

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

L. Casey Manning, Circuit Court Judge

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S.C. Supreme Court

DEMARCO BELL,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-213570

A P P E N D I X

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South Carolina Commission on Indigent
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ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....	i
GUILTY PLEA HEARING TRANSCRIPT (APRIL 28, 2008).....	1
APPLICATION FOR POST-CONVICTION RELIEF	45
RETURN	51
POST-CONVICTION RELIEF HEARING TRANSCRIPT (FEBRUARY 28, 2011)	55
POST-CONVICTION RELIEF HEARING TRANSCRIPT (NOVEMBER 16, 2011).....	70
ORDER OF DISMISSAL	100
INDICTMENTS AND SENTENCING SHEETS.....	109

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

2007-GS-40-255 - 257

2007-GS-40-480 - 485

2007-GS-40-676 - 678

2007-GS-40-931 - 933

2007-GS-40-1062 - 1065

THE STATE OF SOUTH CAROLINA :

-VS-

TRANSCRIPT OF RECORD

DEMARCO BELL :

APRIL 28, 2008

COLUMBIA, SOUTH CAROLINA

B E F O R E:

THE HONORABLE J. MICHELLE CHILDS, JUDGE.

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

VANESSA SHIPLEY, ESQUIRE
ATTORNEY FOR THE STATE

JOSHUA KENDRICK, ESQUIRE
ATTORNEY FOR THE STATE

DAPHNE D. HELMS

CIRCUIT COURT REPORTER

1 MS. SHIPLEY: THE STATE CALLS DEMARCO BELL.

2 THE COURT: OKAY. YOU'RE GOING FORWARD WITH YOURS.

3 OKAY. THAT'S FINE. OKAY.

4 MS. SHIPLEY: THANK YOU, YOUR HONOR. MAY IT PLEASE THE
5 COURT? STANDING BEFORE YOU IS DEMARCO BELL. HE IS
6 REPRESENTED BY JOSH KENDRICK FROM THE PRIVATE BAR. MR.
7 KENDRICK WAS APPOINTED. THE DEFENDANT HAS A CO-DEFENDANT BY
8 THE NAME OF JAMES MORRIS WHO WAS REPRESENTED BY MICAH LEDDY.
9 MR. MORRIS HAS ALREADY PLED GUILTY.

10 YOUR HONOR, THE DEFENDANT IS CHARGED WITH 19 COUNTS --
11 ACTUALLY A TOTAL OF 20. I'M NOT CROSSING ONE. BUT THEY'RE
12 AS FOLLOWS: THERE ARE THREE CARJACKINGS. THOSE WOULD BE
13 INDICTMENT NUMBERS 2007-484, 483, AND 485; FIVE KIDNAPPINGS
14 UNDER INDICTMENTS 2007-481, 480, 481 (SIC), 1062, AND 1065;
15 THREE ATTEMPTED ARMED ROBBERIES, INDICTMENT NUMBER 2007-1064,
16 1063, 931; ONE ARMED ROBBERY, 2007-932; ONE COUNT OF ARSON IN
17 THE THIRD DEGREE, WARRANT OR INDICTMENT NUMBER 2007-933; ONE
18 GRAND LARCENY OVER \$5,000 WHICH IS INDICTMENT 2007-255; TWO
19 GRAND LARCENIES OVER \$1,000, LESS THAN \$5,000, UNDER WARRANT
20 OR INDICTMENT 2007-256 AND 257; AND THEN LASTLY THREE COUNTS
21 OF BURGLARY IN THE FIRST DEGREE WHICH IS INDICTMENT 2007-677,
22 676, AND 678. I AM NOT CROSSING INDICTMENT 2007-12967, AND
23 THAT'S FOR UNLAWFUL CARRYING OF A PISTOL.

24 JUST TO INTRODUCE THE COURT TO SOME PEOPLE, TWO VICTIMS
25 HAVE SHOWN UP FOR THIS MATTER. ALL THE OTHER ONES HAVE ALSO

1 BEEN SENT LETTERS. MEREDITH BROOME IS HERE AS WELL AS SHARI
2 TATUM. THEY'RE BOTH VICTIMS OF THE CARJACKING AND KIDNAPPING
3 EACH, AND THEN ALSO INVESTIGATOR ROBERT MCCrackEN WITH THE
4 COLUMBIA POLICE DEPARTMENT IS ALSO PRESENT FOR THE CITY OF
5 COLUMBIA CHARGES.

6 INVESTIGATOR WILLIE GONZALES, WHO WAS THE CHIEF
7 INVESTIGATOR FOR ALL THE RICHLAND COUNTY CHARGES, COULD NOT
8 BE PRESENT, BUT HE WAS PRESENT FOR MR. MORRIS'S PLEA, AND I
9 WILL RELAY TO THE COURT WHAT HE HAD TO SAY IN THAT MATTER.

10 THE COURT: OKAY. OKAY.

11 MS. SHIPLEY: HE IS PLEADING GUILTY TO A PLEA
12 RECOMMENDATION BY THE STATE OF A CAP OF 30 YEARS. HIS
13 MAXIMUM POTENTIAL SENTENCE, HAD IT BEEN A STRAIGHT-UP PLEA,
14 WOULD HAVE BEEN THREE LIFE SENTENCES PLUS 330 YEARS. AND AT
15 THE APPROPRIATE TIME ALL PARTIES WOULD LIKE TO ADDRESS THE
16 COURT.

17 THE COURT: OKAY. ALL RIGHT. MR. KENDRICK, DO YOU
18 REPRESENT MR. DEMARCO BELL?

19 MR. KENDRICK: YES, YOUR HONOR.

20 THE COURT: AND HAVE YOU EXPLAINED TO HIM THE NATURE OF
21 THESE CHARGES, HIS MAXIMUM POSSIBLE PUNISHMENT, AS WELL AS
22 HIS CONSTITUTIONAL RIGHTS?

23 MR. KENDRICK: I HAVE, YOUR HONOR.

24 THE COURT: AND HAVE YOU BEEN PRESENTED WITH ALL THE
25 STATE'S EVIDENCE IN THIS CASE?

1 MR. KENDRICK: I HAVE, YOUR HONOR.

2 THE COURT: AND DO YOU BELIEVE THAT IF THIS CASE WERE TO
3 GO TO TRIAL A CONVICTION WOULD BE PROBABLE?

4 MR. KENDRICK: YES, YOUR HONOR.

5 THE COURT: AND HAVE YOU DISCUSSED ALL OF THE EVIDENCE
6 WITH YOUR CLIENT AND COME TOGETHER WITH HIM TO MAKE A
7 DECISION AS TO WHETHER OR NOT HE SHOULD PROCEED TO TRIAL OR
8 PLEAD GUILTY?

9 MR. KENDRICK: YES, MA'AM.

10 THE COURT: HOW DOES YOUR CLIENT WISH TO PLEAD, GO
11 FORWARD WITH HIS CHARGES?

12 MR. KENDRICK: GUILTY, YOUR HONOR.

13 THE COURT: AND DO YOU AGREE WITH THAT DECISION?

14 MR. KENDRICK: I DO.

15 THE COURT: AND DO YOU BELIEVE THAT A CONVICTION WOULD
16 BE PROBABLE IF THE STATE WERE TO GO TO TRIAL?

17 MR. KENDRICK: YES, MA'AM.

18 THE COURT: HAS YOUR CLIENT BEEN EVALUATED FOR HIS
19 MENTAL HEALTH?

20 MR. KENDRICK: NO, MA'AM.

21 THE COURT: ARE YOU AWARE OF ANY REASON THAT HE WOULD
22 NOT BE COMPETENT TO PROCEED TO TRIAL OR WITH RESPECT TO THIS
23 PLEA?

24 MR. KENDRICK: NO, MA'AM. I'VE HAD NO PROBLEM
25 COMMUNICATING WITH HIM.

EXAMINATION BY THE COURT

1

2

Q. OKAY. AND, MR. BELL, ARE YOU UNDER THE INFLUENCE OF
3 ANY ALCOHOL, DRUGS, OR MEDICATION?

4

A. NO, MA'AM.

5

Q. AND HAVE YOU EVER BEEN EVALUATED FOR YOUR MENTAL HEALTH?

6

A. YES, MA'AM.

7

Q. OKAY. TELL ME ABOUT THAT.

8

A. I MEAN, I CAN'T REALLY REMEMBER, BUT MY MOM, SHE KNOWS
9 ABOUT THAT.

10

MR. KENDRICK: YOUR HONOR, I DID -- I DID SPEAK WITH HIS
11 MOTHER ABOUT THIS. I BELIEVE WHAT HE WAS EVALUATED FOR WAS A
12 LEARNING DISABILITY IN HIGH SCHOOL. HE WAS CALLED AN A.D.L.
13 STUDENT, BASED ON THAT LEARNING DISABILITY. HE WAS ON
14 RITALIN AND ADDERALL FOR A BEHAVIOR AND A HYPERACTIVITY
15 DISORDER. I THINK THAT WOULD BE RELEVANT TO MITIGATION WHEN
16 I GET TO THAT POINT, BUT AS FAR AS WHETHER HE UNDERSTANDS THE
17 CHARGES AGAINST HIM AND UNDERSTANDS WHAT WE'RE DOING, I DON'T
18 HAVE ANYTHING TO SUGGEST HE DOESN'T. AND I THINK HE WOULD
19 AGREE WITH ME THAT WE'VE BEEN ABLE TO TALK AND HE'S BEEN ABLE
20 TO KNOW WHAT IS GOING ON.

21

THE COURT: OKAY. ALL RIGHT.

22

BY THE COURT:

23

Q. MR. BELL, I'M GOING TO GIVE THE STATE AN OPPORTUNITY TO
24 PRESENT THE CASE WITH RESPECT TO ALL OF THESE OFFENSES, AND
25 THEN I'M GOING TO ALLOW YOU AND YOUR ATTORNEY THE OPPORTUNITY

1 TO RESPOND, BUT I'LL ALSO ASK YOU SOME QUESTIONS AND ADVISE
2 YOU OF YOUR RIGHTS AS WELL. OKAY?

3 A. YES, MA'AM.

4 THE COURT: ALL RIGHT. MS. SHIPLEY?

5 MS. SHIPLEY: YOUR HONOR, JUST TO MAKE IT MORE
6 ORGANIZED, I'M GOING TO BEGIN WITH -- IN CHRONOLOGICAL ORDER.
7 THIS WAS BASICALLY A CRIME SPREE THAT LASTED ABOUT A MONTH
8 AND A HALF. THE FIRST INCIDENT, THE VICTIM IS HEYWARD
9 PATTERSON. THOSE ARE INDICTMENTS 2007-932 AND 933. YOUR
10 HONOR, THAT HAPPENED ON NOVEMBER 5TH, 2006, AT THE CORNER OF
11 HAZELWOOD AND GARNERS FERRY ROAD. THE VICTIM, HEYWARD
12 PATTERSON, JR., INDICATED THAT AN INDIVIDUAL WHO WAS ARMED
13 WITH A FIREARM APPROACHED HIM AND GOT INSIDE OF HIS CAR. AT
14 THAT POINT HE SNATCHED A GOLD NECKLACE OFF OF HIM AND TOLD
15 HIM TO GIVE IT UP.

16 AT THAT POINT THE VICTIM GOT OUT OF HIS CAR AND WALKED
17 AWAY TO CALL THE POLICE. THE VICTIM INDICATED THAT THE
18 DEFENDANT HAD POINTED A SMALL SIX-SHOOTER SILVER-IN-COLOR
19 PISTOL WHICH WOULD BE A REVOLVER, AND HE DID FEAR FOR HIS
20 LIFE AND WHICH IS WHY HE GAVE UP HIS 2000 LINCOLN NAVIGATOR.
21 IT WAS ACTUALLY FOUND DAYS LATER OR, PURSUANT TO THE
22 INVESTIGATION, IT WAS ACTUALLY FOUND THAT SAME DAY NEAR THE
23 INCIDENT LOCATION AND THE VEHICLE HAD BEEN BURNED. PARTS OF
24 THE INTERIOR OF THE VEHICLE WERE TAKEN OUT PRIOR TO BEING
25 BURNED. THE DEFENDANT DID CONFESS IN A WRITTEN STATEMENT TO

1 COMMITTING THIS CRIME. THOSE ARE THE ARSON THIRD DEGREE AND
2 AN ARMED ROBBERY CHARGE.

3 THE NEXT INCIDENT INVOLVES VICTIM KENNETH SCHERER,
4 S-C-H-E-R-E-R, AND THAT'S INDICTMENT NUMBER 2007-931. IT'S
5 AN ATTEMPTED ARMED ROBBERY. IT HAPPENED ON NOVEMBER 4TH,
6 2006, ON NIGHTINGALE DRIVE HERE IN RICHLAND COUNTY. ALL
7 THESE INCIDENTS HAPPENED IN RICHLAND COUNTY, FOR THE RECORD,
8 YOUR HONOR.

9 THE VICTIM CLAIMED THAT HE WAS IN HIS YARD, THAT SOMEONE
10 CAME FROM THE NEIGHBOR'S BACKYARD AND APPROACHED HIM SAYING,
11 "GIVE ME THE KEYS TO YOUR TRUCK." MR. SCHERER BASICALLY
12 SAID, "NO," AND LUNGED AT THE DEFENDANT. THE DEFENDANT HAD A
13 GUN, ALSO A SILVER REVOLVER AS DESCRIBED IN THE PREVIOUS
14 ROBBERY, AND HE DID POINT IT NEXT TO THE VICTIM'S HEAD, BUT
15 BASICALLY HE DID RUN OFF ONCE THE VICTIM LUNGED AT HIM. HE
16 WAS NOT APPREHENDED FOR THAT INCIDENT FOR QUITE SOME TIME,
17 BUT HE WAS LATER APPREHENDED AND I BELIEVE HE WAS EITHER --
18 HE DID PROVIDE A STATEMENT TO THE POLICE REGARDING THIS
19 CONFESS -- HE DID CONFESS TO THIS INCIDENT, YOUR HONOR.

20 THE NEXT INCIDENT INVOLVES VICTIM KERRI COOPER. THAT
21 INCIDENT HAPPENED ON DECEMBER 7TH, 2006, AT AROUND 8:00 AT
22 WHICH IS THE WELLINGTON FARMS APARTMENT
23 COMPLEX. THE VICTIM REPORTED THAT SHE WAS ROBBED AT HER --
24 IN THE DRIVEWAY, AND SHE WAS FORCED TO DRIVE TO THE NEAREST
25 A.T.M.

1 THERE WERE TWO INDIVIDUALS INVOLVED, THIS DEFENDANT
2 BEING ONE OF THEM. SHE WAS FORCED TO DRIVE TO AN A.T.M. AND
3 FORCED TO WITHDRAW \$600 FROM THAT A.T.M. THE SUSPECTS WERE
4 DISGUISED, WEARING BANDANAS OVER THEIR FACE, BUT THEY DID
5 FORCE HER OUT OF HER VEHICLE AFTER SHE WITHDREW \$600. THEY
6 ACTUALLY TRIED TO FORCE HER TO WITHDRAW MORE MONEY AT THAT
7 POINT, BUT THE A.T.M. MACHINE WOULD NOT ALLOW HER TO WITHDRAW
8 ANYMORE MONEY. AND SO AT THAT POINT THEY FORCED HER TO DRIVE
9 THROUGH SOME ALLEYWAY, AND THEN THEY TOOK OFF WITH HER 2004
10 HONDA CIVIC, WHITE IN COLOR. YOUR HONOR, IN THAT CASE THE
11 DEFENDANT DID GIVE A SWORN CONFESSION.

12 THE NEXT INCIDENT HAPPENED ON THE SAME DAY, CLOSE IN
13 PROXIMITY TO THE PRIOR ONE, AT 9:57 P.M. THAT HAPPENED AT
14 WHICH IS THE HAMPTON MILL APARTMENT COMPLEX,
15 AND THE VICTIM IN THAT CASE IS PATRICIA LEON. SHE INDICATED
16 THAT WHILE SHE WAS BASICALLY GETTING IN HER VEHICLE SHE WAS
17 APPROACHED BY AN INDIVIDUAL WHO HAD A -- WAS ARMED WITH A GUN
18 AND TOOK OFF IN HER BLACK MERCEDES. AND SHE FLAGGED DOWN A
19 NEIGHBOR WHO THEN ASSISTED HER IN TRACKING DOWN THE LAW
20 ENFORCEMENT IN THIS CASE, THAT SHE WAS FORCED TO DRIVE HER
21 CAR AT GUNPOINT, AGAIN DESCRIBED THE SAME TYPE OF GUN, A
22 SILVER HANDGUN. SHE GAVE A VERY DETAILED DESCRIPTION OF THE
23 DEFENDANT AND THAT HE ALSO WAS DISGUISED HIMSELF, COVERING
24 HIS FACE WITH A BLUE BANDANA. SHE WAS ALSO FORCED TO DRIVE
25 TO A BANK, AND MS. LEON -- THERE WAS ACTUALLY TWO VICTIMS IN

1 THAT PARKING LOT. ANOTHER ONE IS REAGAN BRYANT, SO I'LL
2 COVER BOTH VICTIMS AT THIS TIME.

3 THE ONE VICTIM, YOUR HONOR, PATRICIA LEON, WAS ABLE TO
4 GET AWAY FROM THE SUSPECTS PRIOR TO BEING FORCED AT GUNPOINT,
5 AND THE SUSPECTS RAN AWAY. HOWEVER, THE SECOND VICTIM, MS.
6 REAGAN BRYANT, WHO WAS THE ONE WHO WAS FORCED TO DRIVE WITH
7 THE SUSPECTS TO AN A.T.M., SHE WAS ALSO ABLE TO PROVIDE A
8 DETAILED STATEMENT. SHE WAS ASKED TO DRIVE TO AN A.T.M. AND
9 REPORTED TO THEM THAT SHE DID NOT HAVE ANY CREDIT CARDS OR
10 A.T.M. CARDS. SHE ONLY HAD CREDIT CARDS WITH A P.I.N.
11 NUMBER. SHE WAS THEN TOLD TO DRIVE AND EXCEED HER SPEED.

12 WHEN SHE SAW A COMPLAINANT IN THE PARKING LOT, SHE
13 SCREAMED FOR HELP. AT THAT POINT SHE WAS ABLE TO GET OUT OF
14 THE CAR AND RUN AWAY, AND THE SUBJECTS THEN TOOK OFF WITH HER
15 VEHICLE. SHE INDICATED THAT SHE HAD BEEN -- A SILVER GUN
16 ALSO HAD BEEN POINTED TO HER OVER THE ROOF OF HER CAR, AND
17 SHE WAS TOLD TO GET IN THE CAR TO DRIVE TO AN A.T.M.

18 SHE WAS ABLE TO BASICALLY TELL THE SUSPECT THAT SHE WAS
19 PREGNANT, BROKE, AND UNEMPLOYED AND HER BOYFRIEND HAD JUST
20 BROKEN UP WITH HER. THE SUSPECT ASKED HER WHY HER BOYFRIEND
21 LEFT HER, AND THE VICTIM - THIS WOULD BE VICTIM NUMBER ONE
22 WHO IS PATRICIA LEON - THAT'S HOW SHE GOT AWAY. SHE
23 INDICATED TO THEM THAT HER BOYFRIEND DIDN'T WANT TO BE
24 INVOLVED WITH HER BABY.

25 AT THAT POINT THE SUBJECT TOLD HER THAT HE DIDN'T TIME

1 -- DIDN'T HAVE TIME FOR HER, AND HE LEFT HER CAR, AND THAT'S
2 HOW HE WAS ABLE -- THE FIRST VICTIM, MS. PATRICIA LEON, WAS
3 ABLE TO SPARE HERSELF FROM HAVING TO DRIVE THE SUBJECTS --
4 SUBJECT TO AN A.T.M. MACHINE. THE SECOND VICTIM, HOWEVER,
5 WAS REQUIRED OR FORCED TO GO AGAINST HER WILL, AND THAT WAS
6 MS. REAGAN BRYANT.

7 THE COURT: OKAY.

8 MS. SHIPLEY: THE NEXT VICTIM AND WHO IS PRESENT TODAY
9 IS MS. MEREDITH BROOME, AND THAT HAPPENED ON DECEMBER 8TH OF
10 2006, AND THAT'S INVOLVING A CARJACKING AND KIDNAPPING.

11 THOSE ARE INDICTMENT NUMBERS 2007-482 AND 2007-483. MS.
12 BROOME REPORTED TO THE POLICE THAT AT ABOUT 6:30 AT NIGHT AT

13 WHICH IS THE HAMPTON COURT APARTMENTS THAT
14 AN UNKNOWN INDIVIDUAL APPROACHED HER AND SHE WAS IN HER
15 VEHICLE. THEY CAME -- HE CAME FROM THE REAR OF THE VEHICLE,
16 POINTED A BLACK HANDGUN AT HER, AND ORDERED HER TO LET HIM
17 INTO THE BACK SEAT.

18 THE VICTIM SAID SHE UNLOCKED HER VEHICLE, THREW A WALLET
19 OUT OF THE WINDOW ON TO THE GROUND, AND EXITED THE CAR. THE
20 VICTIM SAID THAT THE SUBJECT PICKED UP HER WALLET AND EXITED
21 THE CAR AND LEFT THE SCENE ON FOOT. OFFICERS DID RESPOND TO
22 THE SCENE AND -- HOWEVER, HER 2004 FORD TAURUS WAS NOT TAKEN.
23 HE JUST LEFT ON FOOT. SO THAT WOULD BE THE BASIS FOR THOSE.

24 LADY IN THE COURTROOM: THAT'S NOT ACCURATE.

25 MS. SHIPLEY: ACTUALLY -- NO. I'M SORRY, YOUR HONOR. I

1 MISREAD THAT IN THE REPORT. HER CAR WAS TAKEN. HE LEFT IN
2 HER VEHICLE. AND -- EXCUSE ME. INVESTIGATOR MCCrackEN DID
3 RECOVER HER VEHICLE. SO IT WAS A SUCCESSFUL CARJACKING AND
4 KIDNAPPING, YOUR HONOR.

5 YOUR HONOR, THE NEXT INCIDENT INVOLVES VICTIM SHARI
6 TATUM. SHE IS ALSO PRESENT; I INTRODUCED YOU EARLIER. YOUR
7 HONOR, THAT HAPPENED ON DECEMBER 10TH, 2006, AT 7:55 P.M. AT
8 7651 GARNERS FERRY ROAD WHICH IS THE GARDNER'S CROSSING
9 APARTMENT COMPLEX. MS. TATUM REPORTED THAT SHE WAS
10 APPROACHED BY INDIVIDUALS, TWO INDIVIDUALS, AND THIS HAPPENED
11 WHILE SHE WAS EXITING HER CAR. THE TWO INDIVIDUALS DEMANDED
12 THAT SHE GIVE UP HER CAR. SHE SAID THAT ONE HAD A SILVER-IN-
13 COLOR HANDGUN.

14 SHE SAID THAT ONE GOT IN THE DRIVER'S SEAT AND THE OTHER
15 -- AND THE SECOND SUBJECT GOT IN THE BACK SEAT AND THAT THEY
16 THEN -- THE TWO DROVE AWAY IN HER VEHICLE. SHE SAID THAT THE
17 VEHICLE WAS VALUED AT \$17,000. SHE SAID THAT HER CELL PHONE
18 WAS IN THE CAR. THE APPROXIMATE VALUE WAS \$200 AND ALSO HAD
19 A CREDIT CARD IN THERE. IT WAS A 2004 SILVER HONDA ACCORD
20 THAT WAS TAKEN FROM MS. TATUM.

21 THERE WERE TWO WITNESSES TO THE CRIME, AND THE WITNESSES
22 SAW WHAT HAPPENED TO MS. TATUM. THEY WERE -- CORROBORATED
23 HER VERSION OF THE FACTS. THERE WAS ANOTHER -- AN AT-LARGE
24 CO-DEFENDANT THAT FOLLOWED THE SUBJECTS OUT OF THERE. HE WAS
25 DRIVING A BLACK COUP. AND, YOUR HONOR, THE DEFENDANT, AS A

1 RESULT OF HIS CONDUCT AND ACTIONS ON THAT DATE, WAS CHARGED
2 WITH CARJACKING AND KIDNAPPING UNDER INDICTMENTS NUMBER
3 2007-485 AND 481, AND THIS ALSO HAPPENED IN RICHLAND COUNTY.
4 WHERE IS THE VEHICLE?

