

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Orangeburg County

Honorable George M. McFaddin, Circuit Court Judge

MAURICE BOOKARD,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001572

APPENDIX

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ATTORNEYS FOR RESPONDENT

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

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 vs.) RECORD
7 MAURICE BOOKARD,)
8 DEFENDANT.) 2017-CP-38-1071

9
10 July 17th, 2018
11 Orangeburg, South Carolina

12 B E F O R E :

13 THE HONORABLE EDGAR W. DICKSON, JUDGE.

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

15 ASHLEY CORNWELL
16 ASSISTANT SOLICITOR
17 Attorney for the State

18 MINH L. WYMAN
19 ASSISTANT PUBLIC DEFENDER
20 Attorney for the Defendant

21 HILDA JORDAN
22 Circuit Court Reporter

23
24 Transcribed by Pamela E. Green, Circuit Court Reporter

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P R O C E E D I N G S

SOLICITOR CORNWELL: State calls Maurice Bookard.
May it please the Court, Your Honor?

THE COURT: Yes, ma'am.

SOLICITOR CORNWELL: Before you is Maurice Bookard with
his attorney Ms. Minh Wyman. He is here to plead under
Indictment 2017-GS-38-1071. That is a true billed
indictment for CSC with a minor in the second degree. The
state is making a recommendation of 15 years.

(WHEREUPON, the defendant was placed under oath at this
time.)

THE COURT: All right. Ms. Wyman, you represent Mr.
Bookard?

MS. WYMAN: Yes, sir.

THE COURT: Okay. And you have had an opportunity to
meet with him and review with him the evidence in this case?

MS. WYMAN: I have.

THE COURT: You have explained to him the law that
applies in this situation?

MS. WYMAN: Yes, sir.

THE COURT: You have explained to him that the charge
he is pleading guilty to, criminal sexual conduct with a
minor victim 11 to 14 years of age second degree, is a
violent and a most serious offense?

1 MS. WYMAN: I have explained that, yes, sir.

2 THE COURT: And have you explained to him the effect of
3 this, of this being a strike?

4 MS. WYMAN: Yes, sir.

5 THE COURT: Okay. And you explained to him that he's
6 facing up to 20 years in jail on these charges?

7 MS. WYMAN: Yes, sir.

8 THE COURT: Okay. At some point he indicated that he
9 wished for you to pursue plea opportunities?

10 MS. WYMAN: Yes, sir.

11 THE COURT: And that's why we're here now?

12 MS. WYMAN: Yes, sir.

13 THE COURT: He's aware of the recommended sentence?

14 MS. WYMAN: Yes, sir.

15 THE COURT: Okay. Ms. Wyman, you've also reviewed the
16 evaluation of Mr. Bookard --

17 MS. WYMAN: Yes, sir.

18 THE COURT: -- that was done?

19 MS. WYMAN: Yes, sir.

20 THE COURT: Okay. Do you have any kind of competing
21 findings regarding his competency?

22 MS. WYMAN: No, sir.

23 THE COURT: Okay. The, the evaluation that I received
24 says that Mr. Bookard appears to have the capacity to
25 understand the proceedings against him and to assist his

1 attorney in his own defense should he choose to do so, and
2 they've offered the opinion that he was competent to stand
3 trial by Alecia Hall back on July 5th, 2018.

4 MS. WYMAN: Yes, sir.

5 THE COURT: Okay. All right. Hilda, I'm gonna make
6 this court's Exhibit No. 1.

7 (WHEREUPON, the mental health report was marked as
8 court's Exhibit No. 1 and received into evidence at this
9 time.)

10 THE COURT: okay. All right. And you believe it's Mr.
11 Bookard -- it is in Mr. Bookard's best interest to go
12 forward with this plea?

13 MS. WYMAN: Yes, sir.

14 THE COURT: All right. Mr. Bookard, my sentencing
15 sheet indicates that you're 39 years old.

16 Is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: okay. Are you working anywhere?

19 THE DEFENDANT: I done work at a barber shop.

20 THE COURT: okay. And how long you've been working at
21 that barber shop?

22 THE DEFENDANT: Probably like -- about seven and a
23 half -- about, about seven and a half years.

24 THE COURT: okay. And what are your job duties there?
25 what do you do?

1 THE DEFENDANT: Oh, cut hair.

2 THE COURT: Okay. And where'd you learn to cut hair?

3 THE DEFENDANT: On my grand hair when he was -- when I
4 was young.

5 THE COURT: Okay. All right. Mr. Bookard, how far did
6 you go in school?

7 THE DEFENDANT: Twelfth.

8 THE COURT: You graduated?

9 THE DEFENDANT: No, sir, I, I got a certificate.

10 THE COURT: Certificate of attendance?

11 THE DEFENDANT: Yeah, it was a -- yes, sir.

12 THE COURT: And where were you going to school?

13 THE DEFENDANT: Bowman High.

14 THE COURT: All right. Have you ever been treated for
15 any mental health issues?

16 THE DEFENDANT: No, sir.

17 THE COURT: Okay. Have you ever been treated for any
18 drug or alcohol abuse in the past?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you taking any kind of prescription
21 medications?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Are you thinking clearly today?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. Ms. Wyman says she met with you and

1 reviewed the evidence in this case with you.

2 Is that correct?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. And she explained to you the law
5 that applies in this situation?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: It's my understanding you're pleading
8 guilty to criminal sexual conduct with a minor where the
9 victim is between 11 and 14 years of age second degree.

10 Is that your understanding?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Now, you're aware that you're facing
13 up to 20 years in jail?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you are aware that the state's
16 recommending a 15 year sentence?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. And did Ms. Wyman explain your
19 constitutional rights to you?

20 THE DEFENDANT: Yeah.

21 THE COURT: She told you -- by, by that I mean she told
22 you you had the right to have a jury trial on this charge.

23 THE DEFENDANT: Oh yes.

24 THE COURT: Is that right?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. You don't want a jury trial on this
2 charge, do you?

3 THE DEFENDANT: No, sir.

4 THE COURT: Okay. You want to go forward with a guilty
5 plea --

6 THE DEFENDANT: Yes, sir.

7 THE COURT: -- is that correct?

8 Okay. Now, has anybody promised you anything to get
9 you to plead guilty?

10 THE DEFENDANT: No, sir.

11 THE COURT: Has anybody threatened you or forced you to
12 get you to plead guilty?

13 THE DEFENDANT: No, sir.

14 THE COURT: So you're doing this freely and
15 voluntarily?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Is that correct?

18 Do you know what you're doing here?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And you believe it's in your best interest
21 to go forward with this plea?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. All right. Are you satisfied with
24 the services of your attorney?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Do you need any more time to talk
2 with her?

3 THE DEFENDANT: No, sir.

4 THE COURT: All right. Ms. Cornwell.

5 SOLICITOR CORNWELL: Thank you, Your Honor.
6 Please the court?

7 THE COURT: Yes, ma'am.

8 SOLICITOR CORNWELL: This incident was reported to law
9 enforcement on November 9th of 2016 when officers
10 responded to a report of child abuse at a doctor's office.
11 officers met with the victim's mother who stated that her
12 daughter wrote her a letter detailing to her how her father
13 had been inappropriately touching her since she was 11 years
14 old.

15 In that letter she goes through the fact that this
16 started when she was in the fifth grade. This defendant is
17 her biological father. The mother and father had not been
18 living together up until she was in the fifth grade. The --
19 he moved in with her when she was in an apartment. And
20 during that, shortly after he moved in, he began sexually
21 molesting her.

22 she wrote her letter on October 2nd of 2016 and which
23 is approximately three years after this incidents first
24 started, and she did indicating though she's in the fifth
25 grade, she had already turned 11 years old.

1 The way that the discloser came out, her cousin was on
2 the bus with her. This was around October 25th or
3 26th of 2016. She had noticed some -- that [MINOR] was
4 acting withdrawn, different. She seemed very upset and sad.
5 she'd also seen some markings on [MINOR] wrist. [MINOR]
6 had attempted to commit suicide. She had given her cousin a
7 folder to give to her mom just in case, and that was the
8 letter that she had written on October 2nd after the last
9 time this incident occurred.

10 she wrote on October 2nd and October 3rd to her
11 mother trying to disclose and trying to explain. She
12 indicated that ever since her mommy and her daddy, he's been
13 touching me in places and that the first time it happened he
14 came in the bathroom and said that her mom told him to come
15 in there and wash her. She knew he was lying because her
16 mother would never let that happen.

17 After he got her out of the bathtub he made her go in
18 her room so he could grease her up. That's when he started
19 rubbing grease on her legs and started touching her in her
20 vaginal area. He placed his finger inside of her. Told her
21 if she screamed he would slap her. So she didn't.

22 she said from that point on her life had been hell,
23 that she's 14 years old now, and the threats that he told me
24 got worse than just slapping. He said if you would ever
25 tell anybody he would kill me first and then take his own

1 life. All she could do was take the pain because she didn't
2 know what else to do.

3 And she also wrote that after they moved from that
4 apartment, they moved in with the defendant's mother, her
5 paternal grandmother, and that is when he moved on from just
6 digitally penetrating her to penile penetration in her
7 vagina as well as in her buttock. She gave several
8 disclosures on that. They also moved from that house in
9 with her maternal grandmother and the abuse continued there
10 was well.

11 She further disclosed several incidents that would
12 happen in vehicles, that he would drive her out to a field.
13 After that disclosure law enforcement did go to one of the
14 vehicles, and they used the -- I guess the common term is
15 black light. They were able to find several stains which
16 they swabbed. DNA did come back that it was semen, that he
17 was the major contributor to that.

18 officers -- once the cousin found the folder, and gave
19 it to her mother, her mother, which is the victim's mother's
20 sister, her aunt --

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

22 SOLICITOR CORNWELL: -- contacted her mother and
23 disclosed. The mother was very afraid of what would happen
24 if she confronted this defendant given the threats that had
25 been made against her daughter.

1 so she did not immediately take her daughter to the
2 emergency room or to anything. She had -- this happened
3 on -- October 28th is when she found out. Her younger
4 daughter had a doctor's appointment scheduled for
5 November 9th. so she kind of set up a plan to have
6 **MINOR** go to the doctor with them and disclosed to the
7 doctor at that time.

8 while they were there, the doctor called DSS. somehow
9 this defendant got word that they were there. They began
10 calling. ultimately law enforcement got involved and this
11 defendant was picked up that day for some outstanding bench
12 warrants for family support and for possession of marijuana
13 that day.

