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Jun 23 2023

S.C. SUPREME COURT

Attachment A
Pg 1 of 2

Keshia Reed
Circuit Court Reporter
Post Office Box 12190
Florence, South Carolina 29504

May 9, 2023

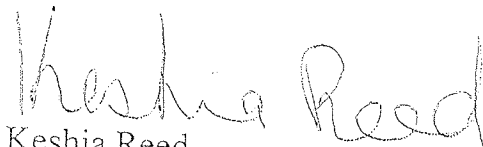
Tara D. Shurling, Esquire
Law Office of Tara D. Shurling, P.A.
3614 Landmark Drive, Suite A
Columbia, South Carolina 29204

re: Roosevelt Doctor vs. The State of South Carolina
Case Number 2018-CP-40-06110

Dear Ms. Shurling:

I have enclosed a check for \$40.00 for the refund of the e-mailed transcript.
Thank you.

Sincerely,



Keshia Reed
Circuit Court Reporter



POSTAL MONEY ORDER

Serial Number

28709373014

Year, Month, Day

Post Office

U.S. Dollars and Cents

Amount

340.00

Pay to

Tara O. Shurling

Clerk

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3614 Landmark Drive
Columbia, SC 29204

From

Theshia Reed

Address

P.O. Box 12190
Florence, SC 29504

Memo

Refund

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

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Attachment
pg. 2 of 2

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF RICHLAND) 2018-CP-40-06110
)
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)
)
)
Roosevelt Doctor) TRANSCRIPT OF RECORD
vs.)
The State Of South Carolina)
) Columbia, South Carolina
DEFENDANT) March 29, 2022

B E F O R E:

THE HONORABLE GRACE G. KNIE.

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

TOMMY A. THOMAS, ESQ.
Attorney for the Applicant

JULIANNA E. BATTENFIELD, ASSISTANT ATTORNEY GENERAL
Attorney for the Respondent

KESHIA REED
Official Court Reporter

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EXHIBITS

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EVD.</u> |
|------------|--------------------|------------|-------------|
| A-1 | Letter | | 17 |
| A-2 | Letter | | 20 |
| A-3 | Drug Report | | 66 |
| A-4 | Documents | | |

1 Richland County Sheriff's Department.

2 THE COURT: Thank you.

3 (WHEREUPON, Applicant's Exhibit No. 3 was
4 admitted into evidence.)

5 MR. THOMAS: Your Honor, may I publish that to
6 the Court?

7 THE COURT: Yes, sir.

8 BY MR. THOMAS:

9 Q Ms. Johns, I'm going to show you some information
10 that I have put together a copy of the statute 370 as well
11 as the indictments, sentencing sheets and looks like the
12 arrest warrant for the charge 5574 and 75, is that
13 correct?

14 A Yes, sir, what you have here is you've given me the
15 statute for 44-53-370, and then attached to it is a true
16 bill of indictment for the schedule four, sentencing sheet
17 for the schedule four a true bill indictment copy thereof
18 of the trafficking in four grams or more but less than 14
19 grams second or subsequent offense.

20 Q And what code section does that cite on the
21 indictment?

22 A 44-53-370 subsection(e), subsection three,
23 subsection(a)(2).

24 Q Okay. All right. And is that the trafficking
25 charge?

1 A It is.

2 Q Okay. And if you go to the next page which has the
3 actual indictment for that charge does it give a quantity
4 of schedule two narcotics?

5 A Are you talking about the body of the indictment?

6 Q Right. Yeah, for the one that is 5574?

7 A No, it does not. It just simply states that it's a
8 scheduled two narcotic in the amount of four grams or more
9 but less than 14 grams.

10 Q Okay. So this a range of weight?

11 A Right.

12 Q Okay. And what I want to ask you about is is there
13 any confirmed weight of the schedule two narcotics I would
14 assume that that's the herion that they're talking about?

