

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Florence County

Honorable George M. McFaddin, Circuit Court Judge

LARENZOE TYSHAWN EPPS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001299

APPENDIX

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF FLORENCE) 2016-GS-21-00804

STATE OF SOUTH CAROLINA,)

Plaintiff,) **Transcript of Record**

vs.)

December 4, 2017

LARENZOE T. EPPS,)

Defendant.)

B E F O R E :

Honorable B. Craig Brown
Florence County Courthouse
Florence, South Carolina

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

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Circuit Court Reporter

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(No exhibits were marked or admitted.)

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BY THE COURT

3

1 DECEMBER 4, 2017 - 11:38 A.M.

2 BY THE COURT:

3 THE COURT: All right. State ready to proceed?

4 MR. JEPERTINGER: State is ready, Your Honor.

5 THE COURT: Defense counsel ready to proceed?

6 MR. FLOYD: Yes, Your Honor.

7 THE COURT: All right. State would call its case,
8 please.

9 MR. JEPERTINGER: Yes, sir. The state would call State
10 against Larenzoe Tyshawn Epps, on 2016-804. In that
11 indictment, he's pleading to -- excuse me -- he's being tried
12 for trafficking in heroin, more than 28 grams, possession of
13 stolen pistol, trafficking cocaine base 10 to 28 grams, and
14 trafficking cocaine 10 to 28 grams.

15 THE COURT: All right. Ladies and gentlemen, the state
16 has called the case of the State of South Carolina v. Mr.
17 Larenzoe Epps. Mr. Epps is charged by indictment with four
18 counts, four separate counts. The first count being
19 trafficking in heroin. This indictment reads that Mr.
20 Larenzoe -- excuse me -- Mr. Larenzoe Tyshawn Epps did in
21 Florence County on or about January 2, 2016 sell, deliver,
22 purchase, or bring into this state, or did aid, abet, attempt,
23 or conspire to sell, deliver, purchase, or bring into this
24 state, or was knowingly in actual or constructive possession
25 of a quantity of heroin in an amount of 28 grams or more, same

1 being a controlled substance, all within the meaning of
2 Section 44-53-110 of the South Carolina Code of Laws in
3 violation of Section of 44-53-370 of the South Carolina Code
4 of Laws for the crime of trafficking.

5 Second count is a possession of a stolen pistol. That
6 count reads as follows, that Larenzoe Tyshawn Epps did in
7 Florence County, on or about January 2, 2016, knowingly buy,
8 sell, transport, pawn, receive, or possess a stolen pistol to
9 wit a .357 revolver when the defendant or Mr. Epps knew or
10 should've known that such handgun was stolen in violation of
11 Section 16-23-30 and 16-23-50 of the South Carolina Code of
12 Laws.

13 The next count is trafficking in cocaine base. That
14 count reads as follows, that Larenzoe Tyshawn Epps did in
15 Florence Count on or about January 2, 2016, knowingly sell,
16 deliver, purchase, or bring into this state or did aid, abet,
17 attempt, or conspire to sell, deliver, purchase, or bring into
18 this state, or was in actual or constructive possession, or
19 attempted to become in actual or constructive possession of a
20 quantity of cocaine base in an amount of more than 10 grams
21 but less than 28 grams, same being a controlled substance
22 within the meaning of Section 44-53-110 of the South Carolina
23 Code of Laws, such possession not having been authorized and
24 in violation of Section 44-53-375 of the South Carolina Code
25 of Laws.

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VOIR DIRE

5

1 Finally, Mr. Epps is charged by indictment with the
2 offense of trafficking in cocaine. That count of the
3 indictment reads that Mr. Larenzoe Tyshawn Epps did in
4 Florence on or about January 2, 2016 knowingly sell, deliver,
5 purchase, or bring into this state, or did aid, abet, attempt,
6 or conspire to sell, deliver, purchase or bring into this
7 state or was in actual or constructive possession, or
8 attempted to become in actual or constructive possession of a
9 quantity of cocaine in an amount of more than 10 grams, but
10 less than 28 grams. The same being a controlled substance all
11 within the meaning of Section 44-53-370 of the South Carolina
12 Code of Laws, and such possession not having been authorized
13 and being in violation of Section 44-53-370(e)(2)(a) for the
14 crime of trafficking.

15 VOIR DIRE:

16 THE COURT: Now, ladies and gentlemen, I have read the
17 charges stated in the indictment. The indictment that I hold
18 in my hand is not evidence in this case. It is simply the
19 charging document which brings this case into this court. It
20 is in no sense evidence in this case. To these charges, the
21 Defendant Mr. Larenzoe Tyshawn Epps has pled not guilty.
22 Therefore, the State of South Carolina bears the burden of
23 proving his guilt beyond a reasonable doubt. Now, before we
24 select a jury in this case, ladies and gentlemen, there are
25 certain questions that I must ask of you. Please listen very

1 carefully. Is there any member of the jury panel that has
2 ever been related by blood, connected by marriage, had a close
3 personal, business, or social relationship with Mr. Larenzoe
4 Tyshawn Epps? If so, please stand.

5 Yes, sir. Your name and number, please?

6 JUROR 49: Zabion Durant, 49.

7 THE COURT: Okay. Hold on just a minute, sir. And how
8 do you know, Mr. Epps, sir?

9 JUROR 49: I'm a friend.

10 THE COURT: You indicated you were a friend of the
11 defendant?

12 JUROR 49: Yes, sir.

13 THE COURT: Do you all engage in social activities
14 together, do you hang out?

15 JUROR 49: I mean, yeah, we used to hang out a lot.

16 THE COURT: When is the last time you had any contact
17 with him?

18 JUROR 49: It's been a while.

19 THE COURT: Other than what I've told you concerning this
20 case, which I've told you is not evidence in this case, do you
21 have any knowledge about this case?

22 JUROR 49: No, sir.

23 THE COURT: If you were selected as a juror in this case,
24 could you be fair and impartial to both the state and the
25 defense? Could you be fair and impartial?

1 JUROR 49: What do you mean by that?

2 THE COURT: Could you decide this case based upon --

3 solely based upon the evidence that's presented during the

4 course of this trial?

5 JUROR 49: I would think so.

6 THE COURT: Okay. I'm gonna thank you for letting me

7 know. I'm gonna set you aside for the trial of this case.

8 You may be seated, though.

9 All right. Yes, sir. I'm sorry, Mr. Pompey, you ---

10 JUROR 111: I'm a friend of the family.

11 THE COURT: Your juror number, please, sir?

12 JUROR 111: 111.

13 THE COURT: You said friend of the family?

14 JUROR 111: Yes, sir.

15 THE COURT: Do you all engage in any social activities

16 together?

17 JUROR 111: Nah.

18 THE COURT: When is the last -- do you talk to him on a

19 regular basis?

20 JUROR 111: Nah.

21 THE COURT: Other than what I've told you about this

22 case, do you have any knowledge whatsoever about it?

23 JUROR 111: Nah.

24 THE COURT: If you were selected as a juror in this case,

25 could you decide this case -- could you be fair and impartial

1 to both the state and the defense?

2 JUROR 111: Yes, sir.

3 THE COURT: Thank you, sir. You may be seated.

4 All right. The following, ladies and gentlemen, is a
5 list of potential witnesses in this case. Please listen very
6 carefully. They include Deputy Austin Meggs, with the
7 Florence County Sheriff's Office; Investigator Brad McDowell,
8 Florence County Sheriff's Office; Sergeant Andrew Clendenin,
9 Florence County Sheriff's Office; Deputy T.J. Christmas,
10 Florence County Sheriff's Office -- gentlemen, y'all can be
11 seated now -- Lieutenant Mitchell Hansen, Florence County
12 Sheriff's Office; Deputy Ryan Huggins, Florence County
13 Sheriff's Office.

14 Can the lawyers approach just a minute, please?

15 (REPORTER'S NOTE: Bench conference is held off the record in
16 the presence of but outside the hearing of the jury.)

17 THE COURT: All right. Sergeant Russell Brewton of the
18 Richland County Sheriff's Office; Mr. Clarence Davis; William
19 Hester, formerly of the Florence County Sheriff's Office; John
20 Salane -- did I pronounce that correct?

21 MR. JEPERTINGER: Yes, I believe so; yes, sir.

22 THE COURT: And Mr. Otis Epps. Is there any member of
23 the jury panel that has ever been related by blood, connected
24 by marriage, had a close personal, business, or social
25 relationship with any of those potential witnesses? If so,

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VOIR DIRE

9

1 please stand.

2 Yes, sir. Your name and number, please.

3 JUROR 147: 147, David Waggoner.

4 THE COURT: All right. Whom off of that list, Mr.
5 Waggoner?

6 JUROR 147: Officer Meggs and Hester.

7 THE COURT: In what capacity do you know them?

8 JUROR 147: Friends.

9 THE COURT: You do engage in social activities together?

10 JUROR 147: One of them, yes.

11 THE COURT: Which one?

12 JUROR 147: Hester.

13 THE COURT: When was the last time you did such?

14 JUROR 147: It's probably about a year now.

15 THE COURT: Other than what I've told you about this case
16 in this courtroom today, do you have any knowledge whatsoever
17 about it?

18 JUROR 147: No, sir.

19 THE COURT: If you were selected as a juror in this case,
20 could you be fair and impartial to both the state and the
21 defense?

22 JUROR 147: Yes, sir.

23 THE COURT: Thank you. You may be seated.

24 Yes, ma'am, your name and number?

25 JUROR 121: Julie Robinson, 121.

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VOIR DIRE

10

1 THE COURT: Yes, ma'am, Ms. Robinson.

2 JUROR 121: Officer Meggs.

3 THE COURT: In what capacity?

4 JUROR 121: Friends.

5 THE COURT: Do you engage in social activities with Mr.
6 Austin Meggs?

7 JUROR 121: Occasionally, he's my son's friend.

8 THE COURT: When was the last time?

9 JUROR 121: One of the kids' birthdays, months ago.

10 THE COURT: Other than what I've told you about this case
11 in this courtroom today, do you have any knowledge whatsoever
12 about the case?

13 JUROR 121: No, sir.

14 THE COURT: If you were selected as a juror in this case,
15 could you be fair and impartial to both the state and the
16 defense?

17 JUROR 121: Yes, sir.

18 THE COURT: Thank you. You may be seated.

19 All right. If at this time, the attorneys involved in
20 the case would stand and introduce themselves, first the state
21 followed by defense counsel.

22 MR. JEPERTINGER: Good morning. My name John
23 Jepertinger, I'm Deputy Solicitor here in the Twelfth Circuit.

24 MR. FLOYD: I'm Scott Floyd and I represent Larenzoe
25 Epps.

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VOIR DIRE

11

1 THE COURT: All right. Is there any member of the jury
2 panel related by blood, connected by marriage, have a close
3 personal, business, or social relationship, or ever been
4 represented by any of the attorneys involved in this case? If
5 so, please stand.

6 Yes, sir. Juror number?

7 JUROR 105: 105, Ashley Nance. As Your Honor is aware,
8 I've had several cases against the solicitor's office.

9 THE COURT: All right. If you were selected as a juror
10 in this case, could you be fair and impartial to both the
11 state and the defense?

12 JUROR 105: I can.

13 THE COURT: Thank you. You may be seated.

14 Yes, ma'am?

15 JUROR 47: Juror 47, Dorsey. I used to work with those
16 gentlemen.

17 THE COURT: All right. If you were selected as a juror
18 in this case, could you be fair and impartial to the both the
19 state and the defense?

20 JUROR 47: Yes, sir.

21 THE COURT: Thank you. You may be seated.

22 Yes, ma'am?

23 JUROR 2: Number 2, Cristin Allred.

24 THE COURT: Yes, ma'am, Ms. Allred?

25 JUROR 2: I go to church with Mr. Jepertinger.

1 THE COURT: All right. If you were selected as a juror
2 in this case, could you be fair and impartial to both the
3 state and the defense?

4 JUROR 2: Yes, sir.

5 THE COURT: Thank you. You may be seated.

6 Yes, sir. Your name and number again?

7 JUROR 147: David Waggoner, 147.

8 THE COURT: Yes, sir.

9 JUROR 147: My mother is employed by the Florence County
10 Solicitor's Office in the PTI.

11 THE COURT: Can the lawyers approach a minute, please.

12 (REPORTER'S NOTE: Bench conference is held off the record in
13 the presence of but outside the hearing of the jury.)

14 THE COURT: Mr. Waggoner, would you come up here, please,
15 sir?

16 (REPORTER'S NOTE: Bench conference is held off the record in
17 the presence of but outside the hearing of the jury. Juror
18 147 transferred to civil term.)

19 THE COURT: All right. Is there any member of the jury
20 panel formed or expressed an opinion about any issue or matter
21 involved in this case? If so, please stand.

22 (REPORTER'S NOTE: No response.)

23 THE COURT: All right. Is any member of the jury panel
24 aware of any bias or prejudice towards either the state or the
25 defendant in this case? If so, please stand.

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JURY SELECTION

13

1 (REPORTER'S NOTE: No response.)

2 THE COURT: All right. Does any member of the jury panel
3 know of any reason, any reason whatsoever why he or she should
4 not serve as a juror in this case with particular emphasis
5 being placed upon your ability to be fair and impartial to
6 both the state and the defense? If so, please stand.

7 (REPORTER'S NOTE: No response.)

