands-on experience
12 with the Memorial Committee since then. That was put on the
13 record. And I made sure that everybody understood that,
14 that I was not getting anything out of this, I just thought
15 it would be to -- I knew the people on the Committee. And
16 they had gotten their money back. The bank reimbursed the
17 Committee. The Committee had no further interest in all of
18 this, except to see that justice be done. But I felt like
19 justice was not being done in just the prosecution of only
20 Mr. Bell -- only Mr. Jeter when Ms. Jeffries was apparently
21 trying to do all she could to make sure her grandson, who
22 initiated all of this, was not prosecuted. I thought that
23 was unfair. So I wanted to put that on the record through
24 the court and hope that would help Mr. Jeter, as well as the
25 others, the Co-Defendants, in their sentencing.

1 Q. Did you ever discuss with Mr. Jeter anything about
2 withdrawing a plea if, as he said, it started to go bad for
3 him?

4 A. No, I never did discuss that with him. And I don't
5 know how I could have done that. The plea had already been
6 entered at that point. The plea would not have been -- what
7 Mr. Jeter is making reference to is negotiated sentencing.
8 If there is a negotiated sentence offered to the court and
9 the court is not inclined to go along with the sentencing
10 for the negotiated sentence, then the court would give you
11 an opportunity to withdraw the plea and take it to another
12 Judge. But in this case, it was a recommendation and a
13 recommendation only. And it was made very clear both in my
14 discussions with Mr. Jeter, all my clients, that a
15 recommendation is just a recommendation, that the Judge does
16 not have to go along with the recommendation. The judge
17 will consider the recommendation, but could give more, less
18 or what is recommended, but that is only a recommendation.
19 That is the discretion of the Judge whether or not to accept
20 the recommendation. And Mr. Jeter understood that.

21 Q. At the time you represented Mr. Jeter, were you aware
22 of his prior record?

23 A. I was.

24 Q. Okay. And to your understanding had he been convicted
25 of any third or subsequent property offenses prior?

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1 A. Numerous.

2 Q. Okay. And was he aware that he was being charged with
3 third or subsequent on a majority of these charges?

4 A. Yes.

5 Q. Now, one final question. Do you recall meeting with
6 Mr. Jeter in October of 2011, a year, approximately, after
7 the plea?

8 A. I did not meet with Mr. Jeter. I happened to be in the
9 jail room, the holding area, at the same time Mr. Jeter was
10 there for other matters. We were not meeting. He was cat-
11 calling and being very -- seeming very derogatory to me.

12 And I said to him, yeah, I'm going to sell you out for
13 forty-one thousand dollars I make for the Public Defender's
14 Office? I'm going to sell you out for that? And that's all
15 I said to him. And I left because I did not want to get
16 anymore agitated with Mr. Jeter.

17 Q. Okay. All right. Thank you.

18 MS. WHITE: That's all I have for Mr. Cheek.

19 Thank you, Your Honor.

20 THE COURT: Yes, sir.

21 MR. BONDS: Thank you, Your Honor. May it please
22 the Court.

23 CROSS-EXAMINATION

24 BY MR. BONDS:

25 Q. Mr. Cheek, ---

1 MR. BONDS: If I may approach, Your Honor?

2 THE COURT: Yes, sir.

3 Q. --- I'm going to show you what has been marked as
4 Applicant's Exhibit 1. And in that letter, we've already
5 gone over it with Mr. Jeter, he is -- apparently, Clay
6 Allen, who is your boss; is that correct? Mr. Allen is
7 essentially your boss? He's the head of the Public
8 Defender's Office. Is that correct?

9 A. Let's make this very clear. Mr. Allen is the Chief
10 Public Defender. It is his responsibility to supervise and
11 to direct the policies and procedures and the day-to-day
12 operations of the Public Defenders. I don't have a boss.

13 Q. Okay. Mr. Allen is the person who responded to ---

14 A. To whom I respond to in my day-to-day employment. My
15 boss is the Spartanburg County citizens, those are my
16 bosses.

17 Q. Okay. Well, the question I'm asking, Mr. Allen is the
18 person who responded to Mr. Jeter in that letter. Is that
19 correct? The letter I just handed to you, he is the author
20 of that letter?

21 A. Could you rephrase your question?

22 Q. Is Clay Allen the author of the letter that I just
23 handed to you?

24 A. It would appear from the letter you just handed me that
25 at some point, Clay Allen on September 14th, 2010, directed

1 a letter to Mr. Jeffrey Jeter. And from looking at the
2 signature, I would assume that it's Mr. Allen's signature.
3 I would also assume that since you have a copy of this
4 letter, that Mr. Allen did direct this and place this letter
5 in the U.S. mail to Mr. Jeter at the address and that this a
6 representation of the letter that was sent. But beyond
7 that, I don't know.

8 Q. Okay. And I won't ask you to authenticate the letter.
9 Mr. Cheek, take a moment and read the letter and then I have
10 some questions for you.

11 A. Okay. Your questions.

12 Q. What is the substance of that letter? What's the
13 letter about?

14 A. Could you be more specific? I need you to break down
15 your question. I can't answer that.

16 Q. Certainly. It appears that the letter is a response to
17 a question from Mr. Jeter. Is that an accurate summation?