15 A Yes. There's no confirmed weight.

16 Q If you look at the next document which is 5574 the
17 actual sentencing sheet?

18 A Yes, sir.

19 Q And it says that he's pleading guilty to what?

20 A Trafficking in herion, morphine et cetra four grams
21 or more but less than 14 grams first offense.

22 Q First offense, okay. And do you remember is this the
23 charge that he got the ten years consecutive?

24 A It is.

25 Q Okay. So this is the charge that ended up giving him

1 the 20 years total?

2 A Yes.

3 Q Okay. Do you see any defenses to these -- to this
4 charge in relationship to the drug analysis?

5 A Yes, sir, the drug analysis does not establish a
6 weight, so it could have been under four grams, and it
7 could have been over 14 grams. We just don't know. It
8 could have been in between those two.

9 Q That could have been a different drug?

10 A Could have been, yeah.

11 Q Right. So there would have gone to trial there
12 would have been a potential motion to suppress?

13 A Yes, there could have been a potential motion to
14 suppress, but also be in the arena under a life without
15 parole.

16 Q Right.

17 MR. THOMAS: Your Honor, if I could beg the
18 Court's indulgence.

19 THE COURT: Yes, sir.

20 (WHEREUPON, a pause in the proceedings.)

21 BY MR. THOMAS:

22 Q So in essence there not a way to support that
23 indictment?

24 A No, sir, there's not. There's not.

25 Q Okay.

1 A And further to your question, Mr. Thomas.

2 Q Yes, ma'am.

3 A If that at trial potentially, I could have moved for
4 a directed verdict, but if you done any trial work, there
5 are no guarantees in this business. If there were, we'd
6 be a whole lot more healthier and wealthier.

7 Q Right. And, I guess, you would have been in a
8 situation of a motion to suppress that would have made you
9 do that required at trial?

10 A Correct, because they don't have the motions
11 practice where they do motions in limine ahead of time
12 because they lose -- they, being the prosecution,
13 potentially loses some control over that. And even the
14 motion could have been depositive of the trial, a lot of
15 times they don't give you that luxury.

16 Q Okay. So, I guess, what this does and correct me if
17 I'm wrong please, is that it kind of takes us back to the
18 plea offer?

19 A Yes, sir.

20 Q And it takes us back to what you understood and what
21 Mr. Doctor understood that was coming from the Solicitor's
22 office?

23 A Yes, sir.

24 Q Which turn out to be false?

25 A Right. What happened was Mr. Doctor was being

Attachment C; pg 5 of 6

THERESA JOHNS - DIRECT EXAMINATION BY MR. THOMAS

70

1 punished because of his decision to trust in another
2 attorney and follow their advice versus going with the
3 attorney he lost trust for. And it's troubled me what
4 happened to Mr. Doctor because I don't feel like that he
5 as the defendant, who trusted two lawyers should have been
6 put in that position to have to rely on the hope of the
7 judge for the lawyers carrying out what they said they
8 were going to do including Mr. Shenkar.

9 MR. THOMAS: Your Honor, if it please the Court
10 just for the Court's information, I do have a copy of that
11 packet that I have shown counsel, and I would be more than
12 happy to hand up to your Honor.

13 THE COURT: Any objection?

14 MS. BATTENFIELD: No objection, Judge.

15 MR. THOMAS: It's probably already part of the
16 court's record on the PCR, but just for your convenience,
17 I'll be glad to hand it up.

18 THE COURT: Yes, sir.

19 MR. THOMAS: Yes, ma'am.

20 THE COURT: And are you going to have that
21 marked?

22 MR. THOMAS: Ma'am.

23 THE COURT: Are you going to have that marked
24 Applicant's Number 4.

25 MR. THOMAS: I can. Your Honor, this will be

Attachment C; pg 6 of 6

THERESA JOHNS - CROSS-EXAMINATION BY MS. BATTENFIELD

71

1 Applicant's 4.

2 THE COURT: Without objection.

3 (WHEREUPON, Applicant Exhibit No. 4 was admitted
4 into evidence.)

