

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM ORANGEBURG COUNTY

Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Docket No. 2009-CP-38-0005

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S.C. Supreme Court

ORIGINAL

WILLIAM A. GLEATON, #326282 Petitioner,

vs.

STATE OF SOUTH CAROLINA Respondent.

APPENDIX

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COURT OF GENERAL SESSIONS

FIRST JUDICIAL CIRCUIT
SECOND JUDICIAL CIRCUIT

TRANSCRIPT OF RECORD

DATE:
JANUARY 15-16, 2008
JANUARY 23, 2008

DEFENDANTS

HONORABLE JAMES C. WILLIAMS, JR., PRESIDING JUDGE

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ASSISTANT SOLICITOR, SECOND JUDICIAL CIRCUIT
KELLEY BURBAGE, ESQUIRE
ASSISTANT SOLICITOR, FIRST JUDICIAL CIRCUIT
FOR THE STATE

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CARL GRANT, ESQUIRE
ATTORNEY FOR DEFENDANT, BRANDON ALZANTE STALEY

SCOTT PALMER, ESQUIRE
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NOTE: ALL COURT'S EXHIBITS ATTACHED TO ORIGINAL OF
THIS TRANSCRIPT OF RECORD.

1 DATE:

2 JANUARY 15, 2008

3 THE COURT: ALRIGHT, SOLICITOR.

4 SOLICITOR BURBAGE: THANK YOU,

5 YOUR HONOR, MAY IT PLEASE THE COURT.

6 THE COURT: YES, MA'AM.

7 SOLICITOR BURBAGE: STANDING

8 BEFORE YOU IS DARRELL GLEATON AND BRANDON STALEY. CAN
9 WE DO THESE BOTH AT THE SAME TIME, YOUR HONOR, IS THAT
10 OKAY?

11 THE COURT: MA'AM?

12 SOLICITOR BURBAGE: CAN WE DO
13 THESE BOTH AT THE SAME TIME?

14 THE COURT: YES, MA'AM, WE'LL DO
15 THEM TOGETHER.

16 SOLICITOR BURBAGE: DARRELL
17 GLEATON IS STANDING BEFORE YOU TODAY WITH BOTH OF HIS
18 ATTORNEYS, MR. GERALD DAVIS, AS WELL AS CHRIS WILSON.
19 HE'S PLEADING GUILTY TODAY TO ONE COUNT OF ASSAULT AND
20 BATTERY WITH INTENT TO KILL, TRUE BILLED INDICTMENT
21 2007-GS-38-1374, ONE COUNT OF BURGLARY, FIRST, 2007-
22 GS-38-1373, KIDNAPING, 2007-GS-38-0438, ARMED ROBBERY,
23 2007-GS-38-0441, AS WELL AS BURGLARY, FIRST, 2007-GS-
24 38-0437, AND ONE COUNT OF CRIMINAL SEXUAL CONDUCT,
25 FIRST DEGREE, 2007-GS-38-0436. HE IS ALSO PLEADING

1 TODAY TO SOME BAMBERG COUNTY CHARGES. MR. BEN MOORE
2 IS GOING TO ALSO READ THOSE INTO THE RECORD.

3 SOLICITOR MOORE: OKAY. YOUR
4 HONOR, AS FAR AS DARRELL GLEATON, HE IS PLEADING TO
5 BURGLARY IN THE FIRST DEGREE, INDICTMENT 2007-GS-05-
6 144. HE ALSO PLEADING GUILTY TO ASSAULT AND BATTERY
7 WITH INTENT TO KILL, THAT IS INDICTMENT 2007-GS-05-
8 145.

9 SOLICITOR BURBAGE: YOUR HONOR,
10 ALSO STANDING BEFORE YOU IS BRANDON STALEY WITH IS
11 ATTORNEY, CARL GRANT. HE'S PLEADING GUILTY TO ONE
12 COUNT OF BURGLARY, FIRST, 2007-GS-38-1372, ONE COUNT
13 OF - - -

14 THE COURT: ALRIGHT, JUST HOLD UP
15 ONE MINUTE. YES, MA'AM, I'M SORRY.

16 SOLICITOR BURBAGE: ONE COUNT OF
17 ASSAULT AND BATTERY WITH INTENT TO KILL, 2007-GS-38-
18 1371, BURGLARY, FIRST, 2007-GS-38-0430, ARMED ROBBERY,
19 2007-GS-38-0432, AS WELL AS ONE COUNT OF KIDNAPING,
20 2007-GS-38-0431. HE ALSO IS PLEADING TO BAMBERG
21 CHARGES, MR. STALEY IS, AS WELL, YOUR HONOR.

22 SOLICITOR MOORE: YOUR HONOR, MR.
23 STALEY IS PLEADING GUILTY TO 2007-GS-05-180, THAT IS
24 BURGLARY IN THE FIRST DEGREE.

25 THE COURT: ALRIGHT, JUST GIVE ME

1 JUST A MINUTE. LET ME GET EVERYTHING MATCHED.

2 ALRIGHT, I'VE GOT THEM. FINE. I WANTED TO BE SURE

3 I'VE GOT THE BAMBERG'S. TWO BAMBERG INDICTMENTS FOR

4 MR. GLEATON AND ONE FOR MR. STALEY?

5 SOLICITOR MOORE: CORRECT.

6 THE COURT: ALRIGHT. YOU ARE MR.

7 - - -

8 DEFENDANT BRANDON STALEY: STALEY.

9 THE COURT: AND YOU ARE MR.

10 GLEATON?

11 DEFENDANT DARRELL GLEATON: YES,

12 SIR.

13 THE COURT: ALRIGHT, BOTH OF YOU

14 RAISE YOUR RIGHT HAND.

15 (Whereupon, Brandon Staley

16 and Darrell Gleaton

17 are duly sworn.)

18 THE COURT: ALRIGHT, YOU CAN PUT

19 YOUR HAND DOWN. NOW, GENTLEMEN, I HAVE SOME QUESTIONS

20 TO ASK YOU. THEY ARE BASICALLY THE SAME QUESTIONS TO

21 EACH OF YOU. WHEN I ASK YOU THE QUESTION, MR.

22 STALEY, YOU ANSWER THE QUESTION FIRST, AND MR.

23 GLEATON, YOU ANSWER THE QUESTION SECONDLY. ALRIGHT.

24 (NOTE: Blank lines on this page do not indicate any

25 part of record has been omitted.)