8 THE COURT: All right. Any further requested voir dire
9 from the state?

10 MR. JEPERTINGER: Not from the state, Your Honor.

11 THE COURT: Defense counsel?

12 MR. FLOYD: Nothing further, Your Honor.

13 THE COURT: Five and five on the strikes, gentlemen?

14 MR. JEPERTINGER: That's correct.

15 THE COURT: One alternate sufficient?

16 MR. JEPERTINGER: Yes, sir.

17 MR. FLOYD: Yes, Your Honor.

18 THE COURT: All right. Madame Clerk, if you'll produce
19 me a list, please.

20 JURY SELECTION:

21 THE COURT: All right. Ladies and gentlemen, what's
22 happening now, now that I've gone through those series of
23 questions with you, a list will be produced. Your name will
24 be called. If you're on that list and you'll gather your
25 belongings and come forward and you'll either be seated or not

1 seated. If you're not seated, you'll return to the audience.

2 This is done by computer now and it's run out of
3 Columbia. Okay? And we've had a little hiccup in the system
4 and they've had to shut the computer down and they're bringing
5 it back up now. So, just bear with us a minute. It used to
6 be that each one of jurors' names were printed out on a little
7 piece of paper and you'd go through the qualifications to
8 serve on a particular jury and if you were set aside, they --
9 all those pieces of paper would be in front of my clerk down
10 here and, if you were set aside for this particular trial,
11 your name would just be pulled out of the batch so to speak.
12 But once we went through that qualification process, if you
13 were qualified to serve on a particular jury, your name went
14 in a little capsule. And then that capsule was put in this
15 drum back here. I don't know why they still have it in here,
16 I guess just for demonstrative purposes. But anyway, your
17 name would be put in a capsule and placed in that drum and
18 they'd roll that drum and they'd pick names out, one by one.
19 Kind of like winning the lottery, I think. But anyway, with
20 the onset of technology, it's not done that way anymore. And
21 when the computer system is working, it's a lot faster. But
22 when it's not working, it's a lot slower. So, just bear with
23 us, please.

24 CLERK: When I call your name, if you'll come to the
25 front of the courtroom and bring all of your belongings with

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JURY SELECTION

15

1 you and just stand in front of the podium and face the back of
2 the courtroom.

3 Number 6, Kaela Askins.

4 What say the state?

5 MR. JEPERTINGER: Please present the juror.

6 CLERK: What say the defendant?

7 MR. FLOYD: Please swear the juror.

8 CLERK: Please have a seat in the jury box, ma'am.

9 72, Glenda Hyman-Singleton.

10 What say the state?

11 MR. JEPERTINGER: Please present the juror.

12 CLERK: What say the defendant?

13 MR. FLOYD: Please swear the juror.

14 CLERK: Please have a seat in the jury box, ma'am.

15 101, Danielle Monahan.

16 What say the state?

17 MR. JEPERTINGER: Please present the juror.

18 CLERK: What say the defendant?

19 MR. FLOYD: Please swear the juror.

20 CLERK: Please have a seat in the jury box.

21 69, Wylon Holley.

22 What say the state?

23 MR. JEPERTINGER: Please present the juror.

24 CLERK: What say the defendant?

25 MR. FLOYD: Please excuse the juror for the purposes of

1 this trial.

2 CLERK: You've been excused from the trial, sir. You may
3 return to your seat.

4 64, Diane Harper.

5 What say the state?

6 MR. JEPERTINGER: Please present the juror.

7 CLERK: What say the defendant?

8 MR. FLOYD: Please swear the juror.

9 CLERK: Please have a seat in the jury box, ma'am.
10 146, Paige Kight.

11 What say the state?

12 MR. JEPERTINGER: Please present the juror.

13 CLERK: What say the defendant?

14 MR. FLOYD: Please swear the juror.

15 CLERK: Please have a seat in the jury box, ma'am.

16 Number 7, Ronnie Bailey.

17 What say the state?

18 MR. JEPERTINGER: Please excuse this juror for the
19 purposes of this trial only.

20 CLERK: You've been excused from this trial only, sir.
21 You may return your seat.

22 121, Julie Robinson.

23 What say the state?

24 MR. JEPERTINGER: Please present the juror.

25 CLERK: What say the defendant?

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JURY SELECTION

17

1 MR. FLOYD: Please excuse the juror for of this trial
2 only.

3 CLERK: You've been excused from this trial only, ma'am.
4 You may return to your seat.

5 139, Valarie Taylor.

6 What say the state?

7 MR. JEPERTINGER: Please present the juror.

8 CLERK: What say the defendant?

9 MR. FLOYD: Please swear the juror.

10 CLERK: Please have a seat in the jury box, ma'am.

11 54, Anna Franks.

12 What say the state?

13 MR. JEPERTINGER: Please present the juror.

14 CLERK: What say the defendant?

15 MR. FLOYD: Please swear the juror.

16 CLERK: Please have a seat in the jury box, ma'am.

17 111, Michael Pompey.

18 What say the state?

19 MR. JEPERTINGER: We'd excuse this juror for the purposes
20 of this trial only.

21 CLERK: You've been excused from this trial, sir. You
22 may return to your seat.

23 16, Brantley Broach.

24 What say the state?

25 MR. JEPERTINGER: Please present the juror.

State v. Epps - 2016-GS-21-00804
JURY SELECTION

18

1 CLERK: What say the defendant?

2 MR. FLOYD: Please excuse the juror for the purposes of
3 this trial.

4 CLERK: You've been excused from this trial, sir. You
5 may return to your seat.

6 56, Randall Gillespie.

7 What say the state?

8 MR. JEPERTINGER: We'd excuse this juror for the purposes
9 of this trial only.

10 CLERK: You've been excused from this trial, sir.
11 You may return to your seat.

12 123, Manson Rogers.

13 What say the state?

14 MR. JEPERTINGER: Please present the juror.

15 CLERK: What say the defendant?

16 MR. FLOYD: Please swear the juror.

17 CLERK: Please have a seat in the jury box, sir.

18 68, Robert Holland.

19 What say the state?

20 MR. JEPERTINGER: Please present the juror.

21 CLERK: What say the defendant?

22 MR. FLOYD: Please swear the juror.

23 CLERK: Please have a seat in the jury box, sir.

24 73, Shalah Jackson.

25 What say the state?

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BY THE COURT

19

1 MR. JEPERTINGER: Please present the juror.

2 CLERK: What say the defendant?

3 MR. FLOYD: Please swear the juror.

4 CLERK: Please have a seat in the jury box, ma'am.

5 97, Mary McKnight.

6 What say the state?

7 MR. JEPERTINGER: Please present the juror.

8 CLERK: What say the defendant?

9 MR. FLOYD: Please swear the juror.

10 CLERK: Please have a seat in the jury box, ma'am.

11 89, Christopher Lind.

12 What say the state?

13 MR. JEPERTINGER: Please present the juror.

14 CLERK: What say the defendant?

15 MR. FLOYD: Please swear the juror.

16 CLERK: Please have a seat in the jury box, sir.

17 82, Michael Judge.

18 What say the state?

19 MR. JEPERTINGER: Please present the juror.

20 CLERK: What say the defendant?

21 MR. FLOYD: Please swear the juror.

22 CLERK: Please have a seat in the jury box, sir.

23 BY THE COURT:

24 THE COURT: All right. Is there anything with regards

25 ---

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PLEA HEARING

20

1 MR. JEPERTINGER: Alternates, Judge?

2 THE COURT: That was.

3 MR. JEPERTINGER: I'm sorry. I didn't ---

4 THE COURT: That was the alternate.

5 MR. JEPERTINGER: Very good.

6 THE COURT: Are there any matters of law that we need to
7 take up with regard to jury selection from the state?

8 MR. JEPERTINGER: No, sir.

9 THE COURT: Defense counsel?

10 MR. FLOYD: None, Your Honor.

11 THE COURT: Can the lawyers approach a minute, please.
12 I'm sorry.

13 (REPORTER'S NOTE: Bench conference is held off the record in
14 the presence of but outside the hearing of the jury.)

15 THE COURT: Ladies and gentlemen, I'm gonna ask you to
16 step to the jury room for just a minute. Do not, do not
17 discuss the case at all. I'll get you back out here in just a
18 minute. There's something I've got to take up outside of your
19 presence. Step to the jury room. Do not discuss the case.
20 I'll get you back out here in just a second.

21 (REPORTER'S NOTE: Jury exits courtroom @ 12:05 P.M.)

22 PLEA HEARING:

23 THE COURT: Mr. Jepertinger?

24 MR. JEPERTINGER: Mr. Epps, if you could come around,
25 please.

1 understanding what's going on here today?

2 MR. EPPS: No, sir.

3 THE COURT: State indicates you're pleading guilty to
4 trafficking heroin four grams or more but less than 14 grams,
5 first offense; is that correct?

6 MR. EPPS: Yes, sir.

7 THE COURT: You understand that that particular offense
8 carries a minimum of seven years up to 25 years; you
9 understand that?

10 MR. EPPS: Yes, sir.

11 THE COURT: Now, the state has indicated that they have
12 negotiated a sentence with your lawyer, that that negotiated
13 sentence is for 14 years; do you understand that?

14 MR. EPPS: Yes, sir.

15 THE COURT: Now you understand under a negotiated plea,
16 that I can either accept it or set it aside ---

17 MR. EPPS: Yes, sir.

18 THE COURT: --- and, in this situation, go to trial in
19 your case, you understand that?

20 MR. EPPS: Yes, sir.

21 THE COURT: Do you want me to accept this negotiation and
22 impose a 14-year sentence or do you want to go to trial?

23 MR. EPPS: Accept it; yes, sir.

24 THE COURT: All right. Now, you understand that under
25 South Carolina law this is considered to be a serious offense;

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LARENZOE TYSHAWN EPPS - BY THE COURT

23

1 you understand that?

2 MR. EPPS: Yes, sir.

3 THE COURT: In other words, it falls under the three-
4 strike rule; you understand that?

5 MR. EPPS: Yes, sir.

6 THE COURT: You understand, and I'm sure I know Mr. Floyd
7 has explained this to you, and that is because this is a
8 serious offense and because it falls under the three-strike
9 rule, if upon your release from the Department of Corrections,
10 you are convicted of two more serious offenses by plea or
11 trial and the state has properly noticed you of their intent
12 to seek life without parole, the Court would have no
13 alternative but to give you life; you understand that?

14 MR. EPPS: Yes, sir.

15 THE COURT: You still want to plead guilty to this
16 charge?

17 MR. EPPS: Yes, sir.

18 THE COURT: Is this still an 85 percent case?

19 MR. JEPERTINGER: It is, Judge.

20 THE COURT: You understand that this particular offense,
21 being a violent offense, is a no parole offense; you
22 understand that?

23 MR. EPPS: Yes, sir.

24 THE COURT: And you understand that you've got to do at
25 least a minimum 85 percent of this sentence before you're even

1 eligible for parole; you understand that?

2 MR. EPPS: Yes, sir.

3 THE COURT: All right. Understanding the consequences of
4 pleading to a serious offense, as well as understanding the
5 fact that it's a violent offense, meaning that you've got to
6 do at least 85 percent of this sentence before you are
7 eligible for parole, is it your desire to still enter this
8 plea here today?

9 MR. EPPS: Yes, sir.

10 THE COURT: All right. Now, you understand when you
11 plead guilty, you give up certain important constitutional
12 rights. You have a right to a jury trial. In fact, we've
13 selected a jury in this case and they're in that jury room
14 right now. But, if you plead guilty, there's not gonna be a
15 trial. You understand that?

16 MR. EPPS: Yes, sir.

17 THE COURT: However, you have a right to have your case
18 tried before a jury and if you wanted to do so, that jury
19 would sit in that jury box, or in fact we'd go down the fifth
20 floor courtroom because that's where we were gonna try this
21 case. I'd tell the jury that you're presumed innocent. In
22 fact I've told them that already prior to us even selecting
23 this jury that you're presume innocent, that the state, the
24 State of South Carolina has to prove your guilt beyond a
25 reasonable doubt. You have the right to question witnesses

State v. Epps - 2016-GS-21-00804
LARENZOE TYSHAWN EPPS - BY THE COURT

25

1 against you. In fact, I read off the list of potential
2 witnesses in this case. Your lawyer, Mr. Floyd, would have a
3 right to cross examine every one of those witnesses as it
4 relates to this case. You have the right to remain silent in
5 this case. You could sit at the table with your lawyer, not
6 say a word throughout. In fact, you're not even required to
7 put up any defense. If you chose to remain silent, I would
8 tell the jury that they could not, that they could not hold
9 that against you and I would further instruct that jury that
10 they couldn't even discuss the fact that you didn't testify in
11 the jury room. Also, again, you'd have a right to present a
12 defense but you're not required to do so. Furthermore, if you
13 made any incriminating statements, you would have a right to
14 challenge the admissibility of those statements.

15 Now, do you understand all of the rights that I have
16 explained to you?

17 MR. EPPS: Yes, sir.

18 THE COURT: Do you understand that if you plead guilty,
19 you give up those rights; do you understand that?

20 MR. EPPS: Yes, sir.

21 THE COURT: And you understand that there's not gonna be
22 a trial in your case; do you understand that?

23 MR. EPPS: Yes, sir.

24 THE COURT: Is it your desire to give up those rights
25 proceed here today and plead guilty to this charge?

1 MR. EPPS: Yes, sir.

2 THE COURT: All right. Now, you are represented by Mr.
3 Floyd. You satisfied with his representation?

4 MR. EPPS: Yes, sir.

5 THE COURT: Have you talked to him enough?

6 MR. EPPS: Yes, sir.

7 THE COURT: Do you need any more time to talk to him?

8 MR. EPPS: No, sir.

9 THE COURT: I need you to speak up.

10 MR. EPPS: No, sir.

11 THE COURT: You have any complaints about him whatsoever?

12 MR. EPPS: No, sir.

13 THE COURT: All right. Has anyone promised you anything
14 or held out any hope of reward to get you to plead guilty here
15 today?