18 A. It says from on about of some time of September 11th
19 and 13th of 2010.

20 Q. The question that I'm asking, it appears that that
21 letter is a response to ---

22 A. Let me help you. Let me help you.

23 Q. Sure.

24 A. Mr. Jeter directs some concerns to Mr. Allen in
25 writing. Mr. Allen directed those concerns and responded to

1 Mr. Jeter. Subsequent to that, Mr. Jeter approached me. I
2 did not approach him about any further representation. He
3 felt frustrated because Ms. Price had not been in contact
4 with him. He was back here on the charges. He wanted
5 something worked out and he did the proper thing. He
6 communicated with me, knowing my position, knowing my
7 experience with his Co-Defendants, knowing my prior
8 association with these cases. He wanted me to help him. He
9 wanted me to do what I could do to get a proper and just,
10 what he thought, recommendation from the state, which is
11 what I did. I communicated to him, based upon his knowledge
12 of all my prior involvement with this whole situation. And
13 what my job is and the fact that I would be responsive and
14 caring about his situation, which is what I did. That's
15 what he said to me and that's why I got involved, again, at
16 his request. Is that responsive?

17 Q. Not really.

18 A. Well, tell me -- ask me how I can respond to you, I'll
19 try to respond.

20 Q. It appears he is raising two -- he is responding to two
21 issues that Mr. Jeter has raised.

22 A. All ---

23 Q. One is your representation and one is Ms. Price's
24 responsiveness.

25 A. Which was all waived when Mr. Jeter approached me about

1 his communication with Sharon Thomas. And if you have a
2 question about what Mr. Allen did, I would suggest you ask
3 Mr. Allen. I cannot surmise or tell you and I will not sit
4 here and try to tell you what Mr. Allen did or what Mr.
5 Jeter's understanding of it. All I'm going to tell you is
6 that following this letter, Mr. Jeter approached me, and I
7 did what I was asked to do on Mr. Jeter's behalf by Mr.
8 Jeter.

9 Q. I'm going to ask you a question and I ask that you
10 listen to the question and respond to the question that I
11 ask you. One of the issues that appears to have been raised
12 in the letter is whether or not Mr. Jeter had seen the
13 evidence against him. And Mr. Allen's response in the
14 letter, which has been admitted into the record, is that she
15 indicates that, yes, that she had, and that he should direct
16 those questions to her. To your knowledge, had he been
17 provided with any of the evidence against him in this case?

18 A. To my knowledge, yes, he had. When I approached Mr.
19 Jeter prior to his bonding out of jail, in our first efforts
20 to provide and prepare him for his plea with his Co-
21 Defendants, prior to his bonding out and going to the state
22 of Georgia, Mr. Jeter and I reviewed the entire discovery in
23 this case. Because at that time I took to the detention
24 facility the Solicitor's file on this case and went through
25 it page-by-page with Mr. Jeter, including what was asserted

1 against him, any statements made, as well as the photographs
2 from the Bank of America on both he and his Co-Defendants.

3 All of that was done prior to Mr. Jeter even making any kind
4 of comments back in September about me having knowledge of
5 this case. He knew the knowledge I had of this case because
6 we talked about that prior to him bonding out of jail.

7 Q. Okay. So just to be clear, you said that you had gone
8 over the evidence with him. Is that correct?

9 A. Yes, sir.

10 Q. Okay. Did you provide him with copies?

11 A. No, sir.

12 Q. Okay. Where ---

13 A. Because I told Mr. Jeter, as I do all of the people at
14 the jail, it is not wise to be sitting there in a facility
15 where you do not have any control over your discovery. I
16 suggest to my clients that if they want copies of their
17 discovery, that they have a liability, assume they did
18 right, waiving any kind of problem for the trial attorney.
19 If the trial attorney wants to come over and hand them the
20 discovery, that's on the trial attorney. Because when it
21 comes time for trial, there's a problem with some inmate
22 coming in who has read or discussed the discovery with our
23 Defendants, with our clients. I am not going to assume
24 responsibility for that and I do all I can to alert my
25 clients that I do not think it is a good idea for them to

1 have their discovery in the jail because many of them share
2 with other people freely and voluntarily. Talk about it on
3 the telephone. And then talk about it with other inmates at
4 the jail. And those people many times come forward,
5 testifying at trial about what they read in discovery
6 asserting that it's something that the Defendant has told
7 them. Not a good practice.

8 Q. Okay. To your knowledge, did anyone provide Mr. Jeter
9 with a copy of the discovery?

10 A. To my knowledge, I don't know of anyone -- I would not
11 have been present when that happened.

12 Q. Okay. With regard to the charges against Mr. Jeter, do
13 you recall what charges were pending at the time you -- let
14 me back up a little bit. As I understand from Mr. Jeter's
15 testimony, Ms. Price was his attorney and then she met with
16 him, you met with him. He discovered this potential
17 conflict of interest. He's raised the issue. It sounds
18 like sometimes he wants you to be his lawyer and sometimes
19 he doesn't. Is that a fair statement?

