

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

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

JODI STAPLETON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000473

APPENDIX

JESSICA M. SAXON
Appellate Defender

ALAN WILSON
Attorney General

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

SUZANNE SHAW
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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State of South Carolina.,) In the Court of General
) Sessions of Spartanburg
)
County of Spartanburg.) Case No. 2018-GS-42-04989A
2018-GS-42-04989B
2018-GS-42-00657
State of South Carolina.,) 2018-GS-42-03998
) 2018-GS-42-05844
Plaintiff.,)
)
-vs-) Transcript of Record
) Guilty Plea
Jodi Lea Stapleton,)
)
Defendant.)
)

November 21, 2019
Spartanburg, South Carolina

B-E-F-O-R-E:

The Honorable Alex Kinlaw, judge.

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

Ms. Jennifer Elizabeth Wells
Spartanburg County
180 Magnolia Street
Spartanburg, SC 29304
jwells@spartanburgcounty.org
(864) 596-2575
Attorney for the Plaintiff

Mr. Robin Clark File
804 John B. White Sr. Blvd.
Spartanburg, SC 29306-4043
rfileatty@yahoo.com
(864) 764-1256
Attorney for the Defendant

Wanda S. Nelson, CVR-M
Circuit Court Reporter, Retired
State of South Carolina
Union and York Counties

ORIGINAL

I-N-D-E-X

E-X-A-M-I-N-A-T-I-O-N

WITNESS

BY:

PAGE NO.

No witnesses were called to testify.

Court Reporter Certificate Page P.48

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I-N-D-E-XE-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
Ct.1	Photo/scene incident		P.24
Ct.2	Photo/scene incident		P.24
Ct.3	Photo/scene incident		P.24
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Ct.16	Photo/by SLED		P.24
Ct.17	Photo/bullet into McClary vehicle		P.24
Ct.18	In-Car Video/Pursuit		P.24

Reporter's Note: All Exhibits were filed with the
Spartanburg County Clerk of Court's Office.

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1 (COURT IN SESSION IN THE MATTER OF *THE STATE OF SOUTH*
2 *CAROLINA VERSUS JODI LEA STAPLETON THURSDAY, NOVEMBER 21,*
3 *2019 AT 10:15 A.M.)*

4 THE COURT: All right.

5 SOLICITOR WELLS: Thank you, your Honor, may it please
6 the court. Your Honor, standing before you is Jodi Lea
7 Stapleton and she's here to enter a guilty plea to a number
8 of charges.

9 2018-GS-42-4-9-8-9, that's 4-9-8-9 also A and B. Your
10 Honor, each of those are True Bill Indictments for counts
11 of attempted murder and on those charges those are straight
12 up pleas. There is no recommendation from the State on any
13 of the attempted murder charges, your Honor.

14 2018-GS-42-6-5-7, your Honor, that is a True Bill of
15 Indictment on a charge of unlawful neglect.

16 2018-GS-42-3-9-9-8, your Honor, that's a True Bill of
17 Indictment for distribution of cocaine base 2nd offense.

18 2018-GS-42-5-8-4-4. Your Honor, that's a True Bill of
19 Indictment for breach of trust between two thousand
20 (\$2,000) and ten thousand (\$10,000) dollars.

21 Your Honor, as to the other charges outside of the
22 attempted murder charges, the State is recommending
23 concurrent sentencing so those charges, but again as to the
24 attempted murder charges, there is no recommendation. The
25 State has taken or will take dismissals on another drug

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1 charge, two other drug charges in this case at the
2 conclusion of this plea.

3 THE COURT: All right.

4 SOLICITOR WELLS: Your Honor, the State's represented
5 by Jennifer Wells today and Defense counsel is Robin File.

6 THE COURT: All right.

7 MADAM CLERK: Raise your right hand please.

8 ((WHEREUPON, JODI STAPLETON, BEING
9 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:))

10 THE COURT: All right. Ma'am, you are Jodi Lea, Lea
11 is spelled L-e-a; is that correct?

12 MS. STAPLETON: Yes, sir.

13 THE COURT: Stapleton, is that correct?

14 MS. STAPLETON: Yes, sir.

15 THE COURT: You're thirty-six (36) years of age?

16 MS. STAPLETON: Yes, sir.

17 THE COURT: Are you married?

18 MS. STAPLETON: No, sir.

19 THE COURT: Do you have children?

20 MS. STAPLETON: Yes, sir.

21 THE COURT: How many?

22 MS. STAPLETON: Three (3).

23 THE COURT: How old are your children?

24 MS. STAPLETON: Seventeen (17); nine (9) and two (2).

25 THE COURT: All right. And how far did you go in

1 school, Ms. Stapleton?

2 MS. STAPLETON: Eleventh grade.

3 THE COURT: And you're represented by Mr. File?

4 MS. STAPLETON: Yes, sir.

5 THE COURT: You're satisfied with his services?

6 MS. STAPLETON: Yes, sir.

7 THE COURT: All right. And I've got a number of
8 indictments in front of me and I'm gonna ask you some
9 questions about each one, okay?

10 MS. STAPLETON: Okay.

11 THE COURT: All right, the first indictment ending in
12 4-9-8-9 charges you with attempted murder. It alleges that
13 this occurred on or about July 18th of last year. Do you
14 agree with that?

15 MS. STAPLETON: Yes, sir.

16 THE COURT: Are you pleading guilty to that offense?

17 MS. STAPLETON: Yes, sir.

18 THE COURT: Are you doing that freely and voluntarily?

19 MS. STAPLETON: Yes, sir.

20 THE COURT: Nobody promised you anything or coerced
21 you in any manner to plead guilty to that offense?

22 MS. STAPLETON: No, sir.

23 THE COURT: All right. On the indictment ending in
24 0-6-5-7 states you're charged with unlawful neglect of a
25 child. Are you pleading guilty to that offense as well?

1 MS. STAPLETON: Yes, sir.

2 THE COURT: All right. And are you doing that freely
3 and voluntarily?

4 MS. STAPLETON: Yes, sir.

5 THE COURT: Anybody promised you anything or
6 threatened you to come in here and plead guilty to that
7 offense?

8 MS. STAPLETON: No, sir.

9 THE COURT: All right. And in the indictment as it
10 relates to that offense it states that on or about October
11 9th, 2017, or between October 9th of 2017 and November 9th
12 of 2017, that you unlawfully -- you had the custody of a
13 minor child and you placed the child in unreasonable risk
14 of harm; is that correct?

15 MS. STAPLETON: Yes, sir.

16 THE COURT: All right. On the next indictment ending
17 in 3-9-9-8 you're charged with manufacturing and
18 distribution of cocaine based that being a second offense.

19 Are you pleading guilty to that offense as well?

20 MS. STAPLETON: Yes, sir.

21 THE COURT: And are you doing that freely and
22 voluntarily?

23 MS. STAPLETON: Yes, sir.

24 THE COURT: Anybody promise you anything or threaten
25 you to come in here and plead guilty to that?

1 MS. STAPLETON: No, sir.

2 THE COURT: All right. And in this indictment it
3 alleges that on or about November 6th, 2017 that you
4 manufactured and distributed or dispensed a certain portion
5 of drugs cocaine based. Do you agree with that?

6 MS. STAPLETON: Yes, sir.

7 THE COURT: All right. And on the next indictment
8 ending in 5-8-4-4 the State is charging you with breach of
9 trust with fraudulent intent valued more than two thousand
10 (\$2,000) but less than ten thousand (\$10,000). And in this
11 indictment this allegedly occurred on or about July the
12 24th, 2018 in Spartanburg County; is that correct?

13 MS. STAPLETON: Yes, sir.

14 THE COURT: And all these other offenses also occurred
15 in Spartanburg County; is that correct?

16 MS. STAPLETON: Yes, sir.

17 THE COURT: And are you pleading guilty to that
18 offense as well?

19 MS. STAPLETON: Yes, sir.

20 THE COURT: Anybody promise you anything or threaten
21 you to come in here to plead guilty?

22 MS. STAPLETON: No, sir.

23 THE COURT: And on the last indictment 4-9-8-9-A the
24 State has charged you with attempted murder in that offense
25 -- in that case as well. Are you pleading guilty to that

1 as well?

2 MS. STAPLETON: Yes, sir.

3 THE COURT: All right. And this occurred on or about
4 the 18th day of July 2018 as well; is that correct?

5 MS. STAPLETON: Yes, sir.

6 THE COURT: All right. Now, Mr. File, did you advise
7 Ms. Stapleton of the potential penalties involved in each
8 one of these indictments?

9 MR. FILE: That's correct, your Honor.

10 THE COURT: All right. And as it relates to the
11 attempted murder offense what did you advise her as the
12 potential penalties?

13 MR. FILE: I advised her that carries zero (0) to
14 thirty (30) years. It's also a most serious and violent,
15 no probation and parole.

16 THE COURT: All right.

17 MR. FILE: And the State has not -- making any
18 recommendation in the sentence.

19 THE COURT: All right. As it relates to breach of
20 trust offense what did you advise her as a potential
21 penalty?

22 MR. FILE: It carries up to five (5) years and or a
23 fine at the discretion of the court.

24 THE COURT: And on the drug offense what did you
25 advise her?

1 MR. FILE: That that carries -- on a second offense it
2 carries five (5) to thirty (30) years and or a fine of not
3 more than fifty thousand (\$50,000) dollars.

4 THE COURT: And on the other indictment, the unlawful
5 neglect of a child, what did you advise her as a potential
6 penalty?

7 MR. FILE: Up to ten (10) years or a fine.

8 THE COURT: All right. Now, Ms. Stapleton, is that
9 your understanding of the potential penalties involved?

10 MS. STAPLETON: Yes, sir.

11 THE COURT: And you understand on the attempted murder
12 indictment there's two indictments as it relates to that;
13 do you understand that?

14 MR. FILE: There's three actually.

15 THE COURT: Three?

16 SOLICITOR WELLS: Three indictments.

17 THE COURT: Count 1, count 2, court 3?

18 SOLICITOR WELLS: Yes, sir.

19 THE COURT: All right. Do you understand that?

20 MS. STAPLETON: Yes, sir.

21 THE COURT: Okay. All right, just so we can be
22 specific in the indictment I'm reading as it relates to
23 Count 1 and Count 2 and Court 3, the Count 1 involved the
24 Deputy Michael Longshore. And I'm pretty sure your lawyer
25 went over these indictments with you?

1 MS. STAPLETON: Yes, sir.

2 THE COURT: And Count 2 involved the deputy, a Craig
3 Bailey. And Count 3 involved a deputy, a Dustin McClary.
4 And these are the individuals that's named in the
5 indictment that you discussed with your lawyer Mr. File; is
6 that correct?

7 MS. STAPLETON: Yes, sir.

8 THE COURT: All right. Now, you have the absolute
9 right to have a trial on any and all of these indictments.
10 Do you understand that?

11 MS. STAPLETON: Yes, sir.

12 THE COURT: All right. There are certain
13 Constitutional rights that you're afforded and one of them
14 is your right to a trial. Now are you waiving your right
15 to a trial on all of these indictments?

16 MS. STAPLETON: Yes, sir.

17 THE COURT: Did you have an opportunity to discuss
18 that waiver with your attorney Mr. File?

19 MS. STAPLETON: Yes, sir.

20 THE COURT: Are you also waiving your Constitutional
21 right to remain silent as it relates to all of these
22 indictments I've just outlined?

23 MS. STAPLETON: Yes, sir.

24 THE COURT: All right. And are you also waiving your
25 Constitutional right to confront any witnesses that the

1 State can have against you on all of these indictments?

2 MS. STAPLETON: Yes, sir.

3 THE COURT: Next, are you waiving your Constitutional
4 right to assert any defenses that you have? In other
5 words, any reasons or defenses that you were going to
6 assert and once you stand before the Court and issue a
7 knowing and intelligent decision to plead guilty all of
8 those rights are waived by you. In other words, their
9 gone; do you understand that?

10 MS. STAPLETON: Yes, sir.

11 THE COURT: All right. Now in your waiver of your
12 Constitutional rights is this your waiver and not your
13 lawyers? This is your decision; is that correct?

14 MS. STAPLETON: Yes, sir.

15 THE COURT: All right. And you've had enough time to
16 discuss with your lawyer your decision to waive your
17 Constitutional rights?

18 MS. STAPLETON: Yes, sir.

19 THE COURT: All right. And here again, did your
20 lawyer go over with you the elements of all these offenses,
21 what the State would have to prove if these matters went to
22 trial?

23 MS. STAPLETON: Yes, sir.

24 THE COURT: Have you understood all of your
25 discussions with him?

1 MS. STAPLETON: Yes, sir.

2 THE COURT: Now do you have any questions of me
3 regarding anything I just ask you?

4 MS. STAPLETON: No, sir.

5 THE COURT: All right. And I may have ask you this
6 already but how far did you go in school?

7 MS. STAPLETON: Eleventh grade.

8 THE COURT: And you understand what you're doing
9 today?

10 MS. STAPLETON: Yes, sir.

11 THE COURT: Are you under the influence today of any
12 medication or anything at all that may impact your
13 judgment?

14 MS. STAPLETON: No, sir.

15 THE COURT: All right. So you're clear minded today
16 and you understand what you're doing?

17 MS. STAPLETON: Yes, sir.

18 THE COURT: All right. The Solicitor is going to tell
19 me about the facts in the case and I'll be glad to hear
20 from you shortly as well as your lawyer and anyone else
21 that wants to speak on your behalf. The Solicitor is gonna
22 tell me about the facts in the case, and your prior record,
23 and you understand that the only recommendation of any sort
24 is as it relates to the offenses other than the attempted
25 murder charges the State is asking that whatever sentence

1 the court imposes that they could concurrent? That's the
2 only recommendation that's being made, do you understand
3 that?

4 MS. STAPLETON: Yes, sir.

5 THE COURT: All right. Are you completely satisfied
6 with the services of your lawyer?

7 MS. STAPLETON: Yes, sir.

8 THE COURT: And you don't need to talk to him anymore
9 about anything?

10 MS. STAPLETON: No.

11 THE COURT: You've told him everything that you know
12 about these cases?

13 MS. STAPLETON: Yes, sir.

14 THE COURT: There's nothing that you know about these
15 cases that you've not told him?

16 MS. STAPLETON: No, sir.

17 THE COURT: All right. And have you visited with him
18 or he visited with you often enough to cover all of the
19 facts of the case and cover all of the law, the applicable
20 law, and also your Constitutional rights as well?

21 MS. STAPLETON: Yes, sir.

22 THE COURT: All right. Madam Solicitor, tell me about
23 it.

24 SOLICITOR WELLS: Yes, sir, your Honor.

25 Your Honor, before the State gives it's recitation of

1 facts I would inquire of the Court if it would be willing
2 to ask Ms. Stapleton -- it's my understanding she does take
3 medication.

4 THE COURT: Okay.

5 SOLICITOR WELLS: I would just to clarify for
6 competency reasons that the medication she takes is
7 assisting her today and there aren't any issues with that.

8 THE COURT: All right. Ms. Stapleton, it's my
9 understanding, or let me just to ask you, do you take any
10 kind of medication of any sort?