14 After the forensic interview, they discussed this
15 incident with the defendant. He was taken to do a
16 polygraph. He was unsuccessful in that polygraph, deception
17 was noted, and he was placed under arrest for the CSC.

18 He did deny that he had done anything. He admitted to
19 rubbing grease on her but did not admit to any of the sexual
20 assault.

21 The mother then took the child to medical forensic.
22 There was no physical signs in medical forensic with a
23 review of symptoms. They never did a rape kit because of
24 the delayed disclosure. They did do an STD screening.
25 There was nothing there.

1 She has been in counseling since then. I met with her
2 several times. This case was prepared for trial next week.
3 She's indicated to me that she has gone to counseling.
4 She's having problems, trouble with this. She has remained
5 suicidal at some times and she's just afraid that nobody's
6 going to believe her.

7 Her mother is here and obviously we've discussed this
8 plea in great detail. She is in agreement with this plea.
9 Her concern is obviously the safety and the wellbeing of her
10 daughter. She feels that this plea is the most appropriate
11 thing to do to save her daughter from testifying at trial.

12 THE COURT: Okay.

13 SOLICITOR CORNWELL: He does have a prior record. He's
14 got a 2005 possession of cocaine and a 2016 possession of
15 marijuana.

16 THE COURT: '15?

17 SOLICITOR CORNWELL: 2016, Your Honor.

18 THE COURT: Okay. All right.

19 All right. Mr. Bookard, you heard what the solicitor
20 told me about the circumstances that led to your arrest?

21 THE DEFENDANT: Yeah. Yes, sir.

22 THE COURT: Okay. All right. The indictment that I
23 have is a true billed indictment for criminal sexual conduct
24 with a minor, and it's my understanding that you are not
25 contesting the evidence that the state has presented at

1 trial.

2 Is that correct?

3 You're not fighting this?

4 THE DEFENDANT: Oh, no, sir.

5 THE COURT: Okay. You want to take advantage of this
6 plea offer?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. All right. You are -- you
9 understand that this is a violent and a most serious offense
10 that you're pleading to?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. And you understand that it is a
13 strike against you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you understand that if you ever be
16 convicted of another violent and most serious offense you
17 could face going to jail for life without the possibility of
18 parole.

19 You understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. Okay. All right. The victim
22 in this case is **MINOR** (phonetic).

23 Is that correct?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. And she is your daughter?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. All right. And, Mr. Bookard, just
3 the charge against you is criminal sexual conduct with a
4 minor, victim 11 to 14 years of age, in the second degree.
5 You understand the charge?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. And you're pleading no contest to
8 this charge, correct?

9 You're not, you're not fighting this?

10 THE DEFENDANT: Oh, no, sir.

11 THE COURT: Okay. And, and, of course, you realize, if
12 you went to trial on this based on evidence that the state
13 has, there's a substantial likelihood that they would find
14 you guilty at trial, right?

15 Correct?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. All right. Mr. Bookard, do you want
18 me to accept your no contest plea to this charge?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. All right. Mr. Bookard, I find your
21 decision to plead no contest to this charge is freely,
22 voluntarily, intelligently made. I find you've had the
23 advice and counsel of a competent lawyer. I find you're
24 satisfied with the services of your lawyer. I find there's
25 a factual basis with which to go forward with this plea. I

1 further find that you're pleading no contest to it.

2 so all the evidence that the state has presented is
3 uncontradicted and I find also that, had you gone to trial
4 on this, there's a substantial likelihood you would be
5 convicted of this charge. So, now I believe it is in your
6 best interest to go forward with this plea and am going to
7 accept it.

8 Okay. Ms. Wyman.

9 MS. WYMAN: Your Honor, Mr. Bookard is 39. He's a
10 father to six kids. He's been in Bowman all of his life.

11 As he told you, he works as a barber. He's been doing
12 that for over seven years.

13 Your Honor, we have met many times and discussed in
14 detail about taking this to trial. We discussed several
15 possible defenses. However, it's his decision today to not
16 risk that unpredictability of a trial given the sensitive
17 nature of these allegations.

18 Your Honor, this is a man who keeps to himself. All he
19 does is work and take care of his family. He has a minimal
20 record. He knows he will have to do some time and he's
21 ready to face the consequences. But we are asking that Your
22 Honor consider a split sentence and give him a chance to
23 prove that, once he's out, he will continue to stay out of
24 trouble and work and support his family like he has been
25 doing all these years.

1 Your Honor, behind me is his family. They wish -- I
2 think they wish to address the Court.

3 THE COURT: whoever would like to come up, come up.
4 Does anybody?

5 Come on up please, ma'am.

6 Your, your name please, ma'am?

7 MRS. SANDERS: Sonica Sanders. Sonica Sanders.

8 THE COURT: And, and Ms. Stanley?

9 MRS. SANDERS: Sanders.

10 MS. WYMAN: Sanders.

11 THE COURT: Oh, Sanders. I'm sorry, Ms. Sanders. I'm
12 sorry. I'm getting old and I apologize but I can't do
13 anything about that.

14 what would you like to -- how are you related to Mr.
15 Bookard?

16 MRS. SANDERS: I'm -- oh, this is my son --

17 THE COURT: Okay.

18 MRS. SANDERS: -- Maurice Bookard.

19 THE COURT: Okay. And what would you like to tell me
20 please, ma'am?

21 MRS. SANDERS: I mean he, he never been in anything
22 when he was at school, you know, cause I worked in the
23 district for six years driving a school bus and working in
24 the school district.

25 THE COURT: Yes, ma'am.

1 MRS. SANDERS: And no one never had to come and get me
2 out or say that something, you know, come to they class or
3 whatever cause he was you know. And he's a good father to
4 all his kids and stuff and he's a hard working person. And
5 mostly he, he never did like to go out to him like a club
6 wise thing. He always be around his family.

7 THE COURT: Yes, ma'am.

8 MRS. SANDERS: He never did things for hisself.

9 THE COURT: Okay. Anything else you want to tell me?

10 MRS. SANDERS: I was hoping that he can, you know, go
11 back doing the same like he been doing.

12 THE COURT: Yes, ma'am. Appreciate it.

13 MRS. SANDERS: All right.

14 THE COURT: Thank you, ma'am.

15 Anything else?

16 MS. WYMAN: Yes, sir.

17 THE COURT: Yes, ma'am, your name?

18 MRS. SMITH: Gabrielle Smith.

19 THE COURT: Deborah?

20 MRS. SMITH: Gabrielle.

21 THE COURT: Gabrielle.

22 Last name?

23 MRS. SMITH: Smith.

24 THE COURT: Smith.

25 Okay. And, Mrs. Smith, how are you related to Mr.

1 Bookard?

2 MRS. SMITH: He's my first cousin but he's more like a
3 brother to me.

4 THE COURT: All right. What would you like to tell me
5 please, ma'am?

6 MRS. SMITH: He's a good person. He's did all this
7 stuff for me. He help me with my kids. This hurts me. He
8 loves -- they love him. All his kids love him. This thing
9 happened is just horrible. My kids even love him.

10 so he never had -- his family has to go through this
11 with a person you chose to be with and love. He changed all
12 his ways and he was going out just a little bit and not like
13 club wise and he wasn't a perfect man to everyone he was
14 with but the person he chose to love and give life to and
15 help out with everything do this to him. I can't.

16 THE COURT: Thank you, ma'am.

17 Ms. Wyman, anything else?

18 MS. WYMAN: Just ask for, for the mercy of the court,
19 Your Honor.

20 THE COURT: Okay. Did he -- he has spent some time
21 with -- in jail?

22 You don't know the time. I'll just give him credit for
23 any time he's served.

24 MS. WYMAN: Yes, sir.

25 THE COURT: Okay. All right. Mr. Bookard, I'm gonna

1 go along with the recommendation.

2 sentence of this court is that you -- you're committed
3 to the State Department of Corrections for a period of 15
4 years. I'm giving -- going to give you credit for the time
5 you've already served.

6 THE DEFENDANT: All right, sir.

7 THE COURT: Thank you, sir.

8 SOLICITOR CORNWELL: Thank you, Your Honor.

9 THE COURT: Thank you.

10 MS. WYMAN: Thank you, Your Honor.

11

12

13 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the state of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the court of General sessions for Orangeburg County, South Carolina, on the 17th day of July, 2018.

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

October 7th, 2021

PAMELA E. GREEN, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)
)
 COUNTY OF)
)
 Maurice Bookard)
 Full name and prison number (if any) of Applicant.)
)
 v.)
)
 State of South Carolina)
)

2019CP3800865
 IN THE COURT OF COMMON PLEAS

APPLICATION FOR
 POST-CONVICTION RELIEF

FILED FOR RECORD
 WINNIE B. CLARK
 2019 JUL -1 PM 1:02
 CLERK OF COURT
 ORANGEBURG, SC

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Lee Corr. Inst.
2. Name and location of Court which imposed sentence Orangeburg County
Common Pleas
3. Name(s) of co-defendant(s) (if any) 0
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 (a) _____
 (b) _____
 (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 (a) July - 18 - 2018
 (b) _____

ATTEST: TRUE COPY

Winnija B. Clark
 CLERK OF COURT

ORANGEBURG COUNTY, SOUTH CAROLINA

- (c) _____
- 6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty
 - (b) after a plea of not guilty _____
 - (c) after a plea of nolo contendere _____

FILED FOR RECORD
 WINNIPYA B. CLARK
 2019 JUL -1 PM 1:02
 CLERK OF COURT
 ORANGEBURG, SC

- 7. Did you appeal from the judgment of conviction or the imposition of sentence? Yes
- 8. If you answered "yes" to (7), list:

- (a) the name of each Court to which you appealed:
 - i. South Carolina of appealed
 - ii. _____
 - iii. _____
- (b) the result in each such Court to which you appealed:
 - i. _____
 - ii. _____
 - iii. _____
- (c) the date of each such result:
 - i. _____
 - ii. _____
 - iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. _____
 - ii. _____
 - iii. _____

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

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

ATTEST: TRUE COPY


 CLERK OF COURT
 ORANGEBURG COUNTY, SOUTH CAROLINA

(a) Ineffective of Counsel

(b) _____

(c) _____

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

(a) Because she did not investigate case

(b) _____

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? NO

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO

(d) any other petitions, motions or applications in this or any other Court? _____

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. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

FILED FOR RECORD
WINNIE B. CLARK
2019 JUL -1 PM 1:02
CLERK OF COURT
ORANGEBURG, SC

ATTEST: TRUE COPY

Winnie B. Clark
CLERK OF COURT

Revised 3/2003
ORANGEBURG COUNTY, SOUTH CAROLINA

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

FILED FOR RECORD
WINNIEPA B. CLARK
2019 JUL -1 PM 1:02
CLERK OF COURT
ORANGEBURG, SC

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

no

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) _____

(b) _____

(c) _____

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

ATTEST: TRUE COPY

Winnipa B. Clark
CLERK OF COURT

Revised 3/2003

ORANGEBURG COUNTY, SOUTH CAROLINA

- (a) your arraignment and plea? yes
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? yes

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. Mich L. Wyman
 - ii. P.O. Box 1112
 - iii. Orangeburg, SC 29116-1112
- (b) the proceedings at which each such attorney represented you:
 - i. Before and during the plea
 - ii. _____
 - iii. _____

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

New Trial

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

no

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 WINNIEPA B. CLARK
 2019 JUL -1 PM 1:02
 CLERK OF COURT
 ORANGEBURG, SC

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Winnipa B. Clark
 CLERK OF COURT

ORANGEBURG COUNTY, SOUTH CAROLINA
 Revised 3/2003

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Orangeburg)

I, _____, 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.