20 A. Mr. Jeter did not discuss -- discover any conflict. I
21 went to Mr. Jeter, as I did the other Co-Defendants, and
22 explained to them up front what my involvement was. He did
23 not discover that. I told him. Otherwise, he'd have no way
24 of knowing that. I told him. I explained to him, as I did
25 Ms. Poole, as I did Ms. Thomas, that I felt that they were

1 getting a raw deal out of this. That they didn't have
2 access to those checks. That to my knowledge everything --
3 that they were being done wrong. That they needed to be
4 given every bit of leniency that could be gotten, and that I
5 would do all I could do to see that that happened. Now, the
6 facts speak for themselves. Mr. Jeter engaged in
7 conversation with me after he knew that. I put that on the
8 record previously with his Co-Defendants. He has said here
9 today that he had conversations with his Co-Defendant, Ms.
10 Thomas, they talked about that and my representation. He
11 was aware of the sentencing that his Co-Defendants got. And
12 I made every effort to put him in a situation where he would
13 get very near the same recommendation that they got in their
14 sentencing. That was the fair thing to do. For him to
15 receive as close a sentence as his Co-Defendants got, given
16 his record.

17 Q. Well, you mentioned Co-Defendants. I think you stated
18 the name -- the names Ms. Poole and Ms. Thomas. And you
19 represented Sharon Thomas?

20 A. I did. I believe I did.

21 Q. Was Ms. Thomas -- what did she do to get her plea?

22 A. What did she do?

23 MS. WHITE: Your Honor, I object to relevance.

24 Q. I ---

25 A. I can tell you what she did. She got James Cheek to

1 represent her. And James Cheek went in the courtroom and he
2 argued the case for her. I don't know of anything else she
3 would have done as far as giving any kind of statement
4 implicating him or anything like that. All of that was
5 already done.

6 Q. Okay.

7 A. I didn't take her over -- I did not arrange for her to
8 go over to the Solicitor's Office and make any kind of
9 statement implicating Mr. Jeter in anything. I never
10 participate in any of that kind of stuff.

11 MR. BONDS: May I approach, Your Honor?

12 THE COURT: Yes, sir.

13 Q. You mentioned a statement. I hand you a document.

14 A. I mentioned her plea.

15 Q. Okay. Well, I believe you also mentioned that she may
16 have made a statement.

17 A. July 14th, 2008.

18 Q. Okay.

19 A. I was not involved in this case on July 14th, 2008,
20 period.

21 Q. Okay.

22 A. So how is that relevant?

23 Q. Okay. I want you to review that.

24 A. I've seen it.

25 Q. Okay.

1 A. And she implicates Mr. Bell.

2 Q. Okay.

3 MR. BONDS: If there is no objection, I move to
4 add this. This is the pre-interrogation waiver and
5 statement by Ms. Thomas against Mr. Jeter.

6 MR. BONDS: Your Honor, I object to the relevancy
7 in this case. Mr. Jeter pled. There was no trial. There
8 were no statements. There was no mention of Ms. Thomas at
9 his plea. I don't know why her previous statement several
10 years prior would be applicable to this.

11 MR. BONDS: Well, Your Honor, this witness who was
12 a Co-Defendant of Mr. Jeter's, in this statement, is a
13 witness against Mr. Jeter, who was represented by Mr. Cheek,
14 along with Ms. Thomas. Mr. Jeter has raised the issue of
15 conflict of interest. And I would argue that representing
16 two people in the same case, one of whom is a witness
17 against the other, is certainly a conflict of interest.

18 THE COURT: All right. Well, I'm not going to let
19 the document in since there's no one here to testify as to
20 the background of the document, how it was taken. But I
21 believe that the record in this proceeding, it's clear that
22 that's the conflicts that he's raising. So I would believe
23 that anything that would be in the statement would be
24 cumulative to what's already been presented.

25 Q. Was part of Ms. Poole and Ms. Thomas' plea, did they --

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1 in order to obtain that plea, did they give any kind of
2 information to do that, to receive a plea agreement?

3 A. What plea agreement?

4 Q. Ms. Thomas and -- I believe you testified that you
5 wanted to plead Mr. Jeter, Ms. Thomas and Ms. Poole all
6 together because they were all Co-Defendants. Ms. Thomas
7 and Ms. Poole received, I believe ---

8 A. And that never happened.

9 Q. --- you stated a five-year suspended to two ---

10 A. I think they all wound up not pleading at the same
11 time.

12 Q. Okay. In order to obtain the plea, in order for the
13 Solicitor to make a recommendation in their case, did they
14 offer any evidence against Mr. Jeter?

15 A. No.

16 Q. Okay.

17 A. I made it very clear to Mr. Jeter. Mr. Jeter, go in
18 there and plead at the same time with -- I think it was Ms.
19 Poole at the time. And when we got to court, Mr. Jeter was
20 gone. So neither one of them would have been speaking
21 against the other. They both would have been doing, as I
22 was suggesting, is they point the finger at Mr. Bell, who
23 was not going to be prosecuted in this case. And Mr. Jeter
24 elected not to do that. For some reason, he wanted to
25 protect Mr. Bell.

1 Q. Okay. Do you recall the charges against Ms. Poole and
2 Ms. Thomas?

3 A. No.

4 Q. Were they comparable to Mr. Jeter's?

5 A. I don't recall.

6 Q. Now, one other issue Mr. Jeter raised was that when the
7 plea went bad that you failed to move to withdraw. Why
8 didn't you make a motion to withdraw his plea?