5 MR. MCCracken: THE VEHICLE WAS RECOVERED OVER A YEAR
6 LATER.

7 MS. SHIPLEY: IT TOOK A YEAR TO RECOVER THAT VEHICLE;
8 YOUR HONOR. THE NEXT SET OF CHARGES, YOUR HONOR, INVOLVE THE
9 THREE BURGLARY FIRST DEGREES AND THE -- ALL OF THE GRAND
10 LARCENIES. THOSE ALL HAPPENED ON THE SAME DATE,
11 DECEMBER 11TH, 2006. BOTH THE RICHLAND COUNTY SHERIFF'S
12 DEPARTMENT AND THE COLUMBIA POLICE DEPARTMENT WERE WORKING
13 TOGETHER TO INVESTIGATE THESE CASES.

14 INVESTIGATOR MCCracken ACTUALLY WAS ASSIGNED TO ALL OF
15 THESE CARJACKINGS AND KIDNAPPINGS, AND PURSUANT TO HIS
16 INVESTIGATION, HE WAS ABLE TO RECOVER A CELL PHONE THAT WAS
17 TAKEN FROM ONE OF THE BURGLARIES. AND WHEN HE INVESTIGATED
18 THE USE OF THAT CELL PHONE, IT CAME BACK THAT THAT CELL PHONE
19 HAD BEEN USED AFTER THE BURGLARY OF MR. RALPH REYNOLDS'
20 RESIDENCE AND THAT THAT PHONE HAD BEEN USED TO CALL THE
21 CO-DEFENDANT, JAMES MORRIS.

22 A SEARCH WARRANT WAS ALSO EXECUTED AT THE DEFENDANT'S
23 RESIDENCE, AND THEY WERE ABLE TO RECOVER SEVERAL ITEMS
24 BELONGING TO ALL OF THESE VICTIMS, NOT EVERY SINGLE ONE BUT
25 THE MAJORITY OF THEM. BUT THESE BURGLARIES OCCURRED IN THE

1 SAME GENERAL VICINITY, CLOSE NEIGHBORHOOD. RALPH REYNOLDS
2 WAS AT , AND THAT'S IN EASTOVER. TERRY
3 EZZELL WAS AT , ALSO IN EASTOVER, AND
4 THE THIRD VICTIM IS TINA DAILEY AND HER ADDRESS IS AT
5 ALSO IN EASTOVER. SO THEY WERE IN VERY
6 CLOSE PROXIMITY AND LOCATION, AND THESE ALL DID TAKE PLACE
7 WHILE BOTH MR. BELL AND HIS CO-DEFENDANT, JAMES MORRIS,
8 SKIPPED SCHOOL.

9 THEY LEARNED THROUGH THEIR INVESTIGATION THAT BOTH
10 INDIVIDUALS HAD UNEXCUSED ABSENCES, AND THEY BASICALLY
11 TARGETED THESE HOUSES KNOWING THAT THE RESIDENTS WERE GONE AT
12 WORK. ONCE INSIDE, YOUR HONOR, THEY REMOVED SEVERAL ARMED --
13 FIREARMS, SEVERAL RIFLES, SHOTGUNS, AND PISTOLS. WHEN THEY
14 WERE APPREHENDED, YOUR HONOR, THEY DID -- THIS DEFENDANT DID
15 COOPERATE. HE WAS APPREHENDED FIRST, AND HE DID LEAD
16 INVESTIGATOR GONZALES TO THE FIREARMS WHICH HE AND HIS
17 CO-DEFENDANT HID BEHIND HIS CO-DEFENDANT'S RESIDENCE.

18 I'D LIKE TO PASS UP TO THE COURT PHOTOGRAPHS OF THE GUNS
19 AS THE CONDITION -- IN THE CONDITION THEY WERE FOUND IN THE
20 WOODS IN A NEIGHBORHOOD WHERE ANY CHILD COULD HAVE GOTTEN A
21 HOLD OF THOSE FIREARMS. THERE WAS A TOTAL OF I BELIEVE 15
22 RIFLES AND A BOW AND ARROW AND SO FORTH AND SHOTGUNS
23 RECOVERED AT THAT LOCATION. AND THE OTHER GOODS THAT WERE
24 TAKEN WERE PAWNED BY THE CO-DEFENDANT, AND THE CO-DEFENDANT,
25 JAMES MORRIS, DID USE HIS I.D. TO PAWN THE ITEMS. SO WE WERE

1 ABLE TO LINK BOTH INDIVIDUALS TO THE ITEMS STOLEN FROM EACH
2 RESIDENCE.

3 THE VICTIMS WERE HERE FOR MR. MORRIS'S GUILTY PLEA, BUT
4 THEY COULD NOT BE HERE TODAY, BUT THEY CLEARLY FELT VIOLATED,
5 YOU KNOW, THAT THEIR HOME WAS BROKEN INTO. AND SOME OF THE
6 FIREARMS HAVE NEVER BEEN RECOVERED, ACCORDING TO MS. DAILEY,
7 WHO IS VERY CONCERNED ABOUT THAT BECAUSE THERE WERE FIREARMS
8 THAT WERE LAWFULLY LEGALLY BOUGHT BY HER FAMILY AND SHE'S
9 TERRIFIED THAT THEY'RE GOING TO BE USED IN THE FURTHERANCE OF
10 COMMITTING A CRIME IN THE FUTURE. AND, YOUR HONOR, I BELIEVE
11 THAT I COVERED ALL OF THE FACTS OF EACH CASE.

12 THE DEFENDANT DID GIVE A SWORN STATEMENT ADMITTING TO
13 THE MAJORITY OF THESE CRIMES, AND HE WAS ALSO CORROBORATED BY
14 THE JAMES MORRIS STATEMENT AS WELL. THE CO-DEFENDANT, JAMES
15 MORRIS, PLED GUILTY IN FRONT OF JUDGE MANNING BACK ON THE 8TH
16 OF APRIL, AND THE STATE HAD OFFERED MR. JAMES MORRIS A CAP OF
17 20 YEARS. MR. JAMES MORRIS HAD NO PRIOR CRIMINAL HISTORY,
18 AND ALSO HE WAS ONLY CHARGED WITH THREE COUNTS OF BURGLARY
19 AND THREE COUNTS OF GRAND LARCENY. I NOL PROSSED ONE GRAND
20 LARCENY. HE WAS NOT INVOLVED IN THE CARJACKINGS AND
21 KIDNAPPINGS PER THIS DEFENDANT, IN FACT.

22 MR. MORRIS HAD BEEN CHARGED WITH A CARJACKING AND
23 KIDNAPPING, BUT THIS DEFENDANT WROTE A LETTER TO THE CLERK'S
24 OFFICE AND INDICATED THAT THAT WAS NOT THE INDIVIDUAL THAT
25 WAS WITH HIM WHEN HE COMMITTED THAT CARJACKING AND ARMED

1 ROBBERY. SO THE STATE NOL PROSSED WITH -- BASICALLY NOL
2 PROSSED WITH PREJUDICE SO THAT WE DID NOT PROCEED ON THAT
3 CASE.

4 THIS DEFENDANT DOES HAVE A PRIOR HISTORY. HE IS
5 CURRENTLY ON PROBATION FOR POSSESSION OF A STOLEN VEHICLE
6 MORE THAN \$1,000 BUT LESS THAN \$5,000. THERE'S ALSO A --
7 THAT IS THE EXTENT OF HIS RECORD. HE GOT A THREE-YEAR
8 PROBATIONARY SENTENCE, AND I BELIEVE THAT IS WHAT THEY'RE
9 SERVING HIM TODAY AS PART OF -- BECAUSE HE'S PLEADING GUILTY
10 TO THESE CHARGES, AND AT THE APPROPRIATE TIME I WOULD LIKE TO
11 ELABORATE MORE. THOSE ARE THE FACTS OF THE CASE, YOUR HONOR.
12 BY THE COURT:

13 Q. OKAY. ALL RIGHT. ALL RIGHT. AND, MR. BELL, YOU HEARD
14 THE STATE GO THROUGH THE FACTS GIVING RISE TO THEIR
15 INVESTIGATION. DO YOU AGREE WITH THOSE FACTUAL ALLEGATIONS?

16 A. YES, MA'AM.

17 Q. IS THERE ANYTHING THAT YOU'D LIKE TO DISPUTE AT THIS
18 TIME?

19 A. NOT RIGHT NOW..

20 Q. OKAY. ALL RIGHT. YOU'LL HAVE AN OPPORTUNITY TO
21 RESPOND, BUT ARE YOU AGREEING THAT SUBSTANTIALLY THAT YOU
22 ACTUALLY COMMITTED THOSE OFFENSES AS INDICATED BY THE STATE?

23 A. YES, MA'AM.

24 Q. OKAY. AND DO YOU AGREE WITH YOUR PRIOR RECORD AS WELL?

25 A. YES, MA'AM.

1 Q. AND YOU UNDERSTAND THAT APPARENTLY WITH THE PRIOR RECORD
2 FOR POSSESSION OF A STOLEN VEHICLE YOU WERE GIVEN THE
3 OPPORTUNITY TO HAVE A PROBATIONARY SENTENCE? IS THAT
4 CORRECT?

5 A. YES, MA'AM.

6 Q. AND YOU UNDERSTAND THAT PROBATION WILL CONSIDER THESE
7 OFFENSES OBVIOUSLY A VIOLATION OF THAT PROBATION.

8 A. YES, MA'AM.

9 Q. OKAY. THEN HOW DO YOU WISH TO PLEAD?

10 A. GUILTY.

11 Q. AND THAT IS AS TO EACH ONE OF THESE OFFENSES.

12 A. YES, MA'AM.

13 Q. AND ARE YOU PLEADING GUILTY BECAUSE YOU ARE, IN FACT,
14 GUILTY?

15 A. EXCUSE ME. MAY I SPEAK WITH MY LAWYER?

16 Q. ABSOLUTELY.

17 A. (AN OFF-THE-RECORD DISCUSSION TAKES PLACE BETWEEN MR.
18 BELL AND MR. KENDRICK.) YES. YES, MA'AM.

19 Q. OKAY. AND WHEN I SAY YOU'RE PLEADING GUILTY BECAUSE YOU
20 ARE, IN FACT, GUILTY, THAT'S BECAUSE YOU AGREE THAT YOU
21 COMMITTED THESE OFFENSES.

22 A. YES, MA'AM.

23 Q. OKAY. AND THAT WITH RESPECT TO YOUR PLEA, IS ANYONE
24 FORCING YOU TO PLEAD GUILTY TODAY?

25 A. NO, MA'AM.

1 Q. ARE YOU DOING SO FREELY AND VOLUNTARILY?

2 A. YES, MA'AM.

3 Q. AND THAT MEANS OF YOUR OWN FREELY WILL.

4 A. YES, MA'AM.

5 Q. AND HAVE YOU HAD ENOUGH TIME TO SPEAK WITH YOUR ATTORNEY
6 ABOUT THESE OFFENSES?

7 A. YES, MA'AM.

8 Q. AND DO YOU FEEL LIKE YOUR ATTORNEY HAS GONE OVER ALL OF
9 THE EVIDENCE THAT THE STATE HAS IN THIS CASE?

10 A. YES, MA'AM.

11 Q. AND THAT WITH RESPECT TO THESE CHARGES THAT YOUR
12 ATTORNEY HAS EXPLAINED TO YOU THESE CHARGES?

13 A. YES, MA'AM.

14 Q. AND HAS TOLD YOU WHAT EACH TYPE OF SENTENCE -- WHATEVER
15 MAXIMUM POSSIBLE PUNISHMENT YOU WOULD BE FACING?

16 A. YES, MA'AM.

17 Q. AND THAT YOU ALSO UNDERSTOOD WHAT YOU MIGHT BE FACING AT
18 TRIAL?

19 A. YES, MA'AM.

20 Q. NOW, YOU UNDERSTAND THAT BY PLEADING GUILTY YOU GIVE UP
21 THE RIGHT TO REMAIN SILENT.

22 A. YES, MA'AM.

23 Q. YOU ALSO GIVE UP THE RIGHT TO BE PRESUMED INNOCENT UNTIL
24 PROVEN GUILTY.

25 A. YES, MA'AM.

1 Q. YOU ALSO GIVE UP YOUR RIGHT FOR ALL CONSTITUTIONAL
2 RIGHTS, WHETHER I SPECIFICALLY MENTION THEM OR NOT, BUT THEY
3 INCLUDE YOUR RIGHT TO A JURY TRIAL.

4 A. YES, MA'AM.

5 Q. DO YOU UNDERSTAND THAT AT A JURY TRIAL YOU COULD HAVE
6 CHALLENGED ANY OF THE EVIDENCE PRESENTED BY THE STATE AS WELL
7 AS THEIR WITNESSES?

8 A. YES, MA'AM.

9 Q. YOU ALSO COULD HAVE HAD YOUR ATTORNEY SUBPOENA AND ALSO
10 PRESENT DEFENSES, TESTIMONY, AND OTHER EVIDENCE ON YOUR
11 BEHALF.

12 A. YES, MA'AM.

13 Q. THE STATE WOULD HAVE TO PROVE THIS CASE BEYOND A
14 REASONABLE DOUBT WHICH MEANS THEY HAVE TO CONVINCE 12 JURORS
15 AND IT MUST BE A UNANIMOUS VERDICT WHICH MEANS THEY ALL MUST
16 AGREE BEFORE YOU COULD ACTUALLY BE CONVICTED. YOU'RE AWARE
17 OF THAT.

18 A. YES, MA'AM.

19 Q. AND IN PROVING THEIR CASE, THEY COULD NOT REQUIRE YOU TO
20 TESTIFY AGAINST THEM. YOU'RE AWARE OF THAT.

21 A. YES, MA'AM.

22 Q. I MEAN, TESTIFY IN THEIR CASE. YOU'RE AWARE OF THAT.

23 A. YES, MA'AM.

24 Q. BECAUSE YOU'RE NOT REQUIRED TO TESTIFY AGAINST YOURSELF.

25 A. YES, MA'AM.

1 Q. NOW, IN YOUR DEFENSE, ONCE THE STATE HAS PRESENTED THEIR
2 CASE AT TRIAL, YOU WOULD HAVE HAD THE OPPORTUNITY TO PRESENT
3 WITNESSES AND TESTIMONY ON YOUR BEHALF. YOU'RE AWARE OF
4 THAT.

5 A. YES, MA'AM.

6 Q. EVEN IN YOUR CASE YOU'RE NOT REQUIRED TO TESTIFY IN THE
7 TRIAL, AND THE JURY HAS TO BE INSTRUCTED THAT THAT IS YOUR
8 ABSOLUTE RIGHT NOT TO TESTIFY AT TRIAL BECAUSE IT'S NOT YOUR
9 BURDEN OF PROOF. THE STATE HAS THE BURDEN OF PROVING THAT
10 YOU COMMITTED THESE OFFENSES. YOU'RE AWARE OF THAT.

11 A. YES, MA'AM.

12 Q. BUT, AGAIN, YOU'LL GIVE UP ALL CONSTITUTIONAL RIGHTS,
13 WHETHER I SPECIFICALLY MENTION THEM OR NOT.

14 A. YES, MA'AM.

15 Q. OKAY. AND DO YOU UNDERSTAND THE QUESTIONS THAT THE
16 COURT HAS ASKED YOU SO FAR?

17 A. YES, MA'AM.

18 Q. OKAY. NOW, I DO NEED YOU TO UNDERSTAND THAT WITH
19 RESPECT TO THESE OFFENSES THAT MOST OF THEM ARE FELONIES ON
20 YOUR RECORD. ARE YOU AWARE OF THAT?

21 A. YES, MA'AM.

22 Q. YOU WOULD BE PLACED INTO A D.N.A. DATABASE AS WELL. ARE
23 YOU AWARE OF THAT?

24 A. YES, MA'AM.

25 Q. AND WHAT IS YOUR AGE?

1 A. NINETEEN.

2 Q. GENERALLY SPEAKING, WE HAVE PERSONS WHO ARE CONVICTED OF
3 CRIMES OF YOUR AGE THAT COULD GO UNDER THE YOUTHEFUL OFFENDER
4 ACT WHICH MEANS THAT YOU WOULDN'T BE PLACED INTO THE GENERAL
5 POPULATION AT THE DEPARTMENT OF CORRECTIONS. ARE YOU AWARE
6 OF THAT?

7 A. YES, MA'AM.

8 Q. BUT BECAUSE OF THE NATURE OF THESE CRIMES THE COURT
9 DOESN'T HAVE THAT ABILITY. YOU WOULD BE PLACED INTO THE
10 GENERAL POPULATION AT THE DEPARTMENT OF CORRECTIONS. ARE YOU
11 AWARE OF THAT?

12 A. YES, MA'AM.

13 Q. MOST OF THESE OFFENSES WILL REQUIRE THAT YOU SERVE 85
14 PERCENT OF THE TIME. DO YOU UNDERSTAND THAT?

15 A. YES, MA'AM.

16 Q. AND SOME OF THESE OFFENSES, PARTICULARLY YOUR CAR-
17 JACKING, KIDNAPPING, ATTEMPTED ARMED ROBBERY, ARMED ROBBERY,
18 ARE CONSIDERED MOST SERIOUS OFFENSES WHICH MEANS THAT THEY
19 ARE STRIKES AGAINST YOU. DO YOU UNDERSTAND THAT?

20 A. YES, MA'AM.

21 Q. AND IN OUR STATE IF YOU HAD A MOST SERIOUS OFFENSE AND
22 THEN YOU GOT ANOTHER MOST SERIOUS OFFENSE YOU WOULD BE FACING
23 LIFE WITHOUT PAROLE.

24 A. YES, MA'AM.

25 Q. EVEN IF THEY WERE SERIOUS OFFENSES ESSENTIALLY,

1 DEPENDING ON THE CATEGORIZATION OF MOST SERIOUS OR SERIOUS,
2 EITHER TWO STRIKES OR THREE STRIKES, YOU WOULD BE FACING LIFE
3 WITHOUT PAROLE.

4 A. YES, MA'AM.

5 Q. YOU HEARD MS. SHIPLEY EARLIER INDICATE THAT BASED ON
6 THESE 19 CHARGES YOUR MAXIMUM POSSIBLE SENTENCE WOULD BE
7 THREE LIFE SENTENCES PLUS 330 YEARS. DO YOU UNDERSTAND THAT?

8 A. YES, MA'AM.

9 Q. AND IN OUR STATE LIFE MEANS YOUR NATURAL LIFE, NOT 20
10 YEARS OR A CERTAIN AMOUNT OF TIME. IT MEANS UNTIL YOUR
11 NATURAL LIFE EXPIRES. DO YOU UNDERSTAND THAT?

12 A. YES, MA'AM.

13 Q. THERE'S A RECOMMENDATION OF THE CAP OF 30 YEARS; YOU
14 UNDERSTAND THAT. BUT THE COURT DOESN'T HAVE TO ACCEPT THAT
15 RECOMMENDATION. ARE YOU AWARE OF THAT?

16 A. YES, MA'AM.

17 Q. ALL RIGHT. ARE YOU SATISFIED WITH YOUR ATTORNEY?

18 A. YES, MA'AM.

19 Q. AND YOU BELIEVE THAT AGAIN HE'S GONE OVER THE DISCOVERY.
20 HE'S EXPLAINED TO YOU THESE CHARGES AND WHAT YOU WOULD BE
21 FACING AT TRIAL.

22 A. YES, MA'AM.

23 Q. OKAY. HAS ANYONE FORCED YOU OR THREATENED YOU TO PLEAD
24 GUILTY?

25 A. NO, MA'AM.

1 Q. OKAY. YOU INDICATED IT WAS OF YOUR OWN FREE WILL. IS
2 THAT CORRECT?

3 A. YES, MA'AM.

4 Q. OKAY. YOU WOULD HAVE 10 DAYS TO APPEAL A GUILTY PLEA
5 AND/OR SENTENCE. ARE YOU AWARE OF THAT?

6 A. YES, MA'AM.

7 Q. AND THEN UP TO ONE YEAR TO CHALLENGE YOUR ATTORNEY'S
8 REPRESENTATION OF YOU UNDER A POST-CONVICTION RELIEF
9 APPLICATION. DO YOU UNDERSTAND THAT?

10 A. (PAUSE.)

11 Q. AND I'LL EXPLAIN IT TO YOU. WHAT THAT MEANS IS THAT IF
12 YOU THINK YOU HAVE ANY DISSATISFACTION -- IF SOMEHOW YOU'RE
13 NOT SATISFIED WITH MR. KENDRICK'S SERVICES, THEN YOU CAN FILE
14 A POST-CONVICTION RELIEF APPLICATION. THAT'S THE FORM THAT
15 YOU WOULD APPEAL AGAINST HIM.

16 A. YES, MA'AM.

17 Q. AND YOU HAVE TO DO SO WITHIN A YEAR. DO YOU UNDERSTAND
18 THAT?

19 A. OKAY.

20 Q. YOU MIGHT HAVE HEARD IT CALLED A P.C.R.

21 A. YES, MA'AM.

22 Q. OKAY.

23 A. AND THEN---

24 Q. YES.

25 A. AND THEN AGAIN IF I DO THAT, I'VE GOT TO HAVE MY OWN

1 ATTORNEY?

2 Q. THERE WOULD BE ANOTHER ATTORNEY APPOINTED FOR YOU
3 BECAUSE HE OBVIOUSLY COULDN'T BE REPRESENTING YOU IF YOU'RE
4 GOING AGAINST HIM. DO YOU UNDERSTAND THAT?

5 A. YES, MA'AM.

6 Q. BUT AT THIS TIME ARE YOU INDICATING ANY DISSATISFACTION
7 WITH HIS SERVICES?

8 A. NO, MA'AM. I JUST THOUGHT IF I FIND SOME LOOPHOLES OR
9 WHATEVER BUT NOT...

10 Q. OKAY. I UNDERSTAND.

11 A. WITHIN THAT YEAR.

12 Q. YEAH. AND THEN THAT ABILITY WOULD BE THERE FOR YOU TO
13 PROCEED IN THAT REGARD.

14 A. YES, MA'AM.

15 Q. OKAY. BUT, AGAIN, YOU'VE INDICATED HE'S EXPLAINED ALL
16 THE CHARGES TO YOU?

17 A. YES, MA'AM.

18 Q. YOU UNDERSTAND WHAT YOU'RE FACING AT TRIAL?

19 A. YES, MA'AM.

20 Q. AND YOU'VE HEARD THE STATE GO OVER EXTENSIVELY
21 ESSENTIALLY WHAT THEIR EVIDENCE WOULD HAVE BEEN.

22 A. YES, MA'AM.

23 Q. AND I ASKED DID YOU DISAGREE WITH ANY OF THAT, AND YOU
24 TOLD ME YOU DID NOT. IS THAT CORRECT?

25 A. YES, MA'AM.

1 Q. OKAY. AND SO WHEN YOU PLED GUILTY, YOU ALSO INDICATED
2 NO ONE FORCED YOU TO DO SO. IS THAT CORRECT?

3 A. YES, MA'AM.

4 Q. AND THAT YOU DID SO VOLUNTARILY; RIGHT?

5 A. YES, MA'AM.

6 Q. AND SO THAT MEANS TO ME THAT YOU HAVEN'T BEEN THREATENED
7 IN ANY WAY TO PLEAD GUILTY. IS THAT STILL CORRECT?

8 A. (MR. BELL TALKS OFF THE RECORD WITH MR. KENDRICK.) ALL
9 RIGHT. YES, MA'AM.

10 Q. OKAY. ALL RIGHT. AND THAT -- DO YOU HAVE ANY
11 COMPLAINTS AGAINST THE SOLICITOR'S OFFICE, ANY GOVERNMENTAL
12 AGENCY WITH RESPECT TO HOW THEY'VE HANDLED THIS MATTER?