Maurio Boobard

SWORN to and subscribed before me this 27
day of June, 2019.

[Signature] (L.S.)
Notary Public

My Commission Expires: 3/3/2024

FILED FOR RECORD
WINNIPY B. CLARK
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ORANGEBURG, SC

ATTEST: TRUE COPY

Winnija B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

I, Maurice Bookard

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

, 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.

Maurice Bookard
Applicant

SWORN or affirmed to and subscribed before me this
27 day of June, 2019.

Debra Eastman
Notary Public

My Commission Expires: 3/3/2021

FILED FOR RECORD
WINNIPA B. CLARK
2019 JUL -1 PM 1:02
CLERK OF COURT
ORANGEBURG, SC

ATTEST: TRUE COPY
Winnija B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

FILED FOR RECORD
WINNIEFA B. CLARK

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG) FOR THE FIRST JUDICIAL CIRCUIT

Maurice Bookard, SCDC #377091, ORANGEBURG, SC) Case No.: 2019-CP-38-00865

)
) Applicant,)

)
) v.)

)
) State of South Carolina,)

)
) Respondent.)

)
) **RETURN TO THE APPLICATION**
) **FOR POST-CONVICTION RELIEF**
) **AND MOTION FOR A MORE**
) **DEFINITE STATEMENT**
) (Counsel Already Appointed)

Respondent the State of South Carolina, making its return to the application for post-conviction relief filed by Applicant Maurice Bookard¹, on July 1, 2019, would respectfully show this Court:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections. During its June 2018 term, the Orangeburg County Grand Jury indicted Applicant for criminal sexual conduct with a minor – victim less than 16 years of age – second degree (2017-GS-38-1071).² On July 17, 2018, Applicant appeared before the Honorable Edgar W. Dickson and pleaded no contest to the indictment with recommendation from the State. Minh L. Wyman, Esquire represented Applicant. Assistant Solicitor Ashley Cornwell of the First Circuit Solicitor’s Office prosecuted the case. Pursuant to the State’s recommendation, Judge Dickson sentenced Applicant to fifteen years’ imprisonment.

Applicant filed a timely notice of appeal. On August 23, 2018, the Court of Appeals dismissed Applicant’s appeal pursuant to Rule 203(d)(1)(B)(iv), SCACR, for failure to provide a

¹ Applicant filed this post-conviction relief application *pro se*. Counsel, Arthur K. Aiken, Esquire, has since been appointed.

² Additional charges of incest and legal custodian – unlawful neglect of child or helpless person were *nolle prossessed* (2018-GS-38-0993, 2018-GS-38-0994).

Winnifera B. Clark
Clerk of Court
Orangeburg County, SC

sufficient explanation as to why an appeal from his guilty plea should proceed. *State v. Bookard*, (S.C. Ct. App. filed August 23, 2018). The case was remitted back to the circuit court on September 25, 2018. Applicant commenced this PCR action on July 1, 2019.

II. Summary of Guilty Plea Transcript

The facts for this indictment were articulated by the State at Applicant's plea hearing as follows:

SOLICITOR CORNWELL: This incident was reported to law enforcement on November 9th of 2016 when officers responded to a report of child abuse at a doctor's office. Officers met with the victim's mother who stated that her daughter wrote her a letter detailing to her how her father had been inappropriately touching her since she was 11 years old.

In that letter she goes through the fact that this started when she was in the fifth grade. This defendant is her biological father. The mother and father had not been living together up until she was in the fifth grade. The -- he moved in with her when she was in an apartment. And during that, shortly after he moved in, he began sexually molesting her.

She wrote her letter on October 2nd of 2016 and which is approximately three years after this incidents first started, and she did indicating though she's in the fifth grade, she had already turned 11 years old.

The way that the discloser came out, her cousin was on the bus with her. This was around October 25th or 26th of 2016. She had noticed some -- that Sondria was acting withdrawn, different. She seemed very upset and sad. She'd also seen some markings on Sondria's wrist. Sondria had attempted to commit suicide. She had given her cousin a folder to give to her mom just in case, and that was the letter that she had written on October 2nd after the last time this incident occurred.

She wrote on October 2nd and October 3rd to her mother trying to disclose and trying to explain. She indicated that ever since her mommy and her daddy, he's been touching me in places and that the first time it happened he came in the bathroom and said that her mom told him to come in there and wash her. She knew he was lying because her mother would never let that happen.

After he got her out of the bathtub he made her go in her room so he could grease her up. That's when he started rubbing grease on her legs and started touching her in her vaginal area. He placed his finger inside of her. Told her if she screamed he would slap her. So she didn't.

She said from that point on her life had been hell, that she's 14 years old now, and the threats that he told me got worse than just slapping. He said if you would ever tell anybody he would kill me first and then take his own life. All she could do was take the pain because she didn't know what else to do.

And she also wrote that after they moved from that apartment, they moved in with the defendant's mother, her paternal grandmother, and that is when he moved on from just digitally penetrating her to penile penetration in her vagina as well as in her

buttock. She gave several disclosures on that. They also moved from that house in with her maternal grandmother and the abuse continued there was well.

She further disclosed several incidents that would happen in vehicles, that he would drive her out to a field. After that disclosure law enforcement did go to one of the vehicles, and they used the -- I guess the common term is black light. They were able to find several stains which they swabbed. DNA did come back that it was semen, that he was the major contributor to that.

Officers -- once the cousin found the folder, and gave it to her mother, her mother, which is the victim's mother's sister, her aunt --

THE COURT: Uh-huh. (Affirmative).

SOLICITOR CORNWELL: -- contacted her mother and disclosed. The mother was very afraid of what would happen if she confronted this defendant given the threats that had been made against her daughter.

So she did not immediately take her daughter to the emergency room or to anything. She had -- this happened on -- October 28th is when she found out. Her younger daughter had a doctor's appointment scheduled for November 9th. So she kind of set up a plan to have Sondria go to the doctor with them and disclosed to the doctor at that time.

While they were there, the doctor called DSS. Somehow this defendant got word that they were there. They began calling. Ultimately law enforcement got involved and this defendant was picked up that day for some outstanding bench warrants for family support and for possession of marijuana that day.

After the forensic interview, they discussed this incident with the defendant. He was taken to do a polygraph. He was unsuccessful in that polygraph, deception was noted, and he was placed under arrest for the CSC.

He did deny that he had done anything. He admitted to rubbing grease on her but did not admit to any of the sexual assault.

The mother then took the child to medical forensic. There was no physical signs in medical forensic with a review of symptoms. They never did a rape kit because of the delayed disclosure. They did do an STD screening. There was nothing there.

Plea Tr. 9-12.

III. Allegations Raised and Relief Sought in Post-Conviction Relief Application

Applicant timely commenced this PCR action on July 1, 2019. Applicant asserts he is being held in custody unlawfully, alleging:

1. Ineffective assistance of counsel
 - a. "Because she did not investigate case."

Applicant requests relief as follows:

"new trial".

Attached herewith and incorporated by reference are the Orangeburg County Clerk of Court records regarding the subject conviction; Applicant's records from the South Carolina Department of Corrections; the guilty plea transcript; the records from Applicant's appeal; and the records of this current PCR action. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III. Response to Allegations of Ineffective Assistance of Counsel

Applicant asserts plea counsel was ineffective for failing to investigate the case. However, Applicant fails to state precisely what counsel should have investigated and how Applicant was prejudiced. Without more specific facts and circumstances to support Applicant's claims, it is impossible for Respondent to respond specifically to these allegations. Instead, Respondent responds generally and moves for Applicant, through counsel, to file an amended return with specific allegations.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant—like all other defendants—the right to “assistance by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair.” *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The reviewing court applies the two-part test outlined in *Strickland* to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction. 466 U.S. at 687. To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687–88; *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

The first prong—constitutional deficiency—is "necessarily linked to the practice and expectations of the legal community." *Padilla v. Kentucky*, 559 U.S. 356, 366 (2010). An applicant making a claim of ineffective assistance "must identify the acts or omissions of counsel that are alleged *not* to have been the result of reasonable professional judgment." *Strickland*, 466 U.S. at 690 (emphasis added). The reviewing court must then "determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance" demanded of attorneys in criminal cases. *Id.* Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a "strong presumption that counsel's conduct falls within the wide range of reasonably professional assistance." *Butler*, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

Review of counsel's actions is hallmarked by deference, as "it is all too tempting for a

defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." *Strickland*, 466 U.S. at 689; see also *Yarborough v. Gentry*, 540 U.S. 1, 6 (2003) ("The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight."). No particular set of detailed rules for counsel's conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. *Strickland*, 466 U.S. at 688-89; see *id.* at 691 ("Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another."). Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. *Id.* at 689. The ultimate question is not whether counsel's actions were reasonable, but whether there is any reasonable argument counsel satisfied *Strickland's* deferential standard.