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

1 EXAMINATION OF BRANDON STALEY AND DARRELL GLEATON

2 BY THE COURT:

3 Q. HOW OLD ARE YOU?

4 A. (STALEY) TWENTY-ONE, SIR.

5 A. (GLEATON) NINETEEN, SIR.

6 Q. HOW FAR DID YOU GO IN SCHOOL?

7 A. (STALEY) GRADUATED.

8 A. (GLEATON) ELEVENTH GRADE.

9 Q. HAVE YOU EVER BEEN TREATED FOR DRUG ABUSE,
10 ALCOHOL ABUSE, OR MENTAL ILLNESS?

11 A. (STALEY) NO, SIR.

12 A. (GLEATON) NO, SIR.

13 Q. HAVE YOU HAD ANY DRUGS, ALCOHOL, MEDICATION, OR
14 ANYTHING IN THE LAST TWENTY-FOUR HOURS THAT WOULD
15 KEEP YOU FROM UNDERSTANDING WHAT'S GOING ON IN
16 COURT TODAY?

17 A. (STALEY) NO, SIR.

18 A. (GLEATON) NO, SIR.

19 Q. EACH OF YOU HAVE CHARGES IN BAMBERG COUNTY AS
20 WELL AS ORANGEBURG COUNTY. YOU HAVE A RIGHT TO
21 HAVE THE CHARGES IN BAMBERG COUNTY HEARD IN
22 BAMBERG COUNTY RATHER THAN ORANGEBURG. DO YOU
23 UNDERSTAND THAT?

24 A. (STALEY) YES, SIR.

25 A. (GLEATON) YES, SIR.

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

9

1 Q. AND DO YOU WISH TO GIVE UP YOUR RIGHT TO HAVE
2 THEM HEARD IN BAMBERG, AND HAVE ME HEAR THEM HERE
3 IN ORANGEBURG?

4 A. (STALEY) YES, SIR.

5 Q. ALRIGHT, YOU'VE GOT TO SPEAK LOUD ENOUGH - - -

6 A. (STALEY) YES, SIR.

7 Q. OKAY. BECAUSE THIS LADY'S GOT TO WRITE IT DOWN
8 AND THAT MIKE'S GOT TO PICK IT UP, TOO.

9 A. (GLEATON) YES, SIR.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
12 pages and hard page breaks between testimony are now
13 required by the Court. See next ensuing page for
14 sequential continuation of record.)

1 EXAMINATION OF DEFENSE COUNSEL GRANT, DEFENSE COUNSEL

2 DAVIS AND DEFENSE COUNSEL WILSON BY THE COURT:

3 Q. ALRIGHT, NOW, MR. GRANT, YOU REPRESENT MR. STALEY
4 FOR THE ORANGEBURG AND BAMBERG CHARGES, IS THAT
5 RIGHT?

6 A. (GRANT) THAT IS CORRECT, YOUR HONOR.

7 Q. ALRIGHT. AND MR. GERALD DAVIS, YOU REPRESENT MR.
8 GLEATON ON THE ORANGEBURG COUNTY CHARGES, IS THAT
9 RIGHT?

10 A. (DAVIS) THAT IS CORRECT, YOUR HONOR.

11 Q. AND MR. WILSON, YOU REPRESENT MR. GLEATON ON THE
12 BAMBERG COUNTY CHARGES, IS THAT RIGHT?

13 A. (WILSON) CORRECT, YOUR HONOR.

14 Q. ALRIGHT, AS I ASK YOU QUESTIONS, MR. GRANT, YOU
15 ANSWER THE QUESTION FIRST, PLEASE, MR. DAVIS,
16 SECONDLY, AND MR. WILSON, THIRD. HAVE YOU
17 EXPLAINED TO YOUR CLIENT THE CHARGES THEY ARE
18 FACING, THE EVIDENCE THE STATE HAS AGAINST HIM,
19 THE POSSIBLE PENALTIES, WHICH I'M ABOUT TO GO
20 OVER, AND THEIR CONSTITUTIONAL RIGHTS?

21 A. (GRANT) I HAVE, YOUR HONOR.

22 A. (DAVIS) I HAVE, YOUR HONOR.

23 A. (WILSON) I HAVE.

24 Q. ALRIGHT, NOW, IN REGARD TO MR. STALEY IN BAMBERG
25 COUNTY HE'S CHARGES WITH BURGLARY IN THE FIRST

1 DEGREE, WHICH CARRIES A MINIMUM OF FIFTEEN YEARS
2 UP TO LIFE IN PRISON. HE'S CHARGED WITH KIDNAPING
3 IN ORANGEBURG COUNTY WHICH CARRIES UP TO THIRTY
4 YEARS. HE CHARGED WITH ARMED ROBBERY IN
5 ORANGEBURG COUNTY WHICH CARRIES UP TO THIRTY
6 YEARS, HE'S CHARGED WITH ASSAULT AND BATTERY WITH
7 INTENT TO KILL IN ORANGEBURG COUNTY WHICH CARRIES
8 UP TO TWENTY YEARS, ANOTHER BURGLARY, FIRST --
9 TWO BURGLARY FIRSTS IN ORANGEBURG, EACH OF WHICH
10 CARRIES FROM FIFTEEN YEARS TO LIFE. THIS IS ON
11 MR. STALEY. IS THAT RIGHT, MR. GRANT?

12 A. (GRANT) THAT IS CORRECT, YOUR HONOR.

13 Q. ALRIGHT. AND MR. GLEATON IS CHARGED IN BAMBERG
14 COUNTY WITH ASSAULT AND BATTERY WITH INTENT TO
15 KILL WHICH CARRIES UP TO TWENTY YEARS, BURGLARY,
16 FIRST, WHICH CARRIES FIFTEEN YEARS UP TO LIFE. IS
17 THAT RIGHT, MR. WILSON?