5 MR. THOMAS: Thank you, your Honor.

6 THE COURT: Thank you.

7 MR. THOMAS: Ms. Johns, thank you for your
8 testimony. I don't have any further questions.

9 THE COURT: Mr. Thomas, do you want us to give
10 you a copy of this back?

11 MR. THOMAS: I've got it. Yes, ma'am.

12 THE COURT: All right.

13 MR. THOMAS: I've got copies of all of them.

14 THE COURT: Okay. All right.

15 Cross-examination.

16 MS. BATTENFIELD: Thank you, Judge. May it
17 please the Court.

18 THE COURT: Yes, ma'am.

19 CROSS-EXAMINATION

20 BY MS. BATTENFIELD:

21 Q Well, good afternoon, Ms. Johns, by this point. How
22 are you?

23 A I'm fine. Thank you.

24 Q To start with the first and second claims before this
25 court that you were ineffective for failing to clarify the

Attachment D; Pg 1 of 13

WITNESSES

(S) D. Cobia
- Richland County Sheriff

ARREST WARRANT NUMBER

2015A4010202963

ACTION OF GRAND JURY
TRUE BILL

Deanna Gardner
Foreperson of Grand Jury

Date: NOV 12 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015GS4005574

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2015

73

THE STATE
vs.

Rosevelt Doctor

Indictment for
DRUGS / TRAFFICKING IN ILLEGAL
DRUGS, 4 G OR MORE, BUT LESS THAN
14 G - 2ND OR SUB. OFFENSE

SC Code: 44-53-0370(e)(3)(a)2
CDR Code: 0156

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

SEARCHED TRUE COPY
OF ORIGINAL FILED,
NOV 12 2015
RICHLAND COUNTY
SOUTH CAROLINA
SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

10

At a Court of General Sessions, convened on November 10, 2015,
the Grand Jurors of Richland County present upon their oath:

DRUGS / TRAFFICKING IN ILLEGAL DRUGS, 4 G OR MORE, BUT LESS THAN 14 G
- 2ND OR SUB. OFFENSE

That Rosevelt Doctor did in Richland County on or about September 11, 2015, sell, deliver, purchase, or bring into this state, or did aid, abet, attempt or conspire to sell, deliver, purchase or bring into this state, or was knowingly in actual or constructive possession of a quantity of Schedule II Narcotics in an amount of four grams or more but less than fourteen grams, same being a controlled substance all within the meaning of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, in violation of Section 44-53-0370(e)(3), S. C. Code of Laws, 1976, as amended, for the crime of Trafficking.

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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.

Rosevelt Doctor

AKA: _____

Race: BLACK Sex: M Age: 66

DOB: _____

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Drugs / Trafficking in Heroin, morph., etc., 4 g or more, but less than 14 g - 1st offense

CONVICTED OF or PLEADS

in violation of § 44-53-0370(e)(3)(a)1 of the S.C. Code of Laws, bearing CDR Code # 2361

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

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

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

ATTEST: Shenkar, Joseph SC Bar# _____ Defendant 77769 V Rosevelt Doctor Defendant Shenkar, Joseph Attorney for Defendant SC Bar# 15096

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 (ten) days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 15-65-40-5575 and 5573
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Audit 3 days = jail.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____ Obtain GED

Payment Terms: _____ Attend Voc. Rehab. or Job Corp. _____

Set by SCDPPPS _____ May serve W/E beginning _____

Recipient: _____ Substance Abuse Counseling

*Fine: _____ Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5 %) \$ _____ Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____ \$ _____ paid to Public Defender Fund

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ Other: _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ _____

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2995 (DUI Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge Fuller, J. A.
Judge Code: 2157
Sentence Date: 5-20-16

PAID

RICHLAND COUNTY
Clerk of Court, Deputy Clerk
Court Reporter: Deanntha Mercedes B Kelly
SCCA/217 (07/2016)

ARREST WARRANT

2015A4010202962

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

THE STATE
against

1609028511 R3

Rosevelt Doctor

Address: [REDACTED]

Phone: [REDACTED]

Sex: M Race: B Height: 5 6 Weight: 204

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0400000

Prosecuting Agency: Richland County Sheriff

Prosecuting Officer: M Laureano - 1615

Offense: Possession of Crack Cocaine

Offense Code: 3009

Code/Ordinance Sec: 44-53-0375(A)

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

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

(L.S.)