The second, or "prejudice" prong of *Strickland* is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. 466 U.S. at 691-92. In order to prove prejudice, an applicant must demonstrate counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. See *id.* at 695 (Where a defendant challenges his conviction, he must show that there exists "a reasonable probability that, absent the errors, the factfinder would have

had a reasonable doubt respecting guilt”).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, *Hill v. Lockhart*, 474 U.S. 52 (1985), extended the two-part *Strickland* test to challenge guilty pleas based on ineffective assistance of counsel. See *Padilla v. Kentucky*, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a “critical phase of litigation” for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel’s performance under the first prong of *Strickland* remains unchanged—the applicant must show that counsel’s representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. *Hill*, 474 U.S. at 58–59; accord *Thompson v. State*, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging [her] guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice to plead guilty was not “within the competence demanded of attorneys in criminal cases.” *Hill*, 474 U.S. at 56. The second, or “prejudice” prong, however, “focuses on whether counsel’s constitutionally ineffective performance affected the outcome of the plea process.” *Id.* at 58–59. Specifically, when an applicant claims counsel’s deficient performance caused [her] to accept a plea, the applicant “must show that there is a reasonable probability that, but for [plea] counsel’s [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial.” *Id.* at 59.

As discussed, it is impossible for Respondent to reply specifically to Applicant’s claims without more facts and detail. Therefore, Respondent moves for Applicant, through counsel, to file an amended return.

Failure to Investigate

It is impossible for Respondent to reply specifically to Applicant’s claims without more specific facts and detail. Therefore, Respondent responds to Applicant’s general and vague claim

below and moves for Applicant, through counsel, to file an amended return.

Applicant contends plea counsel was ineffective for failing to investigate the charges against him. As discussed below, Respondent is presently without sufficient information to fully respond to this claim because Applicant does not indicate with any specificity what plea counsel should have investigated or how Applicant was prejudiced.

“A criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State.” *McKnight v. State*, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008). “[W]hile the scope of a reasonable investigation depends on a number of issues, at a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case.” *Ard*, 372 S.C. at 331–32, 642 S.E.2d at 597 (internal quotation marks omitted) (emphasis omitted). However, counsel need only interview potential witnesses “when it is reasonable to do so.” *Edwards v. State*, 392 S.C. 449, 457, 710 S.E.2d 60, 65 (2011). “In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” *Strickland*, 466 U.S. at 691.

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. *Harris*, 377 S.C. at 75–76, 659 S.E.2d at 145–46 (citing *Jackson v. State*, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. *Harris*, 377 S.C. at 75–76, 659 S.E.2d at 145–46. Mere speculation as to how the alleged lack of

preparation prejudiced an applicant is not sufficient to support a grant of relief. *Id.* at 75, 659 S.E.2d at 145 (citing *Glover v. State*, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Our Supreme Court has cautioned reviewing courts not to lose sight of the reasonableness standard regarding counsel's duty to investigate. *Ard*, 372 S.C. at 331, 642 S.E.2d at 597 (noting that "this duty is limited to a reasonable investigation"). Reviewing courts "should keep in mind that counsel's function, as elaborated in prevailing professional norms, is to make the adversarial testing process work in the particular case." *Strickland*, 466 U.S. at 690. Thus, in applying the *Strickland* standard to a claim of failure to investigate, counsel's decision not to undertake a particular investigation must be evaluated with heavy deference to counsel's judgment. *Bagwell v. State*, 410 S.C. 259, 265, 763 S.E.2d 630, 633–34 (Ct. App. 2014).

As discussed, it is impossible for Respondent to reply specifically to Applicant's claims without more facts and detail. Therefore, Respondent moves for Applicant, through counsel, to file an amended return.

IV. Motion for a More Definite Statement

Respondent submits Applicant's claims of ineffective assistance of plea counsel are without merit. However, it is impossible for the State to adequately respond to Applicant's allegations because Applicant has failed to provide specific facts to support each claim. "[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 [applicant] that he was deprived of adequate and effective assistance of counsel is insufficient." *Coardes v. State*, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974); *see* S.C. Code Ann. § 17-27-50 (2014) (requiring an applicant to "specifically set forth the grounds upon which the application is based"); *see also* Rule 8(a)(2), SCRCPP (requiring all civil pleadings to include "a short and plain statement of the facts

showing that the pleader is entitled to relief"); Rule 71.1(d), SCRCP ("Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary.").

Accordingly, the State moves for Applicant, through counsel, to amend his application to provide a more definite statement of his allegations of ineffective assistance of counsel pursuant to Rule 12(e), SCRCP and the Uniform Post-Conviction Procedure Act.

V. Any Future Amendments and Invocation of Discovery Process

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *Id.*, 428 S.C. at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) ("If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.").

If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss this allegation or claim. S.C. Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRCP. *See also* Rules 15(a)-(b), SCRCP. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. *See* Rule 15(a), SCRCP.

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from

the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. As noted above, the State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State. *See Love*, 428 S.C. 231, 834 S.E.2d 196.

VI. Response to Any and All Other Allegations

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

VII. Conclusion

WHEREFORE, the State moves for a more definite statement and the opportunity to respond to the more definite statement if necessary. Once a more definite statement is provided, the State requests an evidentiary hearing be held on the claim of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

SAMANTHA J. WEIDAUER
Assistant Attorney General

By: 

ATTORNEYS FOR THE STATE
Office of the Attorney General
Post Office Box 11549
Columbia, S.C. 29211

November 8, 2021

STATE OF SOUTH CAROLINA)	COMMON PLEAS COURT
)	
COUNTY OF ORANGEBURG)	FIRST JUDICIAL CIRCUIT
MAURICE BOOKARD)	NO. 2019-CP-38-00865
)	
VS.)	<u>TRANSCRIPT OF RECORD</u>
STATE OF SOUTH CAROLINA)	PCR Hearing

B E F O R E:

The Honorable George M. McFaddin, Jr., Judge

DATE: Tuesday, September 5, 2023

10:57 a.m.

Saint George, South Carolina

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

Rodney Wade Richey, Esquire

Richey & Richey, PA
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Attorney for the Applicant

Bryan Tyjarris Hall, Esquire, Assistant Attorney General

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 Columbia, South Carolina 29211
 bryanhall@scag.org

Attorney for the State

Reported by: Cathy J. Provost, RMR, Official Court Reporter

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MINH L. WYMAN

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(No exhibits marked.)

COURT REPORTER LEGEND:

- dash -- intentional/purposeful interruption; change in thought
- ellipses ... trailing off
- [ph] phonetically written
- [sic] written as said
- [indiscernible] unable to be understood due to low volume or quality of audio

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

2 ATTORNEY HALL: May it please the Court. This is Bryan
3 Hall, Assistant Attorney General for the State. The State calls
4 Maurice Bookard versus State of South Carolina. The citation for
5 this case is 2019-CP-38-00865.

6 Mr. Bookard is incarcerated. He was indicted back in June
7 of 2018 for criminal sexual conduct with a minor in the second
8 degree. The indictment number is 2017-GS-38-1071. Mr. Bookard
9 took a plea back in July of 2018 before the Honorable Edgar
10 Dickson. He was represented by Ms. Minh Wyman, and Assistant
11 Solicitor Ashley Cornwell for the State. Mr. Bookard pleaded
12 guilty, or a no-contest plea. The State recommended 15 years,
13 and he was sentenced to 15 years.

14 He filed a notice of appeal. That appeal was filed timely.
15 The appeal was dismissed for failure to provide sufficient
16 explanation for why his appeal should proceed, and that was back
17 in September of 2018. And then he timely filed this PCR
18 application July 1st, 2019. The State filed its return,
19 requesting a hearing.

20 Mr. Bookard alleges ineffective assistance of counsel for
21 failure to investigate. Judge, we have provided the records for
22 this hearing. If you want a physical copy, I have one.

23 THE COURT: Yes, sir. Mr. Richey.

24 ATTORNEY RICHEY: We'd call Mr. Bookard.

25 CLERK OF COURT: State your full name for the record.

1 MR. BOOKARD: Maurice Bookard.

2 MAURICE BOOKARD,

3 having first been duly sworn, is examined and testifies as
4 follows:

5 DIRECT EXAMINATION

6 BY ATTORNEY RICHEY:

7 Q Can you state your name, please, sir.

8 A Maurice Bookard.

9 Q And are you currently in the Department of Corrections?

10 A Yes.

11 Q And you've got to speak up.

12 A Yes, sir.

13 Q And what are you in there for?

14 A For sexual assault.

15 Q What? Say it again?

16 A Criminal sexual assault.

17 Q What type of sentence did you receive?

18 A Zero to 15.

19 Q Okay. So you got 15 years, is that what you got?

20 A Yes.

21 Q And who represented you on those cases?

22 A It was Mr. Miller, and he passed it down to Ms. Wynstein
23 [sic], I believe.

24 Q And you believe that she did not provide effective legal
25 counsel to you, correct?

1 A Correct.

2 Q Okay. And so you filed this application for post-conviction
3 relief, and you're asking the Court to give you a new trial; is
4 that correct?

5 A Correct.

6 Q And that you want to start over from the beginning, correct?

7 A Correct.

8 Q And you realize that if you start over from the beginning
9 you could get a worse outcome than you got, or a better one; you
10 understand that, right?

11 A Right.

12 Q And you do also -- we talked, and you do also understand
13 that that outcome is not going to be today or tomorrow, it's
14 going to take a while; do you understand that?

15 A Yeah, I understand.

16 Q And the allegations -- you pled guilty, correct?

17 A Correct.

18 Q Is that something you wanted to do?

19 A No, sir.

20 Q You wanted to go to trial?

21 A Yeah. I put yes.

22 Q Okay. Did you talk to your lawyer about going to trial?

23 A Yes.

24 Q And did your lawyer -- what did your lawyer say about going
25 to trial?

1 A She basically say I'll lose, so she advised me to take the
2 15.

3 Q Okay. She said you will lose?

4 A Right.

5 Q And did you have an opportunity to read the discovery?

6 A No. No, sir.

7 Q What was that?

8 A No, sir.

9 Q Okay. Do you know what the discovery is?

10 A Yeah, what is it?

11 Q You don't know what discovery is? Do you know the
12 information in your case, like police reports and all of that?

13 A Oh. Yes, sir.

14 Q You understand that, police reports, statements by people,
15 and all that?

16 A Okay. Yes, sir.

17 Q The legal term for that is discovery; you understand that?

18 A Yes.

19 Q And did you have an opportunity to review those documents?

20 A Yes, some of them.

21 Q And did you review them with your lawyer?

22 A Yes.

23 Q And how long did the lawyer represent you in this case? How
24 long did all that take?

25 A The first one or the second one?

1 Q The second one.

2 A Maybe like a month. Two weeks to a month.

3 Q And during that time did you have sufficient time to talk to
4 her?

5 A Yeah. I think I met her, like, like, maybe two time, I
6 think. I think about two time.

7 Q And do you believe she spent enough time with you to do your
8 case?

9 A I don't think so.

10 Q And do you believe that she did a proper investigation of
11 your case?

12 A No. I think she did a poor investigation.

13 Q What was that?

14 A I think she did a poor investigation.

15 Q What did you want her to do that she didn't do?

16 A Basically she -- the first two time I met her she just
17 showed me like a videotape, whatever, and basically that was it.
18 She told me like, you know, don't go to trial, you're going to
19 lose. She said she had a case like that before.