13 A. NO, MA'AM.

14 Q. OKAY. DO YOU FEEL LIKE YOU'VE HAD ENOUGH TIME TO SPEAK
15 WITH YOUR ATTORNEY?

16 A. YES, MA'AM.

17 Q. OKAY. AND TO THE EXTENT THAT YOU NEED TO SPEAK WITH HIM
18 FURTHER, I WILL ALLOW YOU TO DO SO. OKAY?

19 A. YES, MA'AM.

20 Q. HAVE YOU UNDERSTOOD THE COURT'S QUESTIONS?

21 A. YES, MA'AM.

22 Q. AND HAVE THE ANSWERS YOU'VE GIVEN ME BEEN YOUR OWN
23 ANSWERS?

24 A. YES, MA'AM.

25 Q. HAVE THESE ANSWERS BEEN IN ANY WAY SUGGESTED TO YOU?

1 A. NO, MA'AM.

2 Q. SO YOU'RE ANSWERING THE QUESTIONS THAT I'M ASKING YOU;
3 IS THAT CORRECT?

4 A. YES, MA'AM.

5 Q. WITH FULL UNDERSTANDING OF WHAT THE QUESTION IS ABOUT.
6 IS THAT CORRECT?

7 A. YES, MA'AM, MOST OF THEM.

8 Q. OKAY. WELL, IS THERE ANYTHING THAT YOU DIDN'T
9 UNDERSTAND. GO AHEAD AND STATE IT.

10 A. (MR. BELL TALKS OFF THE RECORD WITH MR. KENDRICK.) OH,
11 WHEN I HAD -- WHEN YOU WERE SPEAKING OR WHATEVER, I'VE BEEN
12 -- THAT'S WHY I'VE BEEN STOPPING AND ASKING HIM.

13 Q. OKAY. LET'S TALK SPECIFICALLY BECAUSE YOU'VE BEEN
14 ANSWERING MY QUESTIONS DIRECTLY, AND THEN I'VE KIND OF TRIED
15 TO PAUSE TO ALLOW YOU TO SPEAK WITH MR. KENDRICK. SO IS
16 THERE ANY QUESTION THAT YOU DIDN'T UNDERSTAND?

17 A. NO, MA'AM.

18 Q. OKAY. ALL RIGHT. SO THEN, AGAIN, I'VE ALLOWED YOU ANY
19 TIME THAT YOU NEEDED TO SPEAK WITH MR. KENDRICK, AND I'LL
20 PAUSE RIGHT NOW AND LET YOU SPEAK WITH HIM IF THERE'S ANY
21 QUESTION YOU'VE GOT.

22 A. YES, MA'AM.

23 Q. OKAY. SO UP TO THIS POINT CAN I ASSUME THAT YOU
24 UNDERSTOOD ALL MY QUESTIONS?

25 A. YES, MA'AM.

1 Q. OKAY. AND THAT YOU ANSWERED THOSE QUESTIONS HAVING
2 UNDERSTOOD THEM.

3 A. YES, MA'AM.

4 Q. BECAUSE IF YOU DIDN'T, JUST LIKE YOU ASKED ME ABOUT THE
5 POST-CONVICTION RELIEF QUESTION OR LOOPHOLES OR WHAT HAVE
6 YOU, THEN YOU WOULD ASK ME ABOUT IT TO REPHRASE IT. IS THAT
7 CORRECT?

8 A. YES, MA'AM.

9 Q. OKAY. ALL RIGHT. SO NOW THAT WE'RE UNDER THAT SAME
10 UNDERSTANDING, AT THIS TIME I'M GOING TO ALLOW THE STATE TO
11 PRESENT ME WHAT -- ANY INFORMATION WITH RESPECT TO THE
12 VICTIMS, AND THEN WE'LL COME BACK. BUT RIGHT NOW I FIND A
13 SUBSTANTIAL FACTUAL BASIS ON WHICH TO ACCEPT YOUR PLEA.
14 YOU'VE DONE SO FREELY AND VOLUNTARILY. YOU'VE DULY BEEN
15 ADVISED OF YOUR RIGHTS AND THAT THERE'S BEEN NO INDICATION
16 THAT YOU'VE BEEN THREATENED OR FORCED TO PLEAD TODAY. OKAY?

17 A. YES, MA'AM.

18 THE COURT: ALL RIGHT.

19 MS. SHIPLEY: YOUR HONOR, I JUST WANTED TO PUT ON THE
20 RECORD THAT I DID MAKE AN ERROR WHEN RECITING THE FACTS WITH
21 MEREDITH BROOME. HER CAR ACTUALLY -- SHE WAS CAR-JACKED, AND
22 HER CAR WAS RECOVERED FOUR DAYS LATER. I GOT CONFUSED WITH
23 ANOTHER SET OF FACTS.

24 THE COURT: OKAY.

25 MS. SHIPLEY: MS. TATUM, YOU CAN GO FIRST ABOUT HOW THIS

1 OFFENSE HAS AFFECTED YOU.

2 MS. TATUM: THIS CRIME, I'M STILL DEALING WITH IT. I
3 DON'T REALLY THINK I'LL REALLY EVER BE THE SAME. I'M STILL
4 WITHOUT A VEHICLE. AND I DON'T KNOW HOW MUCH TIME HE'LL GET,
5 BUT I BELIEVE HE DESERVES EVERY BIT OF IT.

6 THE COURT: OKAY. THANK YOU.

7 MS. SHIPLEY: NEXT VICTIM.

8 MS. BROOME: THIS HAS GREATLY IMPACTED ME. I AM A
9 STUDENT AT---

10 THE COURT: STATE YOUR NAME FOR THE RECORD.

11 MS. BROOME: MEREDITH BROOME. I'M A STUDENT AT THE
12 UNIVERSITY OF SOUTH CAROLINA, A GRADUATE STUDENT, SO IT WAS
13 VERY HARD TO CONTINUE WITH MY COURSE OF STUDIES AFTER THIS
14 EVENT. I HAD SOME SERIOUS ANXIETY PROBLEMS. I COULD NOT GO
15 OUT AT NIGHT. I HAD TO GO ON MEDICATION. I BECAME SLIGHTLY
16 DEPRESSED. I HAD A LOT OF PROBLEMS ASSOCIATED WITH THE
17 EVENT. YOU KNOW, IT IMPACTED MY FAMILY. I AGREE WITH THE
18 SENTENCING THAT MS. SHIPLEY IS PROPOSING FOR DEMARCO BELL.

19 THE COURT: OKAY. MA'AM, STATE YOUR NAME AGAIN.

20 MS. TATUM: SHARI TATUM.

21 THE COURT: OKAY. THANK YOU.

22 MS. SHIPLEY: YOUR HONOR, INVESTIGATOR MCCrackEN WOULD
23 LIKE TO SPEAK.

24 THE COURT: CERTAINLY.

25 MR. MCCrackEN: THE FACTS HAVE ALREADY BEEN OVER. I

1 WOULD JUST LIKE TO INDICATE THAT MS. COOPER'S VEHICLE WAS
2 RECOVERED THAT SAME NIGHT. THAT WAS THE -- THAT WAS THE
3 FIRST NIGHT I GOT INVOLVED IN THIS. THE TWO INCIDENTS AT
4 BRYTON TRACE, NEITHER ONE OF THOSE VEHICLES WERE ABLE TO BE
5 TAKEN BECAUSE OF THE QUICK THINKING OF BOTH THE VICTIMS IN
6 THAT CASE.

7 MS. BROOME, SHE ALSO EXHIBITED CONSIDERABLE BRAVERY BY
8 WHEN SHE EXITED THE VEHICLE BEING SMART ABOUT WHAT SHE DID,
9 THROWING THE WALLET OUT. SHE WAS DEMANDED TO GET BACK IN THE
10 VEHICLE AND DRIVE TO AN A.T.M. SHE REFUSED TO DO SO AND
11 BASICALLY SAID, "YOU'LL HAVE TO KILL ME HERE. I'M NOT
12 GETTING BACK IN THE CAR."

13 THE OTHER INCIDENT WAS MS. TATUM. AGAIN, SHE HAS STILL
14 -- THE CAR WAS RECOVERED OVER A YEAR LATER AT A BODY SHOP
15 DOWN IN THE EASTOVER AREA WHERE A LOT OF THESE BURGLARIES HAD
16 OCCURRED. I DON'T KNOW THE FINANCIAL SITUATION AS FAR AS
17 THAT CAR IS CONCERNED. I DID RECOVER MS. BROOME'S CAR AT THE
18 DEFENDANT'S APARTMENT COMPLEX ON THE 12TH WHICH WAS ABOUT
19 FOUR DAYS AFTER THE INCIDENT AT WHICH TIME THE DEFENDANT WAS
20 OBSERVED AT THAT CAR.

21 I DID ARREST HIM AT THAT LOCATION OR DETAIN HIM FOR
22 RICHLAND COUNTY DUE TO THAT BEING IN RICHLAND COUNTY. HE WAS
23 IN POSSESSION OF A PISTOL ON HIS PERSON AT THAT TIME. HE DID
24 NOT GIVE ME A PROBLEM AS FAR AS THE ARREST IS CONCERNED. HE
25 DID -- AFTER HE CAME DOWN TO THE POLICE DEPARTMENT, HE DID

1 CONFESS TO THE MAJORITY OF WHAT I HAD ON HIM AND DID PROVIDE
2 ME WITH A CO-DEFENDANT WHICH I STILL BELIEVE IS THE CO-
3 DEFENDANT, BUT HE'S SAYING NO AT THIS POINT. THAT'S ALL I
4 HAVE TO SAY.

5 THE COURT: WHEN YOU DID YOUR QUESTIONING OF THE
6 DEFENDANT, JUST TELL ME ABOUT THE DEFENDANT'S Demeanor,
7 ABILITY TO UNDERSTAND YOUR QUESTIONING, THINGS OF THAT
8 NATURE.

9 MR. MCCracken: I BELIEVE HE UNDERSTOOD HIS ADVICE OF
10 RIGHTS. I BELIEVE HE UNDERSTOOD THE QUESTIONING. HE SEEMED
11 AS IF HE WAS WELL AWARE THAT HE HAD DONE SOME STUFF THAT WAS
12 GOING TO CAUSE HIM A LOT OF -- A LOT OF TROUBLE IN THE YEARS
13 TO COME. BUT HE -- IN MY OPINION, HE WAS -- HE WAS FULLY
14 AWARE OF WHAT HE HAD DONE.

15 THE COURT: OKAY. ALL RIGHT. THANK YOU. OKAY. MR.
16 BELL, I'M GOING TO ALLOW YOUR ATTORNEY AND HOW EVER HE WISHES
17 TO PROCEED WITH -- IN MITIGATION WITH RESPECT TO YOUR CASE...
18 OKAY. MR. KENDRICK?

19 MR. KENDRICK: THANK YOU, YOUR HONOR. YOUR HONOR, I'LL
20 START OUT BY SAYING TWO THINGS THAT HOPEFULLY YOU'LL
21 UNDERSTAND. NOTHING I SAY IS IN ANY WAY MEANT TO DOWNPLAY
22 HOW SERIOUS THIS CHARGE WAS. OBVIOUSLY I HAVE A
23 RESPONSIBILITY TO GIVE YOU ANY FACTS THAT MIGHT HELP YOU
24 DECIDE ON AN ULTIMATE SENTENCE. SO ANYTHING I SAY IS WITH
25 THE UNDERSTANDING TO THE STATE AND TO THE VICTIMS THAT THIS

1 WAS A TERRIBLE STRETCH OF CRIMES. MY CLIENT UNDERSTANDS
2 THAT. BUT MY JOB IS TO GIVE YOU EVERYTHING YOU NEED, YOUR
3 HONOR. SO I DON'T WANT YOU TO THINK THAT ANYTHING I SAY IS
4 TRYING TO DOWNPLAY THIS.

5 AND, SECOND OF ALL, YOUR HONOR, ALONG THOSE SAME LINES,
6 NO MATTER WHAT YOU DO HERE TODAY, I THINK THAT THE STATE'S
7 BEEN VERY GENEROUS IN A RECOMMENDATION. THEIR HANDS WERE TO
8 SOME DEGREE TIED BY THE ACTIVITY HERE, BUT EVEN AT THE
9 MINIMUM, A 15-YEAR SENTENCE WILL BE ALMOST AS LONG AS MR.
10 BELL HAS BEEN ALIVE. SO THERE IS NO GETTING OFF HERE TODAY
11 OR ESCAPING RESPONSIBILITY. EVEN IF YOUR HONOR WAS TO TEMPER
12 A SENTENCE WITH SOME MERCY, HE'LL STILL BE FACING A VERY
13 SUBSTANTIAL AMOUNT OF TIME IN THE DEPARTMENT OF CORRECTIONS,
14 YOUR HONOR.

15 I JUST WANT TO START WITH THAT, BUT ONE OF THE THINGS
16 THAT HAS TROUBLED ME ABOUT THIS CASE IS I PICKED THIS CASE UP
17 IN SEPTEMBER FROM ANOTHER LAWYER. SO I HAVE NOT BEEN HIS
18 ATTORNEY THE ENTIRE TIME HE'S BEEN BEING PROSECUTED, AND MR.
19 BELL IS NOTHING LIKE WHAT I EXPECTED AFTER SEEING WHAT
20 CHARGES HE WAS CHARGED WITH. HE'S NOT HAD A BAD ATTITUDE
21 WITH ME. HE'S NOT BEEN ARGUMENTATIVE WITH ME. HE'S NOT BEEN
22 WONDERING WHY I CAN'T GET HIM OFF OR WHY HE, YOU KNOW -- YOU
23 KNOW, WHY HE HAS TO COME HERE AND PLEAD GUILTY.

24 YOUR HONOR, JUST TO ADDRESS WHAT HE SAID EARLIER ABOUT
25 IF THERE'S ANY LOOPHOLES, I DON'T THINK HE MEANT THAT THE WAY

1 IT SOUNDED. I THINK YOU HAVE TO UNDERSTAND THAT HE WAS 17
2 YEARS OLD WHEN HE GOT ARRESTED FOR THESE CHARGES. HE SPENT
3 TWO YEARS IN JAIL AND IS GOING TO SPEND MOST OF THE REST OF
4 HIS YOUNG ADULTHOOD AND MAYBE MORE IN JAIL. SO I DON'T THINK
5 THAT'S WHAT HE MEANT TO SAY, YOUR HONOR. I THINK HE JUST
6 UNDERSTANDS THIS IS SO SERIOUS, AND IF THERE IS ANYTHING THAT
7 CAN BE DONE, HE'LL CERTAINLY WANT IT DONE. BUT I DON'T WANT
8 YOU TO TAKE THAT AS HIM NOT TAKING RESPONSIBILITY FOR THIS.

9 IN TALKING WITH DEMARCO AND TRYING TO FIGURE OUT WHAT
10 ALL HAPPENED TO LEAD HIM DOWN THIS ROAD, APPARENTLY MR. BELL
11 WAS AN EXTREMELY GOOD FOOTBALL PLAYER IN HIGH SCHOOL FOR
12 LOWER RICHLAND. HE HAD A DIVISION ONE INTEREST AS A
13 DEFENSIVE END. HE WAS ACTUALLY ABOUT 70 POUNDS HEAVIER, YOUR
14 HONOR, WHEN HE WAS FIRST ARRESTED. HE WAS A VERY BIG GUY.

15 I TALKED TO HIS MOTHER. SHE SAID THAT WHEN HE WAS
16 PLAYING FOOTBALL SHE HAD NO DISCIPLINE PROBLEMS WITH HIM,
17 THAT HE DID HAVE SOME LEARNING DISABILITIES THAT I DISCUSSED
18 WITH YOU EARLIER THAT LED TO SOME TROUBLE IN SCHOOL BUT
19 NOTHING MAJOR. HE HAD GOTTEN INTO THE JAM THAT WE HEARD
20 ABOUT EARLIER, THE PRIOR RECORD. YOU KNOW, IT WAS SOMETHING
21 WITH A STOLEN CAR, SHE SAID, BUT HE WAS DOING WELL. AND,
22 AGAIN, WHEN -- IN TALKING TO HIM ABOUT WHAT LED HIM DOWN THIS
23 ROAD, OBVIOUSLY SOMEBODY WITH A BRIGHT FUTURE, APPARENTLY
24 AFTER FOOTBALL SEASON WAS OVER, YOUR HONOR, HE GOT INTO DRUG
25 USE.

1 FROM WHAT HE TELLS ME, HE WAS USING COCAINE, MARIJUANA,
2 ECSTASY, AND DRINKING ALCOHOL JUST ABOUT EVERY DAY. THAT
3 WOULD GO ALONG, YOUR HONOR, WITH SOMEONE WHO SUFFERS FROM THE
4 HYPERACTIVITY DISORDERS HE HAS. HE WAS ON RITALIN AND
5 ADDERALL, BUT THE REST OF THOSE DRUGS SUGGEST TO ME THAT HE
6 WAS PROBABLY TRYING TO SELF-MEDICATE WHICH I GUESS
7 EXACERBATED HIS LACK OF JUDGMENT IN THE SITUATION, YOUR
8 HONOR.

9 I DON'T SAY BY ANY MEANS THAT THOSE DRUGS SHOULD GET HIM
10 OFF FOR WHAT HE DID, BUT I THINK THE COMBINATION OF HIS YOUTH
11 AND THE PROBLEMS HE'D ALREADY DEALT WITH CERTAINLY PUT HIM IN
12 A SITUATION WHERE HE WAS GOING TO GET INTO A WHOLE LOT MORE
13 TROUBLE. HE TELLS ME THAT EVEN HE WAS SURPRISED AT HIS OWN
14 ACTIVITIES. HE WAS SOBER WHEN HE WENT INTO THE POLICE
15 STATION WHEN THEY WERE QUESTIONING HIM. YOU CAN TELL FROM
16 THE STATEMENT THAT HE GAVE THAT HE WAS SORRY ABOUT WHAT HE
17 HAD DONE, THAT HE WANTED TO COOPERATE.

18 YOUR HONOR, SUBSTANTIALLY THIS CASE WAS MADE BY HIM.
19 THE STATEMENT WAS OBVIOUSLY THE FIRST THING I LOOKED AT, AND
20 HE JUST ABOUT ADMITS FULLY TO EVERYTHING IN HERE. HE DID
21 THAT RIGHT AWAY, YOUR HONOR. HE HAS NOT BEEN TALKING TO ME
22 ABOUT LET'S GO TO TRIAL ON THIS; LET'S TRY TO GET OUT OF IT.
23 HE HAS BEEN TALKING TO ME ABOUT: WHAT CAN YOU DO FOR ME? IS
24 THERE ANY WAY TO GET A LESSER SENTENCE?

25 ONE OF THE THINGS HE SAID TO ME FRIDAY THAT STRUCK A

1 PARTICULAR CHORD WAS THAT -- YOU KNOW, I ALWAYS ASK MY
2 CLIENTS WHAT I CAN TELL THE JUDGE TO TRY TO GIVE YOU SOME
3 SENSE OF WHAT YOU'RE GOING TO DO TO END THE DAY, AND HE TOLD
4 ME THAT HE FELT LIKE HE NEEDED TO LOOK AT THIS IN A POSITIVE
5 MANNER, THAT IF HE HADN'T BEEN ARRESTED, IF THIS HADN'T
6 HAPPENED TO HIM, HE PROBABLY WOULD HAVE ENDED UP DEAD, YOUR
7 HONOR. I DON'T THINK HE WOULD HAVE ENDED UP KILLING SOMEONE.
8 I THINK SOMEONE WOULD HAVE ENDED UP KILLING HIM. AND THAT'S
9 SOMETHING HE REALIZES, HE TAKES INTO ACCOUNT, AND JUST TO
10 SOME DEGREE I THINK BELIEVES THAT WHAT HE HAS COMING TO HIM
11 TODAY MAY, IN FACT, HELP HIM IN THE LONG RUN BECAUSE THIS IS
12 AN EXTREMELY SERIOUS CRIME SPREE BUT ALSO ONE THAT HAS A LOT
13 OF THE ELEMENTS OF THE YOUTH THAT HE IS, YOUR HONOR.

14 I THINK THAT, YOU KNOW, IT WAS HARD -- HIS MOM TALKED TO
15 ME TODAY. THOSE ARE ALWAYS HEARTBREAKING CONVERSATIONS. SHE
16 SAID SHE COULDN'T REALLY PINPOINT WHAT TO DO TO HELP HIM AND
17 FELT LIKE SHE HAD LET HIM DOWN, AND I HAD TO EXPLAIN, YOU
18 KNOW, IT'S CERTAINLY NOT HER FAULT. HER (SIC) MOM IS HERE IN
19 THE COURTROOM SITTING ON THE BACK OF THE SECOND ROW. THIS IS
20 HIS BROTHER AND SISTER, AND THEY'RE ALL VERY CONCERNED ABOUT
21 HIM.

22 BUT I EXPLAINED TO HIS MOM THAT CERTAINLY SHE -- SHE'S
23 WORRIED THAT HE NEVER HAD A FATHER FIGURE AND SHE HAD TO WORK
24 A LOT, HAD TO SACRIFICE A LOT WHICH, YOU KNOW, SHE DID TO
25 GIVE HIM THE BEST LIFESTYLE SHE COULD BUT ALSO WASN'T ABLE TO

1 BE AROUND HIM ALL THE TIME, AND HE FELL INTO A VERY BAD
2 LIFESTYLE, YOUR HONOR.

3 TODAY HE ANSWERS FOR THAT, AND I THINK THAT ANY TIME
4 SOMEBODY WALKS IN FRONT OF A COURT, ESPECIALLY CHARGED WITH
5 19 COUNTS -- WE HAVE NOT ASKED FOR ANYTHING TO BE NOL
6 PROSSED. WE HAVEN'T ASKED FOR ANYTHING TO BE REDUCED, PARTLY
7 BECAUSE I DON'T THINK THE STATE CAN. I THINK THIS IS ONE OF
8 THOSE CASES WHERE THEY HAVE VERY LITTLE FLEXIBILITY IN WHAT
9 THEY CAN DO, BUT MR. BELL OBVIOUSLY ASKS THE COURT FOR MERCY.

10 YOUR HONOR, HIS AGE I THINK IS VERY RELEVANT HERE. WE
11 DON'T OFTEN GET A CHANCE TO ADDRESS IT BECAUSE WE GET SO
12 CAUGHT UP IN HOW SERIOUS THESE THINGS WERE. BUT I HAVE HAD
13 THE OPPORTUNITY IN THE LAST COUPLE OF WEEKS TO HAVE TO DO A
14 LITTLE BIT OF RESEARCH ON THE AGE OF THE DEFENDANT AND ITS
15 EFFECT, AND I THINK THAT IN SOME RECENT AND SOME VERY OLD
16 OPINIONS BY OUR UNITED STATES SUPREME COURT WHERE THE
17 JUSTICES ADDRESS YOUNG PEOPLE IN THE CONTEXT OF SENTENCING,
18 ONE OF THE THINGS THEY SAY IS THAT WHEN SOMEONE IS YOUNGER
19 THEY HAVE A MORE FLEXIBLE PERSONALITY. THEY HAVE A CHANCE TO
20 BE REHABILITATED QUICKER THAN AN ADULT. THEY HAVE LESS
21 INFLUENCE AND CONTROL OVER THEIR ENVIRONMENT.

22 OBVIOUSLY TO SOME DEGREE MR. BELL DID HAVE CONTROL OVER
23 HIS ENVIRONMENT; HE MADE VERY BAD DECISIONS. BUT I SAY THAT
24 BECAUSE I THINK EVEN THE HIGHEST COURT HAS RECOGNIZED THAT
25 THERE IS A BETTER CHANCE HE WILL BE REHABILITATED THAN IF HE

1 WERE TO COME IN HERE AT THE AGE OF 30 WITH HIS JUDGMENT AND
2 MATURITY FULLY DEVELOPED. THAT ISN'T THE CASE WITH MR. BELL.