16 MR. EPPS: No, sir.

17 THE COURT: Has anyone used any threats, force, pressure,
18 or intimidation to get you to plead?

19 MR. EPPS: No, sir.

20 THE COURT: Has anyone mistreated you in any way, whether
21 it be law enforcement or solicitor's office?

22 MR. EPPS: No, sir.

23 THE COURT: Have you had enough time to make up your mind
24 as to whether or not you want to plead guilty or go to trial
25 on this charge?

State v. Epps - 2016-GS-21-00804
PLEA HEARING

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1 MR. EPPS: Yes, sir.

2 THE COURT: And what do you wish to do?

3 MR. EPPS: Plead guilty.

4 THE COURT: Are you pleading guilty of your own freewill?

5 MR. EPPS: Yes, sir.

6 THE COURT: Have you understood my questions?

7 MR. EPPS: Yes, sir.

8 THE COURT: Mr. Jepertinger?

9 MR. JEPERTINGER: Okay. Your Honor, this case started on
10 January the 2nd, 2016. But if I could, if I could back up,
11 Judge. Had we gone to trial, of course, this young man, had
12 the jury convicted him of the trafficking in heroin, which
13 turned out to be 53.69 grams, he would've been looking at a
14 mandatory minimum of 25 years all the way up to 40 years
15 within the Court's discretion. So, theoretically, he could've
16 walked out of here with a 40-year sentence. Your Honor,
17 aiding in this case was Brad McDowell, investigator with the
18 sheriff's department, and Austin Meggs, also with the
19 sheriff's department. This case, really in my mind would've
20 started on December 20th of 2015. On that date that we found
21 out via messages on Mr. Epps' cell phone, he communicated with
22 somebody that we referred to as Unc DO as, yeah, everything
23 straight, Unc, just ready to leave. I can't be broke three
24 weeks straight. Laugh out loud. Then, on December the 26th,
25 2015, there was some communication between him and Unc saying,

1 Yo, Unc, what room we at? And that was on December 26th, as I
2 stated. And Unc communicated, Palmetto Inn on 76, Room 109,
3 which happens to be in Florence County, Judge. Somewhere on
4 January the 2nd, shortly after the December 26th, 2015
5 communication, a maintenance man by the name of Clarence Davis
6 was working on the air conditioner in Room 109 of the Palmetto
7 Inn. That room was registered to a Mr. Herbert Wilson. The
8 occupants of that room were Mr. Larenzoe Epps and a 16-year-
9 old juvenile. When Mr. Davis, the maintenance man, worked on
10 the AC, he noticed a quantity of drugs out there in the open.
11 With that information, he communicated with law enforcement.
12 Austin Meggs, with Florence County Sheriff's Office arrived to
13 the room, knocked on the door. The juvenile kind of pulled
14 back the venetian blinds or the curtains there and saw him
15 there, opened the door. One of the things that hit him
16 immediately was an overwhelming odor of marijuana. He asked
17 both the juvenile and the defendant in this case for
18 permission to enter the room. They gave it to him. The
19 defendant was between that entry room where the beds are and
20 the bathroom. He asked consent to search the room and they
21 both gave verbal consent to search the room. Judge, he asked
22 about the marijuana after Mirandas, they said that they had
23 been smoking marijuana earlier, I guess, before he got there
24 and that's why he had that odor of marijuana. He did find
25 marijuana there but when he walked back to the bathroom on the

State v. Epps - 2016-GS-21-00804
PLEA HEARING

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1 sink, and the sink is outside of the toilet room, he noticed a
2 quantity of what -- had to be either cocaine base or heroin,
3 because sometimes heroin when it's compressed looks exactly
4 like cocaine base. Readily apparent, Judge, that there were
5 narcotics in there other than marijuana. At that point, he
6 detained the both of them. As I stated, he did give them
7 Mirandas and they began to talk a little bit, Judge. He also
8 called Investigator McDowell, and I'm gonna turn it over to
9 Investigator McDowell, just to let you know what he did when
10 he got there and what he saw. I know he got a search warrant
11 to search the rest of the room.

12 MR. MCDOWELL: Yes, sir, Your Honor. Once I arrived on
13 scene -- I met with the magistrate to obtain a search warrant.
14 As soon as I got in the room, Deputy Meggs advised me that he
15 had Mirandized both individuals. Immediately, I could smell
16 the marijuana coming from the room also when I arrived. I
17 walked over towards where the sink was and a lot of the
18 narcotics were placed on the sink. Particularly, it was
19 cocaine, heroin, and the cocaine base. Through a further
20 search of the room, in the second bed, the room, what we call
21 is tossing, we tossed the bed, and under the mattress was a
22 small box. It was actually a vape pen box. It had a scale
23 beside it. That was where the large quantity of the heroin
24 came from. It was compressed. Once the box was opened, it
25 was packaged in a plastic bag. At that point, there was a

1 firearm also located in one of the drawers. We started from
2 the back of the room having worked our way towards the door.
3 The firearm was -- the serial number was checked on it,
4 reported stolen from the Richland County Sheriff's Office.
5 That was confirmed by a Sergeant Brewton from the Richland
6 County Sheriff's Office. There was also a set of keys that
7 was there. We had got knowledge from the witness that called,
8 the caller stated that they were in a Acura, the vehicle was
9 parked outside of the room. The vehicle, the tag came back to
10 a Otis Epps, however they did not belong on that car; it
11 belonged on a Buick. And also, once we ran the VIN number, we
12 realized that the vehicle had been reported stolen out of Lee
13 County, I think it was. At that point, we had the vehicle
14 towed, all of the evidence that we got from the office -- from
15 the hotel room was transported to the sheriff's office. Once
16 at the sheriff's office, I did speak with Mr. Epps again. He
17 consented verbally and in written form to check his cell
18 phone. The cell phone showed messages between him and a DO.
19 It also had photos of him and the juvenile holding the firearm
20 that was reported stolen and also had pictures of the vehicle
21 that had been reported stolen on there.

22 MR. JEPERTINGER: Judge, I'm gonna show you some of the
23 photographs that they found at the scene. These have been
24 provided to the defense, Judge. And this was -- a part of it
25 -- initially, Mr. Epps told the officers at the scene that he

State v. Epps - 2016-GS-21-00804
PLEA HEARING

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1 had no knowledge that either narcotics or the weapon was
2 present at the motel room. That, I guess, he was just merely
3 present there and those things were there. However, clearly,
4 his own phone showed him holding the stolen weapon in the
5 case. And Your Honor, since he had gotten there on December
6 the 26th of 2015, and this happened on January 2nd, 2016,
7 there was no way for him not to know that there were narcotics
8 in that room.

9 THE COURT: All right. Anything further?

10 MR. JEPERTINGER: Your Honor, obviously, this is a stiff
11 sentence, we understand that. Our legislature have -- they've
12 decided that this type of crime where it's over 53 grams
13 carries between 25 to 40 years. There's been significant plea
14 bargaining done in this case. We are holding him responsible.
15 We are having a problem with heroin and opioids in our
16 community and, Judge, we take it very seriously.

17 THE COURT: All right. Anything further from the state?

18 MR. JEPERTINGER: No, sir.

19 THE COURT: All right. Mr. Epps, you heard the facts as
20 stated by the prosecutor as it relates to this charge. Do you
21 agree with those facts?

22 MR. EPPS: Yes, sir.

23 THE COURT: Are you in fact guilty of this charge?

24 MR. EPPS: (Inaudible.)

25 THE COURT: Sir?

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PLEA HEARING

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1 MR. EPPS: Which you talking about?

2 THE COURT: The trafficking heroin?

3 MR. EPPS: Yes, sir.

4 THE COURT: Four grams or more but less than 14 grams;
5 are you in fact guilty of that charge?

6 MR. EPPS: Yes, sir.

7 THE COURT: And how do you plead, sir? Guilty or not
8 guilty?

9 MR. EPPS: Guilty.

10 THE COURT: All right. I find that there is substantial
11 factual basis for this plea. I also find Defendant's decision
12 to plead has been entered into freely, voluntarily, knowingly,
13 and intelligently. He's had the advice and counsel of an
14 attorney with whom he's indicated he's completely satisfied.
15 I'll accept his plea.

16 Happy to hear from you, Mr. Floyd.

17 MR. FLOYD: Thank you, Your Honor.

18 Your Honor, just for the record, present in the courtroom
19 with Mr. Epps is his mother, Cassie Conner; his grandmother,
20 Linda Jones; and an aunt, Katie Anderson.

21 Your Honor, Mr. Epps is now 20 years old. He was 18 at
22 the time of his arrest on this -- these charges. He lives in
23 Albany, Georgia. That's where he graduated from high school.
24 And in fact, had only recently graduated when he was arrested
25 on this charge. He's worked at Poultry Health, which is a

State v. Epps - 2016-GS-21-00804
PLEA HEARING

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1 company that goes around to chicken houses and basically does
2 vaccinations and that sort of thing for the last couple of
3 years. And he's also done construction work on the side. He
4 had plans, Your Honor, to enter Albany Tech and take aviation
5 mechanics there. And, he does have a 10-month-old child.

6 Your Honor, I became involved in this case back in
7 September of this year. Prior to that he had had another
8 lawyer but that lawyer was relieved from his representation
9 because of a conflict. So, we kind of jumped on this in a
10 hurry and we, you know, had consulted with Mr. Epps, you know,
11 about the evidence in this case and spoken to him. He decided
12 to enter this plea. Your Honor, I can only say that I think
13 certainly that that's what he should do and it's the smart
14 thing for him to do. Had he gone to trial in this case, not
15 only would he have been at risk for the possession of heroin
16 -- or the trafficking heroin charge, but also trafficking
17 cocaine base and cocaine, both of which carry from three to 10
18 years. So, he actually would've been at risk for a potential
19 60-plus year sentence.

20 THE COURT: Pretty much life in the penitentiary.

21 MR. FLOYD: Pretty much life, yes, sir. So, given the
22 evidence in this case that he was facing, this is absolutely
23 the smart thing for him to do and I -- and I'm glad that he's,
24 you know, here to do it. I know it's painful for a 20-year-
25 old to stand up here and sign up for that amount of time, but

1 I think he's doing the smart thing.

2 Your Honor, of course, you know, in a trafficking case,
3 you know, they don't have to prove that he sold drugs or
4 anything else, they just have to prove either actual or
5 constructive possession plus the weight. And that's it. And
6 certainly I think the evidence in this case could've gotten
7 the state there, Your Honor.

8 I'm gonna -- not gonna be, you know, long-winded here.
9 This is a negotiated plea, Your Honor. I would just ask if
10 you would take into account Mr. Epps' age. He did not have a
11 record prior to this nor has he gotten into any more trouble
12 since this happened, Your Honor. I think he's been out on
13 bond now for about two years. I don't think he did but about
14 three days in jail before he bonded out. Certainly, a case
15 like this is painful as, you know, it's just a shame that a
16 young man has to go serve time here for -- this much time
17 particularly for something that I know he was not -- certainly
18 not the mastermind of. I mean, he was 18. Do I think he got
19 all the heroin and cocaine and brought it here to Florence
20 from Georgia, no, I don't. I think somebody else was using
21 him as a distribution tool. And -- but, you know, we are
22 where we are. And unfortunately, that's the case. And, Your
23 Honor, I would just ask if you would hear from Mr. Epps or his
24 family members who would like to say something.

25 THE COURT: All right. Thank you, Mr. Floyd.

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PLEA HEARING

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1 Mr. Epps, anything you want to say, sir?

2 MR. EPPS: Your Honor, I never got in trouble before. I
3 never been the type of kid to get in trouble. I always stayed
4 to myself. Even when I came up here, I didn't even know
5 everyone like that. I didn't even know a lot of people like
6 that. I only -- I only communicated and moved through a
7 couple of relative that I already had up here. And I don't
8 see how -- I came up here to better myself and to go to
9 college, and for something like this to happen -- I learned my
10 mistake and I want to say I'm sorry for putting myself in that
11 predicament, but...

12 THE COURT: Tell me your name, ma'am?

13 MS. HUNTER: I'm Cassie Hunter. I'm his mother. I had
14 my son at age 14, and I raised him by myself with the help of
15 my mother until the age of 18. His dad came to get him and
16 promised him he was gonna have this better life here in South
17 Carolina. And he's destroyed, he is destroyed. He's not a
18 bad kid, he's not a bad kid at all. I just want to ask for
19 your leniency against my son. I know he made a mistake, but
20 he is not a bad kid at all.

21 THE COURT: All right. Anyone else wish to say anything?

22 (REPORTER'S NOTE: No response.)