20 Q What was the videotape of?

21 A The victim was questioned by a doctor.

22 Q And who was the supposed victim in the case?

23 A The 16-year-old.

24 Q Yes. And did she have a relationship with you?

25 A Yeah.

1 Q And what was that relationship?

2 A That was my daughter.

3 Q Okay. And you discussed with the lawyer that this
4 allegation arose after you took her cellphone?

5 A Yeah. It was all over the cellphone.

6 Q Did you talk to your lawyer about that?

7 A Yeah. I told her that.

8 Q Okay. And do you believe that she investigated that issue
9 in the case?

10 A I don't think so cause she was telling me that that wasn't
11 strong enough, and I was saying the whole -- the whole reason it
12 was about was the cellphone.

13 Q Based on this case, you are saying that you are not guilty
14 of doing this, correct?

15 A Correct.

16 Q You didn't do any of this, right?

17 A No.

18 Q And you told your lawyer, Hey, I didn't do this, right?

19 A Right.

20 Q And that this allegation was made up over this cellphone
21 stuff?

22 A Right.

23 Q And even with that -- tell me the discussions you all had
24 about the cellphone?

25 A Well, basically she asked me, you know, what happened,

1 whatever, and I said needed to take her cellphone. This is
2 probably like the third or fourth time I took her cellphone. But
3 the last time I took it a little longer because she keep on
4 getting in trouble, and then she had write a little letter saying
5 that, you know, she hate her father, you know, he a monster, he
6 touch me, and I really love my boyfriend. It's a letter, too.

7 Q And in that letter -- and did you discuss -- she wrote a
8 letter against you, correct?

9 A Correct.

10 Q And did you discuss with your lawyer that she had wrote
11 other letters?

12 A Oh, yes.

13 Q You did?

14 A Right.

15 Q You discussed with your lawyer?

16 A Yeah.

17 Q And what did the lawyer say in terms of your defense with
18 the cellphone, the other letters, and all that? When you put
19 that together, did you and your lawyer talk about those items
20 being defenses for you?

21 A No. She just told me they wasn't strong enough, like, You
22 can't come up with nothing else? I'm like, I'm telling you the
23 truth. It's, like, over the cellphone. And every time she get
24 mad at somebody she just start writing a letter about that person
25 who she mad about.

1 Q And you pled no contest to this, correct?

2 A Correct.

3 Q Tell me why you didn't take the case to a jury trial?

4 A Because Mrs. Wynstein [sic], she just kept telling me that,
5 you know, you go to trial you gonna lose, you're going to get 35
6 to 45 years, so you just gonna take these 15 years for your best
7 interest.

8 Q And let me ask you, do you believe now if you got a retrial
9 you'd be found not guilty?

10 A Yes. I mean, on factor four.

11 Q Let me hear that?

12 A I mean, on factor four. They got me believing wrong.

13 Q So in terms of a defense did you and your lawyer discuss a
14 defense in the case? A defense.

15 A I don't what you mean, defense.

16 Q You don't know, okay. Did you all discuss why you would not
17 be responsible for doing this?

18 A No, I don't think so.

19 Q So you pled guilty, or pled no contest, correct?

20 A Right.

21 Q And in this transcript you said things about, something that
22 you were happy with the lawyer and that you had all the stuff
23 that you need, correct?

24 A Correct.

25 Q Why did you answer these questions this way if you were not

1 satisfied with the lawyer? Why didn't you tell the Court on the
2 transcript, I'm not satisfied with this lawyer; they haven't done
3 X, Y and Z? Tell me why you didn't do that in front of the
4 judge. Do you know why you didn't do that in front of the judge?

5 A Really, I ain't even, you know -- I couldn't say too much to
6 the judge. She did most of the talking. You know. He asked me
7 questions, you know, and I look at her and she's like, yeah, she
8 shake her head, so I shake my head.

9 Q So the judge would ask you questions, and you would look to
10 your lawyer -- your testimony is you would look to your lawyer,
11 and if the lawyer nodded her head then you would say yes?

12 A Right. Especially some of the things I didn't understand,
13 and I look at her, and she was like, (nods head).

14 Q So when the judge asked you if you had an opportunity to
15 meet with him ... In this transcript, where the Court asked you
16 questions, you were saying that you just nodded in the
17 affirmative?

18 A Yeah.

19 Q And did your lawyer tell you to do that, or you just picked
20 it up from how she was acting in the courtroom?

21 A No, she didn't tell me to do it.

22 Q But you kind of got the vibe of it?

23 A Right. I didn't know, most of the things he was saying, you
24 know, I didn't understand, so I looked at her. You know. And
25 she would nod, and I would nod.

Maurice Bookard - Cross by Attorney Hall

1 Q And when the judge said, Did Ms. Wyman explain your
2 constitutional rights to you?, and you say, Yeah, you're saying
3 you said that because she basically nodded and told you to?

4 A Yeah.

5 Q So is your position today that you want a new trial? And we
6 discussed that this new trial you would get will probably be two
7 to three years from today; it's not something that's going to
8 happen right now? You understand that, right?

9 A Yes, sir.

10 Q You understand this new trial you'd get, it won't happen for
11 at least another couple or three years, correct?

12 A Correct.

13 Q And at that time it will be 2026, and you get out in 30,
14 right?

15 A Right.

16 Q And you understand that, and I told you at that point you
17 probably have a little bit over three years left to do, correct?

18 A Right.

19 Q But you want this Court to issue you a new trial anyway,
20 correct?

21 A Correct.

22 Q Okay. Thank you, sir. Answer any questions the Attorney
23 General has of you.

24 THE COURT: Mr. Hall.

25

Maurice Bookard - Cross by Attorney Hall

CROSS-EXAMINATION

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BY ATTORNEY HALL:

Q Good morning, Mr. Bookard.

A Good morning.

Q Mr. Bookard, did you go to school?

A Yes, sir.

Q And what grade level did you complete in school?

A I went -- 12.

Q Twelfth grade. Did you graduate?

A No. I was in special ed.

Q Special ed, but you completed those classes?

A Yes.

Q Do you recall how many times you met with your attorney before pleaing? You said --

A You mean the first one or the last one?

Q With Ms. Wyman.

A Oh, about two. About two or three times.

Q About two or three times?

A Yeah, something like that. About two or three times.

Q Do you ever recall your attorney discussing with you the charges that the State had against you?

A Criminal sexual?

Q Yes, sir. She discussed that?

A Yeah.

Q And did your attorney discuss with you the elements, what

Maurice Bookard - Cross by Attorney Hall

1 the State would have to prove, for that criminal sexual conduct
2 with a minor, second?

3 A No. What she had to prove?

4 Q What the State had to prove.

5 A No.

6 Q You don't recall that?

7 A I don't recall that.

8 Q Did you ask your attorney to -- what did you ask Ms. Wyman
9 to investigate in this case?

10 A You say why I asked?

11 Q What did you ask her to investigate? Was there anything
12 specific that you wanted her to investigate in this case?

13 A I think I asked her about ... about the cellphone, I think.

14 Q About the cellphone?

15 A Yeah, I think the cellphone.

16 Q Did you ask her to investigate anything specific in regards
17 to the cellphone? Just generally you told her the cellphone?

18 A Yeah, I asked her about the case. I'm thinking.

19 Q But there was nothing specific? You just told her to
20 investigate the cellphone; is that right?

21 A Yeah. Something I -- something I told her to investigate.
22 I can't remember.

23 Q But you don't recall what you told her? You just said
24 investigate the cellphone?

25 A Yeah, I told her about this older cellphones. But I forgot

Maurice Bookard - Cross by Attorney Hall

1 what I told her to investigate. It was something.

2 Q Do you remember what your attorney told you when you asked
3 her to investigate the cellphone?

4 A Can you repeat that.

5 Q Do you recall what Ms. Wyman told you when you told her that
6 you wanted to investigate the cellphone incident?

7 A I mean, when I talked about the cellphone, the only thing
8 she would tell me back, you know, that wasn't strong enough to go
9 to trial.

10 Q So she told you that wasn't enough to go to trial with?

11 A Right.

12 Q Okay. Did you review discovery with Ms. Wyman?

13 A What do you mean by that?

14 Q Discovery, as the State's evidence that they had against
15 you, did you guys talk about that?

16 A Oh, yeah. That's when she had showed me those little tapes.

17 Q And it was the videotape of your daughter?

18 A Right.

19 Q Was there anything else that she discussed with you?

20 A No. Oh, yeah. They had found my DNA in my truck.

21 Q So they found your DNA in your truck?

22 A Yeah.

23 Q Was that the only DNA they found in the truck?

24 A They say they found a second one, but they couldn't come up
25 with who it was on.

Maurice Bookard - Cross by Attorney Hall

1 Q Okay. So they found a second one. It could have been
2 anybody. It could have been your daughter, correct, the victim?

3 A No. I mean, she ride in the truck, too, so, you know. But
4 semen, no, it can't be her.

5 Q But they found your semen in the truck, correct?

6 A Yeah, mine. Yeah.

7 Q And did your attorney discuss with you that evidence? Did
8 she tell you that the State had the video and they had the semen,
9 and they had all the other DNA in the truck? She told you that,
10 correct?

11 A Yeah. And she was like, Why is my semen in there? I'm
12 like, because me and my wife had sex in the truck. That's why.

13 Q But you didn't ask her to investigate that, did you?

14 A I told her that.

15 Q Mr. Bookard, you said that you wanted to go to trial,
16 correct?

17 A Yes.

18 Q You didn't want to take a plea; you wanted to go trial?

19 A Yeah. At first, yes. Uh-huh.

20 Q And you said that you told your attorney that, correct?

21 A Yeah. She asked me, and I told her. Yeah.

22 Q And she told you that, in your words, that it was better for
23 you to plea because of the State's evidence in this case; is that
24 correct?

25 A Right. She said I would get 30 to 45 years, so it was best

Maurice Bookard - Cross by Attorney Hall

1 that I take the Alford plea. Was in my best interest.

2 Q Okay. Before pleaing do you recall your attorney explaining
3 to you your rights under our Constitution, specifically your
4 right to a jury trial?