3 AGAIN, YOUR HONOR, THE MINIMUM SENTENCE IN THIS MATTER
4 THAT YOU COULD GIVE HIM IS 15. I THINK THAT ANY SENTENCE
5 AROUND THERE WILL BE SENTENCING HIM TO A TIME IN PRISON AS
6 LONG AS HE'S BEEN ALIVE, AND I EXPLAINED TO HIM MY CONCERN
7 THAT SOME PEOPLE TAKE THAT AND THEY GO IN AND THEY COME OUT,
8 IN EFFECT, REAL CRIMINALS.

9 I DON'T THINK HE'LL DO THAT. I THINK HE UNDERSTANDS THE
10 IMPORTANCE OF TRYING TO MAKE THIS A POSITIVE, POSITIVE THING,
11 AND I THINK THAT THE FAMILY HE HAS -- THEY'VE BEEN IN MY
12 OFFICE TODAY. THEY'RE STANDING HERE WITH HIM. THEY'RE GOING
13 TO DO WHATEVER THEY CAN TO MAKE SURE WHEN HE COMES OUT HE
14 COMES BACK OUT TO AN ENVIRONMENT THAT HE MAY HAVE HAD THE
15 OPPORTUNITY TO BE IN WHEN HE LEFT BUT HE DIDN'T FOR WHATEVER
16 REASONS.

17 SO, YOUR HONOR, ALL THAT BEING SAID, I SIMPLY ASK THAT
18 YOU LOOK AT THIS CASE WITH SOME MERCY AND GIVE MR. BELL THE
19 LOWEST SENTENCE YOU FEEL COMFORTABLE WITH. I THINK THAT
20 AGAIN JUST THE AGE OF HIM -- HE WAS AT THE TIME OF THIS AND
21 THE FACT THAT EVEN THE MOST MERCY YOU CAN GRANT HIM WILL
22 STILL BE A VERY HARSH SENTENCE, I THINK THOSE WOULD WEIGH IN
23 FAVOR OF GIVING HIM A SENTENCE ON THE LOWER END OF THE
24 SPECTRUM RATHER THAN THE HIGHER END.

25 THE COURT: STATE?

1 MS. SHIPLEY: YOUR HONOR, AS AN OFFICER OF THE COURT, I
2 JUST WANT TO MAKE A CORRECTION. I BELIEVE I TOLD THE COURT
3 THAT THE CO-DEFENDANT HAD NO PRIOR RECORD. HE DOES HAVE A
4 PRIOR RECORD CONSISTING OF DRUG -- TWO DRUG CONVICTIONS, BUT
5 THE CO-DEFENDANT, MR. MORRIS, WAS ALSO 19 YEARS OLD WHEN
6 SENTENCED BY JUDGE MANNING TO 15 YEARS WHICH IS THE MANDATORY
7 MINIMUM FOR THE BURGLARY. THAT CO-DEFENDANT DID NOT HAVE THE
8 EXTENSIVE CHARGES THAT THIS DEFENDANT IS PLEADING GUILTY TO.
9 SO I WOULD RESPECTFULLY REQUEST A SENTENCE THAT WOULD SATISFY
10 THE VICTIMS IN THIS CASE.

11 I'VE SPOKEN TO EACH AND EVERY ONE OF THESE VICTIMS.
12 THEY ALL AGREED THAT 30 YEARS WAS AN APPROPRIATE SENTENCE.
13 THAT IS WHY THE STATE HAS AGREED TO PUT A CAP ON THIS BECAUSE
14 WE WANTED TO MAKE SURE THAT ALL THE VICTIMS WERE SATISFIED,
15 GIVEN THE TRAUMA THEY SUFFERED, AND THAT IS WHY WE FASHIONED
16 A CAP OF 30 BECAUSE THAT IS WHAT EACH AND EVERY VICTIM WANTED
17 IN THIS CASE.

18 MR. KENDRICK: AND, YOUR HONOR, AGAIN I SINCERELY
19 APPRECIATE THE STATE'S GENEROSITY IN THIS MATTER. AS YOU CAN
20 SEE, THE MAXIMUM SENTENCE AS OPPOSED TO WHAT THEY HAVE CAPPED
21 IT AT IS A GREAT DIFFERENCE. BUT AGAIN, YOUR HONOR, I SAY
22 THIS NOT IN ANY WAY TO TRY TO DOWNPLAY WHAT HE DID, BUT IT IS
23 -- IT IS EASY TO FALL INTO THE TRAP OF A SENTENCE BEING SOME
24 TYPE OF RETRIBUTION, BUT WHEN WE HAVE A YOUNG CHILD -- AND
25 THAT'S WHAT MR. BELL IS. GOOD OR BAD, HE'S A YOUNG MAN, VERY

1 YOUNG WHEN THIS HAPPENED, AND I JUST ASK THAT YOU TAKE SOME
2 OF THAT RETRIBUTION, WHICH I WOULD BE A FOOL TO SAY DOESN'T
3 HAVE SOMETHING TO DO WITH EVERY SENTENCE, AND TEMPER IT WITH
4 THE FACT THAT PERHAPS HE COULD BE REHABILITATED AND WE MAY BE
5 ABLE TO GIVE HIM ANOTHER CHANCE.

6 I THINK THAT HE'S GOT A LONG SENTENCE COMING EITHER WAY,
7 YOUR HONOR; I'M NOT STUPID. I KNOW THAT'S GOING TO HAPPEN.
8 BUT I JUST ASK YOU TO THINK THAT THERE MIGHT BE SOME CHANCE
9 DOWN THE ROAD FOR HIM.

10 THE COURT: AND HOW MUCH TIME HAS HE BEEN INCARCERATED?
11 SINCE WHAT DATE?

12 MR. KENDRICK: I BELIEVE DECEMBER OF 2006, YOUR HONOR.
13 THE DATE OF THE STATEMENT HE GAVE---

14 MS. SHIPLEY: 12/14/06.

15 MR. KENDRICK: YES, MA'AM. YES, MA'AM.

16 THE COURT: OKAY. DOES ANYONE ELSE WISH TO SPEAK ON
17 BEHALF OF HIS FAMILY? AND IF YOU CAN JUST INDICATE FOR THE
18 RECORD WHO IS HERE.

19 MR. KENDRICK: YOUR HONOR, THIS IS HIS BROTHER AND HIS
20 SISTER, AND AGAIN HIS MOTHER IS IN THE BACK. I THINK THAT
21 THEY'VE PRETTY MUCH RELAYED TO ME WHAT THEY WANT TO SAY AND
22 THAT THIS WILL BE A LITTLE EMOTIONAL FOR THEM. SO IT'S NOT
23 THAT THEY DON'T HAVE ANYTHING TO SAY. IT'S JUST THAT I THINK
24 WE'VE ALL KIND OF TRIED TO WRAP IT UP INTO WHAT I WAS GOING
25 TO TELL THE COURT.

1 THE COURT: OKAY. ANYTHING FURTHER FROM THE STATE?

2 MS. SHIPLEY: NO, YOUR HONOR. THAT'S ALL FROM THE
3 STATE.

4 THE COURT: ALL RIGHT. JUST GIVE ME A MOMENT. THERE'S
5 SEVERAL SENTENCING SHEETS THE COURT HAS TO FILL OUT.

6 MS. SHIPLEY: YES, MA'AM.

7 (PAUSE IN PROCEEDINGS.)

8 BY THE COURT:

9 Q. LET ME GO AHEAD AND DEAL WITH THE PROBATION REVOCATION
10 AS WE'RE HERE. ALL RIGHT. PROBATION -- MR. BELL, DO YOU
11 UNDERSTAND THAT YOU WERE SENTENCED TO PROBATION FOR THE
12 OFFENSE OF POSSESSION OF A STOLEN MOTOR VEHICLE VALUED AT
13 MORE THAN 1,000 BUT LESS THAN 5,000, AND YOUR PROBATION WAS
14 TO BEGIN MAY 2ND, 2006, AND END MAY 1, 2009? DO YOU
15 UNDERSTAND THAT?

16 A. YES, MA'AM.

17 Q. AND THE ACTUAL SENTENCE WAS THREE YEARS SUSPENDED TO 45
18 DAYS TIME SERVED PLUS A FINE, FOLLOWED THEREAFTER BY THREE
19 YEARS PROBATION. DO YOU UNDERSTAND THAT?

20 A. YES, MA'AM.

21 Q. AND PROBATION HAS INDICATED THAT YOU ARE IN VIOLATION
22 BECAUSE YOU HAVE FAILED TO REPORT. YOU HAVE FAILED TO --
23 FROM USE OF CONTROLLED SUBSTANCES, PARTICULARLY TESTING
24 POSITIVE FOR MARIJUANA AS WELL AS FAILED TO REFRAIN FROM
25 POSSESSION OF A WEAPON IN THAT YOU HAD A NINE MILLIMETER

1 HANDGUN CONCEALED IN YOUR WAISTBAND AS DETECTED BY DETECTIVE
2 MCCracken OF THE COLUMBIA POLICE DEPARTMENT IN DECEMBER OF
3 2006 AND THAT YOU HAD THESE PARTICULAR OFFENSES AS WELL.

4 YOU WERE BEHIND ON YOUR FINES AND FEES AND THEN THAT
5 ALSO INCLUDES THE RESTITUTION. HOW DO YOU WISH TO RESPOND AS
6 TO WHETHER OR NOT YOU'VE WILLFULLY VIOLATED THE TERMS AND
7 CONDITIONS OF YOUR PROBATION? DO YOU AGREE THAT YOU VIOLATED
8 THOSE TERMS?

9 A. (MR. BELL TALKS OFF THE RECORD WITH MR. KENDRICK.) YES,
10 MA'AM.

11 THE COURT: OKAY. AND DO YOU HAVE ANYTHING TO SAY WITH
12 RESPECT TO THAT?

13 MR. KENDRICK: NO, YOUR HONOR. I THINK THE ADMISSIONS
14 ON THE GUILTY PLEA WOULD MORE THAN WARRANT YOUR FINDING.

15 THE COURT: OKAY. OKAY.

16 MR. KENDRICK: SO WE DON'T CHALLENGE ANYTHING.

17 THE COURT: OKAY. WITH RESPECT TO PROBATION VIOLATIONS,
18 THE COURT WOULD REVOKE IN FULL AND THEN EXEMPT THE PAST FEES
19 AND FINES. AND THEN HOW DOES THE PROBATION OFFICE WISH TO
20 HANDLE THE RESTITUTION?

21 PROBATION AGENT: WE WOULD ASK FOR A CIVIL JUDGMENT.

22 THE COURT: OKAY. THAT'S FINE. AND THESE PROBATION
23 REVOCATIONS WOULD RUN CONCURRENT WITH THE SENTENCES THAT WE
24 HAVE HERE. OKAY. I HAVE LISTENED VERY DUTIFULLY WITH
25 RESPECT TO THE STATE'S CASE AS WELL AS MR. KENDRICK. I

1 BELIEVE YOUR LAWYER HAS DONE AN OUTSTANDING JOB PRESENTING
2 YOUR CASE AS BEST HE COULD. YOU UNDERSTAND THAT YOU WERE
3 FACING THREE LIFE SENTENCES WITHOUT THE POSSIBILITY PLUS AND
4 ANOTHER 330 YEARS TO FOLLOW THAT, AND LIFE IN OUR STATE MEANS
5 LIFE UNTIL YOUR NATURAL DEATH.

6 I BELIEVE THAT THE STATE HAS MORE THAN GIVEN YOU MERCY,
7 AND MY CONCERN HERE IS THAT WHEN I'M LOOKING FOR MITIGATION,
8 MR. KENDRICK HAS DONE AN OUTSTANDING JOB OF PRESENTING YOU,
9 BUT ONE THING I HAVE NOT HEARD IS ANYTHING THAT MAKES ME
10 BELIEVE THAT ANYTHING IN YOUR LIFE -- YOU KNOW, MIND YOU, YOU
11 HAVE A DISABILITY, BUT EVERYBODY WHO HAS A DISABILITY IS NOT
12 BEFORE THE COURT, BUT NOTHING THAT INDICATES THAT YOU DID NOT
13 WILLFULLY AND KNOWINGLY COMMIT THESE OFFENSES AND DO SO OVER
14 THIS PERIOD OF A MONTH AND A HALF AND DO SO WITH SEVERAL
15 PEOPLE WHO WERE VICTIMIZED TIME AND AGAIN WHO I'M SURE CRIED,
16 SHOWED FEAR IN THEIR FACE, WERE SCARED, YOU KNOW, WITH
17 RESPECT TO HOW THESE CRIMES WERE COMMITTED, AND NOTHING
18 SEEMED TO HAVE JARRED YOU OR TRIGGERED YOU TO MAKE YOU STOP.

19 I ALWAYS DO TRY TO LOOK FOR PERIODS OF A PERSON TO
20 RETREAT AND FEEL BAD ABOUT WHAT THEY'VE DONE AND NOT WAIT ON
21 THE POLICE TO SHOW UP AT YOUR DOOR AND THEN THERE'S A
22 CONFESSION. IS THERE ANYTHING ON YOUR PART THAT MAKES YOU
23 STOP? AND I DON'T BELIEVE THAT IF YOU HAD NOT GOT CAUGHT AT
24 THAT TIME THAT ANYTHING INDICATES HERE THAT THERE WOULDN'T
25 HAVE BEEN THE NEXT VICTIM OR SO, AND I DON'T KNOW WHERE IT

1 WOULD HAVE LED:

2 THANK GOODNESS, DESPITE ALL THESE GUNS, DESPITE ALL OF
3 THIS WEAPONRY THAT WE HAVE HERE, NOBODY WAS KILLED. I MEAN,
4 THAT'S THE BEST SCENARIO OUT OF HERE. SO I AM GOING TO GO
5 WITH THE RECOMMENDATION OF THE 30 YEARS.

6 SO FOR EACH OF THESE OFFENSES OF KIDNAPPING, YOU'LL BE
7 SENTENCED TO THE STATE DEPARTMENT OF CORRECTIONS FOR 30
8 YEARS. FOR EACH OF YOUR OFFENSES WITH RESPECT TO THE
9 BURGLARY FIRST DEGREE, YOU SHALL BE SENTENCED TO THE STATE
10 DEPARTMENT OF CORRECTIONS FOR THE 15 YEARS.

11 (A COMMOTION BREAKS OUT IN THE COURTROOM.)

12 THE COURT: THERE WILL BE ORDER IN THIS COURT.

13 BROTHER OF MR. BELL: Y'ALL ARE TAKING MY LITTLE
14 BROTHER. THIRTY YEARS, MAN.

15 THE COURT: THERE WILL BE ORDER IN THIS COURT. YOU ALL
16 NEED TO BE ESCORTED OUT. YOU CANNOT STAY FOR THE SENTENCING.
17 YOU'LL NEED TO TAKE HIM TO THE HOLDING CELL UNTIL HE CAN CALM
18 DOWN. I UNDERSTAND THAT THIS IS VERY DIFFICULT. IT'S ALSO
19 DIFFICULT FOR ME TO HAVE TO PASS DOWN SUCH A SENTENCE. ALL
20 RIGHT. WE SHALL CONTINUE ON. WHERE IS THE DEFENDANT?

21 MS. SHIPLEY: THEY TOOK HIM.

22 MAN IN THE COURTROOM: THEY TOOK HIM -- THEY STEPPED HIM
23 OUT. DO YOU WANT HIM BACK IN?

24 MS. SHIPLEY: YES.

25 THE COURT: YES. HE HAS TO BE HERE AND PRESENT.

1 MR. KENDRICK: I APOLOGIZE, YOUR HONOR.

2 THE COURT: THAT'S OKAY. IT IS EXPECTED THAT IT WILL BE
3 EMOTIONAL. WE JUST HAVE TO GO WITH OUR PROCEDURES IN TERMS
4 OF SECURING THE COURTROOM.

5 MS. SHIPLEY: YOUR HONOR, WHILE WE'RE WAITING ON THE
6 DEFENDANT, I'VE HAD KIDNAPPING CONVICTIONS COME UP. WE JUST
7 HAVE TO MAKE SURE THAT NO SEX OFFENDER REGISTRY IS REQUIRED
8 ON ALL KIDNAPPINGS.

9 THE COURT: WE'LL MAKE SURE THAT THAT OCCURS.

10 MR. KENDRICK: THANK YOU, JUDGE.

11 (MR. BELL IS BROUGHT BACK IN THE COURTROOM.)

12 THE COURT: ALL RIGHT. MR. BELL, I UNDERSTAND THAT THIS
13 IS VERY DIFFICULT FOR YOU. IT'S ALSO DIFFICULT FOR THE
14 VICTIMS. IT'S ALSO DIFFICULT FOR YOUR FAMILY, BUT YOU NEED
15 TO CONTAIN YOURSELF. AND I ASK THE DEPUTIES TO STEP CLOSER
16 TO YOU TO MAKE SURE THAT YOU'RE OKAY AND SECURED.

17 MR. BELL: I'M GOOD.

18 THE COURT: OKAY. I'M GOING TO GO BACK OVER THESE,
19 BECAUSE THERE WAS AN OUTBREAK, TO MAKE SURE THAT YOU
20 UNDERSTAND YOUR CHARGES. THE PROBATION REVOCATION, YOU'LL BE
21 REVOKED FOR THREE YEARS, BUT THEY WILL RUN CONCURRENT, THE
22 SAME TIME FOR THE SENTENCING. YOU WOULD NOT DO ANY
23 ADDITIONAL SENTENCING.

24 FOR EACH OF THE KIDNAPPING OFFENSES, YOU WILL BE SERVING
25 A SENTENCE IN THE STATE DEPARTMENT OF CORRECTIONS FOR THE 30

1 YEARS. YOU WILL NOT BE PLACED ON THE SEX OFFENDER REGISTER
2 FOR THESE. THESE WILL RUN CONCURRENT, ALL OF THESE CHARGES.

3 FOR YOUR BURGLARY FIRST DEGREE, EACH OF THESE OFFENSES
4 WILL BE RUNNING FOR A PERIOD OF 15 YEARS TO THE STATE
5 DEPARTMENT OF CORRECTIONS. FOR YOUR ARMED ROBBERY, YOU WILL
6 BE SENTENCED TO THE STATE DEPARTMENT OF CORRECTIONS FOR 20
7 YEARS. FOR THE ATTEMPTED ARMED ROBBERY, SENTENCED TO THE
8 STATE DEPARTMENT OF CORRECTIONS FOR 20 YEARS, AND THAT'S FOR
9 EACH OF THOSE ARMED ROBBERIES.

10 AS TO YOUR CARJACKINGS, YOU WILL BE SENTENCED TO THE
11 STATE DEPARTMENT OF CORRECTIONS FOR 20 YEARS, AND AS TO ARSON
12 THIRD DEGREE, SENTENCED TO THE STATE DEPARTMENT OF
13 CORRECTIONS FOR 10 YEARS. FOR THE GRAND LARCENIES OVER
14 1,000, YOU'LL BE SENTENCED TO THE STATE DEPARTMENT OF
15 CORRECTIONS FOR FIVE YEARS, AND FOR THE GRAND LARCENY OVER
16 5,000, SENTENCED TO THE STATE DEPARTMENT OF CORRECTIONS FOR
17 FIVE YEARS.

18 THESE SENTENCES AGAIN WILL RUN CONCURRENT, AND YOU WILL
19 BE GIVEN CREDIT FOR TIME SERVED SINCE DECEMBER 14, 2006. ALL
20 RIGHT. IS THERE ANYTHING FURTHER WITH RESPECT TO THIS MATTER
21 FOR THE COURT?

22 MR. KENDRICK: NO, MA'AM.

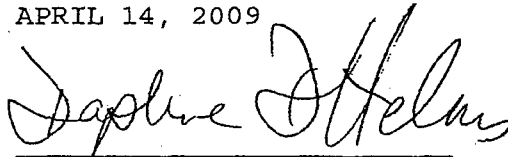
23 THE COURT: OKAY. THANK YOU. GOOD LUCK TO YOU, SIR.

24 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED. THERE WERE
25 NO EXHIBITS INTRODUCED.)

I, THE UNDERSIGNED DAPHNE D. HELMS, OFFICIAL COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 28TH OF APRIL, 2008.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

APRIL 14, 2009

A handwritten signature in cursive script, reading "Daphne D. Helms", written over a horizontal line.

DAPHNE D. HELMS, COURT REPORTER

5th BP

2009 CP 400/216

STATE OF SOUTH CAROLINA

County of

Richland

In the Court of Common Pleas

Demarco Bell #328067

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

vs.

State of South Carolina

Name of Respondent.

APPLICATION FOR
POST-CONVICTION RELIEFINSTRUCTIONS — 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 it clear to which question any such continued answer refers.

Since every application must be sworn to 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 applicant was convicted.

1. Place of detention Lee Correctional Inst 990 Wiscoky
SC 29016
2. Name and location of Court which imposed sentence Richland Co. Court of
General Sessions.
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) 07-B.S-40-0676/07-B.S-40-0935/07-B.S-40-0483/07-B.S-40-00982
 - (b) 07-B.S-40-0931/07-B.S-40-0480/07-B.S-40-00256/07-B.S-40-0255
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) N/A
 - (b) _____
 - (c) _____

012104499002

5. 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 _____
6. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
7. If you answered "yes" to (6), list
- (a) the name of each Court to which you appealed:
 - i. N/A
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. N/A
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. N/A
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. N/A
 - ii. _____
 - iii. _____
8. If you answered "no" to (6), state your reasons for not so appealing:
- (a) Trial counsel did not file notice of appeal on
 - (b) my behalf
 - (c) _____
9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective assistance of counsel
 - (b) Involuntary Guilty Plea
 - (c) See Attach page
10. State concisely and in the same order the facts which support each of the grounds set out in (9):
- (a) he felt to request the Blair hearing
 - (b) See Attach page
 - (c) _____

11. 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 petitions in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? NO
- (d) any other petitions, motions or applications in this or any other Court?

NO

12. If you answered "yes" to any part of (11), 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. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

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

i. N/A

ii. _____

iii. _____

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

(a) N/A

(b) _____

(c) _____

16. 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? _____

17. If you answered "yes" to one or more parts of (16), list:

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

i. Joshua Snow Kendrick, 1770 Meis Street Suite
202 Columbia SC

ii. _____

iii. _____

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

i. At plea sentencing

ii. _____

iii. _____

18. State clearly the relief you seek in filing this application.

The Sentencing & Conviction
and Grant the applicant a new trial

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

NO

STATE OF SOUTH CAROLINA

County of Richland

VERIFICATION

I, Demarco Bell, 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.

Demarco Bell

SWORN to and subscribed before me this 18
day of Feb, 2009
Debra Sims (L.S.)
Notary Public

My Commission Expires: 11-4-2015

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

I, Demarco Bell, 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 therefor.

Demarco Bell
Applicant

SWORN or affirmed to and subscribed before me this
18 day of Feb, 2009
Debra Sims
Notary Public

11-4-2015

10.111 Applicants plea of guilty to Hill charges violated his Federal and State Due process rights as the guilty pleas were not entered knowingly, voluntarily, and intelligently, ~~and~~ and were entered because of constitutionally ineffective assistance of counsel Boykin V. Alabama 359 U.S. 238, 242, 895 Ct. 1709, 1711, 23 L. ed. 2d 274 (1969).

10.112 Applicants Sixth and Fourteenth Amendment rights to the effective assistance of trial counsel were violated prior to the guilty plea and during the guilty plea proceeding.

11.111 Trial counsel did not advise defendant of any lesser included offenses prior to trial which the jury would be instructed on if he went to trial, see Kerrigan V. State 261, 406 S.E. 2d 180 (1991)

11.112 Trial Counsel did not hold enough conferences with the applicant and did not work diligently to come to a reasonable plea Agreement prior to the guilty plea See Strickland V. Washington, 466 U.S. 668, 1045. Ct 2052 (1984)

11.113 Trial Counsel did not investigate all charges pending against the applicant, and did not investigate all possible defenses in the case See Boykin V. Alabama 359 U.S. 238, 242, 895, Ct 1709, 1711, 23 L. ed. 2d 274 (1969)

11.114 Trial Counsel did not discuss with the applicant the nature and extent of the evidence which the State had against him. See Boykin V. Alabama 359, U.S. 238, 242, 895, Ct. 1709, 1711, 23 L. ed. 2d 274 (1969) and Hill V. Lockhart 474 U.S. 52, 66 S.Ct. 366 (1985)

11.115 Trial counsel did not set date for competency hearing is designed to protect accused's right to fair trial by due process determination of his competency and fitness to stand trial. Code 1976 § 44-23-430; U.S.C. Const. Amend. 14.