18 A. (WILSON) THAT IS CORRECT.

19 Q. ALRIGHT. AND IN ORANGEBURG COUNTY MR. GLEATON IS
20 CHARGED WITH CRIMINAL SEXUAL CONDUCT IN THE FIRST
21 DEGREE WHICH CARRIES UP TO THIRTY YEARS, TWO
22 COUNTS OF BURGLARY, FIRST, EACH OF WHICH CARRIES
23 UP TO THIRTY YEARS -- NO, I'M SORRY, EACH OF
24 WHICH CARRIES FROM FIFTEEN YEARS MINIMUM UP TO
25 LIFE IN PRISON, AND AN ARMED ROBBERY WHICH

EXAM-DEFENSE COUNSEL GRANT, DEFENSE COUNSEL
DAVIS AND DEFENSE COUNSEL WILSON BY THE COURT

12

1 CARRIES UP TO THIRTY YEARS, AND ASSAULT AND
2 BATTERY WITH INTENT TO KILL WHICH CARRIES UP TO
3 TWENTY YEARS. IS THAT RIGHT, MR. DAVIS?

4 A. (DAVIS) THAT'S CORRECT, YOUR HONOR, ONE COUNT OF
5 ASSAULT AND BATTERY.

6 Q. RIGHT. WITH INTENT TO KILL.

7 A. (DAVIS) WITH INTENT TO KILL.

8 Q. ALRIGHT. NOW, DO YOU BELIEVE YOUR CLIENT
9 UNDERSTANDS WHAT YOU'VE EXPLAINED TO HIM?

10 A. (GRANT) I DO, YOUR HONOR.

11 A. (DAVIS) I DO, YOUR HONOR.

12 A. (WILSON) I DO, YOUR HONOR.

13 Q. AND HOW HAVE THEY ADVISED YOU THEY WISH TO PLEAD?

14 A. (GRANT) GUILTY, YOUR HONOR.

15 A. (DAVIS) GUILTY, YOUR HONOR.

16 A. (WILSON) GUILTY.

17 Q. AND DO YOU CONCUR IN THEIR DECISION TO PLEAD
18 GUILTY?

19 A. (GRANT) YES, SIR, I DO.

20 A. (DAVIS) I DO, YOUR HONOR.

21 A. (WILSON) I DO.

22 (NOTE: Blank lines on this page do not indicate any
23 part of record has been omitted. Headers on testimony
24 pages and hard page breaks between testimony are now
25 required by the Court.)

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

13

1 EXAMINATION OF BRANDON STALEY AND DARRELL GLEATON
2 BY THE COURT CONTINUES;

3 Q. ALRIGHT, MR. STALEY AND MR. GLEATON, YOUR
4 ATTORNEYS TELL ME THEY'VE EXPLAINED TO YOU THE
5 CHARGES THAT YOU ARE FACING, THAT I JUST WENT
6 OVER, I JUST LISTED. THEY TELL ME THEY'VE
7 EXPLAINED TO YOU THE EVIDENCE THAT THE STATE HAS
8 AGAINST YOU FOR EACH ONE OF THESE CHARGES. THEY
9 TELL ME THEY'VE EXPLAINED TO YOU YOUR
10 CONSTITUTIONAL RIGHTS AND THE POSSIBLE PENALTIES
11 YOU COULD RECEIVE. AND THEY TELL ME THAT THEY
12 BELIEVE YOU UNDERSTAND ALL OF THESE MATTERS AND
13 THAT YOU'VE DECIDED YOU WANT TO PLEAD GUILTY TO
14 ALL OF THESE CHARGES. IS THAT RIGHT?

15 A. (STALEY) YES, SIR.

16 A. (GLEATON) YES, SIR.

17 Q. NOW, IN ORDER TO PLEAD GUILTY YOU HAVE TO GIVE UP
18 CERTAIN RIGHTS THAT YOU HAVE. THE FIRST OF THESE
19 IS YOUR RIGHT TO REMAIN SILENT. THAT IS YOUR
20 RIGHT TO SAY NOTHING ABOUT THESE CHARGES. YOU
21 CANNOT BE FORCED TO TESTIFY AGAINST YOURSELF.
22 BUT IF YOU PLEAD GUILTY TO ANY CHARGE YOU MUST
23 GIVE UP THAT RIGHT TO REMAIN SILENT IN ORDER TO
24 ADMIT THE TRUTH OF THE CHARGES AGAINST YOU.
25 THAT'S WHAT A GUILTY PLEA IS, AN ADMISSION THAT

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

14

1 THE CHARGES ARE TRUE.

2 SECONDLY, YOU HAVE A RIGHT TO A JURY TRIAL. THAT
3 IS YOUR RIGHT TO HAVE A JURY DETERMINE WHETHER OR
4 NOT YOU ARE, IN FACT, GUILTY OF THESE CHARGES
5 BEYOND A REASONABLE DOUBT. A JURY WOULD BASE ITS
6 DECISION ON THE TESTIMONY AND THE EVIDENCE PUT UP
7 BY THE STATE'S WITNESSES. YOUR ATTORNEYS COULD
8 CROSS-EXAMINE THOSE WITNESSES, THEY COULD CALL
9 WITNESSES ON YOUR OWN BEHALF AND PUT UP ANY
10 DEFENSE THAT YOU MIGHT HAVE TO THESE CHARGES.

11 YOU COULD TESTIFY IF YOU WANTED TO TESTIFY, BUT
12 BECAUSE OF YOUR RIGHT TO REMAIN SILENT YOU WOULD
13 NOT HAVE TO TESTIFY. THE JURY WOULD BASE THEIR
14 DECISION ON THAT EVIDENCE PUT UP BY THE STATE.
15 THEY WOULD HAVE TO FIND YOU GUILTY, ALL TWELVE OF
16 THEM, BEYOND A REASONABLE DOUBT. YOU WOULD BE
17 PRESUMED TO BE INNOCENT IF YOU HAD A JURY TRIAL.
18 DO YOU UNDERSTAND BOTH OF THOSE RIGHTS, MR.
19 STALEY?