5 A I can't recall.

6 Q You don't recall. Did your attorney explain to you your
7 right to remain silent? Do you recall that?

8 A I don't.

9 Q Did she explain to you your right to confront witnesses? Do
10 you recall that? Confront witnesses, meaning you could put
11 witnesses against you on the stand at trial and ask them
12 questions?

13 A She could have --

14 Q She could?

15 A -- but I don't recall.

16 Q But you don't recall?

17 A No, sir. I don't recall.

18 Q Okay. And do you recall your attorney explaining to you
19 that you would be waiving those rights if you pled guilty? Do
20 you recall that?

21 A Repeat that.

22 Q Do you recall your attorney explaining to you that by
23 pleaing guilty you would be giving up those rights that I just
24 mentioned?

25 A Yeah, I think I recall that, her saying that.

Maurice Bookard - Cross by Attorney Hall

1 Q Okay.

2 ATTORNEY HALL: One moment, Your Honor.

3 THE COURT: Yes, sir.

4 Q Mr. Bookard, I want to ask you some questions about the day
5 of your plea. Do you recall the judge asking you whether
6 Ms. Wyman explained the evidence in this case with you, and you
7 answered yes; is that correct?

8 A Yes, I did.

9 Q And do you recall, when the judge asked if Ms. Wyman
10 explained the law in this case to you, do you remember what your
11 answer was?

12 A No.

13 Q If I told you you said yes would you accept that?

14 A I probably did say yes, but I don't remember.

15 Q Okay. Do you recall the judge asking you whether Ms. Wyman
16 explained your constitutional rights?

17 A Yeah, I think he did, he did say that.

18 Q And you answered yes, correct?

19 A Yes, I did. Yeah.

20 Q And do you recall the judge asking you whether you were
21 satisfied with Ms. Wyman's services? Do you recall that?

22 A Yeah, I think he did. I think I did say yes.

23 Q And you said yes?

24 A Yes.

25 Q Do you recall the judge asking you if you needed more time

1 to speak with Ms. Wyman before taking your plea?

2 A I think I said no.

3 Q You think you said no?

4 A I think I said no. Repeat that question again.

5 Q Do you recall when the judge asked, and I quote, "Do you
6 need any more time to speak with her"? Do you remember what your
7 answer was?

8 A Yeah. I think I told him no. I think I told him no.

9 Q Okay. And you did, you said "No, sir."

10 A Oh.

11 ATTORNEY HALL: One moment, Your Honor.

12 THE COURT: Okay.

13 ATTORNEY HALL: No further questions, Your Honor.

14 THE COURT: Mr. Richey?

15 ATTORNEY RICHEY: No more question.

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

17 ATTORNEY RICHEY: I'd call Ms. Wyman.

18 CLERK OF COURT: State your full name for the record.

19 MS. WYMAN: Minh Wyman.

20 MINH L. WYMAN,

21 having first been duly sworn, is examined and testifies as
22 follows:

23 **DIRECT EXAMINATION**

24 BY ATTORNEY RICHEY:

25 Q Can you state your name, please, ma'am?

1 A Minh Wyman.

2 Q And, Ms. Wyman, in 2017 where were you employed?

3 A The Orangeburg County Public Defender's Office.

4 Q And during that employment did you represent Mr. Bookard?

5 A I did.

6 Q And you were in the courtroom today during his testimony; is
7 that correct?

8 A Yes, sir.

9 Q And in this particular charge -- Let me ask you, what type
10 of investigation did you do in this case?

11 A We did speak to a couple of expert witnesses in this case,
12 one being Dr. Charlotte Word. She's a DNA expert. And we also
13 reached out to Dr. Mickey Dawson, who was a handwriting expert.

14 Q And you heard Mr. Bookard. Was there an issue on whether
15 this was, I use the phrase, a discipline case, that he
16 disciplined the child and based on that act the child then made
17 the allegations against him?

18 A That's what he claims. Yes.

19 Q Do you recall talking to him about that?

20 A Yes, sir.

21 Q And do you recall talking to him about the other individuals
22 this child wrote these type of letters on? Do you recall do you
23 remember that?

24 A Repeat that. I'm sorry.

25 Q That there were other people that this victim wrote these

1 type of letters against other than Mr. Bookard? There were other
2 people in the family she did it to?

3 A I don't recall that.

4 Q And in a discipline case, did you all discuss whether he
5 could win a trial with that defense?

6 A We discussed that it would come down to the credibility of
7 her as a witness.

8 Q Did he discuss with you that he wanted to have a trial?

9 A No, sir.

10 Q He did not?

11 A No. I mean, we went over it just in case, but I don't think
12 he was ever like dead set on wanting a trial or anything.

13 Q So this 15-year recommendation, he was fine with that from
14 your discussions?

15 A He ultimately took it. Yes.

16 Q And do you believe that you had the proper time to
17 investigate the case?

18 A I do.

19 Q And investigate the allegations against him and all the
20 stuff surrounding the case, you believe you had enough time to do
21 that?

22 A Yes, sir.

23 Q And do you believe that -- you heard his testimony, that he
24 didn't understand -- well, he understood what the discovery was
25 but he didn't -- well, when you went over the information with

1 him did you describe it as discovery, or how did you all talk
2 about the information he was getting?

3 A He did have copies of everything, so he had that. And we
4 watched the video, the forensic video, with -- a couple of times
5 with his family, as well, being there. There was a polygraph
6 test, he had a copy of that. So we went over everything that I
7 had.

8 Q When you said you watched a video, what was the video of?

9 A It was the forensic interview of his daughter.

10 Q Was it the child?

11 A Yes, as well as his, actually, too. He gave a video
12 statement, too, I believe. Definitely the video of the forensic
13 interview. Yeah.

14 Q And you recall telling him that his case was not strong
15 enough to take to trial?

16 A We discussed the weaknesses.

17 Q And do you believe that this was a case -- this case was a
18 suitable case for a jury trial?

19 A Probably not but, again, I went over it with him, the
20 weaknesses of the case, and that it would come down to pretty
21 much his daughter's testimony.

22 Q And during this guilty plea you did not tell him how to
23 answer these questions?

24 A No, sir.

25 Q Do you believe he understood the judge's questions based on

1 your conversation in talking to him? Do you believe that he
2 understood what was going on?

3 A Yes, sir. Prior to every plea -- this is my practice -- we
4 go over a guilty-plea checklist, and I pretty much tell them
5 every question that the judge is going to be asking, as well as
6 the rights that he'll be giving up. So I think he understood,
7 and he signed it and understood it. His family was always
8 present every time we spoke, too.

9 Q And so the DNA in the truck, that was his DNA, correct?

10 A Correct.

11 Q And that was no --

12 A Well, I'm not sure, actually. Hold on. It was positive for
13 a male specimen.

14 Q So it was his?

15 A Presumably.

16 Q It was not the daughter's, correct?

17 A Correct.

18 Q All right.

19 ATTORNEY RICHEY: Just one moment, Your Honor.

20 THE COURT: Yes, sir.

21 ATTORNEY RICHEY: Answer the questions the Attorney General
22 has for you, please.

23 THE COURT: Mr. Hall.

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CROSS-EXAMINATION

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BY ATTORNEY HALL:

Q Good morning, Ms. Wyman.

A Good morning.

Q Ms. Wyman, how long have you been practicing law?

A Since 2011.

Q Since 2011. And how much of that time has been devoted to criminal law?

A I've been a public defender since 2013 all the way till now.

Q Do you recall when you were appointed -- you were appointed to represent Mr. Bookard, correct?

A Yes, sir.

Q Do you recall when that was?

A Our office was appointed December 2017. He originally had another attorney, Douglas Mellard, in our office, and then the case was transferred to me in April 2018.

ATTORNEY HALL: One moment, Your Honor.

Q Do you recall when you first met with Mr. Bookard?

A Yes.

Q You said May 2018?

A Yes, sir.

Q And how many times did you meet with him before he pled?

A He and I had a sit-down, just he and I, twice, and then we saw each other a couple of times in court, he had appearances. And his family had come in another handful of times throughout

1 the month of June and July. I think he came to some of those
2 meetings.

3 Q Okay. Could you give an approximate number for how many
4 times you met with Mr. Bookard?

5 A Probably six or seven.

6 Q Six or seven?

7 A Yeah, probably.

8 Q But more than two?

9 A More than two.

10 Q Okay. Do you believe that you had adequate time to speak
11 with him before deciding -- or before he pled?

12 A I do.

13 Q You do, okay. While you were representing Mr. Bookard you
14 received discovery from the State, correct?

15 A Yes.

16 Q Can you give us a brief overview of all the evidence the
17 State had against Mr. Bookard?

18 A Sure. I believe it started when -- I'll tell you everything
19 that we have in discovery. The incident report, a couple
20 supplemental reports from officers, his wife wrote an affidavit,
21 the victim in this case wrote a diary entry, a letter to her mom,
22 we had a couple of forensic interview reports, a polygraph
23 report, search warrant for the truck, photographs, SLED reports,
24 a video of the forensic interview, medical report, and then a
25 forensic file.

1 Q And you mentioned that there was a polygraph in this
2 evidence. Was that from the -- was that from Mr. Bookard?

3 A Yes, sir.

4 Q Going back to Mr. Bookard's truck, there was a semen sample
5 collected from that truck. Was there anything else collected
6 from that truck?

7 A It showed that there was a mixture of two DNAs, one of
8 them -- the major was an unidentified male, and the minor being
9 insufficient for interpretation. And that was in the backseat of
10 the vehicle.

11 Q Did you review all of this evidence with Mr. Bookard?

12 A I did.

13 Q You did. And while reviewing that evidence did he ask you
14 to investigate anything specifically?

15 A I don't think he asked me but I did. Like I said, I talked
16 to a DNA expert --

17 Q Did he ever -- oh, I'm sorry.

18 A -- to interpret the report.

19 Q Do you recall him asking you to investigate a cellphone
20 incident of any sort?

21 A Not really investigate. I think what all that was about was
22 basically he was saying that she was lying because she was mad
23 that he took the phone. So I'm not sure what else he would have
24 wanted us to do in regards to that. It wasn't like there was
25 anything on the phone or anything like that.

1 Q Do you recall him ever asking you to investigate the journal
2 entries?

3 A Yes.

4 Q And that's when you hired the handwriting expert to
5 investigate that?

6 A We had reached out ... Mr. Bookard's family, there was a
7 bunch that came to my office within a period of two months,
8 thought that maybe grandma had written the entries, or maybe the
9 cousin had written, and they kind of just gave me the runaround
10 of who said that they think that. And no one was really able to
11 give me a sample of anyone's handwriting to give to the expert,
12 so we never ended up using him, but I did reach out to him in
13 anticipation that we may have something for him to use. We ended
14 up never using anything.