Signature of Judge

Date: 9-12-15

RETURN

A copy of this arrest warrant was delivered to defendant Rosevelt Doctor on 9-12-15

R. A. [Signature]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Personally appeared before me the affiant M Laureano

being duly sworn deposes and says that defendant Rosevelt Doctor

did within this county and state on or about 9/11/2015

State of South Carolina (or ordinance of County/ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Possession of Crack Cocaine

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

That on or about 09/11/2015 while at [REDACTED] Richland County, it is believe that the defendant did commit the crime of Possession of Crack Cocaine because one Roosevelt Doctor did knowingly, willingly and unlawfully have inside his vehicle a white in color off white rocklike substance underneath the driver seat within arm's reach of the driver and only person in the vehicle subject Roosevelt Doctor. Field weight of 1 gram and tested positive for cocaine base. Narcotics were located after given permission to search Doctor's vehicle by Doctor after a lawful traffic stop for improper display of a vehicle tag. Affiant and others are witness to prove same.

Signature of Affiant

For Laureano M Koe

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/11/2015 defendant Rosevelt Doctor

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Richland Bond Court as set forth below.

DESCRIPTION OF OFFENSE: Possession of Crack Cocaine

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of her execution or soon thereafter as is practicable Sworn to and subscribed before me

on 9/12/2015

[Signature] (L.S.)

Mildred Rita Metts
Judge Code: 7221

Judge's Address 201 John Mark Dial Drive

Columbia, SC 29209-

Judge's Telephone (803)-57-6-32 x 84

Issuing Court: Magistrate Municipal

ORIGINAL

ORIGINAL

2015 SEP 22 PM 1:36
JENNIFER JOHNSON
C.C.P. & CLERK
RICHLAND COUNTY
FILED
SOUTH CAROLINA
RICHLAND COUNTY
CLERK

Attachment D: Pg 4 of 13

WITNESSES

(S) D. Cobia
- Richland County Sheriff

ARREST WARRANT NUMBER

2015A4010202965

ACTION OF GRAND JURY

TRUE BILL

Deanna Gardner
Foreperson of Grand Jury

Date: NOV 12 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015GS4005575

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2015

73

THE STATE
vs.

Sevelt Doctor

Indictment for
DRUGS / MANUF., POSSESSION OF
SCHEDULE IV, EXCEPT FLUNITRAZEPAM
DRUGS WITH INTENT TO DISTRIBUTE - 2N

SC Code: 44-53-0370(b)(3)
CDR Code: 0190

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

SCANNED
RICHLAND COUNTY
SOUTH CAROLINA

Attachment D; pg 5 of 13

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE VS.
Rosevelt Doctor

AKA: _____

Race: BLACK Sex: M Age: 66

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / Manuf., possession of Schedule IV, except flunitrazepam drugs with intent to distribute - 2n

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

SENTENCE SHEET

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

ATTEST: _____
Shenkar, Joseph SC Bar# 77769 Rosevelt Doctor Defendant Melissa Johns Attorney for Defendant 15296 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 15-65-40-5573
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit 3 days - jail.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

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

Recipient: _____

| | | |
|--|---------|----|
| *Fine: | | \$ |
| § 14-1-206 (Assessments 107.5 %) | | \$ |
| § 14-1-211(A)(1) (Conv. Surcharge) | \$100 | \$ |
| § 14-1-211(A)(2) (DUI Surcharge) | \$100 | \$ |
| § 56-5-2995 (DUI Assessment) | \$12 | \$ |
| § 56-1-286 (DUI Breath Test) | \$25 | \$ |
| Proviso 61.6 (Public Def/Probation) | \$500 | \$ |
| § 14-1-212 (Law Enforce. Funding) | \$25 | \$ |
| § 14-1-213 (Drug Court Surcharge) | \$150 | \$ |
| § 50-21-114(BUI Breath Test Fee) | \$50 | \$ |
| § 56-5-2942(J) (Vehicle Assessment) | \$40/ea | \$ |
| 3% to County (if paid in installments) | | \$ |
| TOTAL | | \$ |