9 A. The plea had already been accepted.

10 Q. Well, you're aware that you could move to withdraw the
11 plea?

12 A. At what point if the plea's been accepted?

13 Q. Any point after sentence -- well, I'm ---

14 A. Well, I'm not aware of that. Now, if you've got a
15 witness that'll come in here and testify to that, that's
16 between you and Mr. Jeter. But no one has testified that
17 you can withdraw a plea after it's been entered. Only if
18 there's a problem with a negotiated sentence. This was not
19 a negotiated sentence.

20 Q. So it is your belief that you could not move to
21 withdraw the plea?

22 A. I'm not saying you can't, but I'm saying in this
23 instance the plea had already been accepted. The plea
24 didn't go bad until the Judge started talking about
25 sentencing. I could not -- I did the proper thing. I

1 immediately filed an appeal regarding the sentencing, which
2 is what you do.

3 Q. Okay.

4 A. Even without Mr. Jeter asking me to do that, I rushed
5 and did it.

6 Q. Okay.

7 MR. BONDS: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 Q. I'm going to hand you a copy of the transcript. I'm
10 going to ask that you read from line eleven to nineteen. If
11 you can read that out loud.

12 MS. WHITE: What page?

13 MR. BONDS: Page twenty-eight, I believe. Twenty-
14 eight.

15 A. I explained to him that I was the lawyer for the
16 Committee when we started that effort and actually had
17 handled the sitting of that Committee and transitioned the
18 property from the city to this Committee. And that I was
19 involved in and helped raising money to that effort. I want
20 him to know or believe that I would not represent fully as I
21 possibly could in these as I have with other people who were
22 involved in the taking of the monies.

23 Q. Now, in the transcript it says, I wanted him to know
24 that I would not represent him fully. Is that what you
25 said?

1 A. No, no. That's not what I said. This is what I said.
2 That I wanted him to know or believe that I would not
3 represent him fully as I possibly could in these matters, as
4 I have with other people who were involved in the taking of
5 the money. That includes Anthony Bell. I would never, as
6 long as God gives me breath, do anything to help Anthony
7 Bell. Because I think Anthony Bell is the one that put Mr.
8 Jeter and those two women in this situation. So in
9 representing Mr. Anthony Bell, no, I would never fully do
10 it. But I would for Mr. Jeter, as I did. And that is what
11 I meant and that is what I stand by. I asked Mr. Jeter to
12 do all he could to help himself. He elected not to do that.
13 He didn't want to turn on Anthony Bell. Anthony Bell had
14 access to those checks. And the reason he had with this,
15 God rest anybody's soul in this situation, I represented
16 Anthony Bell to no extent in this case and I never would
17 have. Anthony Bell was not before the Court in this, but he
18 was involved. And I pick my words very carefully. Anthony
19 Bell was involved and Anthony Bell should have been
20 indicted. They could not indict Anthony Bell because they
21 had only one person saying Anthony Bell was involved in
22 this. And when Mr. Jeter had a chance to do that, he
23 refused to do it. I don't have any animus toward Mr. Jeter,
24 I really don't. But I don't like what he allowed -- the
25 position he got himself put into because he would no do what

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1 he needed to do in order to involve Anthony Bell and get
2 justice out of this situation.

3 MR. BONDS: I have no further questions.

4 THE COURT: Any redirect limited to what he went
5 into?

6 MS. WHITE: No, Your Honor.

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

8 MS. WHITE: The State has no other witnesses, Your
9 Honor.

10 THE COURT: Any witnesses in reply from the
11 applicant?

12 MR. BONDS: No, Your Honor.

13 THE COURT: All right. I'll take it under
14 advisement and let you know.

15 MR. BONDS: Thank you, Your Honor.

16 MS. WHITE: Thank you, Your Honor.

17

18 [END OF REQUESTED TRANSCRIPT OF RECORD]

1 CERTIFICATE OF REPORTER

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I, the undersigned Danette P. Hanks, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Spartanburg County, South Carolina, on the 9th day of November, 2012.

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This transcript may contain quoted material. Such material is reproduced as read by the speaker:

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

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April 29, 2013



Circuit Court Reporter



SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

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CIRCUIT PUBLIC DEFENDER

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TELEPHONE (864) 596-2581

FAX (864) 596-2284

September 14, 2010

Mr. Jeffrey Jeter
c/o Spartanburg County Detention Facility
950 California Avenue
Spartanburg, South Carolina 29306

Re: Your Inmate Request Forms dated September 11 and 13, 2010

Dear Mr. Jeter:

In response to your inmate request forms dated September 11 and 13, 2010, please be advised that I see no reason to remove Ms Price as your attorney. I also do not believe a conflict of interest exists which would disqualify Ms Price or any other attorney in this office. I believe that your request forms contain several incorrect statements which I also need to address.

As I understand your forms, you believe that a bench warrant was issued for your arrest because you did not attend a "roll call"; however, the bench warrant was actually issued because you failed to attend a hearing on June 23, 2010, when the State moved to revoke your bond. Prior to the hearing Ms Price attempted to contact you, but you had not provided her or this office with an updated address or telephone number. Furthermore, Ms Price did not tell you that she would attend "all your roll calls" and that you did not need to attend them. At most, Ms Price would have advised you that you did not need to attend the "second appearance," but neither Ms Price nor any of the other attorneys would have told you not to attend docket call or "roll call."