11 MS. STAPLETON: Yes, sir.

12 THE COURT: All right. What kind of medication do you
13 take?

14 MS. STAPLETON: I take 400 milligrams of Seroquil.

15 THE COURT: All right. Do you take that daily?

16 MS. STAPLETON: Yes, sir.

17 THE COURT: And did you take that this morning before
18 -- you hadn't taken that yet?

19 MS. STAPLETON: No, sir.

20 THE COURT: What time of day do you normally take
21 that?

22 MS. STAPLETON: At night time.

23 THE COURT: So you took it last night?

24 MS. STAPLETON: No.

25 THE COURT: Okay. So you hadn't taken your medication

1 in a couple of days or so?

2 MS. STAPLETON: Yes, sir.

3 THE COURT: All right. But you understand what --
4 with all the questions I've ask you you hadn't had any
5 difficulty understanding what I was asking you?

6 MS. STAPLETON: No, sir.

7 THE COURT: You had difficulty or you haven't?

8 MS. STAPLETON: No, sir. No, sir.

9 THE COURT: All right. So the medication has not
10 impacted your ability to understand ---

11 MS. STAPLETON: No, sir.

12 THE COURT: --- what I'm asking? Okay. All right.

13 SOLICITOR WELLS: Thank you, your Honor, may it please
14 the Court. Your Honor, to walk through the charges in
15 order sequentially, first on October 31st of 2017 deputies
16 with the Spartanburg County Sheriff's Office made a control
17 purchase of .22 grams of crack cocaine from the defendant
18 herself. That buy was captured on audio and video that was
19 done utilizing a confidential informant.

20 Then on November 6th, 2017 deputies again with the
21 Spartanburg County Sheriff's Office made a control purchase
22 of .12 grams of crack cocaine from the defendant. That buy
23 is also captured on audio and video and both of those
24 controlled purchases were made here in Spartanburg County
25 from the defendant in her individual capacity.

1 Your Honor, then on November 9th based on those
2 control purchased purchases -- excuse me, that is not
3 correct. On November 9th, 2018 not based on those control
4 purchases but based on other reasons deputies executed a
5 search warrant at the defendant's residence that she shared
6 with her boyfriend Jurrell Thompson. Mr. Thompson is also
7 the co-defendant in the attempted murder charges.

8 During a search of the residence deputies located
9 marijuana, three sets of digital scales, a loaded .40
10 caliber handgun with an extended magazine, an extra .40
11 caliber magazine. The Defendant was there with her new
12 born infant; that child was taken into DSS custody, so that
13 plays the fact for one of the distributions of crack
14 cocaine as well as the underlying facts for the unlawful
15 neglect of a child. It's my understanding that child that
16 Ms. Stapleton no longer has custody of that child and that
17 child will not be returned to her at any point in time.

18 The defendant made a bond at that point and then
19 failed to appear for court and caused a Bench Warrant to be
20 issued for herself on April the 3rd, 2018. I believe at
21 that same time a bench warrant was issued for the co-
22 defendant in this case Mr. Thompson; they both failed to
23 appear. Those warrants were referred to the Spartanburg
24 County Warrant Office to attempt to be served.

25 And on July 18th, 2018 deputies received information

1 from the bondsman for both Ms. Stapleton and Mr. Thompson
2 that the bondsman was aware that they were wanted and that
3 the bondsman had information as to their whereabouts and
4 gave very specific details. Originally they were supposed
5 to go to a Walmart here in Spartanburg to get some money
6 that Mr. Thompson's mother was supposed to wiring to him.
7 They did not appear and the bondsman was able to say where
8 they were so deputies then -- quite frankly they had had
9 dealings with Mr. Thompson and Ms. Stapleton obviously
10 before, were aware that there were often handguns involved,
11 so a number of deputies went in an attempt to make a
12 vehicle stop at the intersection of 29 and Old Converse
13 Road in a vehicle that was driven by Ms. Stapleton and Mr.
14 Thompson was a passenger in the front seat.

15 Blue lights were activated. The defendant did not
16 stop her vehicle, she actually -- then she kind of pulls to
17 the side of the road, and I know the Court -- and I'm
18 making Court's Exhibit 18 -- has had an opportunity to
19 watch the video -- she pulls to the side of the road. It
20 appears that she is going to make a stop and then she takes
21 off and then takes deputies on a chase that goes quite some
22 way. And again, I will refer the Court to Court's Exhibit
23 18 that the Court had an opportunity to view prior to the
24 plea here today.

25 When she pulls over initially Mr. Thompson who is in

1 the passenger seat reaches behind him and comes up out of
2 the sun roof with a AK style rifle there again and opens
3 fire on sheriff's deputies. Then Ms. Stapleton drives, the
4 pursuit goes down Old Converse Road it crosses Cannon's
5 Campground and heads toward Highway 57. As the Court was
6 able to see in those videos there are numerous regular
7 Spartanburg County citizens that were pulling off on the
8 side of the road. There were businesses -- part of it's a
9 business area and then there's also residential property in
10 there and Mr. Thompson is firing throughout this chase.

11 At times the vehicle that the defendant is driving she
12 slows down, she kinds of gets in the middle of the road and
13 then the gunfire will open again, and that is captured on
14 Court's Exhibit 18.

15 They made a final left hand turn at Church here in
16 Spartanburg and they pull over to a house. And I'm
17 handing up to the Court Court's Exhibit 1 that I've already
18 had all these marked by the court reporter, and I shared
19 them with Mr. File and he's familiar with that. This house
20 in describing it there's a chain link fence to the right of
21 the residence and that property to the right is the
22 property of a church, your Honor. This is where Ms.
23 Stapleton finally pulls the vehicle over. Mr. Thompson
24 bails out of the vehicle and runs. Behind this house is a
25 -- it's not a cul-de-sac, it's a circle of residential

1 homes. He bailed out and runs towards that home and, your
2 Honor, I'm now gonna hand up what's been marked as Court's
3 Exhibit 2, 3, 4, 5 and 6. Your Honor, if I can describe
4 them briefly.

5 Court's Exhibit 2 shows there is a cone to the left of
6 center of this in front of this residence. That is also
7 shown in Court's Exhibit 3. That is where the semi-
8 automatic rifle that Mr. Thompson was using was dropped and
9 then he continues to run and jumps over the fence behind
10 the residence and runs to these houses behind the
11 residence. That's Court's 2,3 and 4.

12 Your Honor, Court's Exhibit 5, that is a close-up of
13 the serial number on that gun. The Court can see there has
14 been an attempt to obliterate it. And then Court's Exhibit
15 6 you can see that the weapon was put -- it was in the fire
16 position when officers recovered it.

17 Mr. Thompson runs to this residence, runs back to this
18 residence, Ms. Stapleton takes off. Law enforcement
19 believes -- I'll just say this I think because that may
20 come up -- that they intended to meet on the -- at the
21 residence on the other side and to try to get out but at
22 that point there were so many law enforcement officers
23 involved but that was not able to happen. She actually
24 gets out of her vehicle and goes into a residence and hides
25 in this residence. There were people that she knew that

1 live there. She went in there and was hiding under the
2 covers in a bedroom when law enforcement locates her.

3 Multiple six -- 7.62 rounds were discovered --
4 recovered on the route of the chase and they also recovered
5 that AK-47 style rifle at the residence on Mount Pleasant
6 Road where this chase ended.

7 Mr. Thompson was shot in the leg. When they were
8 transporting him out he told officers that he intended to
9 kill the pig and he was transported to Spartanburg
10 Regional. They have both been in custody since July 18th
11 of 2018.

12 I do want to hand up, your Honor, the first two
13 vehicles in this pursuit were driven by members of the
14 Spartanburg County Sheriff's Warrant Office and Court's
15 Exhibit 7 this is the vehicle that was driven by Deputy
16 Bailey and Deputy Longshore was riding in the passenger
17 seat. As the Court can see there is substantial damage to
18 that passenger side area of the vehicle. I would also hand
19 up Court's 8, 9 -- excuse me, 8, 9 and 10.

20 Your Honor, this is a bullet that entered the push bar
21 on that vehicle and but for that you can see the directrum
22 -- direction that that bullet is going -- the defect. It
23 is going directly to where Deputy Bailey was sitting in his
24 vehicle.

25 Your Honor, then in Exhibits 15 - it's 14, 15, 16, 11,

1 12 and 13, your Honor. I'm sorry, your Honor. I said
2 Bradley -- Bailey and it's Bradley. I apologize.

3 Your Honor, these are photos that SLED obviously
4 became involved in this case because the officers did
5 return fire and it was an officer involved shooting. SLED
6 came in and took photos of the directory of the bullet.
7 There is a bullet entry into the side of the first vehicle
8 that was in the line of fire and you can see that in
9 Exhibit 11 which I'm handing up at this time. When SLED
10 does their analysis that bullet actually goes underneath
11 the passenger seat just under where Deputy Longshore was
12 sitting and actually goes through into where Deputy Bradley
13 was sitting.

14 And finally, your Honor, in Exhibit 17 that is the
15 bullet that entered into Deputy McClary's vehicle just
16 above and to the -- right to the left of the driver's
17 position which is why the State is obviously seeking
18 attempted murder charges, assault and attempted murder
19 charges on each of these cases. Each one of these deputies
20 was absolutely put in the line of fire by these defendant's
21 on that day.

22 Finally, your Honor, on July 24, 2018 investigators
23 with the Spartanburg County Sheriff's Office received a
24 call from an individual who stated that he had rented an
25 apartment for the defendant who he believed had fallen on

1 hard times and he wanted her to stay there. He went by --
2 and this is separate and apart from the residence that she
3 shared with Mr. Thompson -- he went by the apartment found
4 it to be empty to include the furniture that he had rented
5 for the defendant. She claimed -- this is after she was
6 arrested on these attempted murder charges -- she claimed
7 that she didn't know what happened to the furniture when
8 this individual went to the jail to ask her about it; that
9 investigators were able to access her jail call and heard a
10 conversation between this defendant and Tyrell Thompson's
11 mother where she instructed Mr. Thompson's mother to take
12 all the furniture out of the residence and sell it to raise
13 money for attorney's fees.

14 Investigators continued to attempt to get the
15 furniture back from Mr. Thompson's mother who stated it had
16 not been sold but they had not been successful at this
17 point. So, your Honor, those are some of the facts that the
18 State would rely upon at trial in each one of these cases.

19 And, your Honor, we hand up Court's 18 as well.
20 That's the video. And I'd move -- seek to move all those
21 in at this time as Court's Exhibits.

22 THE COURT: All right. First of all any objection to
23 these being moved in as Court's Exhibits?

24 MR. FILE: No, your Honor.

25 THE COURT: And I think they're already marked.

1 They already marked?

2 MADAM COURT REPORTER: Yes, sir.

3 (WHEREUPON, COURT'S EXHIBIT NO'S 1 THROUGH 18,
4 IDENTIFIED AND MARKED, RECEIVED UP BY THE COURT AND ENTERED
5 INTO EVIDENCE.)

6 THE COURT: All right. Ms. Stapleton, the Solicitor
7 went through a lot of facts as it related to each one of
8 the indictments I have in front of me. Were you listening?

9 MS. STAPLETON: Yes, sir.

10 THE COURT: Did you have an opportunity to listen to
11 the facts as it related to each indictment?

12 MS. STAPLETON: Yes, sir.

13 THE COURT: You agree with the facts as outlined by
14 Madam Solicitor?

15 MS. STAPLETON: Yes, sir.

16 THE COURT: I will go ahead and accept your plea on
17 each one of these indictments as being freely and
18 voluntarily given. You indicated that you were satisfied
19 with the services of your lawyer Mr. File ---

20 MS. STAPLETON: Yes, sir.

21 THE COURT: --- on each indictment?

22 MS. STAPLETON: Yes, sir.

23 THE COURT: Then I will further find that the plea has
24 a substantial basis and I will go ahead and accept your
25 plea.

1 MS. STAPLETON: Yes, sir.

2 THE COURT: Now I will be glad to hear from you.

3 First of all before I do that, Madam Solicitor, its my
4 understanding that -- is there anyone that wants to speak
5 to the Court from the State?

6 SOLICITOR WELLS: Yes, sir, your Honor, Deputy
7 Longshore and Deputy Bradley are present and would like to
8 be heard at the appropriate time.

9 THE COURT: All right. Let me hear from them.

10 Where are they? All right. I'll hear from them in no
11 particular order, whoever wants to come first.

12 And if you would, Deputy, if you would come to the
13 edge of that table right there. The table right here, and
14 raise your right hand for me?

15 (WHEREUPON, MICHAEL
16 LONGSHORE, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
17 FOLLOWS:)

18 THE COURT: All right. And your full name is?

19 A. Michael David Longshore.

20 THE COURT: Michael Longshore. Yes, sir, go ahead.

21 MR. LONGSHORE: Your Honor, I've thought for the last
22 year and about four months of what I would like to say.
23 The events that unfolded that day there's not a real way to
24 describe it. I woke up that morning, it was my oldest
25 son's birthday; I made him breakfast, made plans for dinner

1 after work, gonna take him out. We initiated the traffic
2 stop, she obviously knew that we were law enforcement, she
3 looked back at us in the mirror and actually made eye
4 contact with my partner who was driving our vehicle.

5 As we would approach the vehicle she would willfully
6 slow down and center in the lanes and allow him to take aim
7 at us. A round entered my door and missed my pelvis by a
8 matter of inches. At that angle at best I probably would a
9 been a cripple if I had survived it. We went on our chase;
10 I can't imagine the countless people that we passed,
11 driving vehicles in homes and yards as he was spraying
12 rounds indiscriminately as she facilitated that.

13 That day my wife and children almost lost me. Two
14 other officers and wives and children almost had to be told
15 that they weren't coming home. There's probably a lot more
16 that I thought about in the past that I'd like to say.
17 Given the wanton disregard for not just us but for people
18 at large I would ask that giving her three counts of
19 attempted murder and the maximum sentence of thirty (30)
20 years on each I would like to see ninety (90) years without
21 parole if it's possible.

22 I don't believe that if they're allowed to come back
23 into society at this point happening again. I believe next
24 time somebody won't be so fortunate as we were. I don't
25 really know what else to say but it's not real easy.

1 THE COURT: All right. Thank you, sir.

2 Raise your right hand.

3 (WHEREUPON, CRAIG BRADLEY,
4 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

5 THE COURT: Go ahead.

6 A. My name is Craig Alexander Bradley. I was the
7 driver of the vehicle that Mike Longshore was talking
8 about when we were pursuing the suspects. I came back from
9 my last tour in Iraq in 2006. They literally turned our
10 streets into the same atmosphere that I dealt with
11 overseas. As Mike talked about the countless people that
12 were being involved in this is combat. Citizen folks that
13 was all up and down the streets were. I don't have the
14 exact measurement but I'm assuming this chase went for five
15 or six miles.

16 I'm the one that made eye contact with Ms. Stapleton
17 when we attempted to pull her over. I'm looking straight
18 in her face in her rearview mirror telling her to stop.
19 She had an opportunity to jump out of the vehicle if she
20 wished to. She actively participated in the events that
21 unfolded. I watched her.

22 This gentleman is in -- he's laying on the hood or the
23 top of this vehicle out the sun roof. He's aiming in on us
24 and he'd move back and then miss and I would watch the
25 vehicle respond to get the center of the road and almost

1 come to a stop so he had a stable platform in fire at us.