23 THE COURT: Ms. Hunter, you know, I've -- you wouldn't
24 know this unless Mr. Floyd told you, but I did a lot of state
25 and federal criminal defense work when I practiced law. And,

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SENTENCE OF THE COURT

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1 these lawyers and court personnel have heard me say this more
2 than once. Most people that end up in criminal court, most --
3 not all but most, are not bad people, they just make terrible
4 decisions that have tremendous consequences. And that's what
5 your son did. Not recognizing the consequence to what
6 happened here. And, you know, it pained me as a lawyer to see
7 those decisions. You know, it's probably more painful as a
8 judge to see it because I see it so much every single day.
9 The lawyers and parties involved here have negotiated a 14-
10 year sentence, 14-year, and that's what I got to give you is
11 14 years.

12 SENTENCE OF THE COURT:

13 THE COURT: So, Mr. Epps, you're still gonna be a young
14 man. I mean, you're still gonna be a young man when you get
15 out of the Department of Corrections. Whether or not you
16 learn from this, I hope you do. It's a painful learning
17 experience right here, but you'll still be young man with a
18 lot of -- a lot in front of you. How you use this upon your
19 release will be up to you. It's gonna be up to you.

20 2016-GS-21-00804, the defendant is committed to State
21 Department of Corrections for a period of 14 years, given
22 credit for three days. Good luck to you, Mr. Epps.

23 MR. FLOYD: Thank you, Your Honor.

24 MR. JEPERTINGER: Thank you.

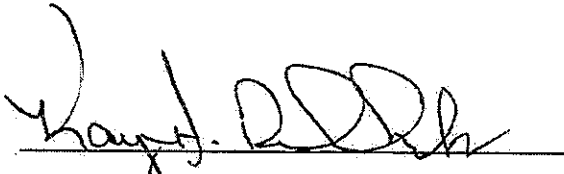
25 ADJOURNED - 12:39 P.M.

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, 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 hearing held in the case of State of South Carolina v. Larenzoe T. Epps, held in the Court of General Sessions for Florence County, Florence County Courthouse, Florence, South Carolina, on December 4, 2018.

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



Kay H. Richardson
Official Court Reporter

February 21, 2019.

WITNESSES

Brad McDowell Florence County Sheriff

DOCKET NO. 2016-GS-21-00804

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JUNE TERM 2016

THE STATE

vs.

LARENZOE TYSHAWN EPPS

John C Jepertinger

ARREST WARRANT NUMBER

2016A2110200007 2016A2110200008
2016A2110200009 2016A2110200006

2016A2110200005

ACTION OF GRAND JURY

Tom Davis
Foreperson of Grand Jury
Date: *6-9-16*

VERDICT

TRUE BILL

Foreperson of Petit Jury

Date:

Indictment for

TRAFFICKING IN HEROIN,
POSSESSION OF A STOLEN PISTOL,
POSSESSION OF A STOLEN VEHICLE,
TRAFFICKING IN COCAINE BASE
AND
TRAFFICKING IN COCAINE

2016 JUN - 9 PM 1:40
CORRIE HALL SHERIFF
CCCP & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

INDICTMENT FOR
TRAFFICKING IN HEROIN,
POSSESSION OF A STOLEN PISTOL,
POSSESSION OF A STOLEN VEHICLE,
TRAFFICKING IN COCAINE BASE
AND
TRAFFICKING IN COCAINE

At a Court of General Sessions, convened on JUNE 9, 2016 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- TRAFFICKING IN HEROIN

That **Larenzoe Tyshawn Epps** did in Florence County on or about January 2, 2016, sell, deliver, purchase, or bring into this state, or did aid, abet, attempt or conspire to sell, deliver, purchase or bring into this state, or was knowingly in actual or constructive possession of a quantity of Heroin in an amount of twenty-eight grams or more, same being a controlled substance all within the meaning of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, in violation of Section 44-53-0370(e)(3)(C), S. C. Code of Laws, 1976, as amended, for the crime of Trafficking.

COUNT TWO- POSSESSION OF A STOLEN PISTOL

That **Larenzoe Tyshawn Epps** did in Florence County on or about January 2, 2016, knowingly buy, sell, transport, pawn, receive or possess a stolen pistol to wit: a .357 Revolver ~~belonging to the Richland County Sheriff's Office~~, knowing or should have known that such handgun was stolen, in violation of Sections 16-23-0030 and 16-23-0050, S. C. Code of Laws, 1976, as amended.

~~COUNT THREE - POSSESSION OF A STOLEN VEHICLE~~

~~That **Larenzoe Tyshawn Epps** did in Florence County on or about January 2, 2016 while not being entitled to possession of the below-mentioned vehicle, receive, possess, conceal, sell or dispose of a 2010 Acura belonging to The Nationwide Insurance Company, knowing it to be stolen or converted under circumstances constituting a crime, where the value of the vehicle was ten thousand (\$10,000.00) dollars or more, in violation of Section 16-21-0080, S. C. Code of Laws, 1976, as amended.~~

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR TRAFFICKING IN HEROIN, POSSESSION OF A STOLEN PISTOL, POSSESSION OF A STOLEN VEHICLE, TRAFFICKING IN COCAINE BASE AND TRAFFICKING IN COCAINE, WITH THE AFORESAID NAMES(S) OF LARENZOE TYSHAWN EPPS SHOWN THEREON:

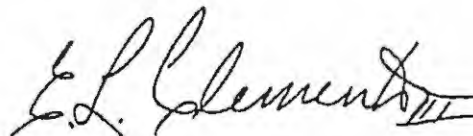
COUNT FOUR- TRAFFICKING IN COCAINE BASE

That **Larenzoe Tyshawn Epps** did in Florence County on or about the January 2, 2016, knowingly, sell, deliver, purchase, or bring into this state; or did aid, abet, attempt or conspire to sell, deliver, purchase or bring into this state, or was in actual or constructive possession or attempted to become in actual or constructive possession of a quantity of Cocaine Base in an amount of more than ten grams but less than twenty-eight grams, same being a controlled substance all within the meaning of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized and in violation of Section 44-53-375(C)(1), S. C. Code of Laws, 1976, as amended, for the crime of trafficking.

COUNT FIVE- TRAFFICKING IN COCAINE

That **Larenzoe Tyshawn Epps** did in Florence on or about January 2, 2016, knowingly sell, deliver, purchase or bring into this State, or did aid, abet, attempt or conspire to sell, deliver, purchase or bring into this State, or was in actual or constructive possession, or attempted to become in actual or constructive possession of a quantity of Cocaine in an amount of more than ten (10) grams, but less than twenty-eight (28) grams, the same being a controlled substance, all within the meaning of Section 44-53-370, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized, and being in violation of Section 44-53-370(e)(2)(a), S. C. Code of Laws, 1976, as amended, for the crime of Trafficking.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence
STATE VS.
Larenzoe Tyshawn Epps

INDICTMENT/CASE#: 2016-GS-21-00804
A/W#: 2016A2110200007
Date of Offense: 1/2/2016
S.C. Code § : 44-53-0370(e)(3)(a)1
CDR Code #: 2361

AKA:
Race: Black Sex: M Age: 20
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Drugs / Trafficking in Heroin, morph., etc., 4 g or more, but less than 14 g - 1st offense 7-25 and \$6,000

in violation of § 44-53-0370(e)(3)(a)1 of the S.C. Code of Laws, bearing CDR Code # 2361
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

ATTEST:
Jeptinger, John C. SC Bar# 9826
Larenzoe Epps Defendant 14 years
Attorney for Defendant SC Bar# 12061

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 14 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 3 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 8.25

TOTAL \$ 283.25

Clerk of Court/ Deputy Clerk: E. Ragin
Court Reporter: K. Richardson
SCCA/217 (07/2016)

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

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

Presiding Judge: [Signature]
Judge Code: 2160
Sentence Date: 12-4-17

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of Florence)

LARENZOE TYSHAWN EPPS)

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

374808)

v.)

State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

BOBIS PAULOS O'HARA
CCP & GS
FLORENCE COUNTY, SC

2018 NOV 28 AM 11:16

FILED

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention LEE ~~CORRECTIONAL~~ CORRECTIONAL INST
990 WISACKY HWY BISHOPVILLE, SC 29010
2. Name and location of Court which imposed sentence BOBIS PAULOS
O'HARA CCP & GS FLORENCE COUNTY, SC 29501
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2016-GS-21-00804
 - (b) _____

- (c) _____
- 5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) DEC 4, 2017 TERMS 14 YEARS FOR (A)
 - (b) _____
 - (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 _____

- 7. Did you appeal from the judgment of conviction or the imposition of sentence?
N/A

- 8. If you answered "yes" to (7), list:
 - (a) the name of each Court to which you appealed:
 - i. _____
 - 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) Apparenting case was closed
 - (b) Apparently withdrawn

(c) _____

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

- (a) INEFFECTIVE ASSISTANCE OF COUNSEL FOR FAILURE TO PROPERLY INVESTIGATE
- (b) PLEA WAS INVOLUNTARILY MADE DUE TO ~~COURT~~ INEFFECTIVE
- (c) OF COUNSEL; (C): VIOLATION OF THE 14TH AMENDMENT/
Blady.

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

- (a) Will fully explain to lawyer that will
- (b) be appointed to represent me on this
- (c) P.C.R. proceeding.

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. N/A
 - 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. _____
- 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. _____

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?

N/A

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

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

N/A

(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) _____

NOT REPE

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

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

YES

N/A

YES

NO

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

- (a) the name and address of each attorney who represented you:
 - i. Todd Rutherford LAW FIRM, LLC 2113 Park Street
P.O. Box 1452 Columbia, SC 29202
 - ii. Scott Floyd (public Defender) 180 N Irby Street
Florence, SC 29501
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Arrestment and plea
 - ii. plea and sentencing
 - iii. _____

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

VACATE conviction and remand time served

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

NO

STATE OF SOUTH CAROLINA)
County of Florence)

VERIFICATION

I, LARENZOE TYSHAWN EPPS, 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.

Larenzoe Epps

SWORN to and subscribed before me this 20 day of Nov, 2018.

Debra Eastridge (L.S.)
Notary Public

My Commission Expires: 3/3/2024

BORIS POLOS VYARA
CCCP & GS
FLORENCE COUNTY, SC

2018 NOV 28 AM 11:16

FILED

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

I, Larenzoe Tyshawn Epps, 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.

Larenzoe Epps
Applicant

SWORN or affirmed to and subscribed before me this
20 day of Nov, 2018.

Debra Eastwood
Notary Public

My Commission Expires: 3/3/2020

FILED

2018 NOV 28 AM 11: 16

DORIS FOULOS O'HARA
CCCP A GS
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
 COUNTY OF FLORENCE)

IN THE COURT OF COMMON PLEAS
 FOR THE TWELFTH JUDICIAL CIRCUIT

Larenzoe Tyshawn Epps, # 374808)

2014-CP-21-3077
 2018-CP-29-1087

Applicant,)

v.)

State of South Carolina,)

Respondent.)

RETURN

2019 APR 25 AM 11:08
 DONIS FOULOS CLERK
 CCJP & CS
 FLORENCE COUNTY, SC

FILED

In response to the application for post-conviction relief (PCR) filed by Larenzoe Tyshawn Epps November 28, 2018, the State files this return:

I. Procedural History

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the June 2016 term of the Florence County Grand Jury for trafficking heroin (twenty-eight grams or more), trafficking cocaine base (ten to twenty-eight grams), trafficking cocaine (ten to twenty-eight grams), possession of a stolen pistol, and possession of a stolen vehicle. (2016-GS-21-0804).

On December 4, 2017, the State proceeded to a jury trial on the trafficking heroin (twenty-eight grams or more) and trafficking cocaine (ten to twenty-eight grams) charges before the Honorable D. Craig Brown. However, after jury selection, Applicant pleaded guilty to the lesser included offense of trafficking heroin (four to fourteen grams). Applicant was represented by Scott P. Floyd of the Twelfth Circuit Public Defender's Office. Deputy Solicitor John C. Jepertinger prosecuted the case. Applicant entered his plea pursuant to a negotiated sentence of fourteen years' imprisonment. The State dropped the remaining charges in exchange for the plea. Judge Brown accepted Applicant's plea and sentenced him as negotiated—fourteen years imprisonment. Applicant did not appeal his conviction or sentence.

Applicant commenced this PCR action November 28, 2018.

II. Facts

On January 2, 2016, Applicant and a sixteen-year-old (Teenager) occupied room 109 at the Palmetto Inn (the Inn). The room was booked under the name Herbert Wilson. The Inn's maintenance man serviced the air conditioner in Applicant's room and notice a large amount of drugs out in the open. Thereafter, the maintenance man notified law enforcement. (Tr. 28).

Deputy Austin Meggs arrived at the Inn and knocked on room 109's door. Teenager answered the door, and Meggs immediately smelled marijuana coming from inside the room. Meggs requested to enter the room, and Applicant and Teenager both consented to his entry. Upon entry, Meggs viewed in plain-sight what appeared to be either heroin or cocaine base sitting on the sink counter. Thereafter, Meggs arrested Applicant and Teenager. (Tr. 28–29).

III. Current Application

Applicant alleges he is being held in custody unlawfully due to:

- 1) Ineffective assistance of counsel for failure to investigate;
- 2) Plea counsel's failure to investigate rendered his guilty plea involuntary; and
- 3) Fourteenth Amendment and *Brady* violations.

Applicant requests relief in the form of a new trial.

Attached to this return and incorporated herein are the Florence County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records of this current PCR action.

IV. Response to Allegation of Ineffective Assistance of Counsel

Applicant's allegation of ineffective assistance of counsel is without merit. To establish ineffective assistance of counsel, the 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 v. Washington*, 466 U.S. 668, 687–88

(1984); *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). “The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases.” *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985).