20 A. (STALEY) YES, SIR, YOUR HONOR.

21 Q. MR. GLEATON?

22 A. (GLEATON) YES, SIR.

23 Q. NOW, DO YOU UNDERSTAND THAT IF YOU WANT TO PLEAD
24 GUILTY YOU HAVE TO GIVE UP BOTH OF THOSE RIGHTS?

25 A. (STALEY) YES, SIR.

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

15

1 A. (GLEATON) YES, SIR.

2 Q. AND THAT'S WHAT YOU WANT TO DO?

3 A. (STALEY) YES, SIR.

4 A. (GLEATON) YES, SIR.

5 Q. ALRIGHT. WE'LL START WITH MR. STALEY ON THE
6 BAMBERG CHARGE. MR. STALEY, IN BAMBERG COUNTY
7 YOUR ARE CHARGED WITH BURGLARY IN THE FIRST
8 DEGREE, AND THE ALLEGATIONS ARE THAT YOU, WITH
9 OTHER PEOPLE, IN BAMBERG COUNTY, ON OR ABOUT
10 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX,
11 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF
12 DAMEON McDONALD WITHOUT CONSENT, WITH INTENT TO
13 COMMIT A CRIME IN THAT DWELLING, AND THAT THIS
14 OCCURRED IN THE NIGHTTIME, AND THAT YOU WERE
15 ARMED WITH A DEADLY WEAPON. DO YOU UNDERSTAND
16 THAT CHARGE?

17 A. (STALEY) YES, SIR, YOUR HONOR.

18 Q. HOW DO YOU PLEAD TO THAT CHARGE?

19 A. (STALEY) GUILTY, YOUR HONOR.

20 Q. ALRIGHT. IN ORANGEBURG COUNTY -- IT WOULD BE
21 GOOD IF I COULD TAKE THESE IN ORDER ALSO --
22 INDICTMENT 1372 SAYS THAT IN ORANGEBURG COUNTY,
23 ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND
24 AND SIX, THAT YOU WILLFULLY AND UNLAWFULLY
25 ENTERED THE DWELLING OF VANCE POLITE, SENIOR, AND

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

16

1 ANNA BELLE POLITE, WITHOUT CONSENT, WITH INTENT
2 TO COMMIT A CRIME IN THAT DWELLING, AND THAT YOU
3 DID THIS IN THE NIGHTTIME WHILE ARMED WITH A
4 WEAPON. DO YOU UNDERSTAND THAT CHARGE?

5 A. (STALEY) YES, SIR, YOUR HONOR.

6 Q. HOW DO YOU PLEAD TO THAT CHARGE?

7 A. (STALEY) GUILTY, YOUR HONOR.

8 Q. AND INDICTMENT 1371 SAYS THAT ON THAT SAME
9 OCCASION WHEN YOU WENT INTO MR. POLITE'S HOME,
10 THAT WITH MALICE AFORETHOUGHT YOU COMMITTED AN
11 ASSAULT AND BATTERY UPON MR. POLITE, THAT HE WAS
12 SHOT WITH A HAND GUN. AND I UNDERSTAND YOU MIGHT
13 NOT BE THE TRIGGER MAN, BUT YOU UNDERSTAND, THE
14 HAND ONE IS THE HAND OF ALL?

15 A. (STALEY) YES, SIR, YOUR HONOR.

16 Q. AND YOU'VE DISCUSSED THAT FULLY WITH YOUR
17 ATTORNEY?

18 A. (STALEY) YES, SIR.

19 Q. SO, TO THIS CHARGE OF ASSAULT AND BATTERY WITH
20 INTENT TO KILL ON MR. POLITE ON THAT SAME NIGHT
21 IN ORANGEBURG COUNTY, HOW DO YOU PLEAD?

22 A. (STALEY) GUILTY, YOUR HONOR.

23 Q. ALRIGHT. INDICTMENT 430 SAYS THAT IN ORANGEBURG
24 COUNTY, ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO
25 THOUSAND AND SIX, YOU WILLFULLY AND UNLAWFULLY

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

17

1 ENTERED THE DWELLING OF ERIC OR JENNIFER GRANT,
2 WITHOUT CONSENT, WITH INTENT TO COMMIT A CRIME
3 THEREIN, AND THIS OCCURRED IN THE NIGHTTIME
4 AND/OR WHILE YOU WERE ARMED WITH A WEAPON. DO
5 YOU UNDERSTAND THAT CHARGE?

6 A. (STALEY) YES, SIR, YOUR HONOR.

7 Q. HOW DO YOU PLEAD TO THAT CHARGE?

8 A. (STALEY) GUILTY, YOUR HONOR.

9 Q. AND INDICTMENT 432 SAYS THAT ON THAT OCCASION,
10 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX,
11 THAT YOU COMMITTED A ROBBERY BY FELONIOUSLY OR
12 WRONGFULLY TAKING FROM THE PERSON OR PRESENCE OF
13 THE VICTIM, ERIC GRANT, BY MEANS OF FORCE OR
14 INTIMIDATION SOME MONEY AND SOME OTHER GOODS, A
15 NINETEEN NINETY-FOUR BUICK LESABRE, AND SOME
16 OTHER PERSONAL ITEMS WHILE YOU WERE ARMED WITH A
17 DEADLY WEAPON. DO YOU UNDERSTAND THAT CHARGE?

18 A. (STALEY) YES, SIR, YOUR HONOR.

19 Q. HOW DO YOU PLEAD TO THAT CHARGE?

20 A. (STALEY) GUILTY, YOUR HONOR.

21 Q. AND INDICTMENT 431 SAYS THAT ON THAT OCCASION
22 THAT YOU UNLAWFULLY SEIZED OR CONFINED OR
23 ABDUCTED OR KIDNAPED FLEMING BRIGGS OR ERIC GRANT
24 OR JENNIFER GRANT, ALL OF WHOM I THINK WERE
25 PRESENT IN THAT HOME THAT NIGHT, WITHOUT

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

18

1 AUTHORITY OF LAW. DO YOU UNDERSTAND THAT CHARGE
2 OF KIDNAPING?

3 A. (STALEY) YES, SIR, YOUR HONOR.

4 Q. HOW DO YOU PLEAD TO THAT CHARGE?

5 A. (STALEY) GUILTY, YOUR HONOR.

6 Q. ALRIGHT. MR. GLEATON, IN REGARD TO THE BAMBERG
7 COUNTY CHARGES, THE FIRST ONE IS BURGLARY IN THE
8 FIRST DEGREE. THE ALLEGATIONS ARE THAT IN
9 BAMBERG COUNTY YOU, WITH OTHER PEOPLE, DID ON OR
10 ABOUT THE EIGHTEENTH OF DECEMBER, TWO THOUSAND
11 AND SIX, WILLFULLY AND UNLAWFULLY ENTER THE
12 DWELLING OF DAMEON McDONALD WITHOUT CONSENT, WITH
13 INTENT TO COMMIT A CRIME IN THAT DWELLING, AND
14 THIS OCCURRED IN THE NIGHTTIME WHILE YOU WERE
15 ARMED WITH A DEADLY WEAPON. DO YOU UNDERSTAND
16 THAT CHARGE?