CERTIFIED TRUE COPY
TOTAL ORIGINAL FILED
Clerk of Court/Deputy Clerk
Jeanette McSwick B
RICHLAND COUNTY
Court Reporter
Kelly
SOUTH CAROLINA
SCCA/217 (07/2016)

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge _____
Judge Code: 2157
Sentence Date: 9-20-16

FORWARDED

ARREST WARRANT

2015A4010202963

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

THE STATE 1509028511 R3 against

Rosevelt Doctor

Address:

Sex: M Race: B Height: 5 6 Weight: 204

DL State: SC DL #: DOB: Agency ORI #: SC0400000

Prosecuting Agency: Richland County Sheriff

Prosecuting Officer: M Laureano - 1615

Offense: Trafficking in Illegal Drugs

Offense Code: 2361

Code/Ordinance Sec: 44-53-0370(e)(3)(

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: 9-12-15

RETURN

A copy of this arrest warrant was delivered to

defendant: Roosevelt Doctor

on: 12 Sept 15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions 1701 Main Street PO Box 192 Columbia, SC 29202

ORIG L

ORIGINAL

ORIGINAL

ORIG L

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Personally appeared before me the affiant M Laureano

being duly sworn deposes and says that defendant Roosevelt Doctor

did within this county and state on or about 9/11/2015

State of South Carolina (or ordinance of County/ Municipality of

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE: Trafficking in Illegal Drugs

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

That on or about 09/11/2015 while at Richland County, it is believed that the defendant did commit the crime of Trafficking in Illegal Drugs because one Roosevelt Doctor did knowingly and willfully and unlawfully possess 410 Schedule II Narcotic Tablets. These tablets were located inside the defendant's home after the defendant gave written consent to search his residence. The consent search was conducted after the defendant was stopped for a traffic violation, after leaving his home, and narcotics were recovered inside the vehicle. The total weight of schedule II narcotics is approx. 6.14 grams. The subject does not possess a prescription for the tablets. Affiant and others are witness to prove same.

Signature of Affiant

For Laureano M Lae

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

2015 SEP 22 PM 1:36 FILED RICHLAND COUNTY

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/11/2015 defendant Roosevelt Doctor

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Richland Bond Court

as set forth below:

DESCRIPTION OF OFFENSE: Trafficking in Illegal Drugs

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his reception, or soon thereafter as is practicable Sworn to and subscribed before me

on 9/12/2015

Signature of Issuing Judge (L.S.)

Mildred Rita Metts

Judge Code: 7221

Judge's Address 201 John Mark Dial Drive

Columbia, SC 29209-

Judge's Telephone (803)-57-6-32 x 84

Issuing Court: Magistrate Municipal

ANTHONY HUNOS ALMOND GUYTHOR

Attachment D; pg 8 of 13

Attachment D; Pg 9 of 13 15-5573

Tommy A. Thomas

ATTORNEY AND COUNSELOR AT LAW

TELEPHONE:
(803) 732-5507
(803) 732-5508

HARRINGTON BUILDING
7588 WOODROW STREET
IRMO, SOUTH CAROLINA 29063

PLEASE REPLY TO:
PO Box 88
IRMO, SC 29063

FACSIMILE:
(803) 781-4226

INMATE LINE
(803) 732-6542

February 15, 2018

Richland County Clerk of Court
P.O. Box 192
Columbia, SC 29202

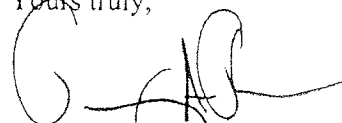
RE: State v. Roosevelt Doctor
Docket No.: 2015-A-4010202962

Dear Sir or Madam:

Enclosed please find a clocked in copy of a Notice of Motion and Motion to Reconsider Sentencing. It is my understanding that this Motion has never been heard. I would respectfully request that a Reconsideration hearing be scheduled.