2 I add to the similar family and I got to stand as the
3 best man at my son's wedding and hope to be a grandfather
4 soon. I wouldn't have gotten to do that by inches.
5 Several of those rounds would a took any of us out. Mike
6 has young children, Dustin has young children; there's
7 countless families that were involved in this situation.
8 The innocent people that were in the house that her partner
9 jumped out of the vehicle and he come -- she stopped, when
10 he come out of the vehicle he opened full fire on us, full
11 fire across the yard then he took off running and we
12 pursued him.

13 There was no attempt to any mercy from either one of
14 them. They were trying their best to kill us, so I would
15 ask the same thing that Mike said. I would ask for the
16 full sentence on each term or each charge and them being
17 concurrent. They're lifestyle, there is no reason for them
18 to be back out and have a chance to do this to anybody.
19 And some young officer that's just coming out -- I been
20 doing this for twenty-seven years -- you get some young
21 officer that comes out it could destroy their life before
22 they even get started. Thank you, your Honor.

23 SOLICITOR WELLS: Your Honor, Deputy McClary cannot be
24 here this morning. He was here yesterday afternoon and was
25 prepared to speak to the Court but he is not here. I would

1 hope what based on my conversations with him what Deputies
2 Bradley and Longshore have told the Court this greatly
3 impacted him. He does have young children and I can tell
4 the Court that he joins their request as well as the State.
5 The State is asking for substantial active time in this
6 case. This is as we talked about in chambers and I
7 previewed for the Court that we would be asking for
8 substantial time and we do think a substantial active
9 sentence is appropriate.

10 I do have her prior record. She's had numerous
11 opportunities with probation to get things straight and
12 that has not worked. And this was a very very serious
13 series of events that happened back last year that had an
14 impact on this community. Obviously it had and did have a
15 significant impact on the sheriff's office and in
16 particular these deputies that were involved.

17 THE COURT: All right. Thank you, Solicitor.

18 SOLICITOR WELLS: Your Honor, do you want to hear her
19 record now or?

20 THE COURT: You can go ahead.

21 SOLICITOR WELLS: Okay. She has a 2007 possession
22 with intent to distribute marijuana. That's a conviction
23 out of Georgia. She received twelve (12) months probation
24 on that. 2007 possession with intent to distribute a
25 controlled substance. The rest of her convictions are

1 South Carolina convictions. She received a probationary
2 sentence there.

3 She has two habitual traffic offenders from two
4 separate events in 2009. She received eighteen (18) months
5 suspended to probation; two years of probation on both of
6 those cases. 2009 DUI, the sentence was not available on
7 that charge. She has from 2009 two counts of possession
8 with intent to distribute cocaine. She received eighteen
9 (18) months suspended to probation in that case.

10 2011 she has a simple possession of marijuana for
11 which she received a fine. 2011 false information to
12 police. There was no available sentencing information on
13 that case.

14 2013 a shoplifting charge for which she received
15 thirty (30) days. Credit for time served.

16 In 2016 she had six (6) separate habitual traffic
17 offenders for each. She pled to all of those on the same
18 day and received a one (1) year concurrent sentence on each
19 one of those. Obviously she had significant other driving
20 charges but they are minor. I think habitual traffic
21 offender represents her record so I'll leave that. I
22 didn't go into every single driving under suspension charge
23 that she got.

24 THE COURT: All right. Thank you, ma'am. Anything
25 further?

1 SOLICITOR WELLS: No, not at this time, your Honor.

2 THE COURT: All right. Mr. File.

3 MR. FILE: May it please the Court, your Honor.

4 Jodi is thirty-six years old. I've been representing
5 her for quite some time. I've made numerous visits to the
6 jail with her and discussed the case. I took my computer
7 with her and went over videos in this case and we went over
8 the other cases of the evidence in these cases. It's
9 voluminous and we went through all that and I left it up to
10 her as to whether or not we wanted to go to trial on any of
11 this and whether we wanted to plead and she's chosen to be
12 here in front of your Honor today.

13 Judge, she has three children. She has a seventeen-
14 year-old daughter who's seated here in the courtroom and
15 would like to address the court at the appropriate time.

16 She has a nine-year-old daughter. Her daughter, her
17 seventeen-year-old, this is her step-sister. Her nine-
18 year-old lives with the maternal grandmother. She had a
19 two-year-child that was in DSS custody but she recently
20 found out that child's been adopted and I believe her
21 rights have been terminated. That child was with the co-
22 defendant in this case Mr. Jurrell Thompson.

23 Judge, Jodi's originally from Ohio, all her family is
24 there except for her mother Reese King who lives in Texas.
25 Ms. King wasn't able to be here for financial reasons but

1 has faxed -- has emailed me a letter that I'll hand up to
2 the court at the appropriate time too Ms. King helped Jodi
3 locate her father who lived here in Spartanburg and at
4 seventeen Jodi went to be with her -- came here to be with
5 her father. That's how she ended up here. She became
6 pregnant at that time and her father basically kicked her
7 out of the house she tells me but she chose to stay here
8 with here child since the father of her child was here.
9 She would hope at some point to be able to return to Texas
10 and live with her mother once she pays her price for this.

11 Judge, she went to the eleventh grade at Boiling
12 Springs High School but quit when she became pregnant. She
13 has one more class to attend to get her GED. She has a
14 work keys certificate and she has been going through an
15 emerge class through Spartanburg Mental Health.

16 She takes Seroquil for post-traumatic stress disorder
17 related to this case, Judge. This case was traumatic to
18 her as well and I'm not minimizing the trauma the officers
19 underwent also. She has also been diagnosed -- I saw in
20 some of her medical records where she had been diagnosed
21 with some bipolar disorder.

22 Judge, she's been in jail four hundred and ninety-two
23 (492) days. Judge, she got hooked up with Mr. Jurrell
24 Thompson some years ago. As you can obviously tell he's a
25 bad dude. He had gang affiliation. I think their

1 relationship involved some abuse, she was scared of him.
2 And the drug case he was at work or something and I believe
3 an undercover operative came and she sold him drugs,
4 admittedly sold him drugs because she needed the money
5 while Durrell wasn't there. Jurrell was known to carry
6 firearms and was just a really bad person and she was
7 scared of him.

8 They had the small child in the home when officers
9 came to serve the search warrant and they found some
10 marijuana and she got charged with a marijuana charge
11 that's being dismissed as part of this plea.

12 On the date that this -- that the attempted murder
13 cases happened I believe Mr. Thompson's mother she was on
14 the hoof with the bondsman but she ended up wiring some
15 money to Walmart for them to pick up and notified the
16 bondsman of that so basically all coordinated between with
17 the bondsman and they set out at some point to go to
18 Walmart and then Jodi and Jurrell saw the officers trying
19 to stop them.

20 Jodi tells me -- and Jodi cooperated by the way in the
21 investigation with this case. She gave a interview with
22 SLED, a rather lengthy interview with SLED and written
23 statements and the interview is very emotional. She's
24 obviously suffering from PTSD during the interview because
25 she's crying much the same way she is today. She tells

1 officers that when Jurrell noticed the officers behind them
2 that the next thing she has he says we're going to die
3 today; reaches around behind the seat produces the gun and
4 at the same time opening the sun room. He starts yelling
5 at her to drive and she tells me that she didn't know with
6 him saying that whether he was gonna kill her or get them
7 killed or what, but she proceeds to drive away from the
8 officers. She said there were several times as he would go
9 to stand up out of the sun roof that this car is a Nissan
10 Altima that has a set of consoles with a gear shift in the
11 center and there were several times when he would kick the
12 car out of gear which may have resulted in some slow downs
13 and all and Jurrell would fire at the officers.

14 She was scared that if she stopped at some point,
15 stopped abruptly at some point, that it would basically be
16 like Bonnie and Clyde as far as her getting killed in a
17 shoot out between Jurrell and the officers in the cross
18 fire and everything. She was scared that that was what
19 gong to happen to her and that's what she envisioned was
20 going to take place. She kept driving and he kept
21 screaming at her to drive and she kept driving and then
22 finally he told her to pull over when they get to this
23 neighborhood and he jumps out of the car and starts
24 shooting at officers.

25 He ends up getting shot and Jodi drives around the

1 corner to some people's house she knows. She jumps out of
2 the car and runs into their house and is found cowering
3 under the covers in the bedroom. She didn't give any
4 resistance or anything and that she was cowering under the
5 covers and hiding to get away from this. There is no video
6 of them when they captured her but I'm assuming she is
7 probably very much emotional than what she was here today.

8 You know we've discussed possible defenses involving
9 duress and that type of thing but it is a question as to --
10 I think there is a substantial likelihood a jury probably
11 wouldn't believe it based on the testimony of the officers.
12 As you heard them describe the situation today I think
13 there is a substantial likelihood she would be convicted,
14 and she and I have discussed that to a great extent and
15 she's chosen to take this route with the case and come
16 before the court and plead guilty to the charges.

17 She has expressed a great deal of remorse about this
18 situation. It's not a situation -- its not remorse though
19 as a result of what she's facing here today. She genuinely
20 feels bad; she feels like these officers could have gotten
21 killed especially if she had stopped there during the
22 chase, you know, when the chase was at it's height Jurrell
23 would have even had a better platform or a better position
24 to fire into the officers as they were pursuing.

25 Judge, she is genuinely sorry about this. She would

ORIGINAL

1 A. F-e-r-n-a-n-d-e-r-s.

2 THE COURT: All right. Can you hear her?

3 MADAM COURT REPORTER: No, sir.

4 THE COURT: All right. Ma'am, put your hand down.

5 And I want you to speak loud enough, this young lady right
6 here has to take down everything you say, so if you would
7 just speak up a little louder for me, okay.

8 MS. FERNANDERS: A-s-i-a. And then F-e-r-n-a-n-d-e-r-
9 s.

10 THE COURT: All right. Go ahead. You are the
11 daughter?

12 MS. FERNANDERS: Yes, sir.

13 THE COURT: All right, go ahead.

14 MS. FERNANDERS: I'm her first daughter. I came here
15 to speak on her because I know she's made a lot of mistakes
16 and I been alive for most of them but I pray everyday that
17 some way she will be able to come back to me and my sister
18 because what all she is missing We love her a lot. And I
19 know the mistakes that she made brought her here today and
20 you can't put that on anyone else but she's my mother. And
21 I know that day she was very scared. And I'm just asking
22 you if any way you can give her a lenient sentence because
23 me and my sister we need her. We just need our mom.

24 (MS. FERNANDERS CRYING.)

25 MS. FERNANDERS: I don't know what else to say. I

1 just pray that you find it in your heart. I know she has
2 to have a punishment. I'm not asking you to just let her
3 off the hook but I'm just asking for a lenient sentence.

4 THE COURT: Thank you, ma'am.

5 Raise your right hand, ma'am.

6 (WHEREUPON, JESSICA MAIWANDI,
7 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

8 THE COURT: All right, also speak up for me, okay?

9 A. Okay.

10 THE COURT: What's your name?

11 A. Jessica Maiwandi.

12 THE COURT: Spell your first and middle and last name.

13 A. Middle name as well?

14 THE COURT: Yes. Spell your full name.

15 A. Okay. Jessica, J-e-s-s-i-c-a. D-e-b-o-r-a-h-j-e-n-e;
16 M-a-i-w-a-n-d-I.

17 THE COURT: All right. Yes, ma'am, go ahead.

18 MS. MAIWANDI: I'm her step sister. I've known Jodi
19 since she was sixteen and sent here to live with her
20 father. He raised me most of my life and my brothers so I
21 probably know Jodi the most through all the years and all
22 of her mistakes. I've raised Asia. Since she was about
23 three I've had custody of her. She's eighteen now, she
24 just graduated high school so all of this took place while
25 she was still in high school. It was very publicized and a

1 lot of the things going on with this case caused that child
2 and a lot of her children a lot of heartache in this case.
3 And whatever sentence you give her today will continue that
4 heart ache for all of those children.

5 Two of our girls come at our most of the year
6 and her sister [REDACTED] who is also with us a lot. I try to
7 keep some type of family bond going with the case. She's
8 the only sister I have. We've talked a lot. We talked
9 before this happened, the events of this day. She wanted
10 to turn herself in. We talked a lot about turning herself
11 in. I don't think she ever found an opportunity to get
12 away from all of the influences and not just Jurrell but
13 his whole family not to mention a lot of the people she
14 chose to affiliate herself with and she did choose a lot of
15 those choices.

16 But I do believe from before she was even sent here
17 whatever transpired in her younger life and being abandoned
18 by her mother, feeling abandoned by her father, I just
19 sensed myself but I've always loved her and she knows that
20 just because of some of the decisions. I've watched her be
21 abuse since the time Asia was born with almost every
22 relationship she's been in. I don't understand it. I
23 wished she would a made better decisions especially because
24 these children no matter what will always look for their
25 mom to be there for them.

1 I feel like the system failed her a million times. I
2 feel like so many things involved in this are not just so
3 straight forward. She has a price to pay definitely so.
4 And all of the officers that were there that day whose
5 lives were at risk just have to understand that their lives
6 were at risk just the same. She would have stopped that
7 car if she would make any decision differently if anything
8 would have went differently that day somebody would have
9 died. Somebody could have died.

10 I know she understands that. I think at that time I
11 don't think she could understand that. I don't think she'd
12 ever been able to understand the reasoning of the decision
13 she's every made. I don't think she possesses a empathy
14 quality sometimes to be able to make that decision the way
15 it needs to be. I think she needs to be rehabilitated. I
16 think she needs counseling. She needs help. She's needed
17 help since the time she was probably fourteen and the first
18 time she ever got into the juvenile system and she's never
19 gotten that help.

20 I'll be okay but that little girl she won't be okay
21 until she can right all the wrong she's done even to that
22 little girl. And I know she has a price to pay for
23 breaking the law but she has a price to pay for those
24 children too. So I'm asking whatever sentence you give
25 her, thirty years ain't gonna do anything for anybody,

1 whatever sentence you give her -- I wasn't gonna speak
2 today. It was not my choice I was just gonna be here to
3 support her child because that's who I have to be there
4 for. But I can't see here and watch her stand here and
5 maybe go for thirty years and know that I didn't say
6 anything. So I have to tell you how I really see it.

7 And I want you to make her pay a price. She knows like
8 I have been infuriated, my whole life has been spent to try
9 and help this little girl understand why her momma is not
10 there. And I just want the chance for her to be able to be
11 the mom she needs to be to these children, the children she
12 still has the chance to be a mom to. So I just ask that
13 whatever sentence you give her let it be one that's gonna
14 help her be a better person and have a chance to have a
15 life with her children. Thank you.

16 THE COURT: Thank you, ma'am.

17 MR. FILE: I believe Jodi would like to address the
18 Court.

19 SOLICITOR WELLS: Your Honor, if I can be heard just
20 briefly. I spoke to the officers prior to court about Ms.
21 Stapleton desiring to speak directly to them. I think it's
22 the State's preference that she address all of her remarks
23 to the Court.

24 THE COURT: All right.

25 SOLICITOR WELLS: Thank you.

1 MS. STAPLETON: I just want to say that I'm sorry that
2 it happened that day. I never intended for anybody to get
3 hurt. I was scared, I was in shock. I know law
4 enforcement feels that I should a acted in a different way
5 but I didn't know how. I've never been in a situation like
6 that before. Not only was I trying to save myself I didn't
7 know what to do. I was acting out of being in fear and in
8 shock. I felt like that I would a stopped the car my life
9 could a been taken as well that day. There is no way that
10 I assisted in trying to get anybody killed.