15 Q So you hired a handwriting expert and you, during that time,
16 spoke with family members about the journal entries, and
17 nothing -- it led to nothing?

18 A Nothing became of that.

19 Q Okay. Did Mr. Bookard ask you to interview anyone, any
20 witnesses?

21 A No.

22 Q No, okay. Did you discuss with Mr. Bookard the charge
23 against him and what the State had to prove?

24 A Yes.

25 Q And did he have any legal defenses?

1 A No. No.

2 Q No cognizable defenses that could go forward?

3 A Nothing other than it wasn't him, so we discussed if it went
4 to trial it would really just be, if he wanted to take the stand,
5 his word against hers and us addressing the credibility of her
6 testimony.

7 Q And you indicated that Mr. Bookard had never said to you
8 that he wanted a trial; is that correct?

9 A Never.

10 Q Never. But you were prepared to go to trial, you had a
11 trial strategy?

12 A Sure.

13 Q And that trial strategy included putting witnesses on the
14 stand and questioning them, and --

15 A Yes.

16 Q And did you discuss with Mr. Bookard the evidence the State
17 had against him and that compared to your trial strategy of
18 examining witnesses and attacking their credibility?

19 A Sure. Yes, I did.

20 Q And knowing that, he still wished to go forward with the
21 plea?

22 A Yes. I will point out, too, if he did go to trial the State
23 had intended to indict him for insist and for unlawful conduct
24 with a child, as well, so that's something he, I think, was aware
25 of.

1 Q Did the State drop those charges for this plea?

2 A Yes.

3 Q Okay. And before Mr. Bookard pled did you explain to him
4 his right to a trial by jury?

5 A Yes.

6 Q And did you explain to him his right to remain silent?

7 A Yes.

8 Q Did you explain to him the right to confront witnesses, and
9 did you explain that the right to confront witnesses meant that
10 he could have put the victim on the stand and you guys could have
11 questioned her about this incident?

12 A Yes. He knows that the State would have called her as a
13 witness, and we would have the opportunity to cross-examine her.

14 Q And do you believe Mr. Bookard understood that when you
15 explained it to him?

16 A I think so.

17 Q Did you ever have any questions about his ability to
18 understand any of what you told him?

19 A No.

20 Q No. And it was Mr. Bookard's decision to plea, right?

21 A Absolutely.

22 Q Did you explain to Mr. Bookard before he took the plea the
23 possible penalties that this charge carried?

24 A Yes, sir.

25 Q And did you explain to him that the State had made a

1 recommendation in this case?

2 A Yes.

3 Q And did he understand that the judge didn't have to accept
4 the recommendation? He understood all the consequences of this
5 plea?

6 A Yes.

7 Q And knowing all of this he still wished to go forward with
8 the plea?

9 A Yes, sir.

10 ATTORNEY DIXON: No further questions, Your Honor.

11 THE COURT: Mr. Richey.

12 ATTORNEY RICHEY: Just one question.

13 **REDIRECT EXAMINATION**

14 BY ATTORNEY RICHEY:

15 Q So really the main evidence they had against him was the
16 letter that the daughter wrote, correct? That was the main
17 evidence, the letter the daughter wrote?

18 A That's what started the whole investigation, but then she
19 further gave interviews.

20 Q There was no forensic evidence against him, DNA or anything
21 like that, rape kit, none of that stuff?

22 A Oh, no, because this was delayed disclosure. But, yeah.

23 ATTORNEY RICHEY: Thank you.

24 THE COURT: Mr. Hall.

25 ATTORNEY HALL: No further questions, Your Honor.

1 THE COURT: Thank you, ma'am. Mr. Richey.

2 ATTORNEY RICHEY: No other witnesses.

3 THE COURT: Mr. Hall.

4 ATTORNEY HALL: No witnesses from the State, Your Honor.

5 THE COURT: Once again, I've taken copious notes, but if any
6 of you wish to make any comments or statements, go ahead.

7 ATTORNEY RICHEY: Your Honor, Mr. Bookard is asking the
8 Court to give him a new trial. His position is that the State
9 had limited evidence against him, and that he felt he didn't have
10 sufficient time to talk to his lawyer, and that he is requesting
11 the Court grant him a new trial at this time.

12 THE COURT: Mr. Hall.

13 ATTORNEY HALL: Your Honor, the State would ask that you
14 deny Mr. Bookard's petition for a new trial. In a PCR hearing
15 the burden is on the applicant, by a preponderance of evidence,
16 to prove his allegations.

17 Here Mr. Bookard brings a claim for ineffective assistance
18 of counsel. Under Strickland he must prove that counsel was
19 deficient and he must also prove that that deficiency prejudiced
20 him.

21 It is our position that Mr. Bookard hasn't met that burden.
22 First, he hasn't proved that Ms. Wyman was deficient in her
23 representation of him. Ms. Wyman has testified that she
24 explained to him his constitutional rights. She explained to him
25 the evidence the State had against him in this case. The

1 evidence was waived in this case. There were journal entries
2 from the victim, there was DNA that was collected from the car,
3 and there were witnesses who were willing to go forward and
4 testify at trial.

5 In light of the State's evidence, Ms. Wyman testified that
6 Mr. Bookard didn't have any defenses to go forward with at trial.
7 With this in mind, Mr. Bookard decided to plead guilty, and
8 Ms. Wyman explained to him his rights and explained to him the
9 possible consequences if he had chose to plea, and he pled no
10 contest to these allegations.

11 Our courts have stated that the controlling standard for
12 whether -- the controlling standard for counsel's duty to
13 investigate is reasonableness, and that the burden is on the
14 applicant to show that counsel didn't adequately investigate, and
15 he must present evidence of what counsel could have discovered.
16 Mr. Bookard hasn't presented any evidence of things -- any
17 evidence that Ms. Wyman could have discovered at the time that he
18 took this plea; instead, he asserts mere allegations that
19 Mrs. Wyman hadn't done her due diligence, and so it's our
20 position that there is no deficiency.

21 However, if the Court does find that there is a deficiency,
22 it's our position that there was no prejudice to Mr. Bookard.
23 Mr. Bookard accepted this plea voluntarily and intelligently, and
24 pleaded no contest.

25 And so, Your Honor, we ask that you deny Mr. Bookard's

1 application.

2 THE COURT: Mr. Hall, do you have with you -- I'm pretty
3 sure I looked at that over the weekend, but -- the transcript of
4 the plea?

5 ATTORNEY HALL: Yes, sir. Would you like a copy of that?

6 THE COURT: Can I look at it, please.

7 ATTORNEY HALL: Yes. Your Honor, I'm going to show Mr. --

8 THE COURT: Yes, sir.

9 ATTORNEY HALL: -- Richey.

10 THE COURT: I was curious about this plea here. I heard the
11 word, or phrase, "no contest" several times during testimony, and
12 it's even in the transcript towards the end where the Court says
13 "Okay, and you're pleading no contest to this charge." But on
14 the front-end I don't see anything about being a straight-up
15 *Alford* plea. What was it? Was it --

16 ATTORNEY RICHEY: Your Honor, my understanding, he pled no
17 contest. That's what him in the lawyer talked about.

18 THE COURT: At the end. And there's a reason for me asking
19 that. It would appear that it's an *Alford* plea, but certainly
20 he's not contesting the allegations in the transcript.
21 Regardless of whether it's a true *Alford* plea or not, it's clear
22 from the testimony today that his trial counsel, or plea counsel,
23 shared with him all the discovery, and she even itemized it at
24 one point during her testimony as to what that evidence was,
25 including letters, diary entries, video, and the other evidence

1 involved. And I say that, or note that, because the applicant
2 was clearly aware of what the evidence could have been at trial.

3 I do not find that plea counsel was deficient, or negligent,
4 or fell below any ideals or measures such as *Strickland*. I
5 reiterate, or reuse, the phrase I used earlier today, "conclusory
6 allegations." I simply state I don't find where Mr. Bookard met
7 his burden of proof today to convince this Court, by a
8 preponderance of the evidence, that he's entitled to a new trial.

9 Mr. Hall, I'll ask you to prepare an order to that effect,
10 to include any proposed findings of fact and conclusions that I
11 may not have specifically mentioned. If the record supports it,
12 I will adopt it.

13 And I will note again that, Mr. Richey, you didn't make the
14 prior record, and you have done your job today, as so have you,
15 Mr. Hall, you've done your job today. That's my ruling. Thank
16 you all.

17 (End of Transcript of Record.)
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CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter for the Fourteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial/proceedings of the captioned case in the Court of Common Pleas for Orangeburg County, South Carolina, on the 5th day of September, 2023.

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

Date: October 30, 2023

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter

STATE OF SOUTH CAROLINA)
 COUNTY OF ORANGEBURG)
)
 Maurice Bookard, SCDC #377091,)
)
 Applicant,)
 v.)
 State of South Carolina,)
)
 Respondent.)
)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2019-CP-38-00865

ORDER OF DISMISSAL

FILED FOR RECORD
 WINNIFRA B. CLARK
 2023 SEP 21 PM 1:17
 CLERK OF COURT
 ORANGEBURG, SC

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Maurice Bookard (Applicant) on July 1, 2019. On September 5, 2023, an evidentiary hearing convened before the Honorable George M. McFaddin, Jr. Applicant was present and represented by Rodney W. Richey, Esquire. Assistant Attorney General Bryan Hall represented Respondent. During the hearing, Applicant testified on his own behalf and called as a witness Minh L. Wyman, Esquire (plea counsel). Respondent did not call any witnesses. Following a thorough review of the plea transcript and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant did not meet his burden of proof. Thus, this Court denies relief and dismisses this application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a fifteen-year sentence. In June 2018, the Orangeburg County Grand Jury indicted Applicant for criminal sexual conduct with a minor – victim less than 16 years of age – second degree (2017-GS-38-1071).¹ These charges arose from a sexual assault incident involving Applicant and the

¹ Additional charges of incest (2018-GS-38-0993) and unlawful neglect of child (2018-GS-38-0994) were *nolle prosequi*.

RECEIVED

OCT 06 2023

S.C. SUPREME COURT

Page 1 of 8

ATTEST: TRUE COPY

Winnifra B. Clark
 2019-CP-38-00865
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

minor victim that occurred on or around October 2016. The incident was reported to law enforcement by the victim's doctor's office on November 9, 2016.