Thank you for your assistance in this matter.

Yours truly,


Tommy A. Thomas,
Attorney at Law

TAT/jem
cc: Richland County Solicitor's Office
Roosevelt Doctor #186661
Theresa N. Johns, Esq.

RECEIVED
2018 FEB 20 PM 2:59
GENERAL INVESTIGATIVE
DIVISION
C.S. 15

Attachment D; page 10 of 13

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
STATE OF SOUTH CAROLINA,)
)
vs.)
)
ROOSEVELT DOCTOR,)
)
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

Warrant No(s): 2015a40010202962; 63; 65

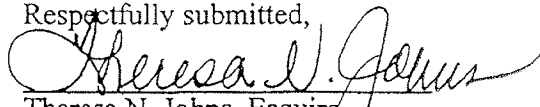
Notice of Motion and Motion
to Reconsider Sentencing

RICHLAND COUNTY
FILED
2016 SEP 23 AM 9:10
JEANETTE W. McBRIDE
C.C.R. & G.S.

The defendant, by and through his undersigned attorney, moves this Court to reconsider sentencing imposed on the defendant.

The defendant was arrested on September 11, 2015 and charged with possession of prescription pills – schedule IV, possession of crack cocaine, and trafficking of in illegal drugs. The defendant appeared in General Sessions Court on September 20, 2016 and upon his guilty plea was committed to the State Department of Corrections for a term of five (5) years, ten (ten) years concurrently and 10 (ten) years consecutively. The defendant is 66 years of age and has notable health concerns.

Based on the foregoing, the defendant, by and through his attorney, respectively moves for reconsideration of sentencing. Counsel makes this motion within ten (10) days of the imposition of sentence to preserve the jurisdiction of the Court in this matter.

Respectfully submitted,

Theresa N. Johns, Esquire
1720 Main Street, Suite 202
Columbia, SC 29201
(803) 799-0885 ~ (803) 799-5888
tjohnslaw@gmail.com

September 22, 2016
Columbia, South Carolina

Attachment D; pg. 11 of 13

15
5523

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT
2015A40010202962, 63, 65

STATE of SOUTH
CAROLINA,

-v-

ROSEVELT
DOCTOR,
Defendant.

ORDER DENYING MOTION FOR
RECONSIDERATION

FILED
JUL 10 PM 1:13
CLERK OF COURT
RICHLAND COUNTY

Addy, J.

THIS MATTER ORIGINALLY CAME BEFORE THE COURT on September 20, 2016 on the Defendant's plea of guilty to several narcotic charges. The Court sentenced him to terms of five (5) years and ten (10) years concurrently, and an additional ten (10) years consecutively. On September 29, 2016, Defendant's plea counsel, Theresa N. Johns, Esq., timely filed a motion for reconsideration of that sentence. However, for whatever reason, the Court and the Solicitor did not receive notification of this motion.

This judge was subsequently contacted via email on May 24, 2018 and informed of the pending motion. The Court scheduled a hearing for this matter in Abbeville on June 21, 2018. Present at the hearing were Tommy Thomas, Esq., representing Mr. Doctor who was also present, and Assistant Solicitor Jennifer McKellar on behalf of the State. Having heard the arguments of counsel and reconsidered the sentence imposed on September 20, 2016, the Court finds as follows.

Mr. Doctor encourages the Court to revisit the sentence and impose concurrent time for all charges. At the hearing of June 21, 2018, Mr. Thomas provided the Court with a packet of letters. This material included testimonials concerning how skillful Mr. Doctor was at home remodeling and repair, testimonials about his devotion to his faith, and other statements from

Attachment D; pg 12 of 13

family and friends in support of a more lenient sentence.¹ Clearly, Mr. Doctor possesses numerous positive attributes, has a wide circle of friends, can be very generous with his labor, and is a man of deep and abiding faith.