17 A. (GLEATON) YES, SIR, YOUR HONOR.

18 Q. HOW DO YOU PLEAD TO THAT CHARGE?

19 A. (GLEATON) GUILTY, YOUR HONOR.

20 Q. AND INDICTMENT NUMBER 620, WHICH IS ASSAULT AND
21 BATTERY WITH INTENT TO KILL, ALLEGES THAT ON OR
22 ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND AND
23 SIX, WITH MALICE AFORETHOUGHT, THAT YOU COMMITTED
24 AN ASSAULT AND BATTERY UPON DEMON McDONALD WITH
25 INTENT TO KILL HIM, MR. McDONALD WAS SHOT. DO

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

19

1 YOU UNDERSTAND THAT CHARGE?

2 A. (GLEATON) YES, SIR, YOUR HONOR.

3 Q. HOW DO YOU PLEAD TO THAT CHARGE?

4 A. (GLEATON) GUILTY, YOUR HONOR.

5 SOLICITOR MOORE: YOUR HONOR, I

6 THINK YOU SAID INDICTMENT 620, IT'S 145 AND 144.

7 THE COURT: IT IS 145.

8 SOLICITOR MOORE: OKAY.

9 THE COURT: IT'S THE NEW FORM, AND
10 I'M USED TO OLD HABITS, AND THE INDICTMENT NUMBERS ARE
11 SO SMALL I CAN HARDLY READ IT, AND THE CODE NUMBER IS
12 STANDING OUT IN BIG LETTERS WHERE THE INDICTMENT
13 NUMBER USED TO BE. SO THAT IS, THAT'S INDICTMENT 144.
14 THE FIRST INDICTMENT FOR BURGLARY -- OR THE INDICTMENT
15 FOR BURGLARY IS 144, THE INDICTMENT FOR ASSAULT AND
16 BATTERY WITH INTENT TO KILL IS THE BAMBERG COUNTY
17 INDICTMENT 2007-145.

18 SOLICITOR MOORE: CORRECT.

19 THE COURT: THANK YOU FOR BRINGING
20 THAT TO MY ATTENTION.

21 SOLICITOR MOORE: THANK YOU, TOO,
22 YOUR HONOR.

23 Q. ALRIGHT, IN REGARD TO THE ORANGEBURG COUNTY
24 INDICTMENTS, FIRST WE'LL DO INDICTMENT 2007-1373,
25 WHICH IS INDICTMENT FOR BURGLARY IN THE FIRST

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

20

1 DEGREE, AND THE ALLEGATIONS ARE THAT ON OR ABOUT
2 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX,
3 THAT YOU WILLFULLY AND UNLAWFULLY ENTERED THE
4 DWELLING OF VANCE POLITE, SENIOR, AND/OR ANNA
5 BELLE POLITE WITHOUT CONSENT WITH INTENT TO
6 COMMIT A CRIME, AND THAT THIS OCCURRED AT
7 NIGHTTIME, OR THAT YOU WERE ARMED WITH A WEAPON.
8 DO YOU UNDERSTAND THAT CHARGE?

9 A. (GLEATON) YES, SIR, YOUR HONOR.

10 Q. HOW DO YOU PLEAD TO THAT CHARGE?

11 A. (GLEATON) GUILTY, YOUR HONOR.

12 Q. AND INDICTMENT 1374 SAYS THAT IN ORANGEBURG ON
13 THAT SAME NIGHT, THAT WITH MALICE AFORETHOUGHT
14 YOU COMMITTED AN ASSAULT AND BATTERY UPON THE
15 VICTIM, VANCE POLITE, SENIOR, BY MEANS OF
16 SHOOTING HIM WITH A GUN WITH INTENT TO KILL MR.
17 POLITE. DO YOU UNDERSTAND THAT CHARGE?

18 A. (GLEATON) YES, SIR, YOUR HONOR.

19 Q. AND HOW DO YOU PLEAD TO THAT CHARGE?

20 A. (GLEATON) GUILTY, YOUR HONOR.

21 Q. ALRIGHT. INDICTMENT NUMBER 437 ALLEGES THAT IN
22 ORANGEBURG COUNTY ON OR ABOUT DECEMBER THE
23 EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU
24 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF
25 ERIC GRANT AND/OR JENNIFER GRANT WITHOUT CONSENT

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

21

1 WITH INTENT TO COMMIT A CRIME IN THAT DWELLING,
2 AND THAT THIS OCCURRED AT NIGHTTIME OR WHILE YOU
3 WERE ARMED WITH A DEADLY WEAPON. DO YOU
4 UNDERSTAND THAT CHARGE?

5 A. (GLEATON) YES, SIR, YOUR HONOR.

6 Q. HOW DO YOU PLEAD TO THAT CHARGE?

7 A. (GLEATON) GUILTY, YOUR HONOR.

8 Q. AND INDICTMENT NUMBER 441 ALLEGES THAT IN
9 ORANGEBURG COUNTY, ON OR ABOUT DECEMBER THE
10 EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU
11 COMMITTED ROBBERY BY FELONIOUSLY OR WRONGFULLY
12 TAKING FROM THE PERSON OR PRESENCE OF THE VICTIM,
13 ERIC GRANT, SOME MONEY OR GOODS AND A NINETEEN
14 NINETY-FOUR BUICK LESABRE WHILE YOU WERE ARMED
15 WITH A DEADLY WEAPON. DO YOU UNDERSTAND THAT
16 CHARGE?