On July 17, 2018, Applicant pled guilty² to the indictment before the Honorable Edgar W. Dickson. Minh L. Wyman, Esquire, represented Applicant, and Assistant Solicitor Ashley Cornwell, represented the State. Following the State's recommendation of fifteen (15) years, Judge Dickson sentenced Applicant to fifteen (15) years imprisonment.

Applicant filed a timely notice of appeal. On August 23, 2018, the Court of Appeals dismissed the Applicant's appeal for failure to provide a sufficient explanation as to why an appeal from his guilty plea should proceed, pursuant to Rule 203(d)(1)(B)(iv), SCACR.³

CURRENT APPLICATION

Applicant timely commenced this PCR action on July 1, 2019, alleging he is being held in custody unlawfully for the following reasons:

- 1) Ineffective Assistance of Counsel
 - a. "Because she did not investigate case."

Respondent filed a return requesting a more-definite statement on Applicant's claims. At the hearing, Applicant proceeded on the following allegation:

Ineffective assistance of counsel for failure to investigate the victim's allegation.

TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

At the evidentiary hearing, Applicant averred trial counsel could have investigated more, and if counsel had further investigated, Applicant would not have pled. He asserted counsel only met with him twice and did not have sufficient time to prepare his case; did not investigate the victim's alleged history of behavioral problems; a disciplinary issue he alleges occurred between

² Record reflects Applicant plead "no contest" to the indictments. (Plea tr. 15:7-10; 15:17-22.)

³ *State v. Bookard*, Op. No. 2018-001379 (Ct. App. filed August 23, 2018).

the Applicant and victim; DNA evidence found in his car; and the victim's diary entry, in which she recalled the incident. Applicant asserted rather than investigate, counsel just relayed that a plea would be in his best interest because it was likely he would lose at trial and potentially receive more time. Applicant asserted he did not want to plead but wanted to proceed to trial instead.

Minh Wyman ("plea counsel") testified she met with Applicant numerous times and had sufficient and adequate time to meet and discuss the case. She testified she explained to him the charges the State brought against him, the elements of each charge, and the State's burden to prove each element. She received discovery from the State and reviewed the evidence with Applicant: a video of the victim's forensic interview; the victim's diary entries; photographs; statements given by the victim's mother and cousin; and semen and other possible DNA evidence found in Applicant's car. Counsel testified that she conducted further investigations, including hiring a DNA expert to investigate DNA specimens found in Applicant's car and hiring a handwriting expert to investigate the victim's diary entries. Counsel testified that although she engaged in conversations with Applicant's family regarding further investigation, such conversations proved to be unfruitful.

Counsel testified Applicant did not have a cognizable legal defense, beyond mere denial of the allegations. Counsel explained to Applicant the case at trial would be decided by the jury based on the credibility of the witnesses presented. Counsel testified she discussed potential trial strategies with Applicant and decided the best strategy would be to impeach witnesses through cross-examination. Counsel testified that she explained to Applicant his rights under the Constitution, including the 5th Amendment right to remain silent and 6th Amendment rights to confront witnesses and proceed to a trial by jury. Counsel testified Applicant understood those rights and wished to proceed with a plea and did not indicate to her a desire to proceed to a trial.



Counsel testified that, prior to the plea, she explained to Applicant the possible penalties and consequences of a plea, and Applicant understood.

As evidenced by the plea colloquy, Applicant proceeded to plead guilty to the State's allegations against him and informed the court that he understood the nature of his charges, possible penalties, and constitutional rights (Plea Tr. 6:25-8:3). Further, Applicant explained to the court his desire to proceed with the plea (Plea Tr. 8:4-6).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Before this Court are the Orangeburg County Clerk of Court records of the subject conviction; Applicant's records from the South Carolina Department of Corrections; the plea transcript; and the records of the current post-conviction relief action. This Court has had the opportunity to review the plea transcript in its entirety and has heard the testimony at the PCR hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony. After a careful review based on the *Strickland* standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of facts and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations. Rule 71.1(e), SCRCPP; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). An applicant alleging ineffective assistance of counsel must prove "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 441, 334 S.E.2d at 813. "The test for effective assistance of counsel is whether the representation was within the range of competence


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demanded of attorneys in criminal cases.” *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). Courts presume counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Butler*, 286 S.C. at 441, 334 S.E.2d at 813. An applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989).

To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Strickland*, 466 U.S. at 687–88; *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625. “A PCR applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel’s errors, the applicant would not have pled guilty and would have insisted on going to trial.” *Dalton v. State*, 376 S.C. 130, 136, 654 S.E.2d 870, 873 (Ct. App. 2007). To prove prejudice following a guilty plea, the applicant “must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

Failure to Investigate

This Court finds Applicant failed to prove counsel was ineffective for failing to investigate the facts surrounding the charges against him. At the PCR hearing, Applicant never testified specifically to *what* counsel would have uncovered with further investigation. This Court finds *credible* counsel’s testimony that she explored the avenues provided by Applicant and reasonably investigated the information Applicant provided to her. Further, this Court finds counsel’s investigation into mitigation was reasonable under prevailing professional norms and thus was not deficient. Finally, Applicant did not produce any evidence at the PCR hearing of what a further



investigation would have uncovered and thus failed to prove prejudice in this regard. *Cf. Glover v. State*, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995) (providing an applicant must produce witnesses at a PCR hearing to support a claim that counsel was ineffective for failing to interview or call potential witnesses). Thus, Applicant has failed to show counsel was ineffective in investigating.

Failure to Spend Adequate Time⁴

Applicant contends counsel was ineffective for failing to spend adequate time on his case. This Court finds Applicant has not shown counsel was ineffective in this regard. This Court finds *credible* plea counsel's testimony that she pursued the avenues provided by Applicant; she reviewed discovery and explained to Applicant the charges against him; she explained to Applicant the weaknesses in his case; and she had sufficient time to prepare. Based on the foregoing, this Court finds counsel's preparation of this case was reasonable within prevailing professional norms and thus was not deficient. Thus, Applicant did not meet his burden of proving prejudice, and this claim is denied.

Involuntary Plea

In a PCR action, an applicant bears the burden of proving the allegations. Rule 71.1(e), SCRPC; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). "To be knowing and voluntary, a plea must be entered with an awareness of its consequences." *Holland v. State*, 322 S.C. 111, 113, 470 S.E.2d 378, 379 (1996). "To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him." *Dalton v. State*, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007).

⁴ Applicant did not raise this allegation in his PCR application, but the issue was raised through Applicant's testimony at the PCR hearing.

This Court finds Applicant failed to show his plea was involuntary. This Court finds *credible* counsel's testimony that she explained to Applicant, prior the plea, the constitutional rights Applicant was waiving and the sentence he faced. Further, the plea transcript itself supports a finding that Applicant was fully aware of the consequences of his plea, and thus pled guilty knowingly, voluntarily, freely, and intelligently (Plea Tr. 15:7-25). Specifically, the plea court asked applicant whether plea counsel had explained his constitutional rights, including his right to a jury trial, and Applicant indicated counsel had explained those rights, counsel had answered his questions, and Applicant understood those conversations (Plea Tr. 7:18:25). Applicant also told the plea court counsel had explained the charges and evidence to him, and he understood the sentences he faced (Plea Tr. 7:4-17). Finally, Applicant informed the plea court no one had promised him anything or threatened or forced him to plead guilty (Plea Tr. 8:8-16). *C.f. Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (“[S]tatements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements.”). Ultimately, the evidence and testimony before this Court establishes that Applicant discussed with counsel the consequences of taking the plea and pled guilty because he did not want to risk receiving more time than that recommended by the State. Based on the foregoing, this Court finds Applicant understood the consequences of pleading and has failed to prove his plea was involuntary.

Conclusion

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

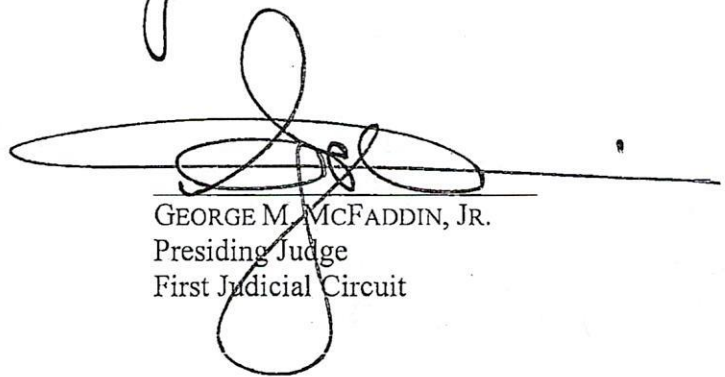


Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). If an applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRCR. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

- 1. This application for PCR is denied and dismissed with prejudice; and
- 2. Applicant must be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 14th day of April, 2023.



GEORGE M. MCFADDIN, JR.
 Presiding Judge
 First Judicial Circuit



, South Carolina

WITNESSES

John H Stuke

Orangeburg County Sheriff

2016008259

ARREST WARRANT NUMBER

2017A3810700551

Arrested: June 16, 2017

**ACTION OF GRAND JURY
TRUE BILL**

[Signature]
Date: JUN 10 2018

Foreperson of Grand Jury
Date: June 6, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS38-1071

**The State of South Carolina
County of ORANGEBURG**

COURT OF GENERAL SESSIONS

June 11, 2018 TERM

**THE STATE
vs.**

Maurice D Bookard

Indictment for

CRIMINAL SEXUAL CONDUCT WITH
MINOR - VICTIM LESS THAN 16 YRS
OF AGE SECOND DEG.

SC Code: 16-3-655(2)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. **4**

Defendant

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

Defendant

Witness:

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

ATTEST: TRUE COPY

Winnifa B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

FILED FOR RECORD
WINNIFA B. CLARK
2018 JUN -6 AM 10:12

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2017GS38-1071

At a Court of General Sessions, convened on June 6, 2018 the Grand Jurors of Orangeburg County present upon their oath:

**CRIMINAL SEXUAL CONDUCT WITH MINOR - VICTIM LESS THAN 16 YRS
OF AGE- SECOND DEGREE**

That in Orangeburg County, South Carolina, between January 1, 2013 and November 30, 2016, the Defendant, Maurice D Bookard, did engage in sexual battery upon a minor who was less than 16 years of age; to wit: Minor ;
DOB: [REDACTED]/2002. This offense in violation of Section 16-3-655 of the South Carolina Code of Laws, as amended.

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



Ashley B. Cornwell, Solicitor