The Court also had its notes from the plea hearing of September 20, 2016. Those notes reflect that, upon searching Mr. Doctor's home, a substantial cache of drugs was discovered by the authorities. The Assistant Solicitor at the plea indicated that Mr. Doctor was one of the primary dealers of prescription medication in Richland County. Prior to his plea, he had been served with LWOP notice. Additionally, from the Court's notes, his criminal history is as follows: 1967 – petit larceny; 1970 – grand larceny; 1971 – possession of stolen goods; 1977 – CPU; 1979 – housebreaking and grand larceny (5 year sentence); 1983 – shoplifting and resisting arrest; 1984 – PWID Cocaine, possession of marijuana, assault and battery, violation of probation (10 year sentence); 1994 – strong armed robbery (or possible armed robbery), burglary, ABWIK (25 year sentence); 2004 – open container; 2005 burglary, grand larceny, burglary 3rd degree (4 year sentence), 2008 – assault and battery. At the hearing of September 20, 2016, the Court was also informed of Mr. Doctor's health issues and heard from numerous members of his family. The Court is also genuinely impressed with the letters and other testimonials presented at the hearing of June 21, 2018, and the Court would agree that Mr. Doctor possesses many admirable qualities. He also possesses a clean disciplinary record from his current incarceration.

For the following reasons, however, the Court declines to alter the sentence previously imposed. Mr. Doctor's criminal record is substantial and reflects repeated incarcerations over the course of his life. Nonetheless, Mr. Doctor continues to involve himself in the trade of illicit narcotics to the detriment of his community. The Court is aware that, by some sources, addiction

¹ This packet will be forwarded to the Richland Clerk of Court for filing with this order.

AM

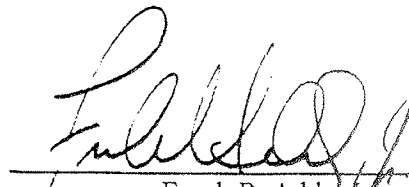
Attachment D; pg 13 of 13

to prescription medication kills more people annually than all illegal drugs combined. Had this been Mr. Doctor's first involvement with the law or had his criminal history been less egregious, the Court would exercise greater leniency. The Court is fully aware that Mr. Doctor is in poor health, that he is ineligible for parole, and that his projected release date is March, 2030.

In light of Mr. Doctor's prior record, his multiple opportunities to learn that violation of the law has consequences, his ability to earn an honest living as evidenced by the letters and testimonials, and for the reasons stated at the original plea hearing, this Court respectfully declines to alter or amend the sentences imposed on September 20, 2016. The Court finds that the sentence imposed is commensurate with Mr. Doctor's prior record, the seriousness of the present offense, and the need to protect the community from Mr. Doctor's repeated illegal conduct.

WHEREFORE, Mr. Doctor's motion for reconsideration is denied.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Presiding Judge

June 27, 2018
Greenwood, South Carolina

Attachment E; pg 1 of 2

RECEIVED

Jun 08 2023

S.C. SUPREME COURT

From: tdshurling
To: Clark, Ethel D.; Supreme Court Filings
Cc: juliannabattenfield@scag.gov; Tommy Thomas
Subject: Re: 2022000679
Date: Thursday, June 8, 2023 9:30:03 PM
Attachments: [2022000679.pdf](#)

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

My apologies to the Court for not responding earlier. I intended to do so, but I have had ongoing dental problems, including oral surgery, that have interfered with my schedule.

Yesterday I was informed that some pre-trial motions would be heard next Tuesday in a murder case scheduled to go to trial the week of October 30th. I had to come to Ridgeland to meet with my client yesterday and today. I just signed out at the detention center at 4:25 PM.