A defendant who entered a guilty plea with the advice of counsel, may only attack the voluntary and intelligent nature of the plea. *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). A defendant “must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999).

To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel’s alleged deficiency. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

The record likely does not directly dispute Applicant’s allegations of ineffective assistance of counsel; therefore, the State requests an evidentiary hearing to fully resolve the issues. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application “alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court”).

V. Any Future Amendments

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to the Uniform Post-Conviction Relief Act¹ and

¹ S.C. Code Ann. §§ 17–27–10 to –160.

Rule 71.1 of the South Carolina Rules of Civil Procedure. *See also* Rules 15(a)–(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRPC. *Pro se* filings will not be considered at the PCR hearing. 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), SCRPC.

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. Request for an Evidentiary Hearing

WHEREFORE, the State requests that an evidentiary hearing be held on the claims of ineffective assistance of counsel.

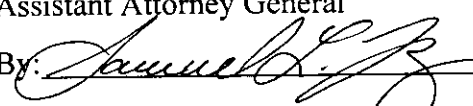
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

SAMUEL L. KEY
Assistant Attorney General

By: 

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

April 23, 2019

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)
)
)
)
 LARENZOE EPPS, #374808)
)
)
)
)
 Applicant,)
)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS

2018-CP-21-3077

AFFIDAVIT OF SERVICE BY MAIL


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

Overture E. Walker
 Stoney & Walker, LLC
 1527 Blanding Street
 Columbia, South Carolina 29201

2019 APR 25 AM 11:08
 DONIS POULOS CHIRBA
 OCCP & QS
 FLORENCE COUNTY, SC

FILED

DATED this the 23rd day of April, 2019.


 Carmen A. Nord, Legal Assistant
 For Respondent

- (b) **The result in each such Court to which you appealed:**
- (c) **The date of each result:**
- (d) **If known, citations of any written opinion or orders entered pursuant to such results:**

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

- (a) Plea counsel did not explain the right to appeal.

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

- (a) Petitioner’s guilty plea was not knowingly, voluntarily, or intelligently entered due to counsel’s ineffective assistance in violation of the Sixth and Fourteenth Amendments to the United States Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution, when counsel failed to review the facts of the case with Petitioner sufficiently before jury selection and before Petitioner entered his guilty plea.
- (b) Petitioner’s right to the effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, §§ 3 and 14 of the South Carolina Constitution was violated when his attorney failed to communicate, prepare a defense or investigate the facts of Petitioner’s case.

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

- (a) Petitioner was not advised prior to jury selection and the entry of his guilty plea that the receipt for the hotel room was not in his name but that of someone with a lengthy criminal history involving drugs. Additionally, Petitioner was not advised that his fingerprints were not located on any of the evidence collected by law enforcement.

- (b) Following his release from the Florence County Detention Center on bond, Petitioner was residing in the state of Georgia and only met with his trial/plea counsel once before jury selection. Trial/plea counsel did not discuss any defenses with Petitioner including the law relating to actual and constructive possession and mere presence.

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

- (a) Any petition in State Court under South Carolina Law: NO
- (b) Any petition in State or Federal Court for habeas corpus or post-convictions relief: NO
- (c) Any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) Any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) The specific nature thereof:
- i. N/A
- (b) The name and location of the Court in which each was filed:
- i. N/A
- (c) The disposition thereof:
- i. N/A
- (d) The date of each such disposition:
- i. N/A
- (e) If known, the citations of any written opinions or ordered entered pursuant to each such disposition:
- i. N/A

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? NO

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

(a) Which grounds have been presented:

i. N/A

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

i. N/A

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) Petitioner's Application for Post-Conviction Relief is the first proceeding in which he may allege ineffective assistance of counsel.

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

(a) Your arraignment and plea? YES

(b) Your trial, if any? N/A

(c) Your Sentencing? YES

(d) Your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A

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

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

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

i. Todd Rutherford, Esquire, PO Box 1452, Columbia, SC 29202;

ii. Scott P. Floyd, Esquire, 180 N. Irby St., Florence, SC 29501.

- (b) **The proceedings at which each such attorney represented you:**
- i. Todd Rutherford, Esquire: Represented Petitioner pre-trial until relieved;
 - ii. Scott Floyd, Esquire: Jury selection, plea and sentencing.

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

- (a) Vacate conviction and sentence and for a new trial to be ordered.

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

- (a) Petitioner is not under any other sentence.

Dated this 28th day of November, 2022 at Florence, South Carolina.

Respectfully submitted,



JOSHUA A. BAILEY
SC Bar No.: 76965
Attorney for the Petitioner

SNOW AND BAILEY LAW FIRM, P.A.
900 West Evans Street (29501)
Post Office Box 555 (29503)
Florence, South Carolina
(P): 843-669-6481
(F): 843-669-4920
(E): jbailey@peedeelawyers.com

| | | |
|------------------------------|---|------------------------------|
| State of South Carolina |) | In the Court of Common Pleas |
| |) | Twelfth Judicial Circuit |
| County of Florence |) | Case No. 2018-CP-21-03077 |
| |) | |
| Larenzoe Tyshawn Epps, |) | |
| |) | |
| Applicant, |) | |
| |) | |
| - vs - |) | Transcript of Record |
| |) | |
| |) | |
| The State of South Carolina, |) | |
| |) | |
| Respondent. |) | |
| |) | |

December 12, 2022
 Florence, South Carolina

B E F O R E:

The Honorable George M. McFaddin, Jr., Judge

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

Joshua Bailey, Esquire
 Attorney for the Applicant

Danielle Dixon, Esquire
 Attorney for the Respondent

Krystal J. Smith
 Official Circuit Court Reporter III

I N D E X

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| <u>WITNESS/DESCRIPTION</u> | <u>PAGE NUMBER</u> |
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| Post-Conviction Relief Hearing..... | 4 |
| Larenzoe Epps | |
| Direct by Mr. Bailey..... | 6 |
| Cross by Ms. Dixon..... | 16 |
| Applicant Rests..... | 23 |
| Scott Floyd | |
| Direct by Ms. Dixon..... | 24 |
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| Redirect by Ms. Dixon..... | 34 |
| State Rests..... | 35 |
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E X H I B I T S

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>ID.</u> | <u>EV.</u> |
|------------|--------------------|------------|------------|
|------------|--------------------|------------|------------|

(No Exhibits Presented)

COURT REPORTER LEGEND

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| dashes | -- | intentional or purposeful interruption |
| | | or change in thought |
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| [ph] | | phonetically written |
| [sic] | | written as said |

1 DECEMBER 12, 2022

2 (WHEREUPON, the proceedings began at 11:32 a.m.)

3 THE COURT: All right, ma'am.

4 MS. DIXON: May it please the Court.

5 THE COURT: Yes, ma'am.

6 MS. DIXON: Danielle Dixon, Assistant Attorney General
7 for the State of South Carolina. This is the case of Larenzoe
8 Epps v. State, Docket Number 2018-CP-21-3077.

9 Mr. Epps is serving a 14-year sentence. He was indicted
10 by the Florence County Grand Jury in June of 2016 for
11 trafficking in heroin, more than 28 grams; possession of a
12 stolen pistol; trafficking cocaine base, 10 to 28 grams;
13 trafficking cocaine, 10 to 28 grams. That's Indictment Number
14 2016-GS-21-804. These charges arose from an incident on
15 January 2nd, 2016.

16 He pled guilty before the Honorable D. Craig Brown on
17 December 4th, 2017. He was represented by Scott Floyd. John
18 Jepertinger represented the State. This was a negotiated plea
19 to the lesser-included trafficking -- lesser-included offense
20 of trafficking heroin, 4 to 14 grams, and it was a negotiated
21 14-year sentence, and he actually pled after the jury was
22 selected for trial. So he was up ready to go for trial that
23 day.

24 He did not file a direct appeal. This PCR application
25 was timely filed November 28th, 2018. The State filed a

1 return requesting an evidentiary hearing and, at this time, I
2 will turn it over to his lawyer to set forth the grounds
3 they're going to go forward on.

4 THE COURT: All right. Okay, sir.

5 MR. BAILEY: Thank you, Your Honor. At this time, we
6 would call Mr. Epps.

7 MS. DIXON: Oh, before we get -- can we clarify what the
8 grounds are going to be?

9 MR. BAILEY: Oh, certainly.

10 Judge, I filed an amended application for post-conviction
11 relief on November the 30th. I forwarded that over to Ms.
12 Dixon.

13 Judge, under paragraph 10, we are alleging that counsel
14 failed to review the facts of the case with Mr. Epps prior to
15 jury selection and prior to Mr. Epps entering his guilty plea.
16 Also, Subsection B to that is that Mr. Floyd failed to
17 communicate, prepare a defense, or investigate Mr. Epps' case.
18 The facts to support those allegations, Your Honor, as set
19 forth in the petition will be testified to by Mr. Epps.

20 THE COURT: Yes, sir. All right. Mr. Bailey?

21 MR. BAILEY: At this time, we would call Mr. Epps to the
22 stand, Your Honor.

23 THE COURT: All right. Mr. Epps, if you'll come forward,
24 sir.

25 THE CLERK: Place your left hand on the Bible and raise

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 your right hand as much as you can.

2 THE APPLICANT: Yes.

3 THE CLERK: Do you swear to tell the truth, the whole
4 truth, and nothing but the truth, so help you God?

5 THE APPLICANT: Yes, ma'am.

6 THE CLERK: Thank you. You can have a seat.

7 THE COURT: All right, sir.

8 THE BAILIFF: Watch your step.

9 THE COURT: Great, sir.

10 Yes, sir?

11 MR. BAILEY: Thank you, Your Honor. May it please the
12 Court.

13 LARENZOE EPPS, being first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. BAILEY:

17 Q: Mr. Epps, for identification purposes, can you please
18 state your SCDC ID number?

19 A: It's 374808.

20 Q: And, Mr. Epps, we are here based upon you seeking relief
21 from your application for post-conviction relief; is that
22 correct?

23 A: Yes, sir.

24 Q: And who was your attorney or attorneys that represented
25 you during the pendency of your case?

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 A: My first initial lawyer was Todd J. Rutherford, and then
2 after he jumped off the case September 7th, the case went to
3 Mr. Scott Floyd.

4 Q: Okay. And let's -- let's see if we can get a little bit
5 more detail about this.

6 A: Yes, sir.

7 Q: What day did you get arrested?

8 A: January 2nd, 2016.

9 Q: January 2nd?

10 A: Yes, sir.

11 Q: 2016?

12 A: Yes, sir.

13 Q: And you retained Mr. Rutherford? Is that what you
14 testified to?

15 A: Yes, sir.

16 Q: All right. And how long did Mr. Rutherford represent
17 you?

18 A: The entire time from March 3rd, 2016, to September 7th of
19 2016.

20 Q: Do you know why Mr. Rutherford had to get off of your
21 case?

22 A: The only thing I know he said in court it was a conflict
23 of interest, but I never knew what the conflict of interest
24 was.

25 Q: Were you ever made aware that Mr. Rutherford was

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 representing you and your co-defendant at the same time?

2 A: No.

3 Q: So in September you secured the services of Mr. Floyd?

4 A: Yes, Mr. Scott Floyd.

5 Q: Mr. Scott Floyd with the Public Defender's Office?

6 A: Yes.

7 Q: He was just here. I was going to ask you --

8 A: Yeah.

9 Q: -- to identify him, but he stepped to the restroom.

10 A: Yeah.

11 Q: All right. And do you remember when in September you did

12 that, Mr. Epps?

13 A: I just know it was September 7th, 2016.

14 Q: Okay. And when did you start jury selection? Do you

15 recall that day?

16 A: December. I got -- I got sentenced December 4th of 2017.

17 So that morning of, we started jury selection before they

18 pulled me to the back.

19 Q: So your jury selection and your guilty plea occurred on

20 the same day?

21 A: Yes.

22 Q: Is that correct?

23 A: Yes.

24 Q: And that was December the 4th of 2017?

25 A: Yes, sir.

LARENZOE EPPS - DIRECT BY MR. BAILEY

- 1 Q: Now, let me make sure that this is clear from your direct
2 testimony. Did Mr. Rutherford represent you until September
3 2016 or September 2017?
- 4 A: That would be -- I have -- I have a copy of the other
5 paper that would be exact, but --
- 6 Q: Well, let me -- let me -- maybe it'll help you if I ask
7 it this way. Was there about two months in between the time
8 that Mr. Rutherford got off your case and the time that you
9 and Mr. Floyd started picking a jury?
- 10 A: Yes.
- 11 Q: Okay.
- 12 A: Yes, sir.
- 13 Q: So Mr. Rutherford represented you until September --
- 14 A: Up until --
- 15 Q: -- of 2017?
- 16 A: Yes. Yes, sir.
- 17 Q: Now, at the time that you secured the representation of
18 Mr. Floyd, were you incarcerated or had you been released on
19 bond, sir?
- 20 A: I was released on bond.
- 21 Q: Okay. And had Mr. Rutherford reviewed with you any of
22 the discovery provided by the State in your case?
- 23 A: No, sir.
- 24 Q: Did you meet with him at all while you were out on bond?
- 25 A: The entire time I was out on bond, every time it was time

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 to meet Mr. Rutherford, we used to have to go through his
2 assistant. They'd always say he either in court or he was
3 working on another case. He was busy at the time. So, no.
4 Q: Okay. After securing the representation of Mr. Floyd in
5 September of 2017 until you pled guilty, which was December
6 the 4th of 2017 --
7 A: Yes, sir.
8 Q: -- how many times did you meet with Mr. Floyd to discuss
9 the facts and circumstances of your case?
10 A: Only one time.
11 Q: Okay.
12 A: Yes, sir.
13 Q: Do you recall the date that that occurred?
14 A: No, sir.
15 Q: All right. Where did that meeting take place?
16 A: It was in y'all's previous building y'all had, the old
17 courthouse. It was in his office.
18 Q: I'm sorry. The door was shutting, and I didn't hear you.
19 A: Okay. The previous courthouse y'all had, in the old
20 courthouse, it was in his office.
21 Q: Okay. And y'all sat down and what did you discuss at
22 that point?
23 A: That day, I remember specifically he showed me a picture
24 of under a 2002 or '03 Mercedes-Benz C-Class engine, and they
25 were trying to say that picture of that engine was the 2010

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 Acura that they was trying to charge me with.