11 I'm not a bad person, not a violent person and never
12 have been. I just ask that everybody forgive me. The
13 police officers I'm very very sorry. I'm very sorry and I
14 just pray that I can get through this and go on with a
15 better life than what I been through. And I'm very very
16 sorry and I never intended on anybody to get hurt and I
17 didn't know how to act. I feel like again that if I would
18 a stopped the car I could a been killed as well.

19 I've suffered with this for sixteen months. I have
20 bad days, I have good days. I have a lot of flash backs
21 from when I have to have help from the jail. It's nothing
22 easy that I've been able to get through. And I just ask,
23 Judge, that you be as lenient on me as possible.

24 THE COURT: Thank you, ma'am.

25 Can I see the two of you?

1 (BENCH CONFERENCE OFF THE RECORD.)

2 THE COURT: All right. Solicitor.

3 SOLICITOR BARNETT: Thank you, your Honor. I wasn't
4 planning on speaking by way of the Court but I heard
5 several comments in here and one I just wanted to make sure
6 the Court knows. I did the original bond hearing. Mike
7 Longshore came to the hearing. I remember how emotional he
8 was about his family, about his child. Here's a man that,
9 you know, spends time with his kids, staying with his kids
10 being with them.

11 Craig Bradley I first met him at Little League
12 baseball, not through this job. I saw what he did with his
13 children standing there being with them and what kind of
14 man he was. And their kids -- thank God their still there.
15 I know you've seen the video, it was horrific from this
16 standpoint. She had been with Mr. Thompson obviously a
17 period of time. I don't know where her kids were but I can
18 tell you these two men and their kids, and Mr. Clary's the
19 same, Officer Clary is the same way, and that's one thing I
20 want you to keep in consideration about this.

21 I know they keep talking about her kids. Where were
22 their kids, where were her kids. I know where these men
23 were with their kids. And that's just what I want the
24 Court to keep in mind in the situation.

25 THE COURT: All right.

1 SOLICIOR BARNETT: Thank you.

2 SOLICITOR WELLS: And, Judge, if defense is done I did
3 have a couple of things I wanted to respond to just
4 briefly.

5 THE COURT: Okay.

6 SOLICITOR WELLS: Your Honor, I know that there's been
7 -- I am basically a full time domestic violence prosecutor,
8 I handle every case the Solicitor ask me to and he ask me
9 to handle this one. I am familiar with victims of abuse
10 and this -- there is no excuse. And frankly in this case
11 Ms. Stapleton's criminal history is worse than Mr.
12 Thompson's and that is outside of the time of her
13 relationship with him.

14 They were true partners in crime, you know, and when I
15 was a federal prosecutor we talked about conspiracies and
16 being partners in crime. And as defense counsel noted she
17 was concerned about a Bonnie and Clyde situation and that
18 is because that is exactly what this was. She worked with
19 Mr. Thompson to put these officers in a position where they
20 could be fired upon and they could be killed and defense
21 recognizes that.

22 So, Judge, she had the ability to stop this. Its not
23 hard to turn yourself in. She could a stopped it before it
24 ever started. It's not difficult to maybe call the
25 bondsman and have them come pick you up and blame it on

1 somebody else. And I think on parenting that ship has
2 probably sailed. But she could have stopped it that day,
3 she could have stopped it before that day and she choose
4 not too. And again, we are asking the Court for a
5 substantial active time sentence in this case. This is one
6 of the worst cases that I have handled in my -- outside of
7 sexual assault cases probably one of the worst cases I've
8 handled in my career.

9 THE COURT: All right.

10 SOLICITOR WELLS: Thank you.

11 THE COURT: All right, anything further you need to
12 say?

13 MR. FILE: Judge, I just point out and ask you to take
14 into account the fact she doesn't have any violent -- any
15 record of any violent crime. Mainly it was drugs and
16 property type crimes.

17 THE COURT: All right.

18 MR. FILE: And she'd been, you know, she never fired
19 at the officers that day and she was cooperative with the
20 officers as far as let's say they apprehended her and she
21 told them what happened from her standpoint. So she just
22 hopes that you'll take into -- everything into account,
23 give her a sentence that she'll have to live with but it
24 will allow her to have a life after that.

25 THE COURT: All right. Anything else?

1 SOLICITOR WELLS: Not from the State, your Honor.

2 MR. FILE: Judge, she wanted, on that breach of trust
3 case, most of the property what did ultimately get returned
4 except for a few small items. I think those were a hundred
5 dollars. I don't know if that's important for the Court to
6 know.

7 SOLICITOR WELLS: And, your Honor, we didn't seek
8 restitution because we wanted a substantial sum of time
9 sentence and we just didn't think that was gonna be a
10 reality.

11 THE COURT: All right.

12 (PAUSE.)

13 THE COURT: All right, on Indictment 2018-GS-42-
14 4-9-8-9 the *State versus Jodi Lea Stapleton* charged with
15 attempted murder the sentence of the court is you be
16 committed to the South Carolina Department of Correction
17 for a period of twenty-two (22) years. Four hundred and
18 ninety-two (492) days of jail time credit is given to you.
19 That's on Count 1.

20 On Count 2, 2018-GS-42-4-9-8-9-B, count 2, the
21 sentence of the court is you be committed to the South
22 Carolina Department of Corrections for a period of twenty-
23 two (22) years.

24 On Count 3 the sentence of the court is you be
25 committed to the South Carolina Department of Corrections

1 for a period of twenty-two (220) years. These sentences
2 are run concurrent with each other.

3 On 2018-GS-42-0-6-5-7 the *State versus Jodi Lea*
4 *Stapleton* and charged with the offense of neglect of a
5 child the sentence of the court is five years concurrent.

6 On the *State versus Jodi Lea Stapleton* charged with
7 manufacturing and distribution of cocaine base Indictment
8 ending in 0-3-9-9-8 the sentence of the court is ten years
9 concurrent.

10 On Indictment ending in 5-8-4-4 the *State versus Jodi*
11 *Lea Stapleton* charged with breach of trust with fraudulent
12 intent the sentence of the court is five years concurrent.

13 Good luck to you, ma'am.

14 SOLICITOR WELLS: Thank you, your Honor.

15 (END OF TRANSCRIPT OF RECORD.)
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

State of South Carolina)
)
County of York)

I, Wanda S. Nelson, Official Circuit Court Reporter,
Retired, for 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/hearing of the captioned case,
relative to appeal, in the Court of General Sessions for
Spartanburg County, South Carolina on the 21st day of
November, 2019.

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

Wanda S. Nelson, CVR-M
Certified Verbatim Reporter,
Official Circuit Court Reporter,
Retired, State of South
Carolina.

ORIGINAL

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

State of South Carolina,

vs.

Jodi Lea Stapleton,

Defendant.

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

**NOTICE OF MOTION AND
MOTION TO RECONSIDER SENTENCE**
Ind. Nos. 2018-GS-42-4989, 4989A &
4989B; 2018-GS-42-3998;
2018-GS-42-0657; & 2018-GS-42-5844

YOU WILL PLEASE TAKE NOTICE, that the defendant, through her undersigned counsel, would make a motion for this court, the Honorable Alex Kinlaw, Jr., presiding, to reconsider the defendant's sentence imposed as a result of her guilty plea on the above indictments on November 21, 2019 wherein the defendant was sentenced to a term 22 years. This motion is made pursuant to Rule 29 (a) of the South Carolina Rules of Criminal Procedure.



Robin C. File
Attorney for the Defendant
804 John B. White Sr. Blvd.
Spartanburg, SC 29306
SC Bar No. 07843
Phone: (864) 764-1256
Cell phone: (864) 909-4508
Email: rfileatty@yahoo.com

Date: November 27, 2019
Spartanburg, South Carolina

2019 NOV 27 PM 12:09
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SPARTANBURG COUNTY
AMY W. COX

FILED

STATE OF SOUTH CAROLINA)

IN THE COURT OF
GENERAL SESSIONS

COUNTY OF SPARTANBURG)

State of South Carolina)

ORDER

Vs.)

Jodi Lea Stapleton,
Defendants.)INDICTMENT NOS:
2018-GS-42-4989, 498A, 489B, 2018-GS
42-3998, 2018-GS-42-0657, 2018-GS -42-
5844

Upon this Court's review of the record and the factors set forth in the memorandum/letter submitted by Defendant's counsel, the court is not inclined to amend the sentence imposed upon the above named Defendant on November 21, 2019.

Greenville, South Carolina
March 27, 2020


Alex Karlaw, Jr.
Circuit Court Judge

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FORM 5

STATE OF SOUTH CAROLINA)

County of Spartanburg)Jodi Lea Stapleton # 335793)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2020-CP-42- 03601

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 Leath Correctional Institution
2809 ~~Green~~ Airport Rd. Greenwood SC 29649
2. Name and location of Court which imposed sentence Spartanburg
County Court House, Spartanburg SC
3. Name(s) of co-defendant(s) (if any) Jurrell Keith Thompson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

- (a) 2018 GS 42049898A / Assault Attemp. Murder-Violent-most Serious 22 yrs.
- (b) 2018 GS 4204989 / Assault Attemp. Murder-Violent-most Serious 22 yrs.

(c) 2018 GS 4204989B/Assault Attemp. Murder Violent most Serious ⁹⁹ yrs.

5. The date upon which sentence was imposed and the terms of the sentence:

(a) November 21, 2019 Violent most Serious / 22 years

(b) November 21, 2019 Violent most Serious / 22 years

(c) November 21, 2019 Violent most Serious / 22 years

6. Check whether a finding of guilty was made:

(a) after a plea of guilty YES

(b) after a plea of not guilty N/A

(c) after a plea of nolo contendere N/A

7. Did you appeal from the judgment of conviction or the imposition of sentence?

NO

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. N/A

ii. N/A

iii. N/A

(b) the result in each such Court to which you appealed:

i. N/A

ii. N/A

iii. N/A

(c) the date of each such result:

i. N/A

ii. N/A

iii. N/A

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. N/A

ii. N/A

iii. N/A

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) After Court next day on Telephone when speaking to my Attorney I asked For him To Appeal He said okay + He never did and I have never spoke To him since then.

(b) N/A

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- (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: With Amendment USCA
- (a) Ineffective Assistance OF Counsel See Attachment sheet
- (b) Involuntary Guilty Plea See Attachment sheet 5th / 6th Amendment
- (c) Prejudice See Attachment sheet
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Ineffective Assistance OF Counsel See Attachment sheet
- (b) Involuntary Guilty Plea See Attachment sheet
- (c) Prejudice See Attachment sheet
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

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(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

N/A

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

(a) which grounds have been presented:

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

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

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

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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) Ineffective of Counsel
 (b) Involuntary Guilty Plea
 (c) Prejudice

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? N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
N/A

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. Robin C. Fife
804 John B. White Sr Blvd.
Spartanburg SC 29306
 ii. N/A
 iii. N/A
N/A

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

i. General Sessions Plea Sentencing
N/A
 ii. N/A
N/A
 iii. N/A
N/A

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

Im respectfully asking for a less charge to Attemp.
Murder which carries less Time or a sentence
reduction / See Attachment Sheet.

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

NO

1A

STATE OF SOUTH CAROLINA)

County of Spartanburg)

VERIFICATION

I, Jodi Lea Stapleton, 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.

Jodi Stapleton

SWORN to and subscribed before me this 13th
 day of October 2003

[Signature] (L.S.)
 Notary Public

My Commission Expires: 2/11/04

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 SPARTANBURG COUNTY
 AMY W. COX

Revised 3/2003

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

I, Jodi Lea Stapleton, 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.

Jodi Stapleton
Applicant

SWORN or affirmed to and subscribed before me this

13 day of October 2020
[Signature]
Notary Public

My Commission Expires: 10/11/2024

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2020-CP-42- 03601

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10. (A) Ineffective Assistance of Counsel

1. Failure To advise/consult with client
2. Failure To thoroughly investigate crime
3. Failure To provide Trial strategy or assert defenses
4. Failure To provide expert witness for Mental Health and social behavior with diagnoses of bi-polar and PTSD (Post Traumatic Stress Disorder) I was as well Diagnosed with PTSD from the crime.
5. Failed to interview witnesses (co-defendants) Mother which was on the cell phone during the entire shoot-out with Law Enforcement. As well as co-defendant he Failed to interview the Facts upon which occur in the vehicle during the crime.
6. Failed To comply when I Told him over & over I did not want To Go To Court until Co defendant (Jurrell Thompson) WAS Tried First.
7. Failed To file A continuous in my Favor.
8. Failed To seek A lesser charge as I never did injure or Attempt To hurt Anyone
9. Failed TO Give me All Copies OF any and All Information in my case.
10. Failed to let me know that he did not want to Be Involved in my case anymore Due TO

Non-payment to him so he forced me into court.

10. (B) Involuntary Guilty Plea

1. The Guilty plea was involuntary it was coerced by attorney with threats from prosecutor for sentence enhancement (Life without Parole) if Jury ensued. I was advised to Plea Guilty and to tell the Judge the plea was voluntary.

2. During signing my plea only my Attorney was present with paper work, informing me to sign the plea, at the County Jail with only him and I present.

10. (C) Prejudice

Prejudice was shown by my attorney due to my co-defendants action with law enforcement. Co-defendant repeatedly opened fire with AK-47 Assault Rifle out of the vehicles sun roof in which the car I was driving. My life was also in danger during the situation as I was constantly told to drive the car and in extreme fearful. This

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This conduct by my attorney shows error by his deficiency in performance regarding the above matter. It also caused substantial and injurious influence of the sentence enhancement. My co-defendant controlled the situation with the weapon, and I drove as I was instructed.

Three (3) Attempted Murder charges and the accusations thereof lack evidence and particular facts, which are vital issues of the case, shows this prejudice.

I also was not given a change of venue after requesting, and was tried in the same county in which was a high profile case of Attempted Murders X3 By Law Enforcement.

19. I am respectfully asking for a sentence reduction, or time served, or seeking a lesser charge to the Attempted Murders X3 that will impose a lesser sentence, to save.

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AMY W. COX

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Jodi Stapleton, #335793,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-42-03601

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

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SPARTANBURG COUNTY
ANY WAY

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NOW COMES Respondent, moving for a more definite statement and making its return to the post-conviction relief (hereafter "PCR") application filed on October 15, 2020, by Jodi Stapleton (hereafter "Applicant"). Respondent offers the following in support of its return:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its October 2018 term, the Spartanburg County Grand Jury indicted Applicant for three counts of attempted murder (2018-GS-42-4989).¹ Applicant was represented by Robin C. File, Esquire. Jennifer E. Wells, Esquire, of the Seventh Circuit Solicitor's Office prosecuted the case. On November 21, 2019, Applicant appeared before the Honorable Alex Kinlaw, Jr., circuit court judge, and pled guilty as indicted to all offenses without any negotiations or recommendations concerning the attempted murder charges. Judge Kinlaw sentenced Applicant to twenty-two years' imprisonment on each attempted murder charges, sentences running concurrently. Applicant did

¹ Applicant was also true bill indicted for unlawful neglect (2018-GS-42-657), distribution of cocaine, second offense (2018-GS-42-3998), and breach of trust, between \$2,000 and \$10,000 (2018-GS-42-5844). However, because they were not addressed in Applicant's PCR application, they will not be addressed in this return.

not pursue a direct appeal.