X You also claim that you should have another attorney because you believe that one of my assistant public defenders, James Cheek, is associated with the Spartanburg Community Memorial Committee, which is a victim in some of the forgery cases against you. (I do not know if Mr. Cheek is indeed associated with that committee, but even if he is, Mr. Cheek is not a witness in this matter) and will not be called to testify at your trial. I also understand that Mr. Cheek does not have any direct information which can or will be used against you in connection with these charges. I do not believe that this constitutes a conflict which would disqualify Ms Price or any other attorney in my office from serving as your attorney. (Ms Price will insure that no confidential information about your involvement, if any, is given to Mr. Cheek) and Ms Price also retains full authority over the objectives of your representation so that she will not be influenced in any manner by Mr. Cheek.

Lastly, you stated that Ms Price has not provided you a copy of your discovery. Ms Price has shown me a copy of a cover letter demonstrating that she provided you a copy of your

EXHIBIT 2

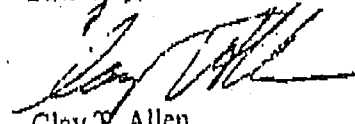
FILED
CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA
SEP 14 2010

Mr. Jeffrey Jeter
September 14, 2010
Page 2

discovery in April, 2009. She has also advised me that she has not received additional discovery since that date. Obviously, if she receives additional discovery, she will provide it to you.

Again, I see no reason to change attorneys in your case, and I do not believe that this office has a conflict of interest which would disqualify my attorneys from representing you. Ms Price is a very good attorney, and she is fully capable of assisting you in this matter. Therefore, I ask you to cooperate with her as she continues to assist you in this matter.

Sincerely,



Clay T. Allen
Circuit Public Defender

CTA:

cc: Andrea L. Price, Esquire

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2011 MAY -2 AM 9:37
M. HOPE CLARK

EXHIBIT 4

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

Jeffrey Eugene Jeter, #131471,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

2011-CP-42-1967

ORDER OF DISMISSAL

This matter comes before the Court by way of an Application for Post-Conviction Relief filed May 2, 2011¹. The Respondent made its Return on or about May 2, 2012. An evidentiary hearing into the matter was convened on November 9, 2012, at the Spartanburg County Courthouse. The Applicant was present at the hearing and was represented by Jonathan C. Bonds, Esquire. Suzanne H. White, Esquire, of the South Carolina Attorney General's Office, represented the Respondent.

At the hearing, the Applicant testified on his own behalf. Detention Officer Ryan Sauers, and James A. Cheek, Esquire, ("Counsel") also testified. This Court also had before it a copy of the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the Return, and the plea transcript.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant was indicted at the March 2009 term of the Spartanburg County Grand Jury for five counts of forgery

less than \$5,000 (09-GS-42-1413, -1414, -1415, -1416, -1802), receiving stolen goods less than \$1,000 (09-GS-42-1419), receiving stolen goods between \$1,000 and \$5,000 (09-GS-42-1420), and obtaining money by false pretenses (09-GS-42-1421). He was also indicted in October 2010 for two counts of petit larceny - 3rd or subsequent (10-GS-42-5616, -5617). He was represented by James A. Cheek, Esquire. On October 28, 2010, the Applicant pled guilty as indicted. He was sentenced by the Honorable J. Mark Hayes II to confinement for ten years for each of the receiving stolen goods, obtaining money by false pretenses charges, forgery (09-1802), and petit larceny charges, all ordered to run concurrently. He also received ten years on each additional forgery charge, set to run consecutive to other sentences received and the probation revocation, for an aggregate sentence of forty years. A *pro se* Motion for Resentencing was filed, but following a hearing, was denied by Judge Couch on December 17, 2010.

A timely notice of appeal was filed, but the South Carolina Court of Appeals dismissed the appeal on December 2, 2010, for a failure to demonstrate any issues preserved for appellate review. The Remittitur was returned on December 21, 2010.

ALLEGATIONS

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

1. Ineffective assistance of counsel, in that;
 - a. A conflict of interest existed because Counsel (James Cheek) is associated with the Spartanburg Community Memorial Committee, which was a victim in the case and Clay Allen insured Applicant that James Cheek would not have anything to do with his case,
 - b. Applicant never received a copy of his discovery materials,

¹ Applicant also filed numerous documents while represented by Counsel, which Respondent submitted were improperly filed and should not be considered as substantive filings in this matter. This Court concurs.

- c. Counsel failed to object to the excessive sentence give by the Court when it exceeded the maximum authorized by law,
- d. Counsel failed to file a Motion to withdraw guilty plea when the court failed to follow the State's recommendation,
- e. Applicant signed a legally binding contract with the solicitor's office regarding a plea offer, which was not enforced.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71(e), SCRCP). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Butler, Id. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant 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. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland).

