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S.C. SUPREME COURT

# Exhibit D

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF GREENVILLE ) THIRTEENTH JUDICIAL CIRCUIT

THE STATE )  
VS. ) ORDER VACATING GUILTY PLEA  
STEVEN UNDRA GOLDEN ) 98-GS-23-5221, 99-GS-23-933,  
DEFENDANT ) 98-GS-23-5223, 99-GS-23-932  
\_\_\_\_\_ ) 98-6523-5219

RECEIVED  
CLERK OF COURT  
JAN 11 11 08 AM '00

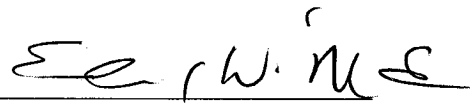
COMES NOW THE PARTIES IN THE ABOVE ENTITLED ACTION and upon consent of all parties, hereby moves to have the guilty plea on the above referenced indictments vacated and a new guilty plea entered on the same indictments.

On February 9, 1999, the Defendant, Steven Golden pled guilty before Judge Macaulay and was represented by Mr. Rick Veith and Mr. Mark Meglic. At the time of the guilty plea, the defendant was on trial with a co-defendant in a capital case resulting from the murder and armed robbery as reflected in indictment 98-GS-23-5221 and 98-GS-23-5223. The defendant, Golden pled guilty and testified against the co-defendant at the time of trial. After the trial of the co-defendant, Mr. Steven Golden was sentenced to 30 years on the charge of murder and 30 years concurrent on the three armed robbery convictions.

Subsequently, the co-defendant's death sentence was overturned by the South Carolina Supreme Court. At the retrial of the co-defendant, Mr. Steven Golden again testified for the state.

At this time, all parties consent and agree to vacate the original plea which was entered on 2-9-99 and allow the defendant to reenter a guilty plea to three counts of armed robbery and one count of voluntary manslaughter and be sentenced to 28 years concurrent on each charge.

Therefore, it is hereby ordered that the defendant's guilty plea on the above referenced indictments be and is hereby vacated.

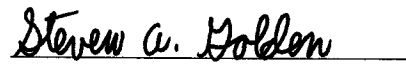
  
Honorable Edward Miller  
Presiding Judge

#11

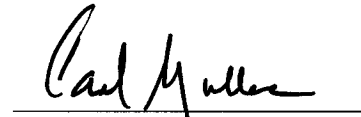
I So Consent

  
Robert M. Ariail, Solicitor

I So Consent

  
Steven Undra Golden  
Defendant

I So Consent

  
Carl F. Muller  
Attorney for the defendant

#2  
Scm

DOCKET NO. \_\_\_\_\_

WITNESSES

Inv. J.G. Wood

GCSO

11-11-97

<sup>BCS</sup>  
**The State of South Carolina,**

County of GREENVILLE

SCDC

982305221 ct. 2

COURT OF GENERAL SESSIONS

OCTOBER

1998

TERM

THE STATE

**PLEAD GUILTY**

vs.

STEVEN ANDRA GOLDEN

*Murder  
+ Poss  
Counts 1 + 2*

ARREST WARRANT NO. E-658836

ACTION OF GRAND JURY

**TRUE BILL**

*Maxon A. Turner*

FOREMAN GRAND JURY

Foreman of Grand Jury

*✓* 0016 *11/02/17*  
1845 **Indictment for**

*0549*

MURDER AND  
POSSESSION OF A FIREARM DURING  
THE COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-03-10

VIOLAITON § 16-23-490

VERDICT

ENL  
ENTERED  
ACCT. *ga*

Foreman of Petit Jury

Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
MURDER AND  
POSSESSION OF A FIREARM DURING  
THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on October 20, 1998,  
the Grand Jurors of Greenville County present upon their oath:

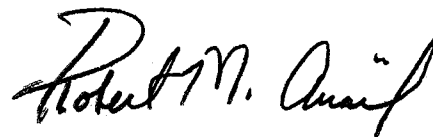
**COUNT ONE – MURDER**

That STEVEN ANDRA GOLDEN did in Greenville County on or about November 1, 1997, aid, abet and assist Freddie Eugene Owens in the commission of an armed robbery and that during that armed robbery, Freddie Eugene Owens shot and killed Irene Graves, said shooting being a natural, probable, and foreseeable consequence of the armed robbery and that Irene Graves died as a proximate result thereof. This is in violation of South Carolina Code of Laws § 16-03-10

**COUNT TWO – POSSESSION OF A FIREARM DURING THE COMMISSION  
OF A VIOLENT CRIME**

That STEVEN ANDRA GOLDEN did in Greenville County on or about November 1, 1997, possess or visibly display a firearm during the commission of a violent crime, to wit: Murder and/or Armed Robbery. This is in violation of South Carolina Code of Law § 16-23-490.