II. Statement of Facts

On October 31, 2017, deputies made a controlled buy of .22 grams of cocaine. (Tr. 16). On November 6, 2017, officers made another controlled buy of .12 grams of cocaine. (Tr. 16). Both of these instances were captured on audio and video. (Tr. 16).

On November 9, 2017, deputies executed a search warrant on Applicant's residence due to reasons other than the controlled buys. (Tr. 17). Applicant shared the residence with her boyfriend, Jurrell Thompson, who was her co-defendant on the attempted murder charges. (Tr. 17). During the search, officers located marijuana, three sets of digital scales, a loaded .40 caliber handgun with an extended magazine, and an extra .40 caliber magazine. (Tr. 17). Applicant was in the home with her newborn infant, who was ultimately taken into DSS custody. (Tr. 17). Applicant made bond and failed to appear for court, causing a bench warrant for her arrest to be issued on April 3, 2018. (Tr. 17).

On July 18, 2018, deputies were made aware that both Applicant and Thompson were wanted and that the bondsman had information about their location. (Tr. 18). Originally the plan was go to Walmart to get money that the Thompson's mother was supposed to wire him. (Tr. 18). Applicant and Thompson did not appear and the bondsman told deputies where they were. (Tr. 18). Based upon prior dealings with Applicant and Thompson, deputies knew that handguns would likely be involved in the interaction. (Tr. 18). Because of that knowledge, a number of deputies attempted a vehicle stop of a vehicle driven by Applicant with Thompson in the passenger seat. (Tr. 18). Blue lights were activated, at which Applicant pulled to the side of the road, appearing as if she was going to stop, before taking off, ensuing a chase. (Tr. 18). When she pulled over initially, Thompson reached behind him, came up through the sun roof with a

rifle, and open fired at the deputies. (Tr. 18-19). As the chase continued through an area populated by businesses and residential areas, multiple regular Spartanburg citizens pulled off the side of the road as Thompson continued firing throughout the chase. (Tr. 19).

Applicant eventually pulled the vehicle over and Thompson bailed out of the vehicle and took off running. (Tr. 19). Applicant exited her vehicle, went into a residence, and hid in the residence. (Tr. 20). Applicant know the people that lived in the residence. (Tr. 20-21). The officers located Applicant in the residence, who was hiding under the covers in a bedroom. (Tr. 21). 7.62 rounds and an AK-47 style rifle were recovered on the route of the chase. (Tr. 21). Thompson was shot in the leg and while being transported to the hospital told the officers she intended to "kill the pig." (Tr. 21).

There was substantial damage to the passenger side of one police cruisers. (Tr. 21). One of the bullets hit the push bar on the vehicle which, but for that, the bullet was headed directly towards where one of the deputies was sitting. (Tr. 21).

SLED became involved because officers returned fire and it was an officer involved shooting. (Tr. 22). SLED took photographs of the directory of the bullet, and found there was a bullet entry into the side of the first vehicle, underneath the passenger seat, where one officer was sitting, and into where another officer was sitting. (Tr. 22). Another bullet entered into another vehicle just above and to the right of the deputy's position. (Tr. 22). Three officers were involved and put in the line of fire and the State attempted murder charges pursuant to each of those cases. (Tr. 22).

On July 24, 2018, investigators received a call from an individual stating they were renting an apartment to Applicant, whom he believed had fallen on hard times. (Tr. 22-23). This residence is separate from the residence Applicant shared with Thompson. (Tr. 23). The

individual went by the residence and found it was empty to include furniture he rented for Applicant. (Tr. 22-23). After being arrested, Applicant claimed she did not know what happened to the furniture when the individual when to the jail to ask her about it. (Tr. 23). However, investigators gained access to a jail call between Applicant and Thompson's mother where she instructed Thompson's mother to take all furniture out of the residence and sell it to raise money for attorney's fees. (Tr. 23). Investigators unsuccessfully attempted to get the furniture back, which Thompson's mother stated was not sold. (Tr. 23).

III. Current Action before the Court

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

1. Ineffective assistance of counsel:
 - a. Failure to advise/consult with client;
 - b. Failure to thoroughly investigate crime;
 - c. Failure to provide trial strategy or assert defenses;
 - d. Failure to provide expert witness for mental health and social behavior with diagnoses of bipolar and PTSD;
 - i. "I was . . . diagnosed with PTSD from the crime."
 - e. "Failure to interview witnesses (co-defendants), mother which was on the cell phone during the entire shoot out with law enforcement as well as co-defendant he failed to interview the facts upon which occur in to a vehicle during the crime";
 - f. Failure to comply when I told him over and over I did not want to go to court until co-defendant (Jurrell Thompson) was tried first;
 - g. Failed to file a continuance in my favor;
 - h. Failed to seek a lesser charge as I never did injure or attempt to hurt anyone;
 - i. Failed to give me all copies of any and all information in my case;
 - j. Failed to let me know that he did not want to be involved in my case anymore due to non-payment to him so he forced me into court.
2. Involuntary guilty plea:
 - a. The guilty plea was involuntary because it was coerced by attorney with threats from prosecutor for sentence enhancement (life without parole). If jury ensued I was advised to plea guilty and to tell the judge the plea was voluntary;
 - b. During signing my plea only my attorney was present with paperwork, informing me to sign the plea at the county jail with only him and I present.
3. Prejudice
 - a. Prejudice was shown by my attorney due to my co-defendant's action with law

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enforcement. Co-defendant repeatedly opened fire with a .47 assault rifle out of the vehicles sun roof in which the car I was during my life was plea in danger during the situation as I was constantly told to drive the car and in extreme fearful.² This conduct by my attorney shows error by his deficiency in performance regarding the above matter. It also caused substantial and injurious influence of the sentence enhancement.³ My co-defendant controlled the situation with the weapon, and I drive as I was instructed. Three (3) attempted murder charges and the accusation thereof lack evidence and particular facts, which are vital issues of the case, shows this prejudice. I also was not given a change of venue after requesting and was tried in the same county in which was a high profile case of attempted murder x3 by law enforcement.⁴

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

IV. Argument

Ineffective Assistance of Counsel

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

² This allegation is interpreted as being an extension of the allegation of ineffective assistance of counsel for failure to assert a defense.

³ This is interpreted as an ineffective assistance of counsel allegation for failure to mitigate the sentence imposed.

⁴ Failure to request a change of venue is interpreted as another ineffective assistance of counsel claim.

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Washington.

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

Second, counsel's deficient performance must have prejudiced the applicant so that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters "only in the rarest case" because "[t]he likelihood of a different result must be substantial, not just conceivable." *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011)

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

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

Involuntary Plea

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

For a plea to be valid, the applicant must have been aware of the nature and crucial elements of the offense the maximum and minimum penalties, and the rights he is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000).

A plea is not knowing or voluntary if a defendant “lacks knowledge of material evidence in the prosecution’s possession.” *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

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

Here, the plea was seemingly entered freely, knowingly, intelligently, and voluntarily. Applicant stated she was satisfied with Counsel’s services. (Tr. 6). Concerning the attempted murder charges, Applicant stated she agreed the incidences occurred on July 18, 2018, that he was pleading guilty freely and voluntarily, and that no one threatened or coerced her into pleading guilty. (Tr. 6-9).

Counsel stated that he advised Applicant of the potential penalties involved in each of the indictments. (Tr. 9). Counsel stated that he told Applicant the attempted murder offenses carry between zero and thirty years, that it is a most serious and violent offense, that no probation or parole is afforded, and that the State did not make any recommendation in sentencing. (Tr. 9).

Applicant stated that she understood the potential penalties involved. (Tr. 10). Applicant

stated she understood that there were three separate counts of attempted murder that she was pleading to, that her attorney discussed the indictments with her, and that she understood the three attempted murder charges dealt with offenses against three officers, respectively. (Tr. 10-11). Applicant stated she understood she had a right to a trial on any or all offenses, that she was waiving the right to a trial by entering the plea, and that she discussed the waiver with Counsel. (Tr. 11). Applicant stated she was waiving her rights to remain silent, to call and confront witnesses, and to assert any defenses. (Tr. 11-12). Applicant stated that the decision to waive these rights was hers, not Counsel's, and that he had sufficient time to discuss this decision with Counsel. (Tr. 12). Applicant stated Counsel discussed all the elements of all the offenses with her and discussed whether the State had sufficient enough evidence to prove the matters if the case proceeded to trial. (Tr. 12). Applicant stated she understood all discussions with Counsel and that she had no questions for the Court about the questions asked at the plea hearing. (Tr. 12-13). Applicant stated she was not on medication or anything that might impact her judgment and that she was clear minded and knew what she was doing at the plea hearing. (Tr. 13). Applicant stated she understood no negotiations or recommendations were made on the attempted murder charges. (Tr. 13-14). Applicant again stated she was completely satisfied with Counsel's services, that she did not have to talk to Counsel anymore about anything, that she has told Applicant everything she knew about the cases, and that there was nothing about the cases she did not discuss with him. (Tr. 14). Applicant stated she met with Counsel enough times to cover all the facts, law, and Constitutional rights as it relates to the cases. (Tr. 14). The Solicitor stated that Applicant was on medication, but that the medication does not create any competency issues. (Tr. 14-16). Thus, based upon the above, Applicant seemingly entered the plea freely, knowingly, intelligently, and voluntarily and, thus, should not be allowed to withdraw the plea

now. Further, Respondent contends that Applicant's allegations concerning the alleged invalidity of the plea are likely untrue. However, because these allegations raise questions of fact the record does not conclusively refute, Respondent respectfully requests an evidentiary hearing to fully resolve the issue.

Failure to Advise/Consult with Applicant Regarding Case

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

At the plea hearing, Applicant again stated she was completely satisfied with Counsel's services, that she did not have to talk to Counsel anymore about anything, that she has told Applicant everything she knew about the cases, and that there was nothing about the cases she did not discuss with him. (Tr. 14). Additionally, Applicant stated she met with Counsel enough times to cover all the facts, law, and constitutional rights as it relates to the cases. (Tr. 14). Thus, based upon the statements made at the plea hearing, Respondent contends that Applicant's current allegation is likely untrue. However, because this allegation raises questions of fact the

record does not conclusively refute, Respondent respectfully requests an evidentiary hearing to fully resolve the issue. Further, Respondent requests a more definite statement that specifically makes clear what exactly Counsel failed to advise and consult with Applicant and how that deficiency impacted Applicant's decision to accept the plea.

Failure to Assert a Trial Strategy or Defense

Applicant alleges Counsel was ineffective for failure to provide a trial strategy or assert defenses. However, Respondent contends that the right to a trial and the right to assert defenses were both waived when Applicant entered her plea. (Tr. 11-12). Thus, these allegations are likely without merit. However, because this allegation raises questions of fact that the record does not conclusively refute, Respondent respectfully requests an evidentiary hearing be held to fully resolve the matter. Additionally, Respondent requests a more definite statement that clearly states what trial strategy Counsel failed to provide, what defenses he failed to assert, what rendered these alleged failure deficient performance, and how that impacted her decision to plead.

Failure to Investigate

Applicant claims Counsel was ineffective for failure to thoroughly investigate the crime. *Strickland* makes clear that Defense counsel "has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." 466 U.S. at 691. When highlighting failure to investigate as a ground for a larger ineffective assistance of counsel claim, judicial determination of this claim's validity is evaluated for "reasonableness [under] all the circumstances" with "a heavy measure of deference to counsel's judgments" applied. *Id.* Applicant is required to present evidence or witnesses he alleges Counsel did not properly investigate. *Glover v. State*, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). Additionally,

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whether Applicant was prejudiced by Counsel's failure to investigate is contingent on whether the evidence presented would have led Counsel to change her recommendation regarding the plea. *Stalk v. State*, 383 S.C. 559, 562, 681 S.E.2d 592, 594 (2009).

Applicant claims that Counsel was ineffective for failure to thoroughly investigate the crime. However, she does not specifically state what Counsel failed to investigate, how Counsel was unreasonable in failing to thoroughly investigate the evidence in question, or how it would have changed the recommendation to plead. Thus, a more definite statement is needed.

Failure to Seek/Utilize Expert Witness

Applicant claims Counsel was ineffective for failing to provide an expert witness and for failure to interview witnesses. Applicant seemingly freely, knowingly, intelligently, and voluntarily waived his right to call and confront witnesses, including expert witnesses. (Tr. 11-12). However, because this issue raises questions of fact the record does not conclusively refute, Respondent respectfully requests an evidentiary hearing to fully resolve the matter. Still, because Applicant fails to state who Counsel failed to call, why this alleged failure constitute deficient performance, or what impact their testimony would have had on sentencing or the recommendation to plea, a more definite statement is needed.

Failure to Give Applicant Discovery

Applicant alleges ineffective assistance of counsel for failure to give him all the information in the case. For a plea to be valid, the applicant must have been aware of the nature and crucial elements of the offense, the maximum and minimum penalties, the charges against her, the consequences of taking a plea, and the rights she is waiving by accepting the plea.

Boykin v. Alabama, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant "lacks knowledge of material evidence in the prosecution's

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possession.” *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

Here, Applicant alleges Counsel was ineffective in failing to give her all the copies and any and all information in the case. However, she did not specifically state what evidence was not shown to her that would have affected his decision. Consequently, Respondent is unable to ascertain whether or not this argument has merit. Thus, Respondent respectfully requests this Court to require Applicant, through Counsel, to file an amendment with greater specificity regarding claims made in the original application.

Failure to Seek/Request Continuance

Applicant alleges Counsel was ineffective for failing to move to continue the case until after Thompson was tried first. However, she has not shown why it was unreasonable for Counsel not to move to continue, why the Court would have granted the continuance, or that it would have impacted her decision to plead. Thus, a more definite statement is needed for Respondent to ascertain whether or not the allegation has merit.

Failure to Mitigate Charge

Applicant claims Counsel was ineffective for “fail[ure] to seek a lesser charge as I never did injure or attempt to hurt anyone.” However, after being informed of the charges, sentencing ranges, and elements of the crimes pled to, Applicant still pled to the charge freely, knowingly, intelligently, and voluntarily. (Tr. 9-14). Thus, Applicant should not be allowed to withdraw her plea now that she is dissatisfied with the charges pled to. However, because she does not state what the lesser included offense was, why she was entitled to pleading to the lesser offense, why Counsel was deficient for failing to request the lesser charge, or why she would have been allowed to plead to the lesser charge if requested, a more definite statement is needed.

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Failure to Mitigate Sentence

Applicant states Counsel was ineffective for failing to mitigate the sentence. However, she does not state what evidence should have been presented, why failure to present the evidence rendered Counsel deficient, or why he was prejudiced by the deficiency. Thus, a more definite statement is needed.

Failure to Request Change of Venue

Applicant claims Counsel was ineffective for failing to request a change of venue. "Under South Carolina law, the State may request a change of venue because the prosecution cannot receive a fair and impartial trial in the country where the prosecution is commenced." *State v. Manning*, 329 S.C. 1, 7, 495 S.E.2d 191, 194 (1997). Applicant waived her right to a jury trial when entering his plea. (Tr. 11). Additionally, even if this right was not waived, Applicant has made no showing that she could not have received a fair and impartial trial in the county, that Counsel was deficient for failing to request a change of venue, or that it would have changed the results of the proceedings. Thus, a more definite statement is needed.