11.F The State Respondent Vs Charles Blair, Appellant. No. 2188 Supreme Court of South Carolina. Jan 5, 1981.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	
	)	2009-CP-400-1216
BELL Demarco, # 328062,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

The Respondent, making its Return to the application for post conviction relief (CR) filed 2/23/2009, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. The Applicant was represented by Joshua S Kendrick, Esquire. On 4/28/2008, the Applicant pled guilty and was sentenced by The Honorable J. Michelle Childs to Arson, Armed Robbery, Attempted Armed Robbery, Burglary, Carjacking, Kidnapping, Grand Larceny \$1000.00 to \$5000.00 (2 counts) - (07-GS-40-931-3;676;)

II.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript. The Respondent reserves the right to

RICHLAND COUNTY
 FILED
 2009 MAY -4 AM 11:33
 JEANETTE W. McBRIDE
 C.C.P. & G.S.

amend this Return upon receipt of any relevant materials or submit an amended Return to reflect any amended allegations and/or to provide a more detailed procedural history.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons because he allegedly received ineffective assistance of counsel:

III.

The Respondent interprets each of the Applicant's unspecified allegations to be claims that he received ineffective assistance of counsel. The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases.

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

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient.

Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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

IV.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied. The Respondent therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held. The Respondent will coordinate with the Applicant's attorney who is, according to the Respondent's file, Sampson, April W., Esquire regarding when the hearing should be set.

Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

BRIAN T. PETRANO
Assistant Attorney General

By: 
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April 29, 2009

1 STATE OF SOUTH CAROLINA) IN COMMONS PLEAS COURT

2 COUNTY OF RICHLAND)

3 DEMARCO BELL,)
4 PLAINTIFF.)

5 -V-)

6 STATE OF SOUTH) TRANSCRIPT OF RECORD
7 CAROLINA)
8 DEFENDANT.) 2009-CP-40-01216

8

9 FEBRUARY 28, 2011

10

11 RICHLAND, SOUTH CAROLINA

12

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

14 HONORABLE CAYCE L. MANNING, JUDGE;

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

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FOR THE PLAINTIFF:

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MR. PETRANO, ESQ.

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20 FOR THE DEFENDANT:

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MR. BROWN, ESQ.

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25

I-N-D-E-X

PCR: 3

CERTIFICATE OF REPORTER: 15

(REPORTER'S NOTE: THERE WERE NO EXHIBITS ENTERED.)

1 (The following proceedings were held on
2 February 28, 2011.)

3 THE COURT: Yes, sir, Mr. Petrano.

4 MR. PETRANO: Thank you, Your Honor. This is
5 Mr. Demarco Bell. It's a PCR application filed on
6 February 23rd, 2009. It's 2009-CP-40-01216.

7 He plead guilty in front of Judge Childs on
8 December 12th, 2008. He was represented by Mr. John
9 Kendrick of the private bar.

10 Your Honor, there's a whole slew of charges here.
11 You want me to go through them one-by-one?

12 THE COURT: Sure.

13 MR. PETRANO: All right. We've got
14 2007-GS-40-000255. That's a grand larceny, \$5,000 or more,
15 and he got five years for that.

16 933 is a third degree arson, 10 years; 676 is a
17 first degree burglary, and he got 15; 677, another first
18 degree burglary, 15; 678, another first degree burglary, 15;
19 483 is a carjacking. He got 20. 484, carjacking, 20; 485,
20 carjacking, 20 years again; 932 is an armed robbery. He got
21 20 years for that one. 931 is an attempted armed robbery,
22 20 years for that; 1064 is another attempted armed robbery,
23 20 years for that; 1063 --

24 THE COURT: I guess Judge Childs was stuck on the
25 number 20 in this case.

1 MR. PETRANO: No. We -- we get to a 30, Your
2 Honor.

3 THE COURT: All right.

4 MR. PETRANO: Just wait for it.

5 We've got another attempted armed robbery. That
6 was 1063; 20 years for that. And then 480 is a kidnapping.
7 He got 30 years for that. 481, another kidnapping, 30; 482,
8 another kidnapping, 30; 1062, another kidnapping, 30; 1065,
9 another kidnapping, 30 years. One more time, Your Honor.
10 0256, is a grand larceny of 1,000 to 5,000; he got five
11 years for that. 257 is a grand larceny, 1,000 to 5,000; he
12 got five years for that. And finally, 06-GS-40-2243, his
13 probation was terminated from 06-GS-40-2243, and he got
14 three years for that.

15 It was a recommended cap of 30. There was no
16 direct appeal.

17 THE COURT: All right, Mr. Brown?

18 MR. BROWN: Your Honor, we would respectfully
19 request a continuance. This case came up in January. At
20 that time, he had not yet been evaluated. And it's come up
21 actually a couple of times since we petitioned to have him
22 evaluated. It has not come up for a merits hearing since
23 he's been evaluated. He feels that we would benefit from
24 more time, and we would respectfully ask that it bound over
25 one more term.

1 Additionally, he does have some family members
2 that I have just spoken to in Sumter. They are on their way
3 here. They apparently came to Columbia this morning and
4 were told that he didn't -- I'm not sure by who, but that
5 they didn't know where the -- the case was going forward or
6 that it was going forward. And so they left and went back
7 to Sumter. That individual's name is Denisha -- Denisha
8 Williams. May be relevant to have them talk. Like I said,
9 I spoke to -- to Ms. Williams probably 15 minutes going
10 during the last recess, and she said she was going to try to
11 come from Sumter. But of course, it's an hour long. We
12 would just respectfully ask the matter be continued.

13 MR. PETRANO: Your Honor, if I may, and just
14 briefly -- obviously; this is up to Your Honor but
15 Mr. Kendrick is a very busy individual and often hard to
16 schedule with his conflicts with other General Sessions and
17 the Federal Circuit. He is here. But I think he's got to
18 leave in -- momentarily.

19 MR. KENDRICK: I'm good until lunchtime.

20 THE COURT: What time is that?

21 MR. KENDRICK: I got court at 2:30, Your Honor.

22 But, I mean, until then I'm --

23 THE COURT: All right.

24 MR. KENDRICK: -- I'm -- that's it.

25 MR. PETRANO: And also, Your Honor, if you look at

1 your roster you'll see we're kind of falling behind a little
2 bit because of that -- those snow days and everyone's here
3 and I'd like to get this one taken over if you're --

4 THE COURT: It snows here?

5 MR. PETRANO: It knocked us off three whole days,
6 Your Honor, but as far as the --

7 THE COURT: Well, let's do it this way. I can
8 dissect this. Mr. Kendrick's here. We can take his
9 testimony which will be relevant. And I'll consider waiting
10 this afternoon or a day later on this week when his
11 relatives can be here. We can work something out.

12 But let's proceed at least with Mr. Kendrick since he's here
13 and take his testimony. It's going to be about the same one
14 way or the other whether it's today, tomorrow, or next week.
15 We all agree with that, Mr. Brown?

16 MR. BROWN: Yes, Your Honor.

17 THE COURT: That fair enough?
18 Okay.

19 MR. BROWN: Thank you.

20 THE COURT: And Mr. Kendrick will be the State's
21 witness?

22 MR. PETRANO: That's correct.

23 THE COURT: What's this --

24 MR. PETRANO: State calls Mr --

25 THE COURT: And the allegations are, I assume,

1 where I assume ineffective assistance of counsel?

2 MR. BROWN: They are.

3 THE COURT: Counsel and voluntarily guilty plea I
4 would assume. Is that fair enough?

5 MR. PETRANO: If I could just ask, have there been
6 amendments that I'm not aware of?

7 THE COURT: All right. Mr. Brown, did you hear
8 that?

9 MR. BROWN: I did not.

10 THE COURT: Have there been any additional
11 amendments by Mr. Bell that the State is unaware of?

12 MR. BROWN: No.

13 THE COURT: All right.

14 We'll proceed out of order, Mr. Bell. I've tried
15 to accommodate you and have your relatives here at some
16 point in time, but we might as well get this part out of the
17 way. You understand that, sir?

18 THE DEFENDANT: All right. Thank you too, sir.

19 THE COURT: All right.

20 Come around, Mr. Kendrick.

21 THEREUPON,

22 JOSH KENDRICK,

23 after having been duly sworn, testified as follows:

24 THE COURT: And, Mr. Kendrick's, is it fair to say
25 that you're specifically familiar with the allegations of

1 this case?

2 MR. KENDRICK: Yes.

3 THE COURT: All right, Mr. Petrano.

4 MR. PETRANO: Thank you.

5 DIRECT EXAMINATION

6 BY MR. PETRANO:

7 Q Mr. Kendrick, do you recall your representation of this
8 applicant?

9 A Yes.

10 Q Were you appointed or retained?

11 A I was appointed. I took it over from another lawyer.

12 Q Okay. And did met with Mr. Bell?

13 A Yes.

14 Q Tell us about how many times.

15 A I don't know. It was -- it was several.

16 Q Okay. More than -- more than a few?

17 A More than a few.

18 Q Okay. Did he -- oh, my math showed if he got the max.
19 for all of these, he could get three life sentences
20 plus 330 years. Is that about right, sound about
21 right?

22 A It sounds right.

23 Q Okay. Did he want to go to trial or take a plea?

24 A He wanted to plead guilty.

25 Q One of the allegations is that you did not file a

1 notice of appeal.

2 Sir, did he ask you to file an appeal?

3 A I never talked to him about that.

4 Q Okay. And one of the allegations is that you did not
5 discuss with him on any potential lesser included
6 offenses.

7 Do you have any reply to that, sir?

8 A I just saw that. I -- I don't know that there were any
9 lesser included. I mean, it was carjacking and armed
10 robbery, mostly.

11 Q And in the transcript -- I think it's in one of the
12 early pages, Page 4, you said you had no problem
13 communicating with him.

14 Do you recall any -- any issues as far as
15 communications, being able to work with him as a
16 client?

17 A No. I got along with him very well.

18 Q Okay. Was the family involved?

19 A At some point. I don't remember. I mean, I -- I
20 mentioned in the transcript and I have notes where I
21 met with his mother, but it was probably very close to
22 the day of the plea. And I don't -- honestly don't
23 remember if I met with her or talked to her before
24 that.

25 Q And they didn't have anything extraordinary, did they.

1 They weren't like, Hey, wait a minute. He was with us.
2 He couldn't have done any of this. Nothing like that,
3 right?

4 A No.

5 Q And my math is showing once again that this was a --
6 probably about a 45-day crime, and I'm using the air
7 quote sign here, spree?

8 THE COURT: That's been a very popular word this
9 morning.

10 MR. PETRANO: Yes, sir. And I'd like to
11 disassociate the normal use and the criminal term spree.

12 Thank you, Your Honor.

13 THE COURT: You're welcome.

14 BY MR. PETRANO:

15 A That sounds right.

16 BY MR. PETRANO:

17 Q All right. And I'm showing that the break in the case
18 mainly as far law enforcement was that one of the
19 codefendants used his on ID to pawn some of the items
20 that were stolen, right?

21 A That sounds right. It -- it seems like it had
22 something to do with the codefendant being identified.

23 Q Thank you. Nothing further.

24 THE COURT: All right. Mr. Brown?

25 CROSS-EXAMINATION

1 BY MR. BROWN:

2 Q Mr. Kendrick, do you have any recollection of this
3 case?

4 A I do.

5 Q Do your notes reflect exactly how many times you met
6 with Mr. Bell?

7 A They do not.

8 Q Isn't it true that you really only met with him twice?

9 A That is not true.

10 Q Okay. You met with him more than two times?

11 A I did.

12 Q And you said he always wanted to plead guilty from
13 the -- the get-go?

14 A Yes.

15 Q Did you ever discuss trial with him?

16 A I don't know. I mean, I'm sure I did because it sounds
17 like -- it looks like this is a case where the State
18 was going to notice it for life without parole if we
19 lost one count and kind of stack -- stack things. So I
20 probably explained that to him.

21 Q Who was the prosecutor on this case?

22 A Vanessa Cooper.

23 Q Is Vanessa Cooper, is she one that kind of let you know
24 what was coming before it got to you? Did y'all have a
25 good relationship?

1 A We had a -- I -- not good or bad. We -- we didn't
2 dislike each other.

3 Q All right. Very good.

4 All right. When you said you never -- you never
5 discussed an appeal with -- with Mr. Bell.

6 A I'm sure I didn't.

7 Q If he had asked you to file an appeal, is that
8 something that you would have done for him?

9 A I -- I mean, yeah. I would have done it if he asked
10 to. But there wasn't anything to appeal so...

11 Q All right. You said no problem communicating, y'all
12 got along well.

13 Did you ever talk to his mother other than one
14 time before -- a few days before the plea?

15 A I don't know. I -- I see where I have her phone number
16 in my notes, and I may have talked to her about
17 scheduling matters. But I don't know that I talked to
18 her about the case very often. I might have.

19 Q Do you have any specific recollection of the -- the
20 content of your conversations with -- with her?

21 A The only thing I have -- I have notes from a time when
22 I spoke to her, and it looks like it must have been
23 very close to the plea because I'd written on the same
24 page as the mitigation that I was going to talk about.
25 So I -- I probably she was giving me his background and

1 history.

2 Q Did Mr. Bell ever indicate to you that he wished to be
3 evaluated for his mental health or -- or for his
4 ability to understand what was going on?

5 A No, not that I remember.

6 Q You had no indication that you should have had him
7 evaluated, correct?

8 A No.

9 Q Okay.

10 MR. BROWN: Beg the Court's indulgence.

11 That's all the questions I have.

12 THE COURT: All right. Anything further,

13 Mr. Petrano?

14 MR. PETRANO: Nothing. Thank you.

15 THE COURT: All right. You may step down,

16 Mr. Kendrick.

17 MR. KENDRICK: Thank you, Judge.

18 THE COURT: Well, once again, Mr. Brown, this was
19 a aunt or sister -- who's from Sumter?

20 MR. BROWN: He said his old lady, Your Honor.

21 THE COURT: Like -- like the Governor would say,
22 his soul mate?

23 MR. BROWN: Yes.

24 THE COURT: All right.

25 MR. BROWN: But not -- I don't believe she's

1 Argentine.

2 THE COURT: Beg --

3 MR. BROWN: I don't think she's from Argentina.

4 THE COURT: Maybe, she's in Virginia on the
5 Appalachian Trail.

6 Let me ask you this. When can she come back?
7 Help me out a little bit.

8 MR. BROWN: She's -- she's on her way now is my
9 understanding. I certainly can -- can call and see if she's
10 is literally on her way or just said that to me.

11 THE COURT: Well, that information would be
12 helpful for everybody concerned, would it not?

13 MR. BROWN: It would. When I --

14 THE COURT: Have a seat, call her, and we'll call
15 the next case.

16 We'll try to wait on your better half.

17 THE DEFENDANT: Thank you, too, sir.

18 THE COURT: All right. You welcome.

19 END OF PROCEEDINGS

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1 COUNTY OF RICHLAND)

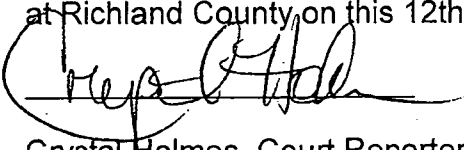
2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported the
4 preceding case entitled Demarco Bell V. State of South
5 Carolina No. 2009-CP-40-01216, at the Richland County
6 Courthouse, February 28, 2011.

7 I FURTHER CERTIFY that the foregoing pages 1 through 15
8 constitute a true, accurate and full transcript of said
9 hearing.

10 I FURTHER CERTIFY that I am not employed by any of the
11 parties hereto and I have no financial interest in the
12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand and seal
14 at Richland County, on this 12th day of March, 2013.

15 
16 Crystal Holmes, Court Reporter

17 and Notary Public for the

18 State of South Carolina my

19 Commission Expires: April 21 2014

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State of South Carolina

Court of Common Pleas

County of Richland

2009-CP-40-01216

Demarco Lamont Bell

-VS-

The State of South Carolina

:
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:
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:

TRANSCRIPT OF RECORD

November 16, 2011

Columbia, South Carolina

B E F O R E:

The Honorable L. Casey Manning, Judge.

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

Robert L. Brown, Esquire
Attorney for the Applicant

Brian T. Petrano, Esquire
Attorney for the State

Daphne D. Helms
Circuit Court Reporter

I N D E XWitnessDemarco L. Bell

Direct Examination by Mr. Brown.....4

Cross-Examination by Mr. Petrano.....19

Doris L. Bell

Direct Examination by Mr. Brown.....25

Cross-Examination by Mr. Petrano.....28

(There were no exhibits introduced.)

1 **Mr. Petrano:** The next one will be Mr. Demarco Bell.

2 **The Court:** Mr. Petrano.

3 **Mr. Petrano:** Thank you, Your Honor. This is a
4 continuation of Mr. Demarco Bell, 2009-CP-40-01216. You
5 heard a portion of the PCR proceeding on February 28th, Your
6 Honor. Basically what happened is the applicant moved for a
7 continuance as far as his testimony because he wanted to
8 develop something. Out of an abundance of caution, we went
9 ahead and took Kendrick - excuse me - Josh Kendrick's
10 testimony.

11 **The Court:** Yes, I remember it. I vaguely remember
12 that, yeah.

13 **Mr. Petrano:** Anyway, here we are for the rest of it.
14 For the record, it is a Richland County PCR. He pled guilty
15 in front of Judge Childs December 12, 2008, and I'm not going
16 to reread - I know I did it last time - all of the charges.
17 It's probably a dozen or more.

18 **The Court:** Okay.

19 **Mr. Petrano:** He pled to a cap of 30, and I'll turn it
20 over to Mr. Robert Brown.

21 **The Court:** All right. Mr. Brown.

22 **Mr. Brown:** We call Demarco Bell.

23 **The Court:** Come around, Mr. Bell.

24 Demarco L. Bell, after being duly sworn, testified
25 as follows:

1 **The Court:** Mr. Bell, please take a seat. Tell us your
2 full name and spell your last name for the record.

3 **The Witness:** Demarco Lamont Bell. Bell, B-E-L-L.

4 **The Court:** All right. Mr. Brown?

5 **Mr. Brown:** May it please the Court?

6 Direct Examination

7 By Mr. Brown:

8 Q. Good morning. How are you doing this morning?

9 A. I'm doing good.

10 Q. All right. You and I have met on a couple of occasions
11 at your institution; correct?

12 A. Yes, sir.

13 Q. And you and I have talked, and this is just some
14 background information. You are facing a significant amount
15 of time for the charges that you have been charged with.

16 A. Yes, sir.

17 Q. You understand if they ran all of those cases back to
18 back to back, well over 200 years is what you could get as a
19 potential sentence. You and I have talked about that.

20 A. Yes, sir.

21 Q. And understanding that, you still want to go forward
22 today.

23 A. Yes, sir.

24 Q. All right. I just want to make sure. Tell me -- give
25 us a little bit of background information. Who were you

1 represented by?

2 A. Mr. Kendrick.

3 Q. How did you come to be represented by Josh Kendrick?

4 A. See, there was another lawyer appointed to me, but I
5 guess he dropped my case or whatever and gave it to him.

6 Then he came to see me which was two times or whatever. One
7 time as being that he came to let me know he was my lawyer
8 and the second time -- well, letting me know that's my lawyer
9 and to give me the motion and the second time to say to plead
10 and my plea was 15 to 30 or take it to trial.

11 Q. All right. So Mr. Kendrick came to see you. Were you
12 out at the Alvin S. Glenn Detention Center?

13 A. Yes, I was.

14 Q. Did you ever bond out or were you incarcerated from the
15 time of your arrest until the time of your guilty plea?

16 A. Yes, sir.

17 Q. Mr. Kendrick came out there; you said the first time he
18 met with you. How long did y'all meet?

19 A. I'd say it wasn't even no more than about -- not even --
20 not even 30 minutes. About 20.

21 Q. And you said he gave you your motion. You're talking
22 about the discovery materials that had been provided to him
23 from the State?

24 A. Yes, sir.

25 Q. All right. That was the statements that had been made

1 and any of the evidence that the State had against you.

2 A. Yeah, all the evidence.

3 Q. Did y'all discuss that?

4 A. No, sir.

5 Q. All right, sir. He just gave you a copy of it?

6 A. He just gave me a copy of whatever he asked -- he asked
7 me whatever, and I told him about -- I let him know that I
8 needed -- about having a mental evaluation.

9 Q. And we'll get to that issue in just a minute. So he's
10 there for, you said, 15, 20 minutes?

11 A. Yeah.

12 Q. There was just an introductory meeting?

13 A. Yes, sir.

14 Q. He came back a second time. How long was the gap
15 between the first time he met with you and the second time?

16 A. I'd say it wasn't no more than probably about three to
17 four. He was just coming up...

18 **The Court:** Three or four days?

19 **The Witness:** Months.

20 **The Court:** Months. Okay.

21 By Mr. Brown:

22 Q. So three or four months later he comes back to visit
23 with you. What did y'all talk about then?

24 A. He just came to see -- he just came to me or whatever
25 saying that the solicitor, Vanessa Singletary (verbatim) or

1 whatever, she said: You either take the 15 to 30 or go -- or
2 go to trial where you can face a quantity of time.

3 Q. Did y'all discuss the possibility of going to trial on
4 these charges?

5 A. Yes, sir, we -- not -- yes, sir, a little bit.

6 Q. What kind of things did he discuss with you? I mean,
7 was it ever -- did he tell you he wanted to go to trial or
8 did he try and push you towards a plea?

9 A. No, because he ain't -- he ain't never -- he ain't never
10 really went over my case, and I -- I ain't had enough time to
11 go over my case being that at Alvin S. Glenn, you know, we
12 can't get to the law library or nothing.

13 Q. How long was the second meeting?

14 A. The second meeting, I'd say that probably was probably
15 about -- I'd say about 45.

16 Q. So, all tolled, before you met pled guilty you met with
17 your lawyer for maybe an hour, hour and 15 minutes.

18 A. Yes, sir.

19 Q. How many different sets of charges were you facing? Do
20 you remember?

21 A. I mean, it's a lot.

22 Q. It's a bunch. Five, six, maybe seven different events
23 that led to the charges.

24 A. Yeah.

25 Q. Did y'all discuss each of the -- the evidence in each of

1 those individual events?

2 A. No. He just -- he just -- he just tell me the charges
3 or whatever, but he never went in on the evidence or none of
4 that right there.

5 Q. So y'all never discussed the evidence that the State had
6 against you.

7 A. No, we never really -- no.

8 Q. Did y'all discuss any identifications that had been made
9 of you? Like did like any of the victims ever make any
10 identification of you?

11 A. Yeah. Yeah. To tell you the truth, I brought up -- I
12 brought up stuff, you feel, to talk about or whatever.

13 Q. Well, that's what I want the Court to know. I want the
14 Court to know what y'all really talked about.

15 A. We really -- we really -- we really been talking or
16 whatever, but he really been pushing, saying that it's not
17 best that we go to trial. He was saying that it's best to
18 take the plea or whatever because I would get around 20 or
19 whatever, and not knowing or whatever, shoot, I'm just
20 talking to him about that. I'm asking him -- I'm asking him
21 things or whatever that if we go to trial or whatever because
22 in my motion I see that, you know, on the streets I was -- I
23 was 6'4" that day and I was 280 or whatever. They got in my
24 motion I'm 5'10", 210 and stuff.

25 Q. So the identification -- some of the descriptions really

1 didn't match your actual physical description, but you felt
2 he was pushing you towards a guilty plea.