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



\_\_\_\_\_  
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE \_\_\_\_\_ VS. \_\_\_\_\_

Steven Andra Golden

AKA: \_\_\_\_\_

Race: B Sex: M Age: 23

DOB: 9-10-97 SS#: 247-43-9667

Address: 1305 Loblolly Circle  
Greenville

DL#: 007951007 SID#: \_\_\_\_\_

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

986523-5221 card

A/W#: direct presentment

Date of Offense: 11-1-97

S.C. Code § : 16-23-490

CDR Code #: 1245

CASE RESTORED

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO:

Poss of ~~the~~ Weapon during Comm. of Violent Crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 1245 0549

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

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

ATTEST:

[Signature]  
Solicitor:

Steven A. Golden  
Defendant

Carl Muller  
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: \_\_\_\_\_

The Defendant is given credit for time served pursuant to S.C. Code § 24-23-40 to be calculated and applied by the State Department of Corrections. — SINCE 11/11/97

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered

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

Payment Terms: \_\_\_\_\_

set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_

§ 14-1-206 - (Assessments 100 %) \_\_\_\_\_ \$ \_\_\_\_\_

§ 14-1-211(A)(1) (Surcharge) \_\_\_\_\_ \$ 100

§ 14-1-211(A)(2) (Surcharge) \_\_\_\_\_ \$ \_\_\_\_\_

§ 56-5-2995 (DUI Assessment) \_\_\_\_\_ \$ \_\_\_\_\_

3% to Court (if paid in installments) \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL \_\_\_\_\_ \$ \_\_\_\_\_

Paul B. Wiersma  
Clerk of Court/Deputy Clerk

Court Reporter: Hudgins

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: \_\_\_\_\_

PRESIDING JUDGE Eric W. Ma

Judge Code: 1 1 3 1 0

Sentence Date: 4/11/03

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE \_\_\_\_\_ vs. \_\_\_\_\_

Steven Under Golden

AKA: \_\_\_\_\_

Race: B Sex: M Age: 23

DOB: 9-10-79 SS#: 297-43-1667

Address: 1305 Loblolly Circle  
Greenville, SC 29607

DL#: 00951007 SID#: \_\_\_\_\_

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

98-6523-5221

A/W#: E658836

Date of Offense: 11-1-97

S.C. Code § : 16-3-16

CDR Code #: 0016

CASE RESTORED

SENTENCE

PLEA  TRIAL

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

TO: Voluntary Manslaughter

in violation of § 16-3-50 of the S.C. Code of Laws, bearing CDR Code # 217

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

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

ATTEST:

[Signature]  
Solicitor:

Steven A. Golden  
Defendant

Carl Muller  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 28 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with **probation** for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is given credit for time served pursuant to S.C. Code § 24-23-40 to be calculated and applied by the State Department of Corrections. SINCE 11/1/97

SPECIAL CONDITIONS:

RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_  
§ 14-1-206 - (Assessments 100 %) \_\_\_\_\_ \$ \_\_\_\_\_  
§ 14-1-211(A)(1) (Surcharge) \_\_\_\_\_ \$ 100  
§ 14-1-211(A)(2) (Surcharge) \_\_\_\_\_ \$ \_\_\_\_\_  
§ 56-5-2995 (DUI Assessment) \_\_\_\_\_ \$ \_\_\_\_\_  
3% to Court (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: \_\_\_\_\_

Paul B. Wisbeimer  
Clerk of Court/Deputy Clerk

Court Reporter: Hudgus

PRESIDING JUDGE [Signature]

Judge Code: 161510

Sentence Date: 7/18/03

DOCKET NO. \_\_\_\_\_

<sup>BCS</sup>  
**The State of South Carolina,**

County of GREENVILLE

SCDC

982305221 ct. 2

**WITNESSES**

Inv. J.G. Wood

GCSO

11-11-97

**COURT OF GENERAL SESSIONS**

OCTOBER \_\_\_\_\_ 1998  
\_\_\_\_\_ **TERM** \_\_\_\_\_

**THE STATE**

**PLEAD GUILTY**

vs.

STEVEN ANDRA GOLDEN

*Murder  
+ Poss  
Counts 1 + 2*

**ARREST WARRANT NO. E-658836**

**ACTION OF GRAND JURY**

**TRUE BILL**

*Maxon A. Turner*

**FOREMAN GRAND JURY**

Foreman of Grand Jury

**Indictment for**

MURDER AND  
POSSESSION OF A FIREARM DURING  
THE COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-03-10  
VIOLAITON § 16-23-490

**VERDICT**

Foreman of Petit Jury

Date:

ENL  
ENTERED  
ACCT. *Pa*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
MURDER AND  
POSSESSION OF A FIREARM DURING  
THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on October 20, 1998,  
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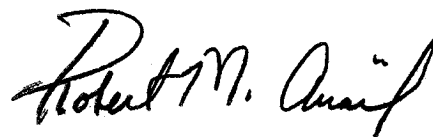
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**COUNT TWO – POSSESSION OF A FIREARM DURING THE COMMISSION  
OF A VIOLENT CRIME**

That STEVEN ANDRA GOLDEN did in Greenville County on or about November 1, 1997, possess or visibly display a firearm during the commission of a violent crime, to wit: Murder and/or Armed Robbery. This is in violation of South Carolina Code of Law § 16-23-490.