In regards to Applicant's allegation that Counsel represented him while a conflict of interest was present, this Court finds that the Applicant has failed to meet his burden of proof. Applicant testified that he was originally assigned Andrea Price as his attorney from the Public Defender's office; however, he met mostly with Counsel. Applicant claimed that he first met Counsel in 2009, and at one time, Counsel told Applicant that Counsel hoped Applicant received the maximum sentence on the charges he faced. Applicant testified that he wrote a letter in September 2010 to the Seventh Circuit Public Defender, Clay Allen, raising allegations of a conflict with Counsel. This letter was introduced as Applicant's Exhibit #1. Applicant testified that he had discovered that Counsel was involved with the Spartanburg Memorial Association, which is one of the organizations that had checks stolen. However, Applicant then testified that he met with Counsel in October 2010 to discuss the State's willingness to offer a recommendation of five years concurrent on all charges, to run concurrent with Applicant's five year probation revocation. Applicant also testified that more than a year following his plea, he

had words with Counsel in a holding area, when Counsel was coming to see another client.

Applicant testified that Counsel informed him that Counsel had "sold him out."

Counsel testified that he was aware of the Applicant's assertion in his September 2010 letter to Mr. Allen that Counsel was operating under a conflict of interest. Counsel testified that he explained his previous association with the organization that had checks stolen to Applicant prior to the plea. However, Counsel testified that even then, the Applicant approached Counsel in October about representing Applicant at his plea after the letter had been sent. Counsel also testified regarding the exchange of words a year following the plea and indicated that after Applicant made rude and derogatory remarks to Counsel, Counsel sarcastically made a statement to Applicant about how much money he took to sell Applicant out.

The mere possibility of a conflict of interest is insufficient to challenge a criminal conviction. Langford v. State, 310 S.C. 357, 426 S.E.2d 793 (1993). "In order to establish a violation of the Sixth Amendment, a defendant who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance." Duncan v. State, 281 S.C. 435, 438, 315 S.E.2d 809 (1984). The Applicant must show that his attorney actually owed duties to a party whose interests were adverse to the Applicant. Id.; Thomas v. State, 346 S.C. 140, 551 S.E.2d 254 (2001). This Court finds that the Applicant failed to prove any conflict of interest on behalf of Counsel. This Court finds no improper conduct on behalf of Counsel and in fact, finds that Counsel was a very strong advocate for Applicant at the plea hearing. Counsel's testimony was very credible. The Applicant has failed to meet his burden of proof and the claim is denied and dismissed.

The Applicant also claimed that Counsel was ineffective for failing to provide discovery materials to the Applicant for review. Applicant testified that he never knew he was indicted.

However, Applicant testified that the plea agreement he discussed with Counsel in October 2010 was to include five counts of forgery, two counts of petit larceny, one count of receiving stolen goods, and one count of obtaining goods by false pretenses, including charges from February 2009 and September 2010. Applicant testified that at that time, Counsel told him that he faced up to ten years on each charge. Applicant also testified that Counsel explained to him that it was a recommendation and the judge did not have to accept the recommendation. However, Applicant then testified that Counsel never talked with him about his charges being enhanced based upon them being a third or subsequent property offense.

Counsel testified that he met with the Applicant several times and reviewed all discovery materials with the Applicant. Counsel testified that he reviewed statements, photos, and other State's evidence. This Court finds the Applicant's testimony as to these issues to lack any credibility. It is clear based on the testimony presented and the plea transcript that the Applicant was well aware of the charges he faced and had several opportunities to review discovery materials and discuss the case with Counsel. Furthermore, based upon his prior record, the Applicant was aware of being charged with enhanced offenses. The Applicant has failed to meet his burden of proof as to this claim. Therefore, it is denied and dismissed.

The Applicant alleged that Counsel was ineffective for failing to object to the sentence based on Applicant's assertion that it was excessive and beyond the statutory limits. Applicant also alleged that Counsel was ineffective for failing to move to withdraw the plea when the court failed to follow State's recommendation. Applicant testified that he filed a *pro se* motion for reconsideration and argued for a sentence reduction, but his motion was denied. Counsel testified that not only was there never any discussion about withdrawing the plea, but he did not make a motion to withdraw the plea because by that time, the plea had already been entered.

Counsel did state that he filed a notice of appeal on Applicant's behalf.

The court has broad discretion in imposing criminal sentences. State v. Franklin, 267 S.C. 240, 226 S.E.2d 896 (1976). Absent a showing of partiality, prejudice, oppression or corrupt motive by the sentencing court, or absent a showing that the statutory punishment in and of itself constitutes cruel and unusual punishment, the post-conviction relief court has no authority or jurisdiction to review or change a sentence falling within statutory limits. State v. Cogdell, 273 S.C. 563, 257 S.E.2d 748 (1979). Although the sentence received was substantially different from the recommendation, Counsel advocated for the judge to accept the recommendation. It was within the judge's discretion to not follow the recommendation and impose the forty year aggregate sentence. This Court finds that based upon the testimony and transcript, the Applicant was well aware that the judge could reject the State's recommendation and could impose a sentence of up to 130 years. However, this Court finds that although substantial, the sentence is not excessive, as it is within the parameters established by the General Assembly and based upon the Applicant's prior record. This Court can find no deficiency on behalf of Counsel as it relates to this issue. Therefore, the Applicant has failed to meet his burden of proof and this claim is denied and dismissed.