3 A. Yes, sir.

4 Q. Did y'all discuss how a trial might go if you were to
5 proceed to trial?

6 A. All he said is that being that -- being that -- being
7 that -- being that all the charges or whatever -- if I do get
8 found guilty for one or whatever that they will still convict
9 me of more, but at the same time I'm letting him know that,
10 man, it's probably like -- it's probably -- probably about a
11 couple -- a couple of my charges or whatever that -- that --
12 I'll say about two of my -- two of my -- three of my charges
13 that's identifying me. Do you feel me? That's way better
14 than the six.

15 Q. And there are ones where the alleged perpetrator's face
16 is covered and---

17 A. Yeah. Exactly.

18 Q. ---in the dark, things like that, but that's stuff y'all
19 never really discussed, is it?

20 A. Never.

21 Q. Now, you've indicated that you wanted him to have you
22 evaluated. Why did you want to be evaluated prior to your
23 guilty plea?

24 A. Because I think that I would have came out a whole lot
25 better than where I am because being of my mental state or

1 whatever that I was going through at the time, and I also
2 have a history of taking medicine ever since elementary.

3 Q. Let's talk about those two different things separately.
4 Let's talk about, first of all, your mental health history.
5 Tell the Court, to the best that you understand, what your
6 mental health history is.

7 A. What you mean? Like what I was going through?

8 Q. Yeah. What types of things -- when you were growing up,
9 what types of classes were you in, medications---

10 A. Yeah, all that -- all the---

11 Mr. Petrano: I'm going to object as to relevance. He's
12 been evaluated. There's no...

13 Mr. Brown: If I could...

14 The Court: I'm going to let you go, but he's been
15 evaluated. What's your point?

16 The Witness: Yes.

17 Mr. Brown: The fact is this evaluation took place
18 several years after his actual plea. Part of our allegation
19 is that if he had been evaluated contemporaneously when he
20 should have been---

21 The Court: Go ahead.

22 Mr. Brown: ---there may have been a different result.

23 The Court: All right.

24 The Witness: Yes.

25 By Mr. Brown:

1 Q. All right. Go ahead.

2 A. You know -- you know, I've been in a resource class or a
3 special class or whatever ever since -- ever since
4 elementary, I'd say probably about the second or third grade
5 or whatever, and growing up, this is all I've been in -- been
6 in or whatever. And I also have behavior problems and stuff.

7 Q. What type of behavioral problems do you have?

8 A. Acting out. Acting out in class or whatever and just
9 can't sit still. Just, you know, fidgety, just...

10 Q. Have you ever been diagnosed---

11 **The Court:** It's your position that if he had been
12 evaluated five years earlier, he wouldn't have committed
13 these crimes?

14 **Mr. Brown:** That the result of the evaluation may have
15 been different.

16 **The Court:** May have been different. Do you have an
17 expert? Go ahead. I'm not going to stop you. Do you job.

18 **Mr. Brown:** If Your Honor would give me to funding for
19 it.

20 **The Court:** Go ahead, Mr. Brown.

21 By Mr. Brown:

22 Q. All right. Have you ever been diagnosed with anger
23 management problems?

24 A. Yes, sir.

25 Q. How about have you ever been diagnosed as being

1. susceptible to influence from -- you know, from other people?

2. A. Yes, sir.

3. Q. Do you think that any of that and your prior mental
4. health affected your ability to understand right from wrong
5. or to know what was going on as it relates to your charges?

6. A. Yes.

7. Q. All right. Let me ask you this: Did you commit these
8. charges?

9. The Court: These crimes.

10. Mr. Brown: These crimes.

11. By Mr. Brown:

12. Q. Did you commit these crimes?

13. A. Yes. Not all of them. Not all of them.

14. Q. You didn't commit all the crimes that you pled guilty
15. to.

16. A. Yeah.

17. Q. But you admit that you did commit some of those crimes.

18. A. Yeah.

19. Q. But it's your position that you didn't understand what
20. you were doing at the time.

21. A. No, I -- yes, sir, I wouldn't understand.

22. Q. Had anybody put you up to those crimes?

23. A. No, sir. I mean, there was a group of us or whatever.
24. Do you feel me?

25. Q. Were you in a bad place at the time? Were you going

1 through some things?

2 A. Yeah. Around that time I was going through a lot. Do
3 you feel me?

4 Q. Tell us about that.

5 A. Around that time I was going through a lot or whatever.
6 Do you feel me? Like growing up or whatever, especially --
7 especially like I been, you know, just in the house or
8 whatever, me, my mama, and around the time me and my mama and
9 my three nieces -- my brother was locked up, and at that time
10 I was playing football and stuff and being in a lot of
11 stress, my mama having stress on her about taking care of the
12 kids and getting the kids up and ready for school and stuff.
13 So that -- and then she barely have the money or whatever to
14 keep food in the house and all kinds of things. Do you feel
15 me?

16 So before my brother got locked up, he used to help take
17 care of the family. So you feel me? So when he got locked
18 up, it just started stressing like, man, hey, what can I do?
19 Do you feel me? And that's the only thing---

20 Q. So all of a sudden all that -- all that stress is on
21 your shoulders.

22 A. Yeah. Yeah. Exactly.

23 Q. And so you felt like you're now the sole provider for
24 your family?

25 A. Yes, sir.

1 Q. And how did that affect you?

2 A. It affected me like because, you know, growing up I
3 ain't never -- I never -- I never -- you know, growing up, I
4 ain't never had to take no responsibility or nothing or
5 whatever, but just looking at the stress that my mama was
6 going through - do you feel me - with the three -- with the
7 three -- with my three nieces and plus me. Do you feel me?
8 And then she had to rip and ride from the city to the country
9 to go take care of my grandma and stuff and all that.

10 Q. Now, you asked your attorney to evaluate you. What was
11 your attorney's response?

12 A. He say -- he say he was going to check into it, but at
13 the time I had my mother -- my mother and all was contacting
14 him or whatever - you feel me - to talk more, and my mama had
15 paperwork, too, or whatever to get him of my mental -- my
16 mental -- my mental...

17 Q. And they never -- but he never did it for you. He never
18 followed up.

19 A. He never filed -- he never looked up on it.

20 Q. All right. Did you have trouble communicating with him
21 and understanding some of the things---

22 A. Yes.

23 Q. ---that Mr. Kendrick was talking about?

24 A. A lot. A lot because I never -- I never -- you know,
25 like I say, growing up through high school or whatever, I

1 always been in special classes or whatever. So, I mean, my
2 learning disability wasn't up there to understanding this.
3 This was my first time -- one time I had been locked up for
4 possession of a stolen vehicle. And this right here, that's
5 the only trouble that I've been through with the law. Do you
6 feel me? So I have no understanding.

7 Q. Did he -- do you feel like he took the time that was
8 necessary to explain things to you?

9 A. No, sir. No, sir. He never -- he never took the time
10 to explain to me about my charges or none of that.

11 Q. And you testified that over the course of all these
12 charges that you ultimately pled guilty to, y'all spent a
13 little over an hour together.

14 A. Yeah.

15 Q. How about the day of the plea? Did y'all meet the day
16 of the plea?

17 A. The day of the plea? No, sir. We didn't even meet
18 downstairs.

19 Q. All right. He just brought you up and you pled guilty
20 just then?

21 A. Yeah. And as you look through there or whatever, as
22 we're going along or whatever, it's multiple things that they
23 were talking about in court or whatever that I'm stooping him
24 trying to figure out or whatever. He's just telling me just
25 - do you feel me or whatever - that it's best not for me to

1 say nothing because the judge might go on and give me
2 30 years. Do you feel me? But he's telling me there's a
3 good chance that I'll get 20 years.

4 Q. Do you feel like there was any chance that you could
5 have gone to trial that day?

6 A. If I say -- I say if I -- if I knew what I knew now and
7 had more time on my -- on my paperwork or whatever, that --
8 that, yeah, I probably would have went, but I wouldn't have
9 had a lot of knowledge to it, but I would have -- I probably
10 would have went.

11 Q. Do you feel like your guilty plea was voluntary?

12 A. What do you mean by that?

13 Q. Did you know what you were doing when you pled guilty?

14 A. No. No, sir, I ain't -- no, sir.

15 Q. Had anybody ever really explained your rights to you?

16 A. No. I mean, they probably -- he probably said it, but,
17 you know, I ain't...

18 Q. When he told you you were giving up your right to a jury
19 trial, did he explain what that really meant?

20 A. No, sir.

21 Q. And you and I have talked about those different rights
22 that you gave up. Do you feel like now you have an
23 understanding of what you really did when you pled guilty?

24 A. Yes, sir.

25 Q. Knowing now what you did not know then, would you have

1 pled guilty that day?

2 A. No, sir, I would not..

3 Q. And it's your request that the Court set aside your
4 guilty plea and let you start over?

5 A. Yeah. I'm seeking mercy of the Court and of the judge
6 for that..

7 Q. This is your one bite at the apple. We've gone through
8 what you and I have talked about, the main issue, that you
9 were never evaluated and if you had been evaluated at the
10 time of your plea, the results may have been different than
11 what was ultimately found. Are there any other issues that
12 you want to raise to the Court?

13 A. Is there more issues that I want to raise to the Court?
14 That he's just been -- he been ineffective for investigating
15 my -- investigating my case more -- more.

16 Q. Did he ever talk to any of the victims?

17 A. He never talked to none of the victims.

18 Q. Did he ever go look at the evidence?

19 A. Never.

20 Q. Did y'all discuss the evidence?

21 A. Never.

22 Q. Did you discuss the victims' statements?

23 A. Never.

24 Q. So he never really investigated anything and just went
25 forward on a guilty plea.

1 A. Yeah. Like I say, when he -- I came up with the
2 questions to ask him or whatever, but he talked or whatever
3 and then he'd beat around the bush and go to something else.
4 Do you feel me? Because I'm thinking he's trying to play off
5 -- well, now - you feel me - I thought he was trying to play
6 -- I think he was playing on my intelligence at that time.

7 Q. Do you feel like he forced you into a guilty plea?

8 A. Yes, sir.

9 Q. Now, he didn't hold a gun to your head---

10 A. No, he didn't hold a gun to my head, but knowing my
11 learning disability or whatever and you still have got
12 records on my learning disability now or whatever that I
13 didn't...

14 Q. All right. Aside from the issues that we've discussed,
15 are there any other issues that you want to raise to Judge
16 Manning today that you want him to consider as far as
17 ineffective assistance of counsel or involuntary guilty plea
18 to set aside your plea? I think you and I have covered
19 everything. I just want to make sure since this is your one
20 bite at the apple. We've talked about -- this mental health
21 issue is pretty important to you.

22 A. Yeah. Yeah. That is right. That's pretty important to
23 me because of the state of mind that I was in during that
24 time or whatever -- that I was in or whatever. If I would
25 have had an evaluation or whatever, true indeed, what the

1 evaluation would have proven today, that was -- that was
2 nearly six years ago.

3 Q. Do you take any medication at the jail now?

4 A. Yes, sir.

5 Q. What kind of medication do you take?

6 A. Antidepressant. Antidepressant or whatever and some --
7 I don't know exactly the name.

8 Q. It's all for mental health?

9 A. Yes, sir.

10 Q. All right. They've got that fairly well regulated for
11 you?

12 A. Yes, sir.

13 Q. At the time that you did your most recent evaluation a
14 year or year and a half ago, were you under the influence of
15 that medication? You were on that medication?

16 A. Yes, sir.

17 Q. All right. Does that medication help you think clearly?

18 A. Yes, sir.

19 Mr. Brown: All right. No further questions, Your
20 Honor.

21 The Court: Mr. Petrano?

22 Cross-Examination

23 By Mr. Petrano:

24 Q. I thought you were like a big high school football star
25 at Lower Richland. That was something I read in---

1 A. Yes, sir. That's what I stated, too, that I was -- I
2 was playing football in the sports football and wrestling.

3 Q. And wrestling.

4 A. Yeah.

5 Q. But yet you're what? I don't want to say retarded
6 because that's rude but---

7 A. I mean---

8 Q. ---you were in special classes---

9 A. ---you can say what you say but...

10 Q. I'm not trying to be---

11 A. Yeah.

12 **The Court:** You can't use retarded.

13 **The Witness:** But at the same time for the class that I
14 was into or whatever for one -- our behavior thing or
15 whatever, they let us -- they let us play or whatever and you
16 already know that. They grade us upon the work that we do in
17 our class or whatever, and my grade was okay to play football
18 and that they really wanted me to play.

19 Q. Okay. And do you have trouble reading or writing or
20 math or...

21 A. I have trouble with all of them.

22 Q. Okay. You confessed to the armed robbery, the
23 carjacking of the Navigator and torching it. Do you remember
24 that?

25 A. Yes, sir.

1 Q. You confessed to the armed robbery of the guy in the
2 backyard who resisted, when you took off. You confessed to
3 that. Do you remember?

4 A. I think so.

5 Q. All right. And the lady in the driveway - no, I'm
6 sorry, that wasn't a lady - that you took and forced to drive
7 to the A.T.M. machine?

8 A. I'm not recalling.

9 Q. Okay. And another carjacking. How many cars did you
10 steal?

11 A. I mean, I can't remember all that.

12 Q. Okay. Do you remember what the break in the case was as
13 far as law enforcement? Do you recall that they---

14 **The Court:** How you got caught. (How you got caught.

15 **The Witness:** I mean, he -- he caught me coming out of
16 my apartment complex to -- to a car.

17 By Mr. Petrano:

18 Q. No. Do you remember that your co-defendant was pawning
19 some of the things but using his real I.D. and that's how
20 they finally figured it out? Do you remember all these
21 things?

22 A. I guess so. I think.

23 Q. Did you discuss these things with Josh?

24 A. Josh Kendrick?

25 Q. Yes.

1 A. Like I say -- like I say, we only -- we only talked for
2 like -- I would give -- I would give about 45 to an hour, an
3 hour or whatever, when he came -- when he came to me with the
4 plea or whatever. I don't -- I don't know if that was one
5 that I brought up or whatever but, yes, I did talk to him
6 about stuff. I don't know if that...

7 Q. Did he explain to you that if you went to trial and the
8 State did each of the crimes separately that you could get
9 multiple life sentences?

10 A. Yeah. That's what he say.

11 Q. Okay. And did he explain to you that he was going to
12 try to work out a plea and wrap everything together and that
13 you would plead to everything and it would be 15 to 30 years?

14 A. He didn't tell me nothing. He just told me -- he come
15 -- he come -- he just came to me and said that Vanessa
16 Singleton say that you can -- you can plead to 15 to 30 or
17 whatever or go and get multiple charges, but knowing or
18 whatever -- not knowing nothing or whatever, I go with that
19 because I'm trying -- I'm trying to get what less as I can or
20 whatever, not knowing my case or nothing, because I never --
21 like I've been in the court -- I've been -- I've been in --
22 I've been incarcerated in Alvin S. Glenn for almost two
23 years. Within that two years, six months -- I'll say six
24 months, that's when I got my motion. So I really had like
25 six months to go over my motion of discovery, but at the same

1 time or whatever, within that six months or whatever he came
2 to me with this plea or whatever.

3 Q. And so you had the discovery to go over for a few
4 months, but he comes to you with a plea and you decide to
5 take it.

6 A. I mean he -- I mean, how -- you know, how he put it --
7 how he put it or whatever -- or whatever, I went forward or
8 whatever because the only thing I'm thinking is I done fucked
9 up. I done -- pardon my language or whatever. I messed up
10 or whatever, and I'm just trying to get it over with or
11 whatever because I'm tired of my family stressing this fact.

12 Q. Okay. And I understand that, and one of the things that
13 you said a few minutes ago when Mr. Brown was asking the
14 questions was that the things you know now, you would not
15 have pled and you would go to trial. Can you articulate --
16 can you tell the Court what it is exactly that you know now
17 that if you had known back then you would not have pled
18 guilty? A couple of actual specific things. Anything.

19 A. I ain't brought my paper. I had -- I mean, I didn't --
20 I mean, I haven't brought my paper or whatever, but I do have
21 stuff written down or whatever. Being that I'm coming here
22 for the PCR, I didn't thought to bring -- bring that.

23 Q. Even though we had a PCR in February.

24 A. Yeah, but it---

25 Q. And it was continued so that you could get paperwork---

1 A. I didn't -- I didn't thought to bring paperwork about my
2 case or whatever because I am not thinking I'm going to trial
3 for my case.

4 Q. That wasn't why we got the case continued in February?

5 A. We got it continued in February to get -- to get a
6 mental evaluation.

7 Q. No, sir. The mental evaluation had been done. You
8 don't...

9 A. I was...

10 Q. What are you -- what are you seeking here? Time cut?
11 What do you want?

12 A. I'm seeking---

13 Q. Because you said in---

14 A. I'm asking for mercy of the Court or whatever. I'm
15 seeking that I can get some time cut. I'm not trying to get
16 off with it. I'm seeking time -- to get time cut because I'm
17 trying to get home to my family or whatever because I feel
18 that I -- I feel that I -- I -- I have changed or whatever.
19 In my honest opinion, I feel that I have changed. I feel
20 that I can help youth out there being that it -- being that I
21 only got in trouble one time or whatever -- or whatever that
22 I can talk to people out there about this and change their
23 life. Do you feel me?

24 Q. Like a youth advisor kind of thing.

25 A. Yeah.

1 Mr. Petrano: Okay. That's all I've got. Thank you.

2 Mr. Brown: No follow-up, Your Honor. You can come
3 down.

4 The Court: You may step down, Mr. Bell. Is it Bell?

5 Mr. Brown: That's correct. We've got one more witness,
6 Your Honor.

7 The Court: All right.

8 Mr. Brown: Ms. Bell.

9 Doris L. Bell, after being duly sworn, testified as
10 follows:

11 The Court: Ms. Bell, please take a seat. Tell us your
12 full name, and spell your last name for the record. Your
13 voice is rather soft, so I'm going to ask you to speak up a
14 little bit, please, ma'am.

15 The Witness: Doris Lane Bell, B-E-L-L.

16 Mr. Petrano: I'm sorry. What was the first name?

17 The Witness: Doris.

18 Mr. Petrano: Thank you. Sorry.

19 The Court: Ms. Bell, once -- okay. I think she put the
20 microphone closer to you. Just take your time. Don't be
21 nervous. Speak slowly and loudly. Go ahead, Mr. Brown.

22 Direct Examination

23 By Mr. Brown:

24 Q. Ms. Bell, you and I have never met before today, have
25 we?

1 A. (Witness shook head from side to side.)

2 The Court: You need to speak. You need to say it.

3 The Witness: No. No.

4 The Court: Thank you.

5 By Mr. Brown:

6 Q. You've been present during all of Demarco's testimony.
7 You've heard him talk about his mental challenges growing up,
8 and I just want, from your own words, to tell the Court about
9 that and what he was going through specifically during the
10 time of these crimes.

11 A. We was going through a whole lot with Demarco. It's in
12 and out disability -- not disability. His behavior and
13 stuff. His disability, learning disability and stuff, I was
14 trying to get help and stuff, seeking help for Demarco. Not
15 only Demarco, all of my children. My other son, too. He was
16 going through a lot. I was going through a lot with that.
17 And I don't even know what to say, but he have been a
18 troubled child from the day -- elementary school. He ravved
19 (verbatim) on Ritalin and Adderall and stuff like that. He
20 was lated (verbatim) to A.D.L. learning disability, plus he
21 done -- they said that he -- to me, my knowledge of what I
22 went through, that he would never be a function (verbatim)
23 child to -- to depend on hisself. He never would try to make
24 a decision on his own. He always have to have an adult to
25 make the decision for him or either whatever...

1 Q. When he was growing up, did his mental challenges -- did
2 they, in your opinion, affect his ability to understand right
3 and wrong?

4 A. He never understand right and wrong, sir.

5 Q. Did he ever understand penalties for his actions?

6 A. In some. Whatever. He never...

7 Q. Do you think that -- was he living with you at the time
8 of these crimes?

9 A. Yes, he was.

10 Q. During this time did he still continue to have the
11 problems understanding right from wrong?

12 A. He had that problem, and the only way he played football
13 because of -- they was trying to get him to -- to stay in
14 class and try to calm him down, and that was the only thing
15 that interested him to calm down and stuff. He never was a
16 foot -- how do they put it? He couldn't never -- to read the
17 play of the football and stuff on his own and stuff, but they
18 was giving him the tryout to just calm him down, just to try
19 to get him through school.

20 Q. They were hoping that sports might have a positive---

21 A. Yeah. Uh-huh.

22 Q. ---effect on him in on his classes. You indicated he
23 was in resource classes---

24 A. Uh-huh.

25 Q. ---separate from the general student body.

1 A. Uh-huh.

2 Q. And growing up was -- was he influenced by older kids or
3 other kids that could manipulate what he did?

4 A. He was always -- like no one didn't -- they didn't
5 understand how he was, what he was going through. The kids
6 used to pick on him and stuff and stuff like that.

7 Q. Ms. Bell, thank you for your testimony.

8 A. Uh-huh.

9 The Court: Mr. Petrano?

10 Cross-Examination

11 By Mr. Petrano:

12 Q. Did he have any jobs in high school?

13 A. Who?

14 Q. Did he have any jobs?

15 A. No, he had no job.

16 Q. He didn't like mow the neighbor's yard or nothing like
17 that?

18 A. No.

19 Q. So what would he do after school?

20 A. What he would do after school? He would like -- the
21 chores that I have to give him, I have to see after him doing
22 it.

23 Q. What kind---

24 A. I'm constantly on him.

25 Q. What kind of chores?

1 A. Taking out the trash, taking the trash can to the road.
2 Out there with me helping me mow the lawn. I used to mow the
3 lawn. He was out there helping me.

4 Q. Did he ever---

5 A. He always had to have supervisor (verbatim) by me, and
6 it was a rough situation.

7 Q. Did he have a driver's license?

8 A. No.

9 Q. Did he have any hobbies?

10 A. He like to read, but he wasn't on the level of reading.
11 He was like on a second grade level when he was in the
12 seventh grade and stuff like that.

13 Q. What did he like to read, ma'am? What kind of stuff?
14 Science fiction? Cartoons? Comic books?

15 A. Not comic books. Sports books.

16 Mr. Petrano: Okay. Nothing further. Thank you.

17 The Court: Anything further, Mr. Brown?

18 Mr. Brown: No, Your Honor. That's our case, Your
19 Honor.

20 The Court: Okay, Ms. Bell. Thank you so very much.
21 Please step down. Anything further, Mr. Brown?

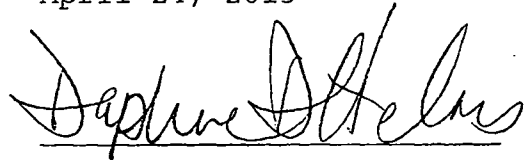
22 Mr. Brown: No.

23 The Court: Thank you both for your presentation. I'll
24 let you know my decision in due course.

25 (Whereupon, the proceedings were concluded.)

I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 16th of November, 2011. I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 24, 2013

A handwritten signature in cursive script, reading "Daphne D. Helms", written over a horizontal line.

Daphne D. Helms, court reporter

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Bell, Demarco, 00328067,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS

2009CP4001216

ORDER OF DISMISSAL

RICHLAND COUNTY
FILED
2012 NOV 19 PM 3:08
JEANETTE W. McBRIDE
C.C.P. & G.S.

PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed February 23, 2009. The Respondent made its Return on May 4, 2009. An evidentiary hearing into the matter was convened on February 28, 2011 at the Richland County Courthouse. This first hearing was for the testimony of plea counsel only. Another hearing was held on November 16, 2011, the Applicant and his mother testified at this 2nd hearing. This case was continued/delayed while the Applicant was evaluated by the South Carolina Department of Mental Health. The Applicant was present at the hearing and was represented by Robert L. Brown, Esquire. Brian T. Petrano of the South Carolina Attorney General's Office represented the Respondent.