Failure to Inform Applicant of Wind Down of Representation

Applicant claims Counsel was ineffective for failing to let him know "that he did not want to be involved in my case anymore due to non-payment to him so he forced me into court." The record shows Counsel represented Applicant through the conclusion of the plea hearing. Additionally, Applicant has not shown this alleged wind down impacted her decision to plead or the plea process itself. Thus, Respondent contends this allegation is likely without merit. Still, because she has failed to state what he meant by "failure to inform of wind down", how Counsel was deficient for this alleged failure, or how it impacted his decision to plead, a more definite statement is needed.

Still, the ineffective assistance of counsel allegations probably raise questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (“Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.”).

V. Motion for a More Definite Statement

Respondent moves for a more definite statement regarding Applicant’s allegations. Applicant alleges that plea counsel was constitutionally ineffective on many different grounds. However, she does not explain exactly what Counsel did that constituted ineffective assistance of counsel. Applicant fails to set forth with specificity any facts and circumstances upon the claim is based. The Uniform Post-Conviction Procedure Act requires that applicants must specifically set forth the grounds upon which the application is based.” Section 17-27-50 of the Code of Laws of South Carolina (1976). In a PCR application, it is incumbent upon applicants to make at least a *prima facie* showing which would entitle her to relief before an evidentiary hearing will be scheduled and held. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). The Supreme Court of South Carolina has provided that:

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

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

Furthermore, Rule 8(a), SCRPC, requires all civil pleadings include “a short and plain

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

VI. Other Allegations Denied

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

VII. Assertion of Rights to Notice of Amendments, Experts

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

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases . . . we have refused to excuse the pleading

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

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VIII. Conclusion

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

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: /s Chelsey F. Marto
ATTORNEYS FOR RESPONDENT

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

February 12, 2021

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	FOR THE SEVENTH JUDICIAL
	)	CIRCUIT
Jodi Stapleton, #335793	)	
	)	Case No.: 2020-CP-42-03601
Applicant,	)	
	)	
v.	)	Certificate of Service
	)	
State of South Carolina	)	
	)	
Respondent,	)	
_____	)	

1. Undersigned is counsel of record for the Respondent in the above-captioned action.
2. Pursuant to the South Carolina Supreme Court's Order "RE: Operation of the Trial Courts During the Coronavirus Emergency" (Appellate Case No. 2020-000447), dated April 3, 2020), "a lawyer admitted to practice law in this state may serve a document on another lawyer admitted to practice law in this state using the lawyer's primary email address listed in the Attorney Information System (AIS)."
3. Undersigned has served a copy of the **Return and Motion for More Definite Statement** in the above-captioned matter on opposing counsel by emailing a copy to the email address as listed in the AIS:

Rodney W. Richey, Esquire
richeyandrichey@yahoo.com

DATED this 12th Day of February, 2021.

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ChelseyMarto@scag.gov

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG	)	2020-CP-42-03601
	)	
	)	
	)	
	)	
JODI STAPLETON,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
THE STATE OF SOUTH CAROLINA,	)	
DEFENDANT.	)	
_____	)	

April 19, 2022
Spartanburg, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JUDGE.

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

CHELSEY MARTO, ESQ.
Assistant Attorney General

RODNEY RICHEY, ESQ.
Attorney for the Applicant

AMBER PAYNE, CVR
Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness

(AW) - Denotes Applicant's Witness

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E X H I B I T S

There were no exhibits entered during this hearing.

P R O C E E D I N G S

(Whereupon, the hearing began at
2:34 p.m.)

THE COURT: All right. Next case is Jodi Stapleton.
Case Number 2020-CP-42-03601. Are we ready to
proceed?

MS. MARTO: Yes, Your Honor.

THE COURT: All right. Ms. Marto. Are you ready,
Mr. Richey?

MR. RICHEY: Yes, sir. We call Ms. Stapleton.

MS. MARTO: (To the Court) You want --

THE COURT: (To Mr. Richey) Hold on just --

MS. MARTO: -- me to --

THE COURT: (To Ms. Marto) Yeah. Let me call the
case, and then we'll hear --

MR. RICHEY: Oh, I'm sorry.

MS. MARTO: Yeah.

THE COURT: That's all right.

MS. MARTO: Thank you, Your Honor. May it please
the Court. Ms. Stapleton is presently confined in
the South Carolina Department of Corrections
pursuant to orders of commitment from the
Spartanburg County Clerk of Court. During its
October 2018 term, the Spartanburg County Grand Jury
indicted Applicant for three counts of attempted

1 murder. She was also true billed for unlawful
2 neglect, distribution of cocaine, second offense,
3 and breach of trust between two and \$10,000.

4 She was represented by Robin File and Jennifer
5 Wells of the 7th Circuit Solicitor's office
6 prosecuted the case. On November 21st, 2019, she
7 appeared before the Honorable Alex Kinlaw and pled
8 guilty as indicted to all offenses without
9 negotiation or recommendation concerning the
10 attempted murder charges. Judge Kinlaw sentenced
11 Applicant to 22 years imprisonment on each attempted
12 murder charge, sentences running concurrently.
13 Applicant did not pursue a direct appeal. This
14 post-conviction relief application was filed
15 10/15/2020, and the return was made February 12th,
16 2021.

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

18 THE COURT: All right. Mr. Richey?

19 MR. RICHEY: Thank you, Your Honor. I call Ms.
20 Stapleton.

21 THE COURT: (To the applicant) Ms. Stapleton, come
22 up here and be sworn.

23 (WHEREUPON, the applicant was sworn.)

24 THE COURT: Ms. Stapleton, if you would just pull up
25 to that microphone, and you can take off your mask

1 or pull down your mask.

2 **DIRECT EXAMINATION OF JODI STAPLETON**

3 BY MR. RICHEY:

4 Q Ma'am, would you state your name, please?

5 A Jodi Stapleton.

6 Q And, Ms. Stapleton, are you in the Department of
7 Corrections?

8 A Yes, sir.

9 Q And what are you in there for?

10 A Three counts of attempted murder, distribution, child
11 neglect.

12 Q Okay. And you were convicted in Spartanburg County; is
13 that correct?

14 A Yes, sir.

15 Q Okay. And who represented you on those charges?

16 A Robin File.

17 Q Okay. And you filed an application for post-conviction
18 relief because you believe, and it's your position, that
19 he did not effectively represent you; is that correct?

20 A Yes, sir.

21 Q Can -- this -- briefly, this -- this is a case where you
22 were driving the car and this guy that was in the car
23 with you was shooting at the police, correct?

24 A Yes, sir.

25 Q And -- and can you talk to me about what was going on in

1 the car from your perspective?

2 A They issued a traffic stop, and I went to slow down. As
3 I slowed down, the person in the vehicle with me grabbed
4 a AK-47 and started shooting, which put me in shock. And
5 I just -- he told me to drive, and I just drove.

6 Q And -- and do you know how -- how long you drove the car
7 for? How many -- was it --

8 A I don't know the exact miles. I don't know.

9 Q Was it more than a mile, two miles? Do you --

10 A Yes, sir.

11 Q -- remember? Okay. And while you was driving the car,
12 did you fear for your safety?

13 A Yes, sir.

14 Q Okay. And did you discuss this with your attorney?

15 A Yes, sir.

16 Q And you discussed with him that you felt like you were
17 under duress?

18 A Yes, sir.

19 Q And did -- did y'all discuss a jury trial under the
20 duress statement?

21 A Yes, sir.

22 Q And did you want to have a jury trial?

23 A Yes, sir.

24 Q You did?

25 A Yes, sir.

1 Q And why did you plead guilty and not have a jury trial?

2 A Like, I was under a lot of stress, and from everything
3 that was being put out to me, it was put to me that I
4 should've just took the plea than go to trial.

5 Q And everything was "put out" to you by whom?

6 A Like, everything me and my lawyer discussed --

7 Q Right.

8 A -- came out to be that I should just take the plea
9 instead of go to trial.

10 Q Then did you express to him, "Hey, I want a trial. I'm
11 not guilty of this"?

12 A I did.

13 Q Okay. Well -- well -- tell me how he got you --

14 A As we discussed the case and continued to discuss the
15 case, I didn't want to plead guilty to something that I
16 didn't feel like I should be convicted on. And I just --
17 being under stress, I just took the plea.

18 Q Okay. So was there any kind of -- that -- that
19 he --

20 A There was paperwork saying that if I go, I think the
21 solicitor was gonna serve LWOP papers on me. And it was
22 discussions that, you know, maybe I should just take the
23 plea so I would make it out of jail one day, and I just
24 didn't -- I -- I took the plea. And I really didn't
25 wanna take the plea because I just feel like I should've

1 never pled guilty to something that I shouldn't have been
2 convicted on.

3 Q Because your position is you didn't fire any shots?

4 A No, sir.

5 Q And you didn't direct him to shoot --

6 A No.

7 Q -- at all?

8 A No, sir.

9 Q This is his own thing that he was doing?

10 A Yes, sir.

11 Q And that you was -- in essence, you felt like that you
12 was forced to do this?

13 A Yes, sir.

14 Q Okay. And -- and you -- you understand that you're
15 asking this Court today for a new trial, correct?

16 A Yes, sir.

17 Q So you're going right back in the firing -- frying pan;
18 is that what you wanna do?

19 A I just wanna prove my innocence. I don't feel like I
20 should plead to something I didn't do.

21 Q Right. And so -- so you're asking this Court to grant
22 you a new trial, correct?

23 A Yes, sir.

24 Q And that -- and if you came back, you would stand trial
25 for all these charges; is that what you wanna do?

1 A Yes, sir.

2 Q Okay. All right. So you believe that your -- your
3 guilty plea was not voluntary; is that correct?

4 A Yes, sir.

5 Q Because of all this pressure was put on you?

6 A Yes, sir.

7 Q Okay. And -- and you're asking the Court to vacate that
8 guilty plea, correct?

9 A Yes, sir.

10 Q Okay. And -- and you believe that Mr. File could've
11 helped you more in the case, right?

12 A I did.

13 Q And -- and how was that?

14 A I just feel that he didn't go as far as proving my
15 innocence is -- is what it was. I just feel like he
16 didn't fight for me like he should have.

17 Q Okay. What -- just explain that "he didn't fight for
18 you" --

19 A I mean, he would have discussions with the solicitors,
20 and -- and I just feel like he settled for whatever they
21 came at him with. Like, I just feel like he didn't go,
22 you know, try to prove my innocence. They want to look
23 at it as one way and only one way because of the
24 situation. But I just feel like he could've done better
25 for me.

1 Q Okay. It's your position that he didn't go to the
2 solicitor's office and try to obtain a better offer or a
3 better resolution to your situation?

4 A Yes, sir.

5 Q Okay. And did you discuss that with him?

6 A We -- no. We just went to court.

7 Q You didn't discuss the -- the --

8 A I mean, I did, but he kept saying that there's nothing
9 else that he could do. That it's -- it's only one way.
10 They only wanna look at it one way. That there's no
11 other plea. They're not willing to do nothing. They're
12 not willing to -- they wasn't willing to settle for
13 nothing. It was just what they wanted to throw at me.

14 Q Okay. And did you -- did you -- were you provided a copy
15 of all the materials? Did you review all the discovery
16 in your case?

17 A I had discovery papers. There was a lot of paperwork
18 missing out of my discoveries, but I did have what I was
19 issued.

20 Q Okay. And did y'all go over that and discuss it?

21 A We did. We went over most of it.

22 Q And discussing that, do you believe that if you had gone
23 to trial you could've been found not guilty?

24 A I do.

25 Q You do?

1 A I do.

2 Q And tell me what in that discovery makes you believe
3 that?

4 A I never fired a weapon. My fingerprints was never on a
5 weapon. I never acted -- I never hurt anybody. It was
6 not me who was acting in a violent way, ever.

7 Q And -- and you -- and you've had this discussion with him
8 about this "hand of one, hand of all" theory, correct?

9 A Yes, sir.

10 Q Do you believe that you have been outside of that theory
11 because you wasn't a part of what he was doing?

12 A Yes, sir.

13 Q Okay. So you didn't conspire with him to do any of this
14 stuff?

15 A No, sir.

16 Q Okay. He just starts shooting and told you to, "Drive,
17 drive, drive" --

18 A Yes, sir.

19 Q -- right? And you believe that if you had to went before
20 a jury, they would've found you not guilty?

21 A I don't believe I would've been found guilty on attempted
22 murder.

23 Q And you discussed that with your attorney?

24 A I did.

25 MR. RICHEY: Thank you, ma'am. Answer the questions

1 the Attorney General will have for you.

2 THE COURT: Ms. Marto?

3 MS. MARTO: Thank you.

4 **CROSS-EXAMINATION OF JODI STAPLETON**

5 BY MS. MARTO:

6 Q Good afternoon, ma'am. So is it fair to state that you
7 pled because you were afraid of being LWOP'ed?

8 A Yes, ma'am.

9 Q Okay. So you did -- why do you think you would've been
10 LWOP'ed if you also think you wouldn't have been found
11 guilty at trial?

12 A Because the solicitor sent my lawyer a paper stating that
13 -- I can't remember the exact situation of the crimes, I
14 think it was, that I would be LWOP'ed if I was found
15 guilty.

16 Q Okay. So you didn't want to take the risk at trial; is
17 that fair?

18 A Yeah.

19 Q But now you wanna risk it at trial?

20 A I do.

21 Q Even if that means you'll be LWOP'ed?

22 A Yes, ma'am.

23 Q So why didn't you say you didn't do it at the time of the
24 plea?

25 A Didn't do what?

1 Q The -- you didn't participate in the crime?

2 A I didn't participate in the crime. My lawyer -- we spoke
3 on what I did. I drove the vehicle. As far as I know,
4 the judge, the solicitor, everybody was aware of the
5 whole situation. There was a video that everybody
6 watched, and I -- I told the judge, you know, what I did
7 in the situation.

8 Q Okay. Did you ever slow the vehicle down?

9 A I did. When we -- whenever I was driving the car and he
10 was shooting out of the sunroof -- it was a gearshift,
11 and he was knocking the gear out when he was standing out
12 of there. When he would get back in, he would put it
13 back into drive, and that's what was slowing the vehicle
14 down and making it speed back up. They're -- they was
15 saying that I was slowing the vehicle down so he could
16 get a straight aim at the police while he was shooting.
17 That's not what it was. When he was hanging out the
18 sunroof, he was knocking the gearshift out of gear.

19 Q Okay. Is that also why you drove in the middle of the
20 road?

21 A In the middle of the road?

22 Q Towards the middle of the road?

23 A No. I don't --

24 Q No?

25 A I don't remember. I don't remember any of that.

1 Q Okay. Now, when they -- when the car stopped, did you
2 stay in the car for the officers to arrive, or did you
3 take off running?

4 A He made me stop the vehicle. And when I stopped the
5 vehicle, he walked to the back of the vehicle and started
6 firing back at -- at the police standing behind my
7 vehicle. And they was returning fire, so I took off and
8 went to the neighborhood into a person's house that I
9 know where I felt safe at.