The Applicant also alleged prosecutorial misconduct, in that he alleged that he signed a legally binding plea agreement with the State, which was not enforced. However, this Court finds that the Applicant has failed to meet his burden of proof as to this claim. The Applicant offered no evidence that supported his assertion and in fact, the record itself directly refuted claims of a plea agreement with the State. The State merely offered a recommendation for sentencing to the court, which Applicant was aware of at the time that he pled. The record of the guilty plea clearly indicates that the plea was knowingly, intelligently, and voluntarily entered

within the mandates of Boykin v. Alabama, 395 U.S. 238 (1969). See LoPiano v. State, 270 S.C. 563, 243 S.E.2d 448 (1978). The Applicant has not offered any reason to depart from the truth of his statements at the plea proceeding, and bare contradictions of these statements are not sufficient to overcome the finality of the conviction. Blackledge v. Allison, 431 U.S. 63 (1977); Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975). This Court can find no indication of prosecutorial misconduct in the record as alleged by the Applicant and the Applicant failed to offer any evidence or testimony to support his claim. This Court finds that the Applicant has failed to meet his burden of proof as to this claim and it is therefore denied and dismissed.

In Hill v. Lockhart, 474 U.S. 52 (1985), the United States Supreme Court held that the two-part standard adopted in Strickland v. Washington, *supra*, for evaluating claims of ineffective assistance of counsel applies, as well, to guilty plea challenges based on ineffective assistance of counsel. To meet the Court's "prejudice" requirement, a criminal defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pled guilty and would have insisted on going to trial. This Court notes that it is clear that the Applicant did not become dissatisfied with Counsel's services until after the judge imposed the sentence on Applicant. There is no indication that the Applicant would have chosen to proceed to trial on these charges, but for some action of Counsel's. Therefore, this Court finds that the Applicant has not met the burden of proof with respect to the deficiency or prejudice requirement.

Summary

This Court finds in regards to the allegations of ineffective assistance of counsel and prosecutorial misconduct, Counsel's testimony was credible, while the Applicant's testimony was not credible. This Court further finds Counsel adequately conferred with the Applicant,

conducted a proper investigation, was thoroughly competent in his representation, and that Counsel's conduct does not fall below the objective standard of reasonableness.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that Counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that Counsel committed either errors or omissions in his representation of the Applicant.

This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Counsel's performance. This Court concludes the Applicant has not met his burden of proving Counsel failed to render reasonably effective assistance. See Frasier supra. Therefore, this allegation is denied.

CONCLUSION

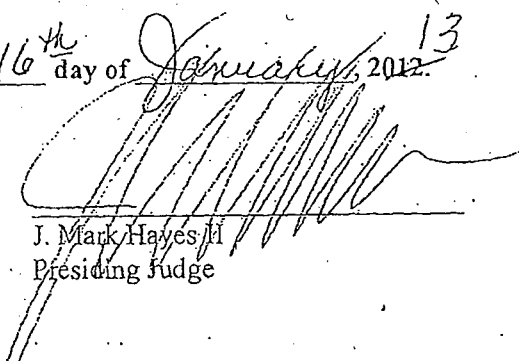
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court cautions Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, 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 PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 16th day of January, 2012 ¹³


J. Mark Hayes, Jr.
Presiding Judge

M. HOPE BLACKLEY

2013 JAN 18 PM 1:58

CLERK OF COURT
SPRINGFIELD, MA

WITNESSES

Sheriffs Office

John A. Williams

ARREST WARRANT NUMBER

M180193

ACTION OF GRAND JURY

True Bill

Forfeiture of Grand Jury
Date: *03-26-09*

SENTENCE MADE

VERDICT

REPORT ENDED

Computer

CARD FILED

INDEXED

CHECKED WARRANTS

FORFEITURE

Date:

ASSESSMENT AND
FINE CARD MADE

Computer

DOCK
09-GS-42 1413
The State of South Carolina
County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

MAR 30 2009

TERM

THE STATE

VS.

Jeffrey Jeter

Indictment for

FORGERY < \$5,000

SC Code: 16-13-10 (B) (2)

CDR Code: 2427

Class FEL/F

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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

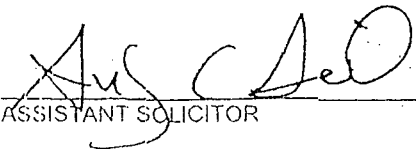
INDICTMENT

At a Court of General Sessions, convened on MAR 26 2009, the
Grand Jurors of Spartanburg County present upon their oath:

FORGERY < \$5,000

That the defendant, Jeffrey Jeter, did in Spartanburg County on or about April 4, 2008, knowingly and with the intent to defraud: (1) falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities, said writing or instrument of writing being: that the defendant did forge and publish as true a check, number 292747, in the amount of \$350.00 knowing the document to be forged and for the purpose of obtaining value or benefit from the forged document, in violation of §16-13-10(B)(2), THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

Sheriff's Office

DOCKET NO.

09-GS-42-1414

Spartanburg County, South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

MAR 30 2009 TERM

ARREST WARRANT NUMBER

M180192

ACTION OF GRAND JURY

Jury B.I.D.