The transcript issue was ultimately resolved when I became aware that this particular court reporter uses a software that results in any copies she provides digitally not being in the proper format required by the Court. When I reported the problems with the transcript I was provided digitally, I checked the file and the copy found there had the same issues with this record. I subsequently talked with Court Administration and was able to determine this had been a problem in the past. I went back and found another transcript in the file that had been mailed and put in the file in a separate folder. This is the first time I had ever been sent a digital copy of a transcript that did not match the mailed hardcopy. The Court Reporter has refined my payment for that digital copy. I have not deposited her check, so I can include a copy with my formal petition.

That was not the end of the problems with the transcript however. The index to the Applicant's PCR Exhibits did not list where Applicant's Exhibit No. 4 was introduced. Furthermore it referenced the documents comprising Applicant's Ex. 4 only as "documents."

I had my paralegal go to the Clerk of Court's Office to obtain certified copies of the PCR exhibits after confirming that PCR Counsel's file did not contain copies of the marked exhibits. I also checked with the AG's Office and they did not have them either. My paralegal was given certified copies of Applicant's Exhibits 1-3 which match the language in the PCR hearing transcript describing the exhibits. She was also handed a copy of a document marked Applicant's Ex. 4. Then she was handed a stack of other documents and told words to the effect that, "and then there is this stuff." I cross-referenced the portion of the PCR Hearing Transcript and that pile of documents provided to her did not appear to totally match the documents referenced by PCR Counsel, Tommy Thomas, as found in the record described as what was contained in this exhibit.

Since opposing counsel and PCR Counsel Tommy Thomas were at the PCR hearing and I was not, I next reached out to these lawyers for assistance concerning this exhibit. The missing exhibit was introduced by Mr. Thomas, but I reached out to them both and tried to get confirmation as to what was introduced as Applicant's Ex. No. 4. Opposing Counsel was not able to help me confirm the proper contents of this exhibit.

I have been in constant contact with Tommy Thomas about this matter. I advised him the transcript was still not correct because it failed to document how many documents were part of

Attachment E; pg 2 of 2

this exhibit and neither did the record describe them. I have worked with Tommy Thomas in many cases and respect him as a colleague, but I kept getting vague answers as to what Applicant's Exhibit No. 4 should contain. I have emailed him numerous times and I have have spoken with him on the phone. I have repeatedly explained that time was of the essence and asked him to please confirm what documents he introduced as this exhibit and suggested that he might need to provide me an affidavit. Had the Court Reporter properly indexed these exhibits this delay would not have occurred. Furthermore, if Tommy had made clear on the record what documents comprised Applicant's Exhibit No. 4, this issue could have been resolved quickly.

I apologize that I did not send a status report to the Court. Just as I was nearly recovered from my first oral surgery April 25th, I once again awoke with terrible nerve pain. It turned out that I had broken a third molar and and my general dentist had to put me back on antibiotics. The broken tooth was temporarily patched and I am still on antibiotics pending a second oral surgery which will take place within a few more days. I will gladly provide the Court my records from my general dentist and my oral surgeon to confirm my ongoing problems with the infection and broken molars when I get back from Ridgeland. I will be back tonight and will request copies of those documents in the morning. Hopefully I can get the date of my second oral surgery at the same time. I only have a few more doses of the antibiotics I was given to take, so they should be able to give me a date tomorrow. I intended to send the court a status report concerning this matter, but I have been very sick with this infection and have had serious nausea from the antibiotics. I apologize for omission but sincerely hope the court will see that I have been trying my best to resolve the problems with this case.

I apologize for the format of this response to the Court's Order. I have drafted this in the parking lot upon my exit from the detention center. I will file a formal motion tomorrow. I will attached copies of my emails to Tommy Thomas to that motion.

I am sorry this is lengthy.

Tara Dawn Shurling
Attorney at Law
Sent from my iPhone

On Jun 8, 2023, at 10:58 AM, Clark, Ethel D. <edclark@sccourts.org> wrote:

For your records.

Thank you,

Ethel

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.