17 A. (GLEATON) YES, SIR, YOUR HONOR.

18 Q. HOW DO YOU PLEAD TO THAT CHARGE?

19 A. (GLEATON) GUILTY, YOUR HONOR.

20 Q. AND INDICTMENT NUMBER 438, ON OR ABOUT DECEMBER
21 THE EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU
22 UNLAWFUL SEIZED OR CONFINED OR KIDNAPED JENNIFER
23 GRANT AND/OR FLEMING BRIGGS AND/OR ERIC GRANT
24 WITHOUT ANY AUTHORITY OF LAW. DO YOU UNDERSTAND
25 THAT CHARGE OF KIDNAPING?

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

22

1 A. (GLEATON) YES, SIR, YOUR HONOR.

2 Q. HOW DO YOU PLEAD TO THAT CHARGE?

3 A. (GLEATON) GUILTY, YOUR HONOR.

4 Q. AND INDICTMENT 436 SAYS THAT ON OR ABOUT DECEMBER
5 THE EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU
6 WILLFULLY AND UNLAWFULLY ENGAGED IN CRIMINAL
7 SEXUAL CONDUCT IN THE FIRST DEGREE, IN THAT YOU
8 COMMITTED A SEXUAL BATTERY ON THE VICTIM,
9 JENNIFER GRANT, BY MEANS OF AGGRAVATED FORCE
10 AND/OR WHILE THE VICTIM WAS UNDER CIRCUMSTANCES
11 OF FORCIBLE CONFINEMENT OR KIDNAPING OR BURGLARY.
12 DO YOU UNDERSTAND THAT CHARGE?

13 A. (GLEATON) YES, SIR, YOUR HONOR.

14 Q. HOW DO YOU PLEAD TO THAT CHARGE?

15 A. (GLEATON) GUILTY, YOUR HONOR.

16 Q. NOW, I THINK THAT THE ONLY AGREEMENT OR
17 RECOMMENDATION IN THIS CASE IS THAT MR. STALEY'S
18 SENTENCE WOULD BE CAPPED AT TWENTY YEARS, IS THAT
19 RIGHT, MR. STALEY?

20 A. (STALEY) YES, SIR, YOUR HONOR.

21 Q. AND THAT MR. GLEATON'S SENTENCE WOULD BE CAPPED
22 AT THIRTY-FIVE YEARS. IS THAT RIGHT, MR.
23 GLEATON?

24 A. (GLEATON) YES, SIR, YOUR HONOR.

25 Q. AND YOU BOTH UNDERSTAND THAT THESE ARE VIOLENT

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

23

- 1 OFFENSES, THAT THEY ARE NO PAROLE OFFENSES?
- 2 A. (STALEY) YES, SIR, YOUR HONOR.
- 3 A. (GLEATON) YES, SIR, YOUR HONOR.
- 4 Q. OTHER THAN THAT, HAS ANYBODY PROMISED YOU
- 5 ANYTHING OR THREATENED YOU TO GET YOU TO PLEAD
- 6 GUILTY?
- 7 A. (STALEY) NO, SIR, YOUR HONOR.
- 8 A. (GLEATON) NO, SIR, YOUR HONOR.
- 9 Q. ARE YOU SATISFIED WITH YOUR ATTORNEYS?
- 10 A. (STALEY) YES, SIR.
- 11 A. (GLEATON) YES, SIR, YOUR HONOR.
- 12 Q. DID YOU TELL YOUR ATTORNEYS EVERYTHING ABOUT ALL
- 13 OF THESE CASES SO THAT YOUR ATTORNEYS COULD GIVE
- 14 YOU PROPER ADVICE?
- 15 A. (STALEY) YES, SIR, YOUR HONOR.
- 16 A. (GLEATON) YES, SIR, YOUR HONOR.
- 17 Q. HAS YOUR ATTORNEYS FAILED TO DO ANYTHING THAT YOU
- 18 THINK THEY NEED TO DO TO HELP YOU IN THIS CASE?
- 19 A. (STALEY) NO, SIR, YOUR HONOR.
- 20 A. (GLEATON) NO, SIR, YOUR HONOR.
- 21 Q. AND THAT APPLIES TO BOTH OF YOUR ATTORNEYS?
- 22 A. (GLEATON) YES, SIR.
- 23 Q. ALRIGHT, SIR. DO YOU UNDERSTAND THAT IF YOU
- 24 WANTED -- OR HAVE YOU ANSWER ALL OF -- HAVE YOU
- 25 UNDERSTOOD ALL OF MY QUESTIONS?

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

24

1 A. (STALEY) YES, SIR, YOUR HONOR.

2 A. (GLEATON) YES, SIR, YOUR HONOR.

3 Q. HAVE YOU ANSWERED MY QUESTIONS TRUTHFULLY?

4 A. (STALEY) YES, SIR.

5 A. (GLEATON) YES, SIR.

6 Q. DO YOU UNDERSTAND THAT IF YOU WANTED TO FILE AN

7 APPEAL IN THIS CASE YOU WOULD HAVE TO DO THAT

8 WITHIN TEN DAYS AFTER YOU ARE SENTENCED?

9 A. (STALEY) YES, SIR, YOUR HONOR.

10 A. (GLEATON) YES, SIR, YOUR HONOR.

11 Q. DO YOU HAVE ANY QUESTIONS ABOUT WHAT WE'VE DONE

12 HERE IN THE LAST HALF HOUR OR SO?

13 A. (STALEY) NO, SIR.

14 A. (GLEATON) NO, SIR.

15 Q. AND DO YOU UNDERSTAND THAT AS A PART OF THIS PLEA

16 AGREEMENT YOU HAVE AGREED TO TESTIFY AGAINST THE

17 OTHER THREE INDIVIDUALS WHO WERE INVOLVED IN

18 THESE INCIDENCES THAT NIGHT, AND IF CALLED UPON

19 BY THE STATE YOU WILL TESTIFY TRUTHFULLY AS TO

20 THE MATTERS THAT HAPPENED AND TO ALL INVOLVEMENT

21 OF ALL FIVE OF YOU, IS THAT RIGHT?

22 A. (STALEY) YES, SIR, YOUR HONOR.

23 Q. IS THAT RIGHT, SIR?

24 A. (GLEATON) YES, SIR, YOUR HONOR.

25 Q. AND DO YOU UNDERSTAND THAT IF YOU FAIL TO DO

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

25

1 THAT, THAT ANY RECOMMENDATION OR PROMISE OF A CAP
2 ON THE SENTENCE WILL BE NULLIFIED, - - -

3 A. (STALEY) YES, SIR.

4 Q. --- DO YOU UNDERSTAND THAT, SIR?

5 A. (STALEY) YES, SIR, YOUR HONOR.

6 A. (GLEATON) YES, SIR, YOUR HONOR.

7 Q. AND THE STATE COULD PROCEED TO GO TO TRIAL ON ALL
8 THESE CHARGES?

9 A. (STALEY) YES, SIR.

10 A. (GLEATON) YES, SIR.

11 THE COURT: ALRIGHT, SIR. MR.
12 GRANT, DO YOU HAVE ANYTHING TO ADD AS FAR AS THE PLEA
13 IS CONCERNED, HAVE I FULLY COVERED ALL THE
14 DISCUSSIONS, PROMISES, INDICATIONS OR ANYTHING IN
15 REGARD TO THE PLEA FOR YOUR CLIENT, MR. STALEY - MR.
16 GLEATON?