Jeffrey Jeter

Foreperson of Grand Jury

Date 3 26 09

SENTENCE MADE

VERDICT

REPORT ENDED

CARD PULLED

INDEXED

CHECKED WARRANTS

FORGERS SIGNATURE

Date: ASSESSMENT AND FINE CARD MADE

TRAFFIC VIOLATIONS COPY

Indictment for

FORGERY < \$5,000

SC Code: 16-13-10 (B) (2)

CDR Code: 2427

Class FEL/F

Computer

SHECHTIN CRYM

6411 HD 1 - JAY 6002

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

MAR 26 2009

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

FORGERY < \$5,000

That the defendant, Jeffrey Jeter, did in Spartanburg County on or about April 3, 2008, knowingly and with the intent to defraud: (1) falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities, said writing or instrument of writing being: that the defendant did forge and publish as true a check, number 292745, in the amount of \$275.85 knowing the document to be forged and for the purpose of obtaining value or benefit from the forged document, in violation of §16-13-10(B)(2), THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

City PD

[Signature]

ARREST WARRANT NUMBER

M181352

ACTION OF GRAND JURY

James Bell

Forfeiture of Grand Jury
Date: 5-26-09

SENTENCE MADE VERDICT

Computer

1. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

FORFEITURE OF GRAND JURY

Date: ASSESSMENT AND

FINE CARD MADE

Computer

7. TRAFFIC VIOLATIONS COPY

09-05-42-1415

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

MAR 30 2009

TERM

THE STATE
vs.

Jeffrey Jeter

Indictment for

FORGERY < \$5,000

SC Code: 16-13-10 (B) (2)
CDR Code: 2427
Class FEL/F

SHENOLIN CIVIL

64-1114 1-18-07

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on MAR 26 2009, the
Grand Jurors of Spartanburg County present upon their oath:

FORGERY < \$5,000

That the defendant, Jeffrey Jeter, did in Spartanburg County on or about June 25, 2008, knowingly and with the intent to defraud: (1) falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities, said writing or instrument of writing being: Check No. 1585, in the amount of \$800.00, on an account belonging to the victim Spartanburg Community Memorial Committee, in violation of §16-13-10(B)(2), THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

City PD

[Signature]

ARREST WARRANT NUMBER

M181351

ACTION OF GRAND JURY

True Bill

[Signature]

Forfeiture of Grand Jury
Date: 3/26/09

SENTENCE MADE

VERDICT

Computer

1. REPORT ENDED

2. CARD PULLED

3. INDEXED

4. CHECKED WARRANTS

5. CHECKED SIGNATURE

Forfeiture of Grand Jury
Date: FINE CARD MADE

Computer

TRAFFIC VIOLATIONS COPY

DOCKET NO.

09-GS-42

1416

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

MAR 30 2009

TERM

THE STATE

VS.

Jeffrey Jeter

Indictment for

FORGERY < \$5,000

SC Code: 16-13-10 (B) (2)

CDR Code: 2427

Class FEL/F

SEARCHED

INDEXED

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

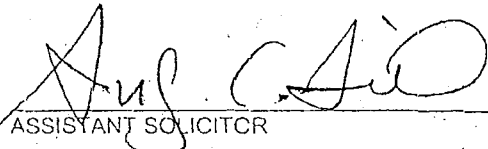
INDICTMENT

At a Court of General Sessions, convened on MAR 26 2009, the
Grand Jurors of Spartanburg County present upon their oath:

FORGERY < \$5,000

That the defendant, Jeffrey Jeter, did in Spartanburg County on or about June 25, 2008, knowingly and with the intent to defraud: (1) falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities, said writing or instrument of writing being: Check No. 1533, in the amount of \$800.00, on an account belonging to the victim Spartanburg Community Memorial Committee, in violation of §16-13-10(B)(2), THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended.

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


ASSISTANT SOLICITOR

WITNESSES

City PD

[Signature]

00-65-42-1802

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

MAR 30 2009

TERM

ARREST WARRANT NUMBER

M111661

THE STATE

VS.

ACTION OF GRAND JURY

True Bill

Jeffrey Jeter

[Signature]
Foreperson of Grand Jury
Date: 3/26/09

SENTENCE MADE VERDICT

Computer

Indictment for

FORGERY < \$5,000

SC Code: 16-13-10 (B) (2)

CDR Code: 2427

Class FELF

Computer

1. CHECKED WARRANTS

Foreperson of Grand Jury

Date:

ASSESSMENT AND
FINE CARD MADE

RAFFIN VIOLATIONS COPY

MAKING KITCHENS
MAR 1 1 00 2009
MAR 1 1 00 2009
MAR 1 1 00 2009

Indictment	
County	☒
State	☒
Year	

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on MAR 26 2009 the
Grand Jurors of Spartanburg County present upon their oath:

FORGERY < \$5,000

That the defendant, Jeffrey Jeter, did in Spartanburg County on or about September 7, 2008, knowingly and with the intent to defraud: (1) falsely make, forge, counterfeit, cause or procure to be falsely made, forged, or willfully act or assist in the false making, forging or counterfeiting of any writing or instrument of writing; and/or (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing; and/or (3) willingly act or assist in any of the above activities, said writing or instrument of writing being: that the defendant did forge and publish as true a check #2250 in the amount of \$275.31 knowing the document to be forged and for the purpose of obtaining value or benefit from the forged document, in violation of §16-13-10(B)(2), THE CODE OF LAWS OF SOUTH CAROLINA (1976), as amended,

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


ASSISTANT SOLICITOR