2 Q: Okay. Did he review any of the other discovery with you
3 that had been provided to him by the State?

4 A: No.

5 Q: So you didn't discuss any of the investigative reports?

6 A: No. The fingerprints or none of that. I knew nothing
7 about none of that.

8 Q: All right. So on December the 4th, y'all met at the
9 courthouse to pick a jury; is that correct?

10 A: Yes.

11 Q: Please verbalize it. Yes or no?

12 A: Yes, sir.

13 Q: Okay. And can you tell us what transpired as to why you
14 didn't go forward with your trial?

15 A: At first, because I was thinking, okay, he's my lawyer
16 and I know he should have my best interest. So at first, I
17 was confident, but when I seen him looking into the state law,
18 I guess that was the law book, and he wasn't confident and he
19 was, like, we don't have a defense and I lost confidence, and
20 I looked around the courtroom and it was only two -- two
21 jurors that was -- would be my peer, would be considered my
22 peers, and they got striked off. So when I look around again
23 and I see it's an all white jury, I got nervous, on top of the
24 fact that he was already explaining we didn't have a defense.
25 So that's what made me just back out of it.

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 Q: And at that point, were there negotiations entered into
2 between you, Mr. Floyd, and the prosecutor?

3 A: Yes. The negotiated plea was 12 to 10. So that's what I
4 thought I was signing for, but the whole time it was something
5 else.

6 Q: It was the 14?

7 A: Right.

8 Q: And -- but you don't dispute when you went in front of
9 the judge to do your plea, he advised you that you were
10 pleading guilty to 14 years?

11 A: No.

12 Q: You don't recall that?

13 A: I was so emotionally distressed at the time. It was just
14 --

15 Q: All right.

16 A: -- I remember crying while they was reading over the
17 paper. I remember that part.

18 Q: Well, after you had been sentenced, did you obtain a copy
19 of your file from Mr. Floyd?

20 A: No. I had to -- actually, I think I requested -- I got a
21 copy of the paper where I requested it. When I got to Lee
22 County, Lee Correctional, I requested him to send my full
23 motion.

24 Q: And did he provide you with that?

25 A: After I wrote the disciplinary office, then, yeah, he

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 sent it.

2 Q: But you got a copy of --

3 A: Yeah.

4 Q: -- the records?

5 A: Yeah.

6 Q: Okay. Now, in reviewing that material, did you notice
7 that there was evidence seized by law enforcement or collected
8 as evidence?

9 A: Yes, sir.

10 Q: Do you recall what was collected?

11 A: They said they got a Pyrex glass, a fork, a metal fork.
12 It was two guns that was recovered from the scene. One was
13 actually turned in and one magically disappeared, but I have
14 on paperwork that they recovered two -- two guns off the
15 scene, and I think some other things was recovered.

16 Q: Okay. And the evidence that was seized by law
17 enforcement at the scene, did they send that off to SLED for
18 any type of forensic examination?

19 A: I didn't see a SLED drug report, but I knew it was sent
20 somewhere to some lab because they did a forensic report.

21 Q: Do you recall getting back any type of fingerprint
22 reports?

23 A: In the copy that I have, it just say non-comparable to
24 subject one, and I was considered subject one. So I -- from
25 my understanding, they received -- they got fingerprints off

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 of items, but they wasn't my fingerprints.

2 Q: And those -- does your recollection serve you that you
3 were excluded as having touched those items that were
4 submitted?

5 A: No.

6 Q: You were excluded?

7 A: No. What do you mean? I was exempt from it?

8 Q: They were not your fingerprints on any of the items?

9 A: I didn't know at the time. Yeah, I wasn't -- I wasn't
10 informed that.

11 Q: You learned that information after your guilty plea?

12 A: Right.

13 Q: Okay. At no time before your guilty plea, Mr. Floyd --
14 he didn't review those documents with you?

15 A: No, sir.

16 Q: How about the -- where did -- this incident that led to
17 your arrest, where did it occur?

18 A: At the -- I believe that place called the old Ramada on
19 76 in Florence County.

20 Q: And you don't dispute you were arrested there?

21 A: No, I don't.

22 Q: You were arrested there; correct?

23 A: Yeah.

24 Q: Okay.

25 A: That's where I was arrested.

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 Q: And it was a -- is it a hotel room?

2 A: Yes, sir.

3 Q: Did you rent the hotel?

4 A: No, sir.

5 Q: Do you recall who rented that room?

6 A: The receipt said a guy named last name Wilson.

7 Q: Okay. Prior to your guilty plea, did you know that there

8 was a receipt for renting the hotel room?

9 A: No.

10 Q: When did you learn that?

11 A: When I received a copy of my full motion in prison.

12 That's when I actually discovered that the receipt was in

13 there.

14 Q: Okay. Did Mr. Floyd ever ask you if you knew this Mr.

15 Wilson?

16 A: No. I can't recall specifically, but no.

17 Q: Do you know the Mr. Wilson?

18 A: No.

19 Q: Now, had you known, Mr. Epps, prior to your guilty plea

20 that there was records of fingerprints that did not relate to

21 you and that the hotel room was rented by someone you didn't

22 know, would you have still pled guilty?

23 A: No, sir. I would have took it all the way to trial.

24 Q: At any point before you pled guilty, did Mr. Floyd

25 discuss with you the possibility of arguing mere presence?

LARENZOE EPPS - DIRECT BY MR. BAILEY

1 A: No, I actually -- I discovered that word actually after
2 doing my own -- conducting my own research in prison, going to
3 the law library and actually figuring that out myself.

4 Q: All right. Mr. Epps, is there anything else that you
5 would like to inform Judge McFaddin of --

6 A: No. Like I had --

7 Q: -- about your case?

8 A: Like I stated with you, I didn't understand that the
9 affidavit -- originally, my original charge was a possession
10 that -- well, trafficking four grams or more or less than 14
11 of the amp, and with me taking the plea, the lesser-included
12 offense, I just don't understand because I'm still locked up
13 for the same original charge. So I don't understand what
14 exactly did I plead to that date, if I plead to the original
15 charge that I originally had and nothing changed.

16 MR. BAILEY: Well, please answer any questions that the
17 State has for you. Okay?

18 THE APPLICANT: Yes, sir.

19 MR. BAILEY: Thank you, Mr. Epps.

20 CROSS-EXAMINATION

21 BY MS. DIXON:

22 Q: Mr. Epps, how are you today?

23 A: I'm fine.

24 Q: Doing good? All right. Before we get started, I want to
25 make sure that you understand the type of relief that the

LARENZOE EPPS - CROSS BY MS. DIXON

1 Court can actually give you, and that is a new trial. So if
2 you have a new trial, all of the charges that you were
3 originally indicted for will come back, and the State can try
4 you on those charges. Do you remember what you were
5 originally charged with?

6 A: Yes, sir.

7 Q: What was that?

8 A: I mean, yes, ma'am.

9 Q: What was it?

10 A: It was trafficking in cocaine, like you said, 10 grams or
11 more or less than 28, trafficking crack cocaine base. I think
12 that was another 10 -- more than 10, less than 28. And my
13 original heroin charge was four grams or more or less than 14,
14 first offense trafficking, and also of possession,
15 constructive possession of a stolen vehicle up to \$10,000, and
16 also constructive possession of a firearm, unlawful --
17 unlawful carry of a firearm.

18 Q: Gotcha. Okay. And did anyone ever tell you what
19 sentences you faced for these charges?

20 A: I remember Mr. Jepertinger speaking and saying you could
21 get up to 30-plus.

22 Q: Up to 30-plus? Did anyone ever tell you that trafficking
23 heroin, 28 grams or more, carries a minimum of 25 years and a
24 maximum of 40 years?

25 A: Yeah.

LARENZOE EPPS - CROSS BY MS. DIXON

1 Q: Okay. And what sentence did you get?

2 A: I got a 14-year sentence.

3 Q: A 14-year sentence?

4 A: First-offense trafficking.

5 Q: And did anyone ever tell you what possession of a stolen
6 weapon carries?

7 A: I think a -- up to -- you can get a year on probation or
8 up to five years?

9 Q: Up to five years.

10 A: Yeah.

11 Q: Up to five years, correct. And how about a trafficking
12 cocaine?

13 A: I think that was the cocaine, and the other charge, they
14 told me three to 10.

15 Q: Three to 10. That is correct. That is correct. Okay.
16 So if the judge decided to -- if you were to get a new trial
17 and to get convicted and the judge were to decide to run those
18 concurrently, do you know how much time you could potentially
19 face?

20 A: The maximum?

21 Q: Uh-huh.

22 A: What? Forty years?

23 Q: Forty years for the trafficking heroin, plus potentially
24 another 10 for trafficking cocaine, another 10 for trafficking
25 cocaine base, and up to five for the stolen weapon. Do you

LARENZOE EPPS - CROSS BY MS. DIXON

1 know what that adds up to?

2 A: Like 75? I don't know.

3 Q: Sixty-five years.

4 A: Sixty-five.

5 Q: So up to 65 years. And what sentence did you get?

6 A: Fourteen years.

7 Q: Fourteen years? So you understand if you're granted a

8 new trial and convicted that you could face a sentence of up

9 to 65 years?

10 A: Yes, ma'am.

11 Q: And you still wish to proceed today?

12 A: Yes, ma'am.

13 Q: Okay. And in terms of -- I think you've alleged that

14 your lawyer failed to investigate. What did you ask him to

15 investigate?

16 A: Honestly, I was -- I was hoping that he would actually

17 investigate the relevancy of all the evidence against me and

18 actually see what would have actually helped me and what would

19 have not helped me, because it just seemed like -- like I

20 said, if I would have known that the fingerprints and all that

21 about the case, I would have took my chances in trial and

22 actually went ahead with the trial.

23 Q: So there's nothing specific that you wanted him to

24 investigate?

25 A: Yes.

LARENZOE EPPS - CROSS BY MS. DIXON

1 Q: Okay.

2 A: All the -- all the evidence that law enforcement
3 collected in this case. I wanted him to look into everything
4 and look at it all.

5 Q: So you wanted him to review the discovery, but there's
6 nothing outside of that specific that you asked him to
7 investigate?

8 A: The relevancy of the 9-1-1 call, the actual room, who
9 rented the room, and --

10 Q: Well, let me ask you about that because you've brought
11 that up. Now, you -- you admit you were arrested in that
12 room; correct?

13 A: Yes, ma'am.

14 Q: And you're saying you didn't know who rented that room?

15 A: Yes, ma'am.

16 Q: How did you end up in the room?

17 A: Like I originally stated from when this first happened, I
18 was dropped off in -- to that room because it was New Year
19 time. So we were just going to different little New Year's
20 parties and, actually, that's how I got dropped off to that
21 room.

22 Q: Gotcha. So you went to that room for a New Year's party?

23 A: Right.

24 Q: So when you went in that room, you knew it wasn't in your
25 name?

LARENZOE EPPS - CROSS BY MS. DIXON

- 1 A: Right.
- 2 Q: But you're saying today that if you had known it was
3 rented in someone else's name, you would have gone to trial?
- 4 A: Right. If I -- if I would have had the actual copy of
5 that receipt to prove that because, like you just said, is I
6 knew I didn't physically rent that room, but what sense does
7 it make for you in a court of law and you're trying to prove
8 you're innocent? You don't have the receipt or nothing to
9 really back that up. They're just going to look at you like
10 it's just your word against this word.
- 11 Q: All right. And you've -- you've talked today about not
12 having reviewed discovery. Do you recall -- do you recall
13 going to your plea hearing and talking to the judge?
- 14 A: The only plea hearing we had was the day I got sentenced.
- 15 Q: Correct.
- 16 A: I do believe that.
- 17 Q: Do you recall the judge asking you questions?
- 18 A: I know once I signed the paper and we came back out, he
19 was reading over the sentencing thing.
- 20 Q: Uh-huh.
- 21 A: As I was crying and stuff, he was talking about how it
22 was.
- 23 Q: And you, in fact, told the judge that day you had
24 adequate time to talk to your lawyer; correct?
- 25 A: I know he asked a question, and I just was answering with

LARENZOE EPPS - CROSS BY MS. DIXON

1 my head nod because, like I said, I was emotionally
2 distraught. So --

3 Q: And you told the judge you didn't need any more time to
4 talk to your lawyer?

5 A: I don't recall saying that to the judge.

6 MS. DIXON: For the record, that's page 26 of the plea
7 transcript.

8 BY MS. DIXON:

9 Q: Let's see. Well, let me ask you this because -- so --
10 okay. So you're telling me you got dropped off at this hotel
11 for this party, it wasn't in your name, you're now upset
12 because there was a receipt showing that it was in someone
13 else's name. When you talked to your lawyer, did you say,
14 hey, I wasn't renting that hotel room?