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



SOLICITOR

State of South Carolina  
County of Greenville

The State of S.C.

v

Steven A. Golden  
1305 Loblolly Circle  
Greenville, SC 29607

Race B Male X Female \_\_\_\_\_  
DL 007951007  
SS 247-43-9667  
DOB 09-10-79  
Atty: Maglic & Vieth  
Ap. ✓ Ret. \_\_\_\_\_

Change of Address  
\_\_\_\_\_  
\_\_\_\_\_

General Sessions Court  Magistrates Court

Indictment No. 78 GS-23-5221  
Warrant # 665-8836  
Warrant Offense Murder  
Date of Offense 11-1-97

Offense convicted/pled to: Murder

Degree \_\_\_\_\_ # of Offense \_\_\_\_\_

Offense Code 016

Violent ✓ NON Violent \_\_\_\_\_  
DUS/DUI related? Yes \_\_\_\_\_ No \_\_\_\_\_

**DL SUSPENDS**

Did Clerk Receive Drivers License? Yes No  
If No explain \_\_\_\_\_

Defendant

Now comes the above named defendant who in open court pleads guilty:

to the within indictment 98-5221 count 1 and consents to sentence.

waives a finding of a True Bill by the Grand Jury and consents to sentence.

date:

Fletcher C. Mann, Jr.  
Fletcher C. Mann, Jr. Clerk of Court

x Steven Golden  
Defendant

**SENTENCE**

The above named defendant is committed to the State Dept. Of Corrections/County for a term of 11 1/2 (30)

\_\_\_\_\_ days/months/years and/or to pay a fine of \$ \_\_\_\_\_; provided upon the service of \_\_\_\_\_

\_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_, plus pay/waive costs and assessments as applicable,

the balance suspended with probation for \_\_\_\_\_ months/years.

Conditions: all sentences concurrent - credit for time served  
plus 11/16/97.

Restitution (Yes/No)..... Total \$ \_\_\_\_\_

to Clerk for \_\_\_\_\_

Public Defender Funds (Yes/No)..... Total \$ \_\_\_\_\_

Date: 2/9/99

Court Reporter: Jernigan

Presiding Judge, Thirteenth Judicial Circuit

Solicitor: RMA

Print Judge Name: Macaulay

Vacated per  
order by  
Judge Miller  
4.11.03

The State of S.C.

v

Steven A. Golden  
1305 Loblolly Circle  
Greenville, SC 29607

Race B Male X Female \_\_\_\_\_  
DL 007951007  
SS 247-43-9667  
DOB 09-10-79  
Atty: Magic & Vieth  
Ap. ✓ Ret. \_\_\_\_\_

Change of Address  
\_\_\_\_\_  
\_\_\_\_\_

General Sessions Court  Magistrates Court

Indictment No. 98 GS-23-5221  
Warrant # Direct Presentmt  
Warrant Offense Poss Firearm  
Date of Offense 11-1-97

Offense convicted/pled to: Poss Firearm during  
Com. of Violent Crime  
Degree \_\_\_\_\_ # of Offense \_\_\_\_\_

Offense Code 1245

Violent \_\_\_\_\_ NON Violent ✓  
DUS/DUI related? Yes \_\_\_\_\_ No \_\_\_\_\_

**DL SUSPENDS**

Did Clerk Receive Drivers License? Yes No  
If No explain \_\_\_\_\_  
NO

Defendant

Now comes the above named defendant who in open court pleads guilty:

- to the within indictment 98-5221 count 2 and consents to sentence.
- waives a finding of a True Bill by the Grand Jury and consents to sentence.

date: Fletcher C. Mann, Jr.  
Fletcher C. Mann, Jr. Clerk of Court

Steven A. Golden  
Defendant

**SENTENCE**

The above named defendant is committed to the State Dept. Of Corrections/County for a term of Five (5) years  
\_\_\_\_\_ days/months/years and/or to pay a fine of \$ \_\_\_\_\_; provided upon the service of \_\_\_\_\_  
\_\_\_\_\_ days/months/years and/ or payment of \$ \_\_\_\_\_, plus pay/waive costs and assessments as applicable,  
the balance suspended with probation for \_\_\_\_\_ months/years.

Conditions: \_\_\_\_\_

Restitution (Yes/No)..... Total \$ \_\_\_\_\_

to Clerk for \_\_\_\_\_

Public Defender Funds (Yes/No)..... Total \$ \_\_\_\_\_

Date: 2/9/99

Court Reporter: Jennigan

Solicitor: R. Ann

Gen. Macaulay  
Presiding Judge, Thirteenth Judicial Circuit  
Print Judge Name: Macaulay

Vacated per  
order by Judge  
Miller  
4.11.03