At the hearing, the Applicant testified on his own behalf. The Applicant's plea counsel, Joshua S. Kendrick, Esquire also testified. This Court had before it the records of the Richland County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

Bell, Demarco - Order of Dismissal (2009CP4001216)

Page 1 of 9

SCANNED

The Applicant is presently incarcerated following a December 12, 2008 guilty plea before the Honorable J. Michelle Childs. The Applicant was convicted and sentenced to the following:

Grand Jury Term	Indictment Number	Charged Offense	Potential Sentence	Offense Description	Sentence Received	Sentenced to Lesser Offense
TERM	2007GS4000255	0479 16-13-0030(B)(2) * 10 * Larceny / Grand Larceny, value \$5,000 or more	5		No	
TERM	933	0038 16-11-0110(C) * 10 * Arson / Arson - Third degree	10		No	
TERM	676	0079 16-11-0311 * 15-L * Burglary / Burglary (After June 20, 1985) - First degree	15		No	
TERM	677	0079 16-11-0311 * 15-L * Burglary / Burglary (After June 20, 1985) - First degree	15		No	
TERM	678	0079 16-11-0311 * 15-L * Burglary / Burglary (After June 20, 1985) - First degree	15		No	
TERM	483	2599 16-03-1075(B)(1) * 20 * Carjacking / Take or attempt a vehicle from person by force without great bodily	20		No	
TERM	484	2599 16-03-1075(B)(1) * 20 * Carjacking / Take or attempt a vehicle from person by force without great bodily	20		No	
TERM	485	2599 16-03-1075(B)(1) * 20 * Carjacking / Take or attempt a vehicle from person by force without great bodily	20		No	
TERM	932	0139 16-11-0330(A) * 10-30 * Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly	20		No	
TERM	931	0026 16-11-0330(B) * 20 * Robbery / Attempted armed, or allegedly armed, robbery	20		No	
TERM	1064	0026 16-11-0330(B) * 20 * Robbery / Attempted armed, or allegedly armed, robbery	20		No	
TERM	1063	0026 16-11-0330(B) * 20 * Robbery / Attempted armed, or allegedly armed, robbery	20		No	
TERM	480	0095 16-03-0910 * 30 * Kidnapping / Kidnapping	30		No	
TERM	481	0095 16-03-0910 * 30 * Kidnapping / Kidnapping	30		No	
TERM	482	0095 16-03-0910 * 30 * Kidnapping / Kidnapping	30		No	
TERM	1062	0095 16-03-0910 * 30 * Kidnapping / Kidnapping	30		No	
TERM	1065	0095 16-03-0910 * 30 * Kidnapping / Kidnapping	30		No	
TERM	0256	0478 16-13-0030(B)(1) * 5 * Larceny / Grand Larceny, value more than \$1,000 but less than \$5,000	5		No	
TERM	257	0478 16-13-0030(B)(1) * 5 * Larceny / Grand Larceny, value more than \$1,000 but less than \$5,000	5		No	
TERM	06GS402243	probation terminated from 06GS402243	3 years		No	
				TOTAL	30 years	POSSIBLE
NOTES: recommended cap of 30 years				30 years	11	13, 13, 30

The Applicant did not appeal his conviction/sentence.

In the PCR application, the Applicant made the following allegations:

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

- (a) Ineffective assistance of counsel
- (a) Involuntary Guilty Plea
- (c) See Attach Page

16. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) he fell to request the Blair hearing
- (b) See Attach Page
- (c) _____

18. State clearly the relief you seek in filing this application.

The Sentencing & Conviction
and Grant the applicant a new trial

101111 Applicants plea of guilty to all charges violated his federal and state due process rights as the guilty pleas were not entered knowingly, voluntarily, and intelligently, and were entered because of constitutionally ineffective assistance of counsel.

Boykin v. Alabama 359 U.S. 238, 242, 89 S. Ct. 1709, 1711, 23 L. Ed. 2d 274 (1969).

(10B) Applicants sixth and fourteenth Amendment rights to the effective assistance of trial counsel were violated prior to the guilty plea and during the guilty plea proceeding.

(10C) Trial counsel did not advise defendant of any lesser included offenses prior to trial which the jury would be instructed on if he went to trial, see Kerrigan v. State 261, 406 S.E.2d 180 (1991).

(10D) Trial counsel did not hold enough conferences with the applicant and did not work diligently to come to a reasonable plea agreement prior to the guilty plea. See Strickland v. Washington, 466 U.S. 668, 105 S. Ct. 2052 (1994).

(10E) Trial counsel did not investigate all charges pending against the applicant, and did not investigate all possible defenses in the case. See Boykin v. Alabama 359 U.S. 238, 242, 89 S. Ct. 1709, 1711, 23 L. Ed. 2d 274 (1969).

(10F) Trial counsel did not discuss with the applicant the nature and extent of the evidence which the State had against him. See Boykin v. Alabama 359 U.S. 238, 242, 89 S. Ct. 1709, 1711, 23 L. Ed. 2d 274 (1969) and Hill v. Lockhart 474 U.S. 52, 66 S.Ct. 366 (1985).

(10G) Trial counsel did not set date for competency hearing is determined to protect accused's right to fair trial by due process. 476 S.Ct. 2343-430; U.S.C. Const. Amend. 14.

11.F The State Respondent vs. Charles Blair, Appellant. No. 2158 Supreme Court of South Carolina. Jan 5, 1981.

At the evidentiary hearing, Applicant proceeded, for the most part, on the allegations stated in the application for post-conviction relief.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 (1985).

The Applicant testified that he only met with plea counsel a few times and that they did not have enough time. The Applicant explained that he told plea counsel that he (the Applicant) needed an evaluation. The Applicant explained that he understood the offer to be fifteen (15) to thirty (30) years or go to trial. The Applicant alleged that he and plea counsel did not have enough time to go over the case and that he (the Applicant) never saw the evidence. The Applicant claimed that whenever he asked questions, that plea counsel said it would be best to plea. The Applicant explained that he should have been evaluated, that he had behavioral problems. The Applicant explained that he did commit some of these crimes, but not all of them. The Applicant testified that he wants a time cut.

The Applicant's mother testified and explained that the Applicant had been troubled since elementary school and she was told he would never be functional. The Applicant's mother explained that he is ADL and had problems figuring out right from wrong.

Plea counsel's testimony was taken at the first hearing before the Applicant's testimony. The Applicant had a full opportunity to ask plea counsel about any supposed allegations. Plea counsel explained that they met multiple times and that he (the Applicant) always wanted to plea guilty as opposed to pursue a trial. Plea counsel explained that they reviewed the State's case

against him. Plea counsel explained that they did however discuss going to trial and that the possibility existed that the State could take the Applicant to trial on some charge(s) and then upon conviction seek LWOP in another trial for the remaining conviction(s). Plea counsel explained that he discussed things with the Applicant's mother and it was nothing extraordinary, mostly mitigation type things.

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59 (1985); Alexander v. State, 303 S.C. 539, 542, 402 S.E.2d 484, 485 (1991).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. As discussed above, the Applicant has failed to carry his burden in this action. Therefore, this Court finds that the application must be denied and dismissed.

Beyond his review of the undisputed procedural history, this Court finds Applicant's testimony is not credible. Plea counsel's testimony is credible. Accordingly, this Court finds Applicant has failed to prove the first prong of the Strickland test – that counsel failed to render reasonably effective assistance under prevailing professional norms. This Court also finds Applicant has failed to prove the second prong of Strickland – that he was prejudiced by counsel's performance. The mental evaluation conducted at the request of the Applicant revealed opinions indicating that he is criminally responsible and is capable of conforming. Similarly, the forensic evaluation revealed that the Applicant has not been found to be mentally retarded; and he is competent to stand trial. The Applicant failed to satisfy his burden of proof and demonstrate any deficient performance on the part of plea counsel. The Applicant's testimony to the contrary was not credible.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Counsel was not deficient in any manner, nor was Applicant prejudiced by counsel's representation. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

Except as discussed above, this Court finds that the Applicant failed to raise the remaining allegations set forth in his application at the hearing and has, thereby, waived them. As to any and all allegations that were or could have been raised in the application or at the hearing in this matter, but were not specifically addressed in this Order, this Court finds Applicant failed to present any probative evidence regarding such allegations. Accordingly, this Court finds that Applicant waived such allegations and failed to meet his burden of proof regarding them. Accordingly, they are dismissed with prejudice. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issue at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

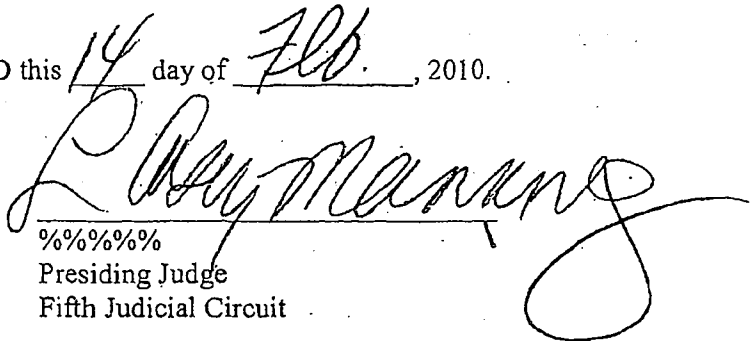
This Court cautions the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the

appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant and counsel are directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 14 day of Feb., 2010.


 %%%
 Presiding Judge
 Fifth Judicial Circuit

, South Carolina.

WITNESSES

DOCKET NO. 2006-GS-40-2243

60

(S) JIMMY WALKER - RCSD

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

1976396

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

115

MAY TERM 2006

THE STATE
vs.

DEMARCO BELL

Indictment for
POSSESSION OF STOLEN MOTOR
VEHICLE VALUED OVER \$1000 BUT
LESS THAN \$5000

SC Code: 16-21-80(2)
CDR Code: 538
Class FEL/F

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

Defendant

Demarco Bell

I hereby appear in my own proper person and agree guilty to the within indictment.

FILED TRUE COPY
ORIGINAL FILED
JUL 10 2006
RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on May 17, 2006, the Grand Jurors of Richland County present upon their oath:

POSSESSION OF STOLEN MOTOR VEHICLE VALUED OVER \$1000 BUT LESS
THAN \$5000

That DeMarco Bell did in Richland County on or about March 17, 2006, wilfully and unlawfully receive, possess, conceal and/or sell a motor vehicle, to wit: 2000 Dodge Intrepid, valued more than a thousand dollars knowing it to be stolen. All in violation of SC Code of Laws § 16-21-80.

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

Warren B. Giese
Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATERichlandVS. DeMarco Bell

AKA:

Race: BSex: MAge: 17DOB: 11/11/88SS#: 111Address: 1City, State, Zip: 1DL# 1

INDICTMENT/CASE#:

06 -GS- 40 - 2243

A/W#:

Date of Offense: 3/17/06S.C. Code §: 10-21-60(3)CDR Code #: 0151318☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Poss stolen Motor Vehicle \$1000-4500in violation of § 10-21-60(3) of the S.C. Code of Laws, bearing CDR Code # 0151318☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The 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:

allison canbay

Solicitor

X DeMarco Bell

Defendant

Minterman

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ yearsand/or to pay a fine of \$ _____; provided that upon the service of 15 days/months/years and/or paymentof \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3

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. 45 days

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Heard, ☐ Waived, ☒ OrderedTotal: \$ 1,619.26 plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPSRecipient: Mary E. Stride

*Fine:

\$14-1-206 (Assessments 107.5%) \$ _____

\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ ✓\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ ✓\$56-5-2995 (DUI Assessment) \$12 \$ ✓\$35.13 (Public Def/Prob) \$500 \$ ✓\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ ✓\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ ✓\$50-21-114(BUI Breath Test Fee) \$50 \$ ✓\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ ✓3% to County (if paid in installments) \$ 18.75

TOTAL

\$ 647.75

PTUP

_____ days/hours Public Service Employment

Obtain GED ✓Attend Voc. Rehab. or Job Corp. or attend school toward dip.

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, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2

Sentence Date: _____

2 CERTIFIED TRUE COPY
OF 3/21/06 FILED
Jeaneen W. Brade
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA
JUL 21 2006

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

WITNESSES

(S) JIM GONZALES - KCSO

ARREST WARRANT NUMBER

1957600

ACTION OF GRAND JURY

TRUE BILL

Forfeiture of Grand Jury
Date:

MAR 21 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-255

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

THE STATE
vs.

DEMARCO BELL

Indictment for

GRAND LARCENY OVER \$5000.00

SC Code: 16-13-30(B)(2)
CDR Code: 0479
Class: FEL/E

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

Defendant

Demarco Bell

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

Demarco Bell
Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

GRAND LARCENY OVER \$5000.00

That Demarco Bell did in Richland County on or about December 11, 2006, feloniously take and carry away the personal goods of the victim, Ralph Reynolds, of the value of more than Five Thousand Dollars, with the intent to deprive the owner permanently of such property. To wit; weapons and/or a video game console, all in violation of § 16-13-30.

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


Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

STATE

VS. Demarco L Bell

INDICTMENT/CASE#:

2007-GS-40-00255

AKA:

Race: B

Sex: M

Age: 22

DOF

SS#:

Address:

City, State, Zip

Columbia, SC 29203

DL#

SID#

A/W#: 1957600

Date of Offense: 12/11/2006

S.C. Code §: 16-13-0030(B)(2)

CDR Code #: 0479

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Grand Larceny > \$5,000in violation of § 16-13-30(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0479☒ 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. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 9 days/months/years or ☐ under the Youthful Offender Act not to exceed 9 yearsand/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years and/or payment of \$ 0; pluscosts and assessments as applicable*; the balance is suspended with probation for 0 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: 67-1065☒ 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. Since 12-14-00☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ 0 plus 20% fee: \$ 0

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

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

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$

\$100

\$100

\$12

\$500

\$25

\$100

\$50

\$40/ea

\$

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 \$ 0 beginning\$ 0 paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk

Court Reporter:

PRESIDING JUDGE

Judge Code:

Sentence Date:

WITNESSES

(S) GONZALES, RCSD

DOCKET NO. 2007-GS-40-256

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

THE STATE

VS.

DEMARCO BELL

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

Defendant

DEMARCO BELL

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

Defendant

Witness:

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

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

MAR 21 2007

Indictment for

GRAND LARCENY \$1000.00 TO \$5000.00

SC Code: 16-13-30(B)(1)

CDR Code: 0478

Class: FEL/F

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

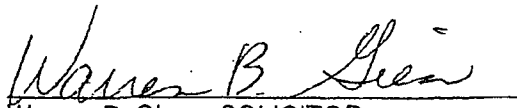
INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Jurors of Richland County present upon their oath:

GRAND LARCENY \$1000.00 TO \$5000.00

That Demarco Bell did in Richland County on or about December 12, 2006, feloniously take or attempt to take and carry away the personal goods of the victim, Mike Dailey, of the value of more than one thousand dollars but less than five thousand dollars, with intent to deprive the owner permanently of such property. To wit; weapons. All in violation of S.C. Code of Laws 16-13-30.

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


Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

INDICTMENT/CASE#:

STATE

VS. Demarco L Bell

2007-GS-40-00256

AKA:

A/W#: 1957601

Race: B

Sex: M

Age: 22

Date of Offense: 12/1/2006

DOB

SS#

S.C. Code §: 16-13-0030(B)(1)

CDR Code #: 0478

Address:

City, State, Zip

Columbia, SC 29209

SENTENCE SHEET

DL#

SID#

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Grand Larceny > \$1,000in violation of § 16-13-30(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0478
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Barbara A. Scott Demarco L Bell
Solicitor Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 07-484; 07-482; 07-1004; 07-255; 07-677
☐ 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. Since 12-14-06
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§35.13 (Public Def/Prob)

§73.3, 1B TP (Law Enforce. Funding)

§33.7, 1B TP (Drug Court Surcharge)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$ _____
 \$100 \$
 \$100 \$
 \$12 \$
 \$500 \$
 \$25 \$
 \$100 \$
 \$50 \$
 \$40/ea \$
 \$ _____
 \$ _____

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, §35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A. Scott
Clerk of Court/Deputy Clerk

Court Reporter: A. Koch D. Helm

PRESIDING JUDGE

Judge Code: 2Sentence Date: 4-28-08

A T T E S T

A TRUE COPY

[Signature]
J. C. C. P. & G. S.

WITNESSES

(S) GONZALES-RCSD

DOCKET NO. 2007-GS-40-257

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

ARREST WARRANT NUMBER

1957602

THE STATE
VS.

DEMARCO BELL

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

Defendant

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

FILED TRUE COPY
OF ORIGINAL FILED
JAN 10 2008
RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness:

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

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury
Date: MAR 2 1 2007

VERDICT

GRAND LARCENY \$1000.00 TO \$5000.00

SC Code: 16-13-30(B)(1)
CDR Code:0478
Class: FEL/F

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Jurors of Richland County present upon their oath:

GRAND LARCENY \$1000.00 TO \$5000.00

That Demarco Bell did in Richland County on or about December 11, 2006, feloniously take or attempt to take and carry away the personal goods of the victim, Terri Ezzell, of the value of more than one thousand dollars but less than five thousand dollars, with intent to deprive the owner permanently of such property. To wit; weapons and/or scopes and/or a television. All in violation of S.C. Code of Laws 16-13-30.

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


Warren B. Giese, SOLICITOR

120 STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STATE

VS. Demarco L Bell

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2007-GS-40-00257

A/W#: 1957602

Date of Offense: 12/11/2006

S.C. Code §: 16-13-0030(B)(1)

CDR Code #: 0478

AKA:

Race: B

Sex: M

Age: 22

DOE:

SS#

Address:

City, State, Zip

Columbia, SC 29209

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Grand Larceny > \$1,000

in violation of § 16-13-30(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0478

☒ 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. (Defendant initial)

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

ATTEST:

Demarco L Bell
Solicitor

Demarco L Bell
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 9 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: 07-1065

☒ 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. Since 12-14-06

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

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

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Barbara A Scott / o
Clerk of Court, Deputy Clerk

Court Reporter: Ernoch D. Helms

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, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2

Sentence Date: 4/10/08

[Signature]
TRUE COPY
OF ORIGINAL FILED

[Signature]
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

WITNESSES

(S) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40-480

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

ARREST WARRANT NUMBER

K192800

THE STATE

vs.

DEMARCO BELL

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: *Mar 21 2007*

VERDICT

Foreperson of Petit Jury
Date:Indictment for
KIDNAPPINGSC Code: 16-3-910
CDR Code: 0095
Class FEL/A(V)

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

Defendant

Demarco Bell

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

TRUE

Francis W. McBride
C. C. C. P. & G. S.*Demarco Bell*
Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Demarco Bell did in Richland County on or about December 7, 2006, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Kerri Cooper by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

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


Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

INDICTMENT/CASE#:

STATE

VS. Demarco Bell

2007-GS-40-00480

AKA:

A/W#: K192800

Race: B

Sex: M

Age: 19

Date of Offense: 12/11/2006

DOF

SS#

S.C. Code §: 16-03-0910

CDR Code #: 0095

Address:

City, State, Zip

Columbia, SC 29201

SENTENCE SHEET

DL#

SID#

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Kidnappingin violation of §16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:


 Solicitor


 Defendant


 Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 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: 07-484; 07-483; 07-485; 07-482; 07-480;
☐ 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. 07-481; 07-1002; 07-1005; 07-1004; 07-1003; 07-931; 07-932;
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 07-933; 07-255; 07-256; 07-257; 07-071; 07-070; 07-078

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$

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:

No Sex offender Registry☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: Coach D. Helms

PRESIDING JUDGE

Judge Code: 2Sentence Date: 4-28-08

WITNESSES

(S) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40- 481

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

ARREST WARRANT NUMBER

K192798

THE STATE
vs.

DEMARCO BELL

ACTION OF GRAND JURY
FILED

Foreperson of Grand Jury *Paul Chas*
Date: MAR 21 2007

VERDICT

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

Defendant

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

Defendant

Witness:

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

Indictment for

KIDNAPPING

SC Code: 16-3-910
CDR Code:0095
Class FEL(A)(V)

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

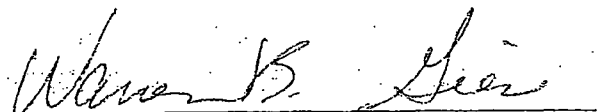
INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Demarco Bell did in Richland County on or about December 10, 2006, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Shari Tatum by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

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


Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STATE VS. Demarco Bell

AKA: _____
 Race: B Sex: M Age: 19
 DOP: _____ SS#: 000-00-0000
 Address: _____
 City, State, Zip: Columbia, SC 29201
 DL# _____ SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2007-GS-40-00481

A/W#: K192798

Date of Offense: 12/10/2006

S.C. Code §: 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Kidnapping

in violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)

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

ATTEST:

Yanem Shipley
 Solicitor

Demarco Bell
 Defendant

[Signature]
 Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 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: 07-484; 07-482; 07-1064; 07-255; 07-67
☒ 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. Since 12-14-06
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
☐ set by SCDPPPS _____
 Recipient: _____
 *Fine: _____
 §14-1-206 (Assessments 107.5%) \$ _____
 §14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
 §14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
 §56-5-2995 (DUI Assessment) \$12 \$ _____
 §35.13 (Public Def/Prob) \$500 \$ _____
 §73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
 §33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
 §50-21-114(BUI Breath Test Fee) \$50 \$ _____
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 3% to County (if paid in installments) \$ _____
 TOTAL \$ _____

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: _____
No Sex offender Registry
☐ Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation.

Barbara A Scott
 Clerk of Court/ Deputy Clerk
 Court Reporter: E. Roach D. Helms

PRESIDING JUDGE [Signature]
 Judge Code: _____
 Sentence Date: 4-28-08

FILED
 OF ORIGINAL FILED
 JUNE 11 2008
 C.O.C.R.&S.
 RICHLAND COUNTY
 SOUTH CAROLINA

127

WITNESSES

(S) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40-482

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

ARREST WARRANT NUMBER

K192802

THE STATE
vs.

DEMARCO BELL

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

Witness:

Defendant

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

Defendant

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

FILED TRUE COPY
2007 MAR 21 11:13 AM
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

ACTION OF GRAND JURY
FILED

Mark Chae

Foreperson of Grand Jury
Date:

MAR. 21 2007

VERDICT

Indictment for

KIDNAPPING

SC Code: 16-3-910

CDR Code:0095

Class FEL(A)(V)

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Demarco Bell did in Richland County on or about December 8, 2006, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Meredith Broome by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

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


Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

129

COUNTY OF RICHLAND

STATE

VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-00482

AW#: K192802

Date of Offense: 12/18/2006

S.C. Code §: 16-03-0910

CDR Code #: 0095

AKA:

Race: B

Sex: M

Age: 19

DOB: _____

SS#: _____

Address: _____

City, State, Zip _____

DL# _____

SID# _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Kidnapping

in violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ Mandatory GPS (CSC
w/minor 1st or Lewd Act)

☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)

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

ATTEST:

Demarco Bell
Solicitor

Demarco Bell
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 30 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: 07-484, 07-1004, 07-255, 07-67

☒ 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. Since 12-14-06

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

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

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

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

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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: _____

No Sex Offender Registry

☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2

Sentence Date: 4-28-08

Barbara A Scott
Clerk of Court/ Deputy Clerk

Court Reporter: Carla D. Helms

WITNESSES

(S) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40-483

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

ARREST WARRANT NUMBER

K192803

91

THE STATE

VS.

DEMARCO BELL

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

MAR 21 2007

VERDICT

Indictment for
CARJACKING

SC Code: 16-3-1075(B)(1)

CDR Code: 405-2599

Class FEL/D

Foreperson of Petit Jury
Date:

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

Defendant

Demarco Bell

I hereby appear in my own proper person and am not guilty to the within indictment or to any other crime.

TRUE

Demarco Bell
Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That Demarco Bell did in Richland County on or about December 8, 2006, take or attempt to take a motor vehicle, from the victim, Meredith Broome, by force and violence or by intimidation, to wit: at gunpoint, while the person, Meredith Broome, was operating the vehicle or while the person was in the vehicle. All in violation of § 16-3-1075.