17 MR. GRANT: MR. STALEY.

18 THE COURT: MR. STALEY. OKAY.

19 MR. GRANT: YES, SIR. THE ANSWER
20 IS YES, YOUR HONOR, YOU HAVE COVERED EVERYTHING.

21 THE COURT: ALRIGHT. MR. DAVIS?

22 MR. DAVIS: YOUR HONOR, I WOULD
23 JUST ASK THE COURT TO VOIR DIRE MR. GLEATON IN
24 REFERENCE TO A STATEMENT THAT HE GAVE AT THE TIME OF
25 HIS ARREST, INASMUCH AS THAT STATEMENT MAY OR MAY NOT

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

26

1 BE USED IN COURT AGAINST HIM, OR WOULD HE STILL PLEAD
2 GUILTY IF HE KNEW IT COULD OR COULD NOT BE USED?

3 Q. DID YOU OFFER A STATEMENT AT THAT TIME, AT
4 ANYTIME, HAVE YOU GIVEN A STATEMENT TO POLICE
5 OFFICERS OR ANY LAW ENFORCEMENT OR ANYBODY ELSE
6 ABOUT YOUR INVOLVEMENT IN THIS MATTER?

7 A. (GLEATON) YES, SIR.

8 Q. WAS IT IN WRITING OR WAS IT ORAL?

9 A. (GLEATON) SIR?

10 Q. WAS IT A WRITTEN STATEMENT THAT YOU SIGNED?

11 A. (GLEATON) A WRITTEN STATEMENT.

12 Q. AND OF COURSE, YOU MIGHT HAVE MADE A SPOKEN
13 STATEMENT, TOO, I DON'T KNOW.

14 A. (GLEATON) YES, SIR.

15 Q. WELL, WHAT MR. DAVIS IS SAYING IS THAT, AND I
16 DON'T KNOW ANYTHING ABOUT THE STATEMENTS, OF
17 COURSE, SO I HAVE NO OPINION ABOUT THIS, BUT IF
18 YOUR STATEMENT WAS NOT GIVEN FREELY AND
19 VOLUNTARILY IT COULD NOT BE USED AGAINST YOU IN
20 COURT. DO YOU UNDERSTAND THAT?

21 A. (GLEATON) YES, SIR.

22 Q. BUT IF -- AND YOU WOULD HAVE A RIGHT TO BRING
23 THAT QUESTION UP TO THE COURT BEFORE IT COULD BE
24 USED, FOR THE COURT TO DECIDE WHETHER OR NOT YOUR
25 STATEMENT WAS GIVEN FREELY AND VOLUNTARILY. AND

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

27

1 IF THE COURT DECIDED YOUR STATEMENT WAS NOT GIVEN
2 FREELY AND VOLUNTARILY, BUT IF YOU WERE
3 THREATENED OR COERCED OR PROMISED SOMETHING
4 UNREASONABLE, PROMISED ANYTHING AT ALL THAT LED
5 YOU TO MAKE THAT STATEMENT THEN THE COURT COULD
6 DETERMINE THE STATEMENT COULD NOT BE USED. IF
7 THE COURT DETERMINED THAT THE STATEMENT WAS
8 FREELY AND VOLUNTARILY GIVEN BY YOU WITHOUT ANY
9 COERCION OR FEAR, THEN IT COULD BE USED AGAINST
10 YOU. DO YOU UNDERSTAND THAT?

11 A. (GLEATON) YES, SIR, YOUR HONOR.

12 Q. THE POSSIBILITY -- I DON'T KNOW ANYTHING ABOUT
13 YOUR CASE SO I'M NOT EXPRESSING AN OPINION ABOUT
14 IT, BUT THE POSSIBILITY THAT THAT STATEMENT MIGHT
15 BE SUPPRESSED OR NOT BE ALLOWED TO BE USED
16 AGAINST YOU, WOULD THAT AFFECT YOUR DECISION TO
17 PLEAD GUILTY IN THESE CHARGES? IF YOU KNEW THE
18 STATEMENT COULD NOT BE USED, JUST SUPPOSE THAT
19 YOU KNEW THE STATEMENT COULD NOT BE USED AGAINST
20 YOU, WOULD THAT AFFECT YOUR DECISION TO PLEAD
21 GUILTY TO THESE CHARGES?

22 A. (GLEATON) NO, SIR.

23 THE COURT: ALRIGHT. DID YOUR
24 CLIENT MAKE A STATEMENT?

25 MR. GRANT: HE DID, YOUR HONOR,

EXAM-BRANDON STALEY AND DARRELL GLEATON
BY THE COURT

28

1 BUT IT'S MY PROFESSIONAL OPINION WE WOULD NOT SURVIVE
2 A JACKSON V. DENNO HEARING IF WE BROUGHT IT UP. AND I
3 KNOW YOUR ADVICE WOULD OBVIOUSLY APPLY TO HIM, AS
4 WELL, IF YOU DECIDE TO DO AN INQUIRY.

5 Q. MR. STALEY, DO YOU UNDERSTAND WHAT I JUST TOLD
6 MR. GLEATON ABOUT THE STATEMENT?

7 A. (STALEY) YES, SIR.

8 Q. IF YOU THOUGHT THAT YOU HAD A REAL GOOD CHANCE OF
9 GETTING YOUR STATEMENT SUPPRESSED WOULD THAT HAVE
10 ANY EFFECT ON YOUR WILLINGNESS TO PLEAD GUILTY
11 TODAY?