10 Q So you took off running while gun shots --

11 A No.

12 Q -- were going back and forth?

13 A I drove off so I -- I wasn't in the line of fire. I
14 drove off into the neighborhood and went to somebody's
15 house that I know.

16 Q Okay. Okay. But at the time of the plea, you still
17 thought that the plea was your best -- in your best
18 interest --

19 A I did.

20 Q -- correct? And that's because you didn't wanna face
21 more time at trial --

22 A Yes, ma'am.

23 Q -- correct? And, again, your attorney explained "hand of
24 one, hand of all" to you, correct?

25 A He told me that that's how I was being convicted was

1 "hands of one, hands of all."

2 Q And did he tell you would likely be found guilty at
3 trial?

4 A Did he what?

5 Q Did he tell you if you went to trial you would probably
6 be found guilty?

7 A He said because of the testimonies and it -- with it
8 being law enforcement, he said that the big issue of the
9 whole situation is because there was law enforcement
10 involved. If it was somebody else, it wouldn't be as --
11 like a big situation as it was with law enforcement, so
12 that's why.

13 Q And you never tried to separate yourself from the scene
14 while it was going on up until the end, right? You never
15 tried to tell the person you were with to stop firing or
16 --

17 A Yeah. I did.

18 Q You did?

19 A Yes.

20 Q And he wouldn't listen to you?

21 A No.

22 Q Okay.

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

24 THE COURT: Any redirect?

25 **REDIRECT EXAMINATION OF JODI STAPLETON**

1 BY MR. RICHEY:

2 Q So you want a new trial, correct?

3 A Yes, sir.

4 Q Okay.

5 MR. RICHEY: Thank you.

6 THE COURT: (To Ms. Marto) Any cross?

7 MS. MARTO: No -- no, Your Honor.

8 THE COURT: All right. You are excused. You can
9 step down.

10 (WHEREUPON, the applicant was excused.)

11 MR. RICHEY: I call Robin File.

12 (WHEREUPON, the witness was sworn.)

13 **DIRECT EXAMINATION OF ROBIN FILE, ESQ.**

14 BY MR. RICHEY:

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

16 A Robin File.

17 Q Mr. -- Mr. File, do you remember representing Ms.
18 Stapleton?

19 A Yes, I do.

20 Q Okay. And -- and was it for the charges that she said
21 while she was on the witness stand?

22 A The same charges we've -- we're here --

23 Q Yeah.

24 A -- yes.

25 Q And she -- she pled to these cases because she felt like

1 she had no other choice. Did you discuss this with her
2 about her pleading -- the cons of pleading and going to
3 trial?

4 A Yes. We discussed that extensively. I met with her
5 countless times, and we discussed that --

6 Q What --

7 A -- extensively about the -- about her options in that
8 regard.

9 Q Did she express to you that she wanted a jury trial?

10 A At some point, she did. And we discussed that and then -
11 - then we discussed a -- the -- a possible plea, so --

12 Q What -- what -- do you know what made her go from a jury
13 trial to pleading guilty? Was there something that
14 happened in there?

15 A Well, there had been some discussion with -- from the
16 solicitor about possibly seeking a LWOP sentence or --
17 and everything. And, also, I was telling her that I
18 didn't think that -- in my opinion, I didn't think that
19 she had a very good chance at trial, and that she stood
20 to get a whole lot more time if she went to trial on this
21 than what she ended up getting, so --

22 Q Do you know --

23 A -- versus the plea, so . . .

24 I said in -- in -- I felt like if she pled guilty
25 then -- then her chance of getting a better sentence for

1 her would've been better, so . . .

2 Q Was she LWOP'ed eligible?

3 A She had some drug convictions on her record. But she --
4 there was some -- she had some record
5 with -- involving some drug convictions -- several prior
6 drug convictions.

7 Q Okay. Was there a notice ever -- the LWOP notice ever
8 sent?

9 A There was no LWOP notice ever sent. The solicitor did
10 indicate she was gonna look into that, but --

11 Q Well --

12 A -- but we didn't -- we didn't get to that point. And I --
13 - I conveyed that to Jodi, that the solicitor had -- had
14 mentioned that, so --

15 Q But that's the time -- at that point, it was kind of the
16 point where she started going toward it and pleading
17 guilty?

18 A It's hard to remember exactly at what point that -- the
19 guilty plea started taking place, but some of it, too,
20 the case appeared on the trial docket a couple of times
21 and appeared to be destined to go to trial, too. And so
22 we -- you know, our feet were to the fire, so to speak,
23 so . . .

24 Q Were there any favorable discovery for her?

25 A Not really. No. I don't think so.

1 Q You all discussed -- she discussed with you that she felt
2 like she was under duress? That --

3 A Yeah. We discussed the duress issue and all. The -- the
4 problem with that being that it was her and the co-
5 defendant in the car and -- and everything. It would be
6 a matter of believability to whether she could convince
7 all -- or convince a jury, you know, as far as her
8 believability goes as to what she was undergoing in the
9 car. The duress issue versus there were a whole lot of
10 law enforcement involved in this case and that -- so
11 there will be a parade of law enforcement coming in to
12 testify. And there was also gonna be some testimony
13 about her slowing down, which in the officer's opinion
14 would've -- was -- for the purposes of getting off a
15 better shot at them, so -- so there was some issues with
16 that and believability. But we did discuss duress, so .
17 . .

18 Q And so when you say believability of whether a jury or --
19 would believe that she was under this duress?

20 A Right.

21 Q Did she -- but she could -- was she adamant that she was
22 under duress? Was she adamant about this position?

23 A Yeah. I mean, she -- that, probably, I think, stayed
24 with her through the whole thing. But I -- I think the -
25 - there was more of issue how much duress she was under

1 that -- too, so --

2 Q And the -- and the --

3 A -- and whether we could prove it, so . . .

4 Q And the guy who was shooting, he was the main culprit, so

5 to speak, correct?

6 A Yeah. Yeah.

7 Q Okay.

8 A And he --

9 Q And --

10 A -- he ended up getting a less significant more time than

11 her, so . . .

12 Q And there was -- there was no evidence she -- she was

13 armed or anything?

14 A No. No. There was --

15 Q She --

16 A -- never any evidence of that, so --

17 Q Okay. And so she -- she basically just -- she was the

18 driver of the vehicle. She didn't partake in any

19 shooting or anything like that?

20 A Correct.

21 Q Okay. And she expressed that to you?

22 A Yes.

23 Q And that was her main contention for not being guilty of

24 these charges, correct?

25 A Yeah. That was -- that was the main issue.

1 Q You know, you may -- was that an issue she could've
2 actually tried? The duress issue? I'm not saying
3 whether she would win, but that was a case she could
4 probably win?

5 A Yeah. That would've been -- well, that probably would've
6 been the -- the main defense. If we had gone to trial,
7 it would've been that issue.

8 Q And -- and -- well, that would've required you to call
9 the co-defendant, right?

10 A Yeah. Possibly. Yeah. Depending on what he . . .

11 Q Okay.

12 MR. RICHEY: (To the witness) Answer any questions
13 the Attorney General has for you.

14 **CROSS-EXAMINATION OF ROBIN FILE, ESQ.**

15 BY MS. MARTO:

16 Q Good afternoon, sir. Now, you reviewed all of the
17 discovery in the case with Ms. Stapleton, correct?

18 A Yes. I did.

19 Q And based upon the evidence, you thought it would be more
20 likely than not that she would be found guilty at trial?

21 A Yes.

22 Q And was the State's theory of the case under "hand of
23 one, hand of all"?

24 A Yes.

25 Q And was that explained to her?

1 A Yes. We explained that many times, yeah.

2 Q Did she seem to understand that theory?

3 A She understood that theory, but I don't know that she --
4 you know, sometimes she -- when we talked about going to
5 trial is a matter of whether she wanted to accept that
6 theory or not.

7 Q Okay. Yeah. Do you still think that the plea was in her
8 best interest?

9 A I do.

10 Q And that's because she's -- is serving less time now than
11 she would've if she was found guilty at trial?

12 A Yes. Yes. I think she would've gotten a lot more time
13 at trial.

14 Q And now, is part of the duress theory that the guy she
15 was with was abusive towards her?

16 A There was some mention of a -- of some abuse -- abuse
17 toward her and -- and, also, the fact that he had a gun
18 and she didn't, so -- in the car,
19 so . . .

20 Q And did you think that that would be a successful defense
21 at trial?

22 A I did not.

23 Q Okay.

24 A It -- it would've just come down to her testimony versus
25 all the other evidence, so . . .

1 Q And does her testimony today color your analysis of the
2 case in really any significant way?

3 A No.

4 Q And it was her decision to plead, correct?

5 A Yes. We went over voluntariness, and I would not have
6 taken her in the courtroom had I -- had I thought she did
7 not want to go through with this, so . . .

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

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

10 MR. RICHEY: No questions.

11 THE COURT: All right.

12 (To the witness) Thank you, sir.

13 THE WITNESS: Thank you.

14 THE COURT: All right. Mr. Richey, do you have
15 other witnesses?

16 MR. RICHEY: No other witnesses.

17 THE COURT: All right.

18 MS. MARTO: No witnesses, Your Honor.

19 THE COURT: No witnesses? All right. Anything from
20 the parties?

21 MS. MARTO: No, Your Honor.

22 MR. RICHEY: No, Your Honor.

23 THE COURT: All right. I'll take it under
24 advisement and let you know. Thank you.

25 (Whereupon, the within hearing was

1 concluded at 2:56 p.m.)
2 (*This transcript may contain quoted material.
3 Such material is reproduced as read or quoted by the
4 speaker.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

CERTIFICATE

I, Amber Payne, 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 the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina on April 19th, 2022.

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



Amber J. Payne, CVR

Date: May 13, 2023

Notary public for South Carolina

My commission expires August 12, 2029

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT

Jodi Stapleton, #335793,
 Applicant,

Case No.: 2020-CP-42-03601

v.

ORDER OF DISMISSAL

State of South Carolina,
 Respondent.

This matter comes before this Court by way of Applicant's post-conviction relief application filed October 15, 2020. Respondent made its return on February 12, 2021, requesting an evidentiary hearing be convened. An evidentiary hearing was held at the Spartanburg County Courthouse. Rodney Richey, Esquire, represented Applicant. Assistant Attorney General Chelsey Marto represented Respondent.

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

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. During its October 2018 term, the Spartanburg County Grand Jury indicted Applicant for three counts of attempted

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murder (2018-GS-42-4989).¹ Applicant was represented by Robin C. File, Esquire. Jennifer E. Wells, Esquire, of the Seventh Circuit Solicitor's Office prosecuted the case. On November 21, 2019, Applicant appeared before the Honorable Alex Kinlaw, Jr., circuit court judge, and pled guilty as indicted to all offenses without any negotiations or recommendations concerning the attempted murder charges. Judge Kinlaw sentenced Applicant to twenty-two years' imprisonment on each attempted murder charges, sentences running concurrently. Applicant did not pursue a direct appeal.

Summary of Relevant Facts

On October 31, 2017, deputies made a controlled buy of .22 grams of cocaine. (Tr. 16). On November 6, 2017, officers made another controlled buy of .12 grams of cocaine. (Tr. 16). Both of these instances were captured on audio and video. (Tr. 16).

On November 9, 2017, deputies executed a search warrant on Applicant's residence due to reasons other than the controlled buys. (Tr. 17). Applicant shared the residence with her boyfriend, Jurrell Thompson, who was her co-defendant on the attempted murder charges. (Tr. 17). During the search, officers located marijuana, three sets of digital scales, a loaded .40 caliber handgun with an extended magazine, and an extra .40 caliber magazine. (Tr. 17). Applicant was in the home with her newborn infant, who was ultimately taken into DSS custody. (Tr. 17). Applicant made bond and failed to appear for court, causing a bench warrant for her arrest to be issued on April 3, 2018. (Tr. 17).

On July 18, 2018, deputies were made aware that both Applicant and Thompson were wanted and that the bondsman had information about their location. (Tr. 18). Originally the plan

¹ Applicant was also true bill indicted for unlawful neglect (2018-GS-42-657), distribution of cocaine, second offense (2018-GS-42-3998), and breach of trust, between \$2,000 and \$10,000 (2018-GS-42-5844).

was go to Walmart to get money that the Thompson's mother was supposed to wire him. (Tr. 18). Applicant and Thompson did not appear and the bondsman told deputies where they were. (Tr. 18). Based upon prior dealings with Applicant and Thompson, deputies knew that handguns would likely be involved in the interaction. (Tr. 18). Because of that knowledge, several deputies attempted a vehicle stop of a vehicle driven by Applicant with Thompson in the passenger seat. (Tr. 18). Blue lights were activated, at which Applicant pulled to the side of the road, appearing as if she was going to stop, before taking off, ensuing a chase. (Tr. 18). When she pulled over initially, Thompson reached behind him, came up through the sunroof with a rifle, and open fired at the deputies. (Tr. 18-19). As the chase continued through an area populated by businesses and residential areas, multiple regular Spartanburg citizens pulled off the side of the road as Thompson continued firing throughout the chase. (Tr. 19).

Applicant eventually pulled the vehicle over and Thompson bailed out of the vehicle and took off running. (Tr. 19). Applicant exited her vehicle, went into a residence, and hid in the residence. (Tr. 20). The officers located Applicant in the residence, who was hiding under the covers in a bedroom. (Tr. 21). 7.62 rounds and an AK-47 style rifle were recovered on the route of the chase. (Tr. 21). Thompson was shot in the leg and while being transported to the hospital told the officers he intended to "kill the pig." (Tr. 21).

There was substantial damage to the passenger side of one police cruisers. (Tr. 21). One of the bullets hit the push bar on the vehicle which, but for that, the bullet was headed directly towards where one of the deputies was sitting. (Tr. 21).

SLED became involved because officers returned fire and it was an officer involved shooting. (Tr. 22). SLED took photographs of the directory of the bullet and found there was a bullet entry into the side of the first vehicle, underneath the passenger seat, where one officer

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was sitting, and into where another officer was sitting. (Tr. 22). Another bullet entered another vehicle just above and to the right of the deputy's position. (Tr. 22). Three officers were involved and put in the line of fire. (Tr. 22).

On July 24, 2018, investigators received a call from an individual stating they were renting an apartment to Applicant, whom he believed had fallen on hard times. (Tr. 22-23). This residence is separate from the residence Applicant shared with Thompson. (Tr. 23). The individual went by the residence and found it was empty to include furniture he rented for Applicant. (Tr. 22-23). After being arrested, Applicant claimed she did not know what happened to the furniture when the individual when to the jail to ask her about it. (Tr. 23). However, investigators gained access to a jail call between Applicant and Thompson's mother where she instructed Thompson's mother to take all furniture out of the residence and sell it to raise money for attorney's fees. (Tr. 23). Investigators unsuccessfully attempted to get the furniture back, which Thompson's mother stated was not sold. (Tr. 23).