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

STATE

VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-00483

AKA:

Race: B

Sex: M

Age: 19

DOB:

SS#: 000-00-000

Address:

City, State, Zip

Columbia, SC 29201

DL#

SID#

A/W#: K192803

Date of Offense: 12/18/2006

S.C. Code §: 16-03-1075(B)(2)

CDR Code #: 2600-2599

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Carjacking w/o Bodily Injuryin violation of § 16-3-1075(A)(1) of the S.C. Code of Laws, bearing CDR Code # 2599☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS (CSC w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State

ATTEST

Barbara A. Smith
SolicitorDemarco Bell
Defendant[Signature]
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 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: 07-481; 07-482; 07-1064; 07-255; 07-671☒ 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. Since 12-14-06☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

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

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

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

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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, §35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A. Smith
Clerk of Court/ Deputy ClerkCourt Reporter: E. L. P. Helms

PRESIDING JUDGE

Judge Code: _____

Sentence Date: 2-28-08

A T T E

A TRUE COPY

Janette W. McBride

G. G. C. P. c

133

WITNESSES

(s) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40-484

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

ARREST WARRANT NUMBER

K192799

THE STATE
VS.

DEMARCO BELL

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: MAR 21 2007

VERDICT

Indictment for
CARJACKING

SC Code: 16-3-1075(B)(1)
CDR Code: 405
Class FEL/D

Foreperson of Petit Jury
Date:

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

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment of 105

Defendant

Witness:

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

TRUE COPY
FILED
MAR 21 2007
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)

INDICTMENT

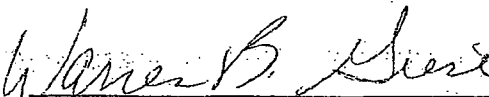
COUNTY OF RICHLAND)

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That Demarco Bell did in Richland County on or about December 7, 2006, take or attempt to take a motor vehicle, from the victim, Kerri Cooper, by force and violence or by intimidation, to wit: at gunpoint, while the person, Kerri Cooper, was operating the vehicle or while the person was in the vehicle. All in violation of § 16-3-1075.

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 135

COUNTY OF RICHLAND

STATE

VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-00484

A/W#: K192799

Date of Offense: 12/13/2006

S.C. Code §: 16-03-1075(B)(4)

CDR Code #: 2600-2599

AKA:

Race: B

Sex: M

Age: 19

DOB:

SS#: 000-00-0000

Address:

City, State, Zip

Columbia, SC 29201

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Carjacking without great bodily injuryin violation of § 16-3-1075(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2599☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS (CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 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: 07-482; 07-1004; 07-255; 07-077☒ 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. Since 12-14-06☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5%) \$ _____

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

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

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

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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, §35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A Scott / Clerk of Court Deputy Clerk

Court Reporter: E. Roach D. Helms

PRESIDING JUDGE

Judge Code: 2

Sentence Date: 12-28-08

C.C.P.R.G.S.
RICHLAND COUNTY
SOUTH CAROLINA

WITNESSES

(S) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40-485

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

ARREST WARRANT NUMBER

K192797

91

THE STATE

VS.

DEMARCO BELL

ACTION OF GRAND JURY
TRIEBIL

John Reed
Foreperson of Grand Jury
Date: MAR 21 2007

VERDICT

Indictment for
CARJACKING

SC Code: 16-3-1075(B)(1)
CDR Code: 405
Class FEL/D

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

Defendant

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

Defendant

Witness:

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

COPIES
FILED
MAR 21 2007
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

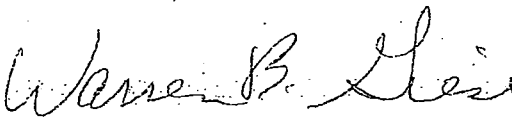
INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That Demarco Bell did in Richland County on or about December 10, 2006, take or attempt to take a motor vehicle, from the victim, Shari Tatum, by force and violence or by intimidation, to wit: at gunpoint, while the person, Shari Tatum, was operating the vehicle or while the person was in the vehicle. All in violation of § 16-3-1075.

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND
STATE

VS. Demarco Bell

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2007-GS-40-00485

A/W#: K192797

Date of Offense: 12/10/2006

S.C. Code §: 16-03-1075(B)(1)

CDR Code #: 2600-2599

AKA: _____
Race: B Sex: M Age: 19
DOB: _____ SS#: 000-00-0000
Address: _____
City, State, Zip: Columbia, SC 29201
DL# _____ SID# _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS
TO: Carjacking without great bodily harm (0-20 yrs)
in violation of § 16-3-1075(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2599

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)

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

ATTEST:

James Shipley Solicitor Demarco Bell Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 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: 07-484; 07-482; 07-1004; 07-255; 07-67
☒ 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. Since 12-14-06
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

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

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

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

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: _____

Sentence Date: _____

Court Reporter: _____

Clerk of Court/ Deputy Clerk

E. Roach D. Helms

WITNESSES

(S) INY. GONZALES - RCSD

DOCKET NO. 2007-GS-40-676

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

ARREST WARRANT NUMBER

1957604

THE STATE
vs.

DEMARCO BELL

ACTION OF GRAND JURY

TRUE BILL

Joe Clea
Foreperson of Grand Jury Date: MAR 2, 1 2007

VERDICT

BURGLARY
1ST DEGREE

SC Code: 16-11-311
CDR Code: 079
Class FEL-EXM(V)

Foreperson of Petit Jury
Date:

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

Defendant

Demarco Bell
I, *Demarco Bell*, hereby appear in my own proper person and plea guilty to the within indictment or to

Demarco Bell
Defendant

Witness:

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

Janette W. Grider

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

BURGLARY- 1ST DEGREE

That Demarco Bell did in Richland County on or about December 11, 2006, willfully and unlawfully enter the dwelling of Terri Ezzell, without consent and with the intent to commit a crime therein and the defendant was armed or armed himself while therein, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

INDICTMENT/CASE#:

STATE

VS. Demarco L Bell

2007-GS-40-00676

AKA:

A/W#: 1957604

Race: B

Sex: M

Age: 22

Date of Offense: 12/11/2006

DC

SS

S.C. Code §: 16-11-0311

CDR Code #: 0079

Address:

City, State, Zip

Columbia, SC 29209

SENTENCE SHEET

DL#

SID#

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Burglary First Degreein violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS (CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Barbara A. Scott
SolicitorDemarco L Bell
Defendant[Signature]
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 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: 07-484; 07-482; 07-1004; 07-255; 07-677☒ 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. Since 12-14-06☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

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

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$	\$
\$	\$
\$100	\$
\$100	\$
\$12	\$
\$500	\$
\$25	\$
\$100	\$
\$50	\$
\$40/ea	\$
\$	\$
\$	\$

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, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A. Scott
Clerk of Court/Deputy ClerkCourt Reporter: C. Roach D. Helms

PRESIDING JUDGE

Judge Code:

Sentence Date:

A T T E S T :

A TRUE COPY

[Signature]
C. C. C. P. & G. S.

WITNESSES

(S) INV. GONZALES - RCSD

DOCKET NO. 2007-GS-40-677

The State of South Carolina

County of Richland

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

Defendant

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

MARCH TERM 2007

ARREST WARRANT NUMBER

1957603

THE STATE
VS.

Defendant

Witness:

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

DEMARCO BELL

ACTION OF GRAND JURY

TRIPLE BELL

Foreperson of Grand Jury
Date:

MAR 21 2007

VERDICT

Indictment for
BURGLARY
1ST DEGREE

SC Code: 16-11-311
CDR Code: 079
Class FEL-EXM(V)

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

BURGLARY- 1ST DEGREE

That Demarco Bell did in Richland County on or about December 11, 2006, willfully and unlawfully enter the dwelling of Tina Dailey, without consent and with the intent to commit a crime therein and the defendant was armed or armed himself while therein, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

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



WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STATE VS. Demarco L Bell

AKA: _____
Race: B Sex: M Age: 22
DOB: _____ SSN: _____

Address: _____
City, State, Zip: Columbia, SC 29209
DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Burglary First Degree

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)

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

ATTEST:

Barbara A. Scott
Solicitor

Demarco L Bell
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 15 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: 07-484, 07-482, 07-1064, 07-255, 07-677

☒ 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.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

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

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

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

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A. Scott
Clerk of Court/ Deputy Clerk

Court Reporter: E. Rouch D. Helms

PRESIDING JUDGE

Judge Code: _____

Sentence Date: _____

145

WITNESSES

(S) J.V. GONZALES - RCSD

DOCKET NO. 2007-GS-40-678

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

ARREST WARRANT NUMBER

1957608

THE STATE

VS.

DEMARCO BELL

ACTION OF GRAND JURY

TRUE BILL

Paul C. Bell
Foreperson of Grand Jury
Date: MAR 21 2007

VERDICT

Indictment for

BURGLARY
1ST DEGREE

Foreperson of Petit Jury
Date:

SC Code: 16-11-311
CDR Code: 079
Class FEL-EXM(V)

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

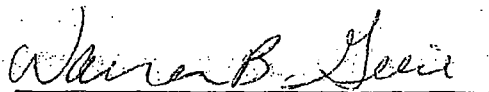
INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

BURGLARY- 1ST DEGREE

That Demarco Bell did in Richland County on or about December 11, 2006, willfully and unlawfully enter the dwelling of Ralph Reynolds, without consent and with the intent to commit a crime therein and the defendant was armed or armed himself while therein, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS: 147

COUNTY OF RICHLAND

STATE VS. Demarco L Bell

INDICTMENT/CASE#:

2007-GS-40-00678

A/W#: 1957608

Date of Offense: 12/11/2006

S.C. Code §: 16-11-0311

CDR Code #: 0079

AKA:

Race: B

Sex: M

Age: 22

DOF

SS

Address:

City, State, Zip

Columbia, SC 29209

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Burglary First Degree

in violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)

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

ATTEST

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 15 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: 07-484; 07-482; 07-1064; 07-255; 07-107

☒ 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.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%) \$ _____

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

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

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

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

Clerk of Court Deputy Clerk

Court Reporter:

WITNESSES

(S) EWING - RCSD
SECRET W/2 Docketed -

DOCKET NO. 2007-GS-40-931

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2007

91

ARREST WARRANT NUMBER

J555687

THE STATE

VS.

DEMARCO BELL

ACTION OF GRAND JURY

TRUE BILL

July 6, 2007
Foreperson of Grand Jury

JUN 20 2007

VERDICT

Indictment for

ATTEMPTED ARMED
ROBBERY

SC Code: 16-11-330 (B)

CDR Code: 026

Class FEL-CV)

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

Defendant

Demarco Bell

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

Defendant

Demarco Bell

Witness:

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

Granette M. McBride

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on June 20, 2007, the Grand Jurors of Richland County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Demarco Bell did in Richland County on or about November 14, 2006, attempt to commit robbery by feloniously attempting to take from the person or presence of Kenneth Scherer by means of force or intimidation goods or monies of Kenneth Scherer, such goods or monies being described as keys and/or motor vehicle with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of SC Code of Laws § 16-11-330.

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

STATE

VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-00931

A/W#: J555687

Date of Offense: 11/14/06

S.C. Code §: 16-11-0330(B)

CDR Code #: 0026

AKA:

Race: B

Sex: M

Age: 19

DOF:

SS#

Address:

City, State, Zip

Columbia, SC

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Attempted Armed Robbery

in violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS (CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Vanessa Shipley
Solicitor

Demarco Bell
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 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: 07-484; 07-482; 07-1064; 07-255;☒ 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. Since 12/14/06 07-677☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:

\$14-1-206 (Assessments 107.5%) \$ _____

\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

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

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

\$35.13 (Public Def/Prob) \$500 \$ _____

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A Scott, Jr.

Clerk of Court/ Deputy Clerk

Court Reporter: C. Koch D. Helms

PRESIDING JUDGE

Judge Code: 207-1-16

Sentence Date: 4-28-08

A T T E S T

A TRUE COPY

Janette W. McBride
Clerk of Court

WITNESSES

(S) EWING-RCSD

Scott Mc Donald

ARREST WARRANT NUMBER

J555686

ACTION OF GRAND JURY

TRUE BILL*Paul C. Reed*
Foreperson of Grand Jury

JUN 20 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-932

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2007

91

THE STATE

vs.

DEMARCO BELL

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

Defendant

DEMARCO BELL

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

Demarco Bell
Defendant*Janette M. McBride*

Witness:

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

Indictment for

ARMED ROBBERY

SC Code: 16-11-330(A)

CDR Code: 0139

Class FEL-A(V)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on June 20, 2007, the Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Demarco Bell did in Richland County on or about November 5, 2006, commit robbery by feloniously taking from the person or presence of Heyward Patterson by means of force or intimidation goods or monies of Heyward Patterson such goods or monies being described as a 2000 Lincoln, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of SC Code of Laws § 16-11-330(A).

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

STATE VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-00932

AKA:

A/W#: J555686

Race: B Sex: M Age: 19Date of Offense: 11/5/06DOB: SS#S.C. Code §: 16-11-0330(A)CDR Code #: 0139

Address:

City, State, Zip Columbia, SCDL# SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Armed Robberyin violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST


 Solicitor


 Defendant


 Attorney for Defendant
WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed 5 yearsand/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years and/or payment of \$ 0; plus costs and assessments as applicable*; the balance is suspended with probation for 0 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: 07-484; 07-482; 07-1004; 07-255; 07-677☐ 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. Since 12/14/06☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ 0 plus 20% fee: \$ 0Payment Terms: 0☐ set by SCDPPPS 0Recipient: 0*Fine: 0\$14-1-206 (Assessments 107.5%) 0\$14-1-211(A)(1) (Conv. Surcharge) \$100\$14-1-211(A)(2) (DUI Surcharge) \$100\$56-5-2995 (DUI Assessment) \$12\$35.13 (Public Def/Prob) \$500\$73.3, 1B TP (Law Enforce. Funding) \$25\$33.7, 1B TP (Drug Court Surcharge) \$100\$50-21-114(BUI Breath Test Fee) \$50\$56-5-2942(J) (Vehicle Assessment) \$40/ea3% to County (if paid in installments) \$TOTAL \$PTUP 0

days/hours Public Service Employment

Obtain GED 0Attend Voc. Rehab. or Job Corp. 0May serve W/E beginning 0Substance Abuse Counseling 0Random Drug/Alcohol Testing 0

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ 0 beginning 0\$ 0 paid to Public Defender FundOther: 0☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

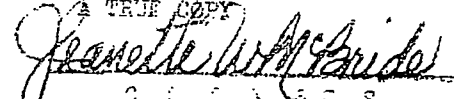
PRESIDING JUDGE 0Judge Code: 2Sentence Date: 4-28-08Court Reporter: Barbara A. Scott/c

Clerk of Court Deputy Clerk

E. Roach D. Helms

A T T E S T

A TRUE COPY


 Jeanette W. McBride

WITNESSES

(S) EWING-RCSD
SCOTT McEWING

ARREST WARRANT NUMBER

J555684

ACTION OF GRAND JURY

TRUE BILL

Greg C. Lee
Foreperson of Grand Jury

Date: JUN 20 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-933

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2007

91

THE STATE
vs.

DEMARCO BELL

Indictment for

ARSON 3RD

SC Code: 16-11-110(C)
CDR Code: 0008
Class FEL-E

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

Defendant

Demarco Bell

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

Demarco Bell
Defendant

Witness:

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

Granville B. ...
A TRUE COPY

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on June 20, 2007, the Grand Jurors of Richland County present upon their oath:

ARSON 3rd

That Demarco Bell did in Richland County on or about November 5, 2006, wilfully and maliciously attempt to cause an explosion, set fire to, burn or cause to be burned a 2000 Lincoln. All in violation of SC Code of Laws § 16-11-110.

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


Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

INDICTMENT/CASE#:

STATE

VS. Demarco Bell

2007-GS-40-00933

AKA:

A/W#: J555684

Race: B

Sex: M

Age: 19

Date of Offense: 11/5/06

DOB

SS#:

S.C. Code §: 16-11-0110(C)

CDR Code #: 0008

Address:

City, State, Zip

Columbia, SC

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Arson Third Degree (penalty: 48 to 10 years)in violation of § 16-11-110(C) of the S.C. Code of Laws, bearing CDR Code # 0008
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ \$17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Demarco Bell
Solicitor

Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 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: 07-484; 07-482; 07-1004; 07-255; 07-677☒ 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. Since 12-14-06☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100
\$14-1-211(A)(2) (DUI Surcharge)	\$100
\$56-5-2995 (DUI Assessment)	\$12
\$35.13 (Public Def/Prob)	\$500
\$73.3, 1B TP (Law Enforce. Funding)	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100
\$50-21-114(BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$

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, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A Scott/cr
Clerk of Court/Deputy Clerk

Court Reporter: C. Coach D. Helms

PRESIDING JUDGE

Judge Code: 21146Sentence Date: 4-28-08

ATTEST

A TRUE COPY

[Signature]
G. C. C. P. & G. S.

WITNESSES

(S) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40-1062

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

91

MARCH TERM 2007

ARREST WARRANT NUMBER

K195316

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury Date: MAR 21 2007

VERDICT

Foreperson of Petit Jury
Date:

THE STATE
vs.

DEMARCO BELL

Indictment for
KIDNAPPING

SC Code: 16-3-910
CDR Code: 0095
Class FEL(A)(V)

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

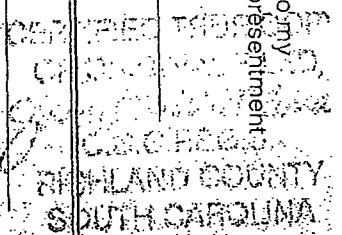
Defendant

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

Defendant

Witness:

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



STATE OF SOUTH CAROLINA)
 -)
COUNTY OF RICHLAND).

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Demarco Bell did in Richland County on or about December 7, 2006, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Reagan Bryant by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

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


Warren B. Giese, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 159

COUNTY OF RICHLAND

STATE

VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-01062

AKA:

Race: B

Sex: M

Age: 19

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

A/W#: K195316

Date of Offense: 12/7/06

S.C. Code §: 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Kidnappingin violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Demarco Bell Defendant
Demarco Bell Attorney for Defendant
Demarco Bell Solicitor

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 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: 07-484, 07-482, 07-1004, 07-255, 07-077☒ 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. Since 12-14-06☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

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

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

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

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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: _____

No Sex offender Registry☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 21Sentence Date: 12-14-06Barbara A Scott
Clerk of Court/Deputy ClerkCourt Reporter: C. Roach D. Helms

TRUE COPY
 OF ORIGINAL FILED
 12/14/06
 C.C.C. REGG.
 RICHLAND COUNTY
 SOUTH CAROLINA

WITNESSES

(S) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40-1063

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

ARREST WARRANT NUMBER

K195315

THE STATE
vs.

DEMARCO BELL

ACTION OF GRAND JURY

THE BEL

For person of Grand Jury
Date: MAR 21 2007

VERDICT

ATTEMPTED ARMED
ROBBERY
SC Code: 16-11-330 (B)
CDR Code: 026
Class FEL-C(V)

Defendant

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

Defendant

Witness:

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

For person of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

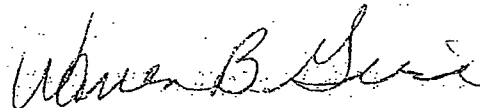
INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Demarco Bell did in Richland County on or about December 7, 2006, attempt to commit robbery by feloniously attempting to take from the person or presence of Reagan Bryant by means of force or intimidation goods or monies of Reagan Bryant, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of SC Code of Laws § 16-11-330.

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



WARREN B. GIESE, SOLICITOR

162 STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

STATE VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-01063

A/W#: K195315

Date of Offense: 12/7/06

S.C. Code §: 16-11-0330(B)

CDR Code #: 0026

AKA: _____

Race: B Sex: M Age: 19

DOB: _____ SS#: 000-00-000

Address: _____

City, State, Zip Columbia, SC 29209

DL# _____ SID# _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Attempted Armed Robbery

in violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (Defendant initial)

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

ATTEST:

James Shipley
Solicitor

Demarco Bell
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 20 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: 07-484; 07-482; 07-1004; 07-255; 07-67

☒ 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. Since 12-14-06

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

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

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

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

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

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

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

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

TOTAL \$ _____

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, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A Scott
Clerk of Court/ Deputy Clerk

Court Reporter: Charles D. Helms

PRESIDING JUDGE

Judge Code: 211416

Sentence Date: 1/28/08

2008
ORIGINAL FILED
G.C.O.P.S.S.
RICHLAND COUNTY
SOUTH CAROLINA

WITNESSES

(S) INV. MCCracken - CPD

DOCKET NO. 2007-GS-40-1064

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2007

91

ARREST WARRANT NUMBER

K195193

THE STATE

vs.

DEMARCO BELL

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

MAR 21 2007

VERDICT

Indictment for

ATTEMPTED ARMED

ROBBERY

SC Code: 16-11-330 (B)

GDR Code: 026

Class FEL-C(V)

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

Defendant

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

Defendant

Witness:

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

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

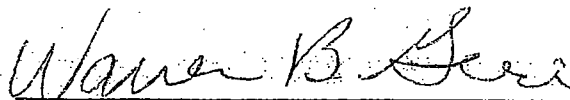
INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

ATTEMPTED ARMED ROBBERY

That Demarco Bell did in Richland County on or about December 7, 2006, attempt to commit robbery by feloniously attempting to take from the person or presence of Patricia Leon by means of force or intimidation goods or monies of Patricia Leon, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of SC Code of Laws § 16-11-330.

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 165

COUNTY OF RICHLAND

STATE

VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-01064

AW#: K195193

Date of Offense: 12/7/06

S.C. Code §: 16-11-0330(B)

CDR Code #: 0026

AKA:

Race: B

Sex: M

Age: 19

DOB:

SS#: AAA-00

Address:

City, State, Zip

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Attempted Armed Robberyin violation of § 16-11-330(B) of the S.C. Code of Laws, bearing CDR Code # 0026☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 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: 07-484; 07-482; 07-1004; 07-255☒ 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. Since 12-14-06 07-677☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

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

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Barbara A Scott /cr

Clerk of Court/ Deputy Clerk

Court Reporter: C. Roach D. Helms

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, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

WITNESSES

(S) INV. MCCracken - CPD

ARREST WARRANT NUMBER

K195188

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury
Date:

MAR 21 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-GS-40-1065

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

91

MARCH TERM 2007

THE STATE
vs.

DEMARCO BELL

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

Defendant

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

**RECEIVED TRUE COPY
OF ORIGINAL FILED
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA**

Defendant

Witness:

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

Indictment for

KIDNAPPING

SC Code: 16-3-910
CDR Code: 0095
Class FEL(A)(V)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 21, 2007, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That Demarco Bell did in Richland County on or about December 7, 2006, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Patricia Leon by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

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



Warren B. Giese, SOLICITOR

COUNTY OF RICHLAND
STATE VS. Demarco Bell

INDICTMENT/CASE#:

2007-GS-40-01065

AKA:
Race: B Sex: M Age: 19
DOB: SS#: 000-00-0000

A/W#: K195188

Date of Offense: 12/7/06

S.C. Code §: 16-03-0910

CDR Code #: 0095

Address:
City, State, Zip
DL# SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Kidnapping

in violation of § 16-3-910 of the S.C. Code of Laws, bearing CDR Code # 0095

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State. cap of 30 yrs

ATTEST:

[Signature]
Solicitor

[Signature]
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 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: 07-484; 07-482; 07-1064; 07-255; 07-6

☐ 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.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$
\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100
\$14-1-211(A)(2) (DUI Surcharge)	\$100
\$56-5-2995 (DUI Assessment)	\$12
\$35.13 (Public Def/Prob)	\$500
\$73.3, 1B TP (Law Enforce. Funding)	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100
\$50-21-114(BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$

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:

No Sex offender Registry

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Barbara A Scott
Clerk of Court/ Deputy Clerk
Court Reporter: C. Roach D. Helms

PRESIDING JUDGE

Judge Code:

Sentence Date:

[Signature]
7/1/07
FORWARDED
JAN 28 2008
C.C.G.P.E.G.S.
RICHLAND COUNTY
SOUTH CAROLINA