15 A: Yes.

16 Q: So you did?

17 A: I was telling everybody that, yes.

18 Q: So you did raise this?

19 A: I even told the investigator.

20 Q: So you knew -- you knew that going into the guilty plea?

21 A: Yes.

22 Q: And yet you pled guilty anyway?

23 A: Again, like I said, I didn't know nothing about all the
24 other evidence that was collected that would have been --

25 Q: And tell me --

LARENZOE EPPS - CROSS BY MS. DIXON

1 A: -- in my favor.

2 Q: -- again what all that other evidence was?

3 A: Like -- like I said, the gun, the fingerprints about the
4 gun, the fingerprints on the glass. They said the metal
5 glass. They had a glass tube, the metal fork, everything that
6 they did recover that they could have got fingerprints off of.

7 Q: So the fingerprints and the room not being in your name?
8 Those are the two primary things you're concerned about today?

9 A: Yes, ma'am.

10 Q: All right.

11 A: There was no video surveillance of me actually doing no
12 wrongdoing. And for us to be at a hotel, it was like if I was
13 just blatantly doing wrongdoing, it'd be video surveillance.

14 MS. DIXON: Nothing further.

15 THE COURT: Mr. Bailey?

16 MR. BAILEY: I have no further questions for Mr. Epps.

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

18 THE APPLICANT: Yes, sir.

19 THE COURT: Anything else, sir?

20 MR. BAILEY: Nothing on behalf of the applicant, Your
21 Honor.

22 THE COURT: All right. And Ms. Dixon?

23 MS. DIXON: Yes. The State would call Scott Floyd.

24 THE CLERK: Do you swear or affirm the testimony you give
25 will be the truth, the whole truth, and nothing but the truth,

SCOTT FLOYD - DIRECT BY MS. DIXON

1 so help you God?

2 THE WITNESS: Yes, ma'am.

3 THE CLERK: Thank you.

4 SCOTT FLOYD, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. DIXON:

8 Q: Mr. Floyd, how are you today?

9 A: I'm fine. I hope you are.

10 Q: Thank you. And just real quickly, how many years have
11 you been practicing law?

12 A: I was sworn in in '88. So 30-plus.

13 Q: Thirty-plus? And what percentage of that has been
14 criminal law?

15 A: Well, for the last 14 years, all of it. Before that, it
16 was a mixture of civil and criminal.

17 Q: Gotcha. And regarding your representation of Mr. Epps,
18 do you recall when you were appointed to represent him?

19 A: Yeah. I believe it was in September of 2017, I think.
20 After he was arrested initially in 2016, I think our office
21 was appointed, but he hired private counsel and so our file
22 was -- was closed at that point, and then we got reappointed
23 in September of the following year.

24 Q: Gotcha. Okay. Okay. And during that time, was he on
25 bond or was he detained?

SCOTT FLOYD - DIRECT BY MS. DIXON

1 A: Well, during the time I represented him, he was out on
2 bond, yes.

3 Q: Okay. And how often did you meet with him?

4 A: You know, the day that his counsel was relieved, which
5 was -- which would have been in September of 2017, Mr.
6 Rutherford was his prior counsel, and the hearing to have him
7 relieved was held. We were still having court over in the
8 county building at the time. So the hearing was held over
9 there in the courtroom, and I believe I met with him that very
10 day or either, you know, the next day.

11 I got the discovery that day because I was informed that,
12 you know, the case was going to be on the trial list, you
13 know, fairly soon thereafter, certainly not that term, but,
14 you know, the December term. So I got all the discovery that
15 day in September, and then I met with him in my office across
16 the street in the county building.

17 He was out on bond. I think, if I recall, he told me he
18 -- he was not living here in Florence at the time. So I -- I
19 know I called. I think I had a couple of different cell phone
20 numbers for him. I think one belonged to his mother. So I
21 had some telephone contact with him, talked to him over the
22 phone.

23 I believe he came back down here on the 9th of November.
24 I know that, and we went over all the stuff in person. And
25 then he had to be present on the 27th of November because that

SCOTT FLOYD - DIRECT BY MS. DIXON

1 was like the kick off to that term, and they had him on the
2 list of being pulled on the 27th. And then his trial was
3 actually scheduled for, I think, the following week.

4 Q: Okay.

5 A: So, you know, I met with him those times. I can't
6 remember if he came to the office additional times or not, but
7 you know, he was out on bond, and so he could have come to see
8 me anytime he wanted.

9 Q: Gotcha.

10 A: Okay? I'm not hard to find.

11 Q: Yeah. Do you remember what the evidence the State had
12 against him was?

13 A: Well, the -- my -- I mean, I'm -- I think that the
14 original complaint came from, like, an employee of the hotel
15 who went to that room to supposedly fix an air conditioner or
16 something like that. He was doing some kind of maintenance.

17 So he says he spotted a bag. He thought it was
18 marijuana. He said it looked like marijuana, smelled like
19 marijuana. So, you know, he, I think, notified the police
20 that he -- he thought that there was some drug activity going
21 on in that room because he had seen people coming, you know,
22 up to the door, leaving, you know.

23 And so after that notification, according to the officer
24 who, you know, responded, he says he knocked on the door of
25 the hotel room and there were two people in there at the time,

SCOTT FLOYD - DIRECT BY MS. DIXON

1 Mr. Epps, and I think it was his brother who was a juvenile, I
2 believe.

3 Q: Yes, sir.

4 A: I think those were two occupants of the room when the --
5 when the officer was there, and then he says he smelled
6 marijuana. He says they admitted to him that he -- that they
7 had smoked marijuana just a few minutes earlier or something
8 like that. So he says he asked permission to enter the room.
9 He says they gave permission. You know, whether they did or
10 not, I don't know, but that's what the officer says.

11 So he entered the room. He says he saw some what
12 appeared to him to be narcotics laying, you know, in plain
13 view. So he calls the, I guess, narcotics investigator.
14 Right? And the narcotics investigator then responds, and then
15 he's apparently got a search warrant, and then he -- you know,
16 upon further, I guess, searching of the room, they found other
17 substances in the room.

18 Q: Now, in terms of Mr. Epps' allegation that he didn't
19 know, wasn't aware of who rented the room, based on your
20 conversations with him, do you believe he knew the room was
21 not in his name?

22 A: Yes.

23 Q: Do you believe he knew who rented the room?

24 A: Well, I don't know if he knew the actual name of the
25 person, but I believe he -- he indicated him by, I guess, what

SCOTT FLOYD - DIRECT BY MS. DIXON

1 you would call a street name. He says, you know, the guy was
2 like an uncle to him or something like that. I don't know,
3 but --

4 Q: Okay. So he was aware at least of a street name for this
5 individual. And did you all discuss mere presence?

6 A: Oh, certainly I was going to ask for a mere presence
7 charge had the case gone to trial.

8 Q: Okay. And how about constructive versus actual
9 possession?

10 A: Oh, yes, I went over that.

11 Q: And did you review all the discovery with him?

12 A: I went over everything with him that I had, and I'm
13 assuming I had everything. I don't think I did not.

14 Q: Do you feel like you had enough time to prepare for
15 trial?

16 A: Yeah. I mean, I felt like I had enough time.

17 Q: Okay.

18 A: I mean, it was -- you know, basically, it was three
19 months later when the case got called for trial. I mean,
20 given what we have here, I mean, I felt like that was enough
21 time.

22 Q: And do you think -- did you ever have any concerns about
23 his ability to understand your conversations?

24 A: No.

25 Q: No? Okay. And real quick, he's raised an allegation or

SCOTT FLOYD - DIRECT BY MS. DIXON

1 during his testimony he testified that he noticed an all white
2 jury. Is that your recollection?

3 A: Absolutely not.

4 Q: Okay. Do you recall the makeup of the jury at all?

5 A: Well, I saved what I had written down as far as who got
6 seated, and I counted one, two, three, four -- four
7 individuals who were African-American, if I'm counting
8 correctly. Let me look. Let me look at it again. One, two,
9 three, four. That's what I count.

10 Q: Okay. And so did you have any concerns about the makeup
11 of the jury itself?

12 A: No, ma'am.

13 Q: Okay. And I guess my final question, who -- ultimately,
14 whose decision was it to plead guilty?

15 A: That was Mr. Epps' decision.

16 Q: Mr. Epps? Okay.

17 MS. DIXON: Nothing further.

18 THE COURT: Mr. Bailey?

19 MR. BAILEY: Thank you, Your Honor. May it please the
20 Court.

21 CROSS-EXAMINATION

22 BY MR. BAILEY:

23 Q: Good afternoon, Mr. Floyd.

24 A: Hello, Mr. Bailey.

25 Q: When Larenzoe was arrested at the hotel --

SCOTT FLOYD - CROSS BY MR. BAILEY

1 A: Yes, sir.

2 Q: -- did he -- was he arrested with any drugs on his
3 person?

4 A: He was not that I'm aware of.

5 Q: And I know you testified on direct that he admitted to
6 having smoked marijuana --

7 A: Correct.

8 Q: -- shortly before the incident.

9 A: That's what the officer said.

10 Q: Sure. Was there any other confession to the drugs in the
11 room by Larenzoe?

12 A: Not that I'm aware of.

13 Q: Are you aware of any statements involved in the case that
14 said, hey, all those drugs in the hotel room belonged to
15 Larenzoe?

16 A: No, sir. I -- I believe any statements that were made by
17 Larenzoe indicated that if there were drugs in there, that
18 they belonged to someone else.

19 Q: You testified on direct about the air conditioner
20 maintenance man?

21 A: Correct.

22 Q: That he told law enforcement people were coming and going
23 from the room?

24 A: I think he said he saw, I don't know, a couple of people
25 come in and out. I don't know. I don't remember how many,

SCOTT FLOYD - CROSS BY MR. BAILEY

1 but it was -- I'm not saying he was saying there was a
2 constant stream.

3 Q: Of course, but I'm not trying to pin you down on that.

4 A: Yeah. But I think he said he saw a couple maybe, yeah.

5 Q: So you would agree that there were people who had access
6 to the room beyond Larenzoe?

7 A: That's correct.

8 Q: There was?

9 A: Uh-huh. I would.

10 Q: And the information that was -- or the -- the items of
11 evidence that were examined by law enforcement, none of those
12 fingerprints came back to be Larenzoe's?

13 A: They did not.

14 Q: Now, did you have in your file a copy of the hotel
15 receipt with the name of the individual that rented it?

16 A: I believe it was a Mr. Wilson, maybe.

17 Q: Does the name Herbert Wilson ring a bell?

18 A: I think that's right, yeah. And I --

19 Q: And, Mr. Floyd --

20 A: Yeah.

21 MR. BAILEY: Your Honor, if I may approach?

22 THE COURT: Yes, sir.

23 BY MR. BAILEY:

24 Q: I'm not trying to play hide the ball with you.

25 A: No. That's fine. Yeah. And my -- this stuff was

SCOTT FLOYD - CROSS BY MR. BAILEY

1 digitized.

2 Q: Sure.

3 A: And I think my -- my receipt that I had got blurred, but
4 yes, that --

5 Q: Do you remember seeing that receipt in your discoverable
6 material?

7 A: Yes. Yeah. Mr. Wilson, Herbert Wilson, yeah.

8 Q: Okay. Now, at the time that you got involved in the
9 case, Mr. Floyd, in September until December the 4th for trial
10 and plea, did you conduct any type of investigation into Mr.
11 Wilson?

12 A: My understanding was he was being represented by Mr.
13 Rutherford. I think that's what Mr. Rutherford indicated when
14 he got relieved. So I did not contact him because he had
15 counsel, I mean.

16 Q: But you knew he had pending drug charges?

17 A: I -- I understood that he did, yeah.

18 Q: Okay. At any point, do you recall informing Larenzoe
19 before he pled guilty that Mr. Wilson had a distribution of
20 heroin pending, a trafficking cocaine, a trafficking crack, a
21 trafficking heroin, and a PWID heroin?

22 A: I mean, I didn't know specifically what -- I don't
23 remember discussing with him the specific charges Mr. Wilson
24 had pending. I mean, I didn't represent him on those charges.
25 I didn't know the details of that. I just knew that he -- you

SCOTT FLOYD - CROSS BY MR. BAILEY

1 know, Mr. Rutherford was representing him on some drug
2 charges, and he felt like there was a conflict.

3 Q: Sure.

4 A: And Mr. Rutherford went through that at his -- his motion
5 to be relieved that he was present at, I mean.

6 Q: When you were preparing Mr. Epps to either plead guilty
7 or to proceed to trial, did y'all talk about making the focus
8 at trial this Mr. Wilson character?

9 A: The investigator that investigated the case in his report
10 indicated that the room was rented by that individual, and
11 certainly I planned to question him about that and the fact
12 that, you know, Mr. Epps did not rent the room, obviously, had
13 he chosen to go to trial.

14 Q: When y'all were picking your jury to start the trial that
15 ended up being a guilty plea --

16 A: Right.

17 Q: -- were you aware that Mr. Wilson had pled guilty on
18 November the 6th to a violation of drug distribution laws and
19 received a 20-month sentence, credit for time served, and that
20 all the other pending drug charges were dismissed?