Current Action Before this Court

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

1. Ineffective assistance of counsel:
 - a. Failure to advise/consult with client;
 - b. Failure to thoroughly investigate crime;
 - c. Failure to provide trial strategy or assert defenses;
 - d. Failure to provide expert witness for mental health and social behavior with diagnoses of bipolar and PTSD;
 - i. "I was . . . diagnosed with PTSD from the crime."
 - e. "Failure to interview witnesses (co-defendants), mother which was on the cell phone during the entire shoot out with law enforcement as well as co-defendant he failed to interview the facts upon which occur in to a vehicle during the crime";
 - f. Failure to comply when I told him over and over I did not want to go to court until co-defendant (Jurrell Thompson) was tried first;
 - g. Failed to file a continuance in my favor;

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- h. Failed to seek a lesser charge as I never did injure or attempt to hurt anyone;
 - i. Failed to give me all copies of any and all information in my case;
 - j. Failed to let me know that he did not want to be involved in my case anymore due to non-payment to him so he forced me into court.
2. Involuntary guilty plea:
- a. The guilty plea was involuntary because it was coerced by attorney with threats from prosecutor for sentence enhancement (life without parole). If jury ensued I was advised to plea guilty and to tell the judge the plea was voluntary;
 - b. During signing my plea only my attorney was present with paperwork, informing me to sign the plea at the county jail with only him and I present.
3. Prejudice
- a. Prejudice was shown by my attorney due to my co-defendant's action with law enforcement. Co-defendant repeatedly opened fire with a .47 assault rifle out of the vehicles sun roof in which the car I was during my life was plea in danger during the situation as I was constantly told to drive the car and in extreme fearful. This conduct by my attorney shows error by his deficiency in performance regarding the above matter. It also caused substantial and injurious influence of the sentence enhancement. My co-defendant controlled the situation with the weapon, and I drive as I was instructed. Three (3) attempted murder charges and the accusation thereof lack evidence and particular facts, which are vital issues of the case, shows this prejudice. I also was not given a change of venue after requesting and was tried in the same county in which was a high-profile case of attempted murder x3 by law enforcement.

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

- 1. Ineffective assistance of counsel:
 - a. Failure to review discovery.
 - b. Failure to present duress defense.
 - c. Failure to seek lesser charge.
- 2. Involuntary plea:
 - a. Counsel informed Applicant if she did not plead, she would face life in prison.

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

Summary of the Testimony

Applicant Testimony

Applicant testified that the facts of the case consisted of her driving a car and the passenger in the car shooting at the police. Applicant stated she felt she was under duress at the

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time of the incident. She stated she wanted a jury trial. She stated she informed Counsel she wanted a trial but pled because she was under stress. She stated she should never have pled guilty. She stated she never fired any shots. She testified she believed her guilty plea was not voluntary. Applicant testified that Counsel did not fight for her, but just settled her case with the prosecutor. She stated she reviewed most of the discovery material with Counsel and that she understood the case was being brought based upon the theory of the hand of one hand of all. However, she stated that she did not conspire with her co-defendant and, accordingly, did not think she would be found guilty of attempted murder at trial.

On cross-examination, she stated that she told the judge at the plea hearing what she did. Specifically, she admitted to slowing the vehicle down. She stated the co-defendant hit the gear shift. She stated she drove off when her co-defendant exited the car. She stated she tried to get the shooter to stop firing. She stated she spoke with Counsel about the hand of one hand of all.

Counsel Testimony

Counsel testified he talked to Applicant several times about her options concerning pleading versus going to trial. Counsel stated that she decided to plead because she was facing the possibility of life without parole. Counsel testified that he thought if Applicant went to trial, she would have received more time. Counsel testified there was not really any favorable discovery for the defense. Counsel testified that he discussed with Applicant the duress defense. He stated this would have been a matter of believability for the jury to determine.

On cross-examination, Counsel stated that he reviewed all the discovery in the case with Applicant and discussed hand of one hand of all with her. Counsel testified that Applicant pled freely and that it was her decision.

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Findings of Fact and Conclusions of Law

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

Ineffective Assistance of Counsel

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

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. See also Rule 71.1(c), SCRCP ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence.").

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Reasonableness is determined by the “variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant,” and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.”

Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel’s performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually “countless” ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel’s deficient performance must have prejudiced the applicant so that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters “only in the rarest case” because “[t]he likelihood of a different result must be substantial, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011) (quoting *Strickland*, 466 U.S. at 697).

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

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Involuntary Plea

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

For a plea to be valid, the applicant must have been aware of the nature and crucial elements of the offense, the maximum and minimum penalties, and the rights she is waiving by accepting the plea. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Roddy v. State*, 339 S.C. 29 (2000). A plea is not knowing or voluntary if a defendant "lacks knowledge of material evidence in the prosecution's possession." *Gibson v. State*, 334 S.C. 515, 523, 514 S.E.2d 320, 324 (1999).

A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." *Roddy v. State*, 339 S.C. at 34, 528 S.E.2d at 421 (citing *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). "[T]he

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voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.” *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874 (quoting *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984)). Further, “guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including claims of a violation of a constitutional right prior to the plea.” *Whetsell v. State*, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981).

Here, the plea was seemingly entered freely, knowingly, intelligently, and voluntarily. Applicant stated she was satisfied with Counsel’s services. (Tr. 6). Concerning the attempted murder charges, Applicant stated she agreed the incidences occurred on July 18, 2018, that he was pleading guilty freely and voluntarily, and that no one threatened or coerced her into pleading guilty. (Tr. 6-9).

Counsel stated that he advised Applicant of the potential penalties involved in each of the indictments. (Tr. 9). Counsel stated that he told Applicant the attempted murder offenses carry between zero and thirty years, that it is a most serious and violent offense, that no probation or parole is afforded, and that the State did not make any recommendation in sentencing. (Tr. 9).

Applicant stated that she understood the potential penalties involved. (Tr. 10). Applicant stated she understood that there were three separate counts of attempted murder that she was pleading to, that her attorney discussed the indictments with her, and that she understood the three attempted murder charges dealt with offenses against three officers, respectively. (Tr. 10-11). Applicant stated she understood she had a right to a trial on any or all offenses, that she was waiving the right to a trial by entering the plea, and that she discussed the waiver with Counsel. (Tr. 11). Applicant stated she was waiving her rights to remain silent, to call and confront

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witnesses, and to assert any defenses. (Tr. 11-12). Applicant stated that the decision to waive these rights was hers, not Counsel's, and that he had sufficient time to discuss this decision with Counsel. (Tr. 12). Applicant stated Counsel discussed all the elements of all the offenses with her and discussed whether the State had sufficient evidence to prove the matters if the case proceeded to trial. (Tr. 12). Applicant stated she understood all discussions with Counsel and that she had no questions for the Court about the questions asked at the plea hearing. (Tr. 12-13). Applicant stated she was not on medication or anything that might impact her judgment and that she was clear minded and knew what she was doing at the plea hearing. (Tr. 13). Applicant stated she understood no negotiations or recommendations were made on the attempted murder charges. (Tr. 13-14). Applicant again stated she was completely satisfied with Counsel's services, that she did not have to talk to Counsel anymore about anything, that she has told Counsel everything she knew about the cases, and that there was nothing about the cases she did not discuss with him. (Tr. 14). Applicant stated she met with Counsel enough times to cover all the facts, law, and Constitutional rights as it relates to the cases. (Tr. 14). The Solicitor stated that Applicant was on medication, but that the medication does not create any competency issues. (Tr. 14-16). Thus, based upon the above, Applicant seemingly entered the plea freely, knowingly, intelligently, and voluntarily and, thus, should not be allowed to withdraw the plea now. Accordingly, Applicant is denied relief on this ground.

Trial Tax

Applicant claims she was coerced into pleading because she was told if she did not plead, she would likely face life in prison. Being informed that if she went to trial, she would face more time in prison does not rise to the level of coercion and is not enough to render the plead invalid. Accordingly, relief is denied on this ground.

Failure to Assert Duress Defense

Applicant claims Counsel was ineffective for failing to assert a defense of duress. Both Applicant and Counsel testified at the PCR hearing that this defense was discussed during their meetings. However, Applicant still decided to plead instead of going to trial. Accordingly, this right was waived by entering the plea. (Tr. 11-12). Thus, relief is denied on this ground.

Failure to Review Discovery

To the extent Applicant claims ineffective assistance of counsel for failure to review discovery, this claim is denied. Applicant testified she reviewed most of the discovery with Counsel. Counsel testified he reviewed all discovery with Applicant and there was no discovery that was favorable to the defense. Thus, this claim is refuted by both Applicant's and Counsel's testimonies and relief is denied on this ground as a result.

Failure to Seek Lesser Charge

Applicant claims Counsel was ineffective for failing to seek a lesser charge. However, this Court finds Applicant freely, knowingly, intelligently, and voluntarily pled to attempted murder, with a full awareness of the elements, potential penalties, and violent and most serious distinctions associated with the charges. (Tr. 9-11). Thus, this Court finds that Applicant's plea to attempted murder is valid and the right to pursue a lesser-included offense jury instruction was waived. Thus, relief is denied on this ground.

Conclusion

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

This Court notifies the Applicant that he must file and serve a notice of appeal within

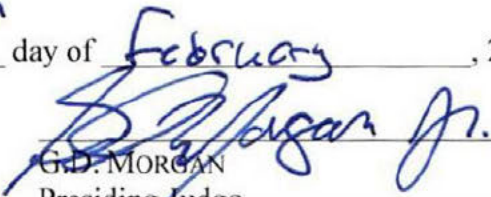
FILED

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 27th day of February, 2023.


G.D. MORGAN
Presiding Judge
Seventh Judicial Circuit

Spartanburg, South Carolina.

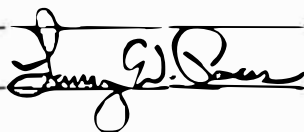
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

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WITNESSES

Spartanburg County Sheriff's Office



ARREST WARRANT NUMBER

2018A4210102107; 2108; 2109

ACTION OF GRAND JURY

True Bill

 Foreperson of Grand Jury
 Date:

VERDICT

 Foreperson of Petit Jury
 Date:

DOCKET NO.

18-GS-42-4989

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 6 8 2018

TERM

THE STATE

v.

JODI LEA STAPLETON

Indictment for

ATTEMPTED MURDER (3 Counts)

SC Code 16-03-0029

CDR Code 3410

Class FEL-A

M. HOPE BLACKLEY

2018 OCT -8 AM 9:16

SPARTANBURG COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG }

INDICTMENT

SEP 28 2018

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

ATTEMPTED MURDER (Count I)

That the Defendant, Jodi Lea Stapleton, did in Spartanburg County on or about July 18, 2018, with intent to kill, attempted to kill the victim, Michael Longshore, a Deputy with the Spartanburg County Sheriff's Office, with malice aforethought, expressed or implied, by discharging a firearm at him, in violation of Section 16-3-0029, Code of Laws of South Carolina, (1976, as amended).

ATTEMPTED MURDER (Count II)

That the Defendant, Jodi Lea Stapleton, did in Spartanburg County on or about July 18, 2018, with intent to kill, attempted to kill the victim, Craig Bradley, a Deputy with the Spartanburg County Sheriff's Office, with malice aforethought, expressed or implied, by discharging a firearm at him, in violation of Section 16-3-0029, Code of Laws of South Carolina, (1976, as amended).

ATTEMPTED MURDER (Count III)

That the Defendant, Jodi Lea Stapleton, did in Spartanburg County on or about July 18, 2018, with intent to kill, attempted to kill the victim, Dustin McClary, a Deputy with the Spartanburg County Sheriff's Office, with malice aforethought, expressed or implied, by discharging a firearm at him, in violation of Section 16-3-0029, 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.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

AKA: Jodi Lea Stapleton

Age: 36

Address: Heritage Ct

9307

#:

CDE Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault / Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS☐ Mandatory GPS(CSC ☐ §17-25-45

whichever 1st or Lowd Act)

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

Jodi Lea Stapleton SCB69498 Jodi Lea Stapleton SCB69498

WELLS, JENNIFER B. SC Bar# Defendant File, Robin Clark SC Bar#

Attorney for Defendant

WHEREFORE, the Defendant is committed to the

for a determinate term of 22 days/months/years of

and/or to pay a fine of \$; provided that upon the service of

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%) \$

§14-1-211 (AX1) (Conv. Surcharge) \$100 \$100

§14-1-211 (AX2) (DUI Surcharge) \$100 \$100

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

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

§14-1-212 (Law Enforce. Funding) \$25 \$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) \$3.75

TOTAL \$628.75

Clerk of Court/ Deputy Clerk

Court Reporter: Jodi Lea Stapleton

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4204989B

A/W#: 2018A4210102109

Date of Offense: 7/18/2018

S.C. Code § 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEAD:

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS☐ Mandatory GPS(CSC ☐ §17-25-45

whichever 1st or Lowd Act)

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

Jodi Lea Stapleton SCB69498 Jodi Lea Stapleton SCB69498

WELLS, JENNIFER B. SC Bar# Defendant File, Robin Clark SC Bar#

Attorney for Defendant

WHEREFORE, the Defendant is committed to the

for a determinate term of 22 days/months/years of

and/or to pay a fine of \$; provided that upon the service of

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%) \$

§14-1-211 (AX1) (Conv. Surcharge) \$100 \$100

§14-1-211 (AX2) (DUI Surcharge) \$100 \$100

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

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

§14-1-212 (Law Enforce. Funding) \$25 \$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) \$3.75

TOTAL \$628.75

Clerk of Court/ Deputy Clerk

Court Reporter: Jodi Lea Stapleton

SCCA/217 (04/2018)

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

mnts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge

Judge Code: 2963

Sentence Date: 11/2/17

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
 STATE VS.
Jodi Lea Stapleton
 AKA: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4204989-A
 A/W#: 2018A4210102108
 Date of Offense: 7/18/2018
 S.C. Code §: 16-03-0029
 CDR Code #: 3410

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Assault / Attempted Murder

☐ CONVICTED OF or ☒ PLEAD:

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or 2nd Act)

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

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

ATTEST: Jodi Lea Stapleton SCB69498 Jodi Lea Stapleton Defendant File, Robin Clark SCB07843
WELLS, JENNIFER E. SC Bar# Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 22 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:

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

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

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Del. Waives Hearing ☐ Ordered PTUP

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

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

TOTAL

\$ 638.75

Clerk of Court/ Deputy Clerk

Court Reporter

SCCA217 (04/2018)

_____ 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: _____

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

Presiding Judge

Judge Code: 2263

Sentence Date: 11-21-19

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

SPARTANBURG

VS.

Jodi Lea Stapleton

AKA:

Race: WHITE Sex: F Age: 36

Address:

City/State/Zip: 29307

ID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault / Attempted Murder

In violation of § 16-03-0229 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VI OLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45

w/minor 1st or Lowd Act)

The charge is: ☒ As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☒ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.Jodi Lea Stapleton SCB69498 Jodi Lea Stapleton SCB07843
WELLS, JENNIFER E. SC Bar# Defendant File, Robin Clark SC Bar#
Attorney for DefendantWHEREFORE, the Defendant is committed to the
for a determinate term of 90 days/months/years or ☒ State Department of Corrections, ☐ County Detention Center,
and/or to pay a fine of \$; provided that upon the service of ☐ under the Youthful Offender Act not to exceed _____ years
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:☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.☐ 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 16-25-45 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100 -
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25 -
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(f) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.25

TOTAL

\$ 1,278.25

Clerk of Court/ Deputy Clerk

Court Reporter

SCCA217 (04/2013)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS4204962

A/W#: 2018A4210102107

Date of Offense: 7/18/2018

S.C. Code § 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSObtain GEP ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Presiding Judge

Judge Code: 296

Sentence Date: 11-29-18