21 MS. DIXON: I'm going to object to relevance.

22 THE WITNESS: I don't -- I don't remember.

23 THE COURT: Wait, wait, wait, wait.

24 Ma'am?

25 MS. DIXON: I object to relevance. I'm not sure of the

SCOTT FLOYD - CROSS BY MR. BAILEY

1 relevance of someone else's --

2 THE COURT: Okay.

3 MS. DIXON: -- conviction. We don't have any allegations
4 he was going to testify against him at trial or anything. I
5 don't know the relevance of this.

6 MR. BAILEY: Well, Your Honor?

7 THE COURT: Yes, sir.

8 MR. BAILEY: It goes to preparing the complete defense
9 for Mr. Epps at trial. If you're going to pin something on
10 somebody else, you need to know the information about it.

11 THE COURT: I'll allow it, Ms. Dixon, respectfully.
12 Sir?

13 BY MR. BAILEY:

14 Q: Did -- did you advise Mr. Epps of that information?

15 A: I don't recall doing that, and I don't recall if anybody
16 told me that or not. I don't remember.

17 MR. BAILEY: Court's indulgence just for one moment, Your
18 Honor.

19 THE COURT: Yes, sir.

20 MR. BAILEY: Judge, I have no further questions for Mr.
21 Floyd.

22 THE COURT: Ms. Dixon?

23 MS. DIXON: Just real quickly.

24 REDIRECT EXAMINATION

25 BY MS. DIXON:

SCOTT FLOYD - REDIRECT BY MS. DIXON

1 Q: I just want to clarify you did testify on direct that you
2 did review all of his discovery with Mr. Epps?

3 A: Correct.

4 Q: All right. Okay. And you all discussed mere presence?

5 A: That was one of the things that certainly I was going to
6 ask to be charged in a case like this is mere presence. I
7 mean, I can't remember every detail of my conversation with
8 Mr. Epps, but, I mean --

9 Q: Did you --

10 Q: I remember talking to him about the things that we had to
11 argue to the jury, such as the room not being his, you know,
12 the lack of fingerprints, which doesn't in and of itself
13 prove, you know, that -- that he didn't exercise control over
14 drugs. That's -- that's a question of fact, but it indicates
15 that he didn't leave any fingerprints on them. And so we'd
16 have to argue those things in his -- you know, in his favor,
17 and I think I discussed fully what I was going to argue, yes.

18 Q: Gotcha.

19 MS. DIXON: Nothing further.

20 THE COURT: Mr. Bailey?

21 MR. BAILEY: Nothing further, Your Honor.

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

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Ms. Dixon?

25 MS. DIXON: Nothing further.

1 THE COURT: All right. I know you anxiously await my
2 ubiquitous comment here. Give me time to read over
3 everything, and I'll get you a ruling.

4 MR. BAILEY: Okay.

5 THE COURT: Thank you all so much.

6 MR. BAILEY: Thank you very much, Judge.

7 (WHEREUPON, the proceedings ended at 12:18 p.m.)

8

9 --- END REQUESTED TRANSCRIPT ---

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FILED

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE) FOR THE TWELFTH JUDICIAL CIRCUIT

2023 JUL 11 AM 11:24

Larenzoe Tyshawn Epps, #374808)
DUNLOS O'HARA)
CCCP & CS)
FLORENCE COUNTY, SC)
Applicant,)

21-3077
2018-CP-29-1087

ORDER OF DISMISSAL

v.)

State of South Carolina,)

Respondent.)

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Laronzoe Tyshawn Epps (Applicant) on November 28, 2018. On December 12, 2022, an evidentiary hearing convened before the Honorable George M. McFaddin, Jr. Applicant was present and represented by Joshua A. Bailey. Assistant Attorney General Danielle Dixon represented Respondent. Following a thorough review of 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 confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. In June 2016, the Florence County Grand Jury indicted Applicant for trafficking heroin (twenty-eight grams or more), trafficking cocaine base (ten to twenty-eight grams), trafficking cocaine (ten to twenty-eight grams), possession of a stolen pistol, and possession of a stolen vehicle. (2016-GS-21-0804).

On December 4, 2017, Applicant pled guilty before the Honorable D. Craig Brown to the lesser-included offense of trafficking heroin (four to fourteen grams).¹ Applicant was represented by Scott P. Floyd, Esquire. Deputy Solicitor John C. Jeperntinger represented the

¹ Applicant pled guilty after a jury was selected for his case.

CERTIFIED: A TRUE COPY
Dunlos O'Hara
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

State. Applicant entered his plea pursuant to a negotiated sentence of fourteen years' imprisonment, and the State dropped the remaining charges in exchange for the plea. Judge Brown accepted Applicant's plea and sentenced him as negotiated. Applicant did not appeal.

State's Summary of Evidence

According to the State's recitation of facts from the plea hearing, Applicant and a sixteen-year-old (Minor) were occupying room 109 at the Palmetto Inn on January 2, 2016; the room was booked under the name Herbert Wilson. While servicing the air conditioner in Room 109, the Inn's maintenance man notice a large amount of drugs in the open. The maintenance man notified law enforcement. (Tr. 28).

Deputy Austin Meggs arrived at the Inn and knocked on Room 109's door. Minor answered the door, and Deputy Meggs smelled marijuana in the room. Deputy Meggs asked to enter the room, and Applicant and Minor both consented. Upon entry, Deputy Meggs viewed in plain-sight what appeared to be either heroin or cocaine base sitting on the sink counter. Thereafter, Deputy Meggs arrested Applicant and Minor. (Tr. 28-29).

Current Application

Applicant alleges he is being held in custody unlawfully due to:

- 1) Ineffective assistance of counsel for failure to investigate;
- 2) Plea counsel's failure to investigate redereed his guilty plea involuntary; and
- 3) Fourteenth Amendment and *Brady* violations.

Prior to the PCR hearing, Applicant amended his application to allege:

(a) Involuntary guilty plea: "Petitioner was not advised prior to jury selection and the entry of his guilty plea that the receipt for the hotel room was not in his name but that of someone with a lengthy criminal history involving drugs. Additionally, Petitioner was not advised that his fingerprints were not located on any of the evidence collected by law enforcement."

(b) Ineffective assistance of counsel – Failure to communicate, prepare a defense, or investigate the facts of Applicant's case:



"Following the release from the Florence County Detention Center on bond, Petitioner was residing in the state of Georgia and only met with his trial/plea counsel once before jury selection. Trial/plea counsel did not discuss any defenses with Petitioner including the law relating to actual and constructive possession and mere presence."

At the evidentiary hearing, Applicant proceeded only on the allegations in his amended application.

Testimony presented at the PCR hearing

Applicant testified he was arrested for these charges on January 2, 2016, and he initially hired Todd Rutherford to represent him. However, Rutherford he had a conflict of interest, so Scott Floyd (trial counsel) began representing him September 2016. Applicant stated Rutherford did not review discovery with him, and Applicant had trouble getting in touch with Rutherford.

Applicant stated he was on bond and only met with Floyd once at Floyd's office. He recalled Floyd showed him pictures of a car engine but stated Floyd did not review any other discovery with him. Applicant stated he received discovery after he was incarcerated and learned police recovered two guns. He testified law enforcement recovered fingerprints from those guns, but he was excluded. He claimed he did not know anything about the prints prior to his plea.

Applicant testified he did not rent Room 109, and the room's receipt had the name "Wilson" on it. He stated he learned about the receipt after he received discovery. Applicant testified he did not know "Wilson" but could not recall whether he told Floyd he did not know Wilson. Applicant testified Floyd never discussed the defense of mere presence with him. He stated he would have proceeded to trial rather than plead guilty had he known there were records showing the hotel room was rented by someone else. When asked on cross-examination how he



ended up in the room, he stated he was dropped off there for a party. He recalled telling his attorney that the hotel room was not his room.

Trial counsel testified he met with Applicant either the day Rutherford was released or the following day. He stated he knew the case would be on the trial roster soon, so he obtained the discovery. Counsel testified he had phone contact with Applicant, and he reviewed all of the discovery with Applicant in-person on November 9. He recalled Applicant had to appear on November 27, and his trial was scheduled for the following week.

Regarding the room, trial counsel stated Applicant identified the person who rented the room by a street name. When asked whether he investigated Wilson, counsel stated Wilson was being represented by Rutherford; however, counsel was aware Rutherford had pending drug charges. Counsel stated he explained to Applicant the difference between constructive and actual possession. He further stated he would have requested a mere presence charge if the case had proceeded to trial. Counsel averred he had sufficient time to prepare for trial. He testified he did not have any concerns about Applicant's ability to understand.

Trial counsel testified he did not have any concerns about the makeup of the jury. He testified it was not an all-white jury; rather, it contained four African-American jurors. He stated it was ultimately Applicant's decision to plead guilty.

Findings of Fact and Conclusions of Law

Before this Court are the Florence County Clerk of Court records for the subject conviction; Applicant's records from the South Carolina Department of Corrections; the plea transcript (including the jury selection); and the records of this PCR action. This Court has had the opportunity to review the records and listen to the testimony at the PCR hearing. This Court has further had the opportunity to observe the witnesses, 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 / Involuntary Guilty Plea

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 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 received 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).

A defendant who entered a guilty plea with the advice of counsel, may only attack the voluntary and intelligent nature of the plea. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). For a plea to be knowing and voluntary, a defendant “must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel’s alleged deficiency. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Involuntary Guilty Plea

Applicant first contends his plea was involuntary because he “was not advised prior to jury selection and the entry of his guilty plea that the receipt for the hotel room was not in his name but that of someone with a lengthy criminal history involving drugs.” He further contends he “was not advised that his fingerprints were not located on any of the evidence collected by law enforcement.” This Court finds Applicant has not shown counsel was ineffective in this regard or that his guilty plea was involuntary.

Critically, this Court finds credible trial counsel’s PCR testimony that he reviewed all of the discovery with Applicant. Likewise, this court finds not credible Applicant’s testimony that trial counsel did not review the fingerprint evidence with him or tell him the hotel receipt was in someone else’s name. Because this Court finds counsel credibly testified he reviewed all the discovery with Applicant, Applicant has not shown his plea was involuntary. Rather, this Court finds Applicant pled guilty after having reviewed all discovery. Further, Applicant was advised

by the plea court of the constitutional rights he was waiving and the sentence he faced. Thus, this Court finds Applicant pled guilty knowingly and voluntarily, and this claim is denied and dismissed with prejudice.

Ineffective assistance of Counsel

Applicant contends counsel was ineffective for failing to communicate, prepare a defense, or investigate the facts of Applicant's case. Specifically, he contends, "Following the release from the Florence County Detention Center on bond, Petitioner was residing in the state of Georgia and only met with his trial/plea counsel once before jury selection. Trial/plea counsel did not discuss any defenses with Petitioner including the law relating to actual and constructive possession and mere presence." This Court finds Applicant has failed to prove counsel was ineffective in this regard.

This Court finds credible trial counsel's testimony that he met with Applicant either the day Rutherford was relieved or the following day, he had phone contact with Applicant, and he met with Applicant in-person on November 9 and reviewed all the discovery with Applicant. This Court further finds credible trial counsel's testimony that he discussed with Applicant the person who rented the room (which Applicant identified by a street name), he explained to Applicant the difference between constructive and actual possession, and he would have requested a mere presence charge had this case proceeded to trial. Overall, this Court finds counsel's communication with Applicant, his preparation of a defense, and his investigation was reasonable under prevailing professional norms and thus counsel was not deficient. Likewise, Applicant has not shown a reasonable probability exists that he would have proceeded to trial rather than plead guilty had counsel communication differently, investigated differently, or prepared a defense differently. Thus, this claim is denied and dismissed with prejudice.



Conclusion

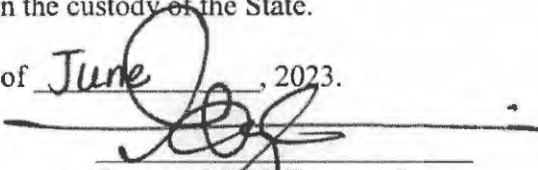
Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

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. If Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. See Rule 71.1(g), SCRCP. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an applicant has the right to the assistance of counsel in seeking review of the denial of PCR. 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 20th day of June, 2023.



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

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF FLORENCE
 IN THE COURT OF COMMON PLEAS

FILED

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2018CP2103077

Larenzoe Tyshawn Epps 2023 JUL 11 AM 11:25 South Carolina State Of
DORIS POULOS O'HARA

PLAINTIFF(S) CCCP & GS DEFENDANT(S)
FLORENCE COUNTY, SC
 Submitted by: Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled (List amount(s) below) |
|--|--|--|
| | | |
| | | |
| | | |

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

7/11/2023

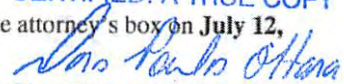
Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on July 11, 2023, and a copy mailed first class or placed in the appropriate attorney's box on July 12, 2023, to attorneys of record or to parties (when appearing pro se) as follows:

CERTIFIED: A TRUE COPY

 CLERK OF COURT C.P. & G.S.
 FLORENCE COUNTY, S.C.

Joshua A. Bailey PO Box 555 Florence, SC 29503

D Russell Barlow II PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Doris P O'Hara

Court Reporter

Doris Poulos O'Hara - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