12 A. (STALEY) NO, SIR, NO, SIR.

13 THE COURT: ALRIGHT. MR. WILSON,
14 DO YOU HAVE ANYTHING TO ADD ABOUT THE PLEA ITSELF?

15 MR. WILSON: NOTHING, YOUR HONOR.

16 THE COURT: ALRIGHT. NOW, I
17 UNDERSTAND WE'RE GOING TO DEFER SENTENCING UNTIL A
18 LATER TIME.

19 IS THERE ANYTHING THE STATE WANTS
20 TO ADD AT THIS TIME?

21 SOLICITOR BURBAGE: WOULD YOU LIKE
22 A FACTUAL BASIS AT THIS TIME?

23 THE COURT: WELL, YEAH, I NEED TO
24 DO THAT.

25 SOLICITOR BURBAGE: YOUR HONOR,

1 THIS INCIDENT OCCURRED BETWEEN DECEMBER EIGHTEENTH AND
2 DECEMBER NINETEEN OF TWO THOUSAND AND SIX, LATE NIGHT
3 HOURS OF DECEMBER EIGHTEENTH, EARLY MORNING OF
4 DECEMBER NINETEENTH. IT STARTED ACTUALLY IN BAMBERG
5 COUNTY, SO I'LL DEFER TO MR. MOORE, HE'S GOING TO GIVE
6 THOSE FACTS FIRST, AND THEN I'LL GO BACK TO THE TWO
7 INCIDENTS THAT OCCURRED IN ORANGEBURG.

8 THE COURT: ALRIGHT. YES, SIR,
9 MR. MOORE.

10 SOLICITOR MOORE: THANK YOU, YOUR
11 HONOR. THIS STARTED OUT IN THE TOWN OF DENMARK, IT
12 HAPPENED ABOUT TEN:FORTY-FIVE IN THE EVENING ON
13 MONDAY, DECEMBER EIGHTEENTH, TWO THOUSAND SIX. THESE
14 TWO DEFENDANTS WERE ALONG WITH THREE OTHERS, A TOTAL
15 OF FIVE. THEY WENT TO A RESIDENCE, A TRAILER THAT WAS
16 ON STREET IN DENMARK. THEY -- WHAT ACTUALLY
17 HAPPENED IS, THEY WENT TO THE DOOR, MR. STALEY -- THEY
18 ALL ARRIVED IN ONE CAR, MR. STALEY WAS DRIVING THE
19 CAR. HE REMAINED IN THE CAR, DID DRIVE AROUND IN THE
20 AREA. MR. GLEATON AND THE FOUR, THE FOUR OTHER CO-
21 DEFENDANTS ALL WENT TO THE TRAILER DOOR. AT THAT TIME
22 THEY KNOCKED ON THE DOOR. MR. DAMEON McDONALD CAME TO
23 THE DOOR, AT THAT TIME MR. WILLIAM GLEATON BRANDISHED
24 A SHOT GUN. WHEN MR. McDONALD SAW THE SHOT GUN AND
25 THE PEOPLE THERE HE STARTED TO RUN. MR. WILLIAM

1 GLEATON ENDED UP ENTERING THE TRAILER, ENDED UP FIRING
2 THE SHOT GUN, AND ENDED UP HITTING MR. McDONALD IN THE
3 LEFT SHOULDER AREA. THEY ALL ENDED UP FLEEING THE
4 SCENE, GETTING BACK IN THE CAR WITH MR. STALEY AND
5 DRIVING AWAY. MR. McDONALD WAS ABLE TO FIND HELP
6 NEARBY, HE WAS TAKEN TO THE BAMBERG COUNTY EMERGENCY
7 ROOM. EVENTUALLY HE WAS TAKEN TO COLUMBIA TO OVERCOME
8 HIS INJURIES FOR MEDICAL TREATMENT. THAT'S BASICALLY
9 WHAT HAPPENED THERE. MR. DARRELL GLEATON,
10 SPECIFICALLY ABOUT HIM, THE STATE IS ALLEGING THAT HE
11 WENT TO THE DOOR WITH WILLIAM GLEATON, WAS POSSIBLY
12 THE PERSON WHO ACTUALLY KNOCKED ON THE DOOR. HE WAS
13 ARMED WITH A HAND GUN. THE OTHER INDIVIDUALS WHO,
14 BESIDES MR. STALEY, WHO WENT TO THE DOOR WERE ALL
15 ARMED WITH HAND GUNS AND MR. WILLIAM GLEATON WITH A
16 SHOT GUN. IT'S GOING TO COME OUT LATER AS THE FACTS
17 UNFOLD, BUT JUST FOR NOW, THESE INDIVIDUALS WERE
18 CAUGHT. THE TWO YOUNG MEN BEFORE YOU TODAY, MR.
19 STALEY AND MR. GLEATON, DARRELL GLEATON, DID GIVE
20 STATEMENTS OF THEIR INVOLVEMENT, DID GIVE STATEMENTS
21 AS TO WHAT THE CO-DEFENDANTS DID, AND IT'S CONSISTENT
22 WITH THE FACTS THAT I'VE GIVEN, AND BASICALLY, YOU
23 KNOW, THIS WAS A TRAGIC START TO THIS EVENING. FROM
24 HERE THEY WENT TO NORWAY AND THAT LED TO THE OTHER
25 CRIMES HAPPENING IN ORANGEBURG COUNTY.

1 THE COURT: YES, MA'AM.

2 SOLICITOR BURBAGE: AND YOUR
3 HONOR, THE NEXT HOUSE THEY WENT TO IS THE HOME OF MR.
4 VANCE POLITE, SENIOR, AND MS. ANNIE BELL, AT THREE O
5 STREET IN THE TOWN OF NORWAY HERE IN
6 ORANGEBURG COUNTY. YOUR HONOR, THEY WERE DRIVING,
7 THEY WERE ACTUALLY IN THE VEHICLE BELONGING TO TONY
8 GLEATON, ONE OF THE CO-DEFENDANT'S GIRL FRIEND, IT WAS
9 HER VEHICLE. THE VEHICLE WAS DRIVEN TO THAT LOCATION.
10 MR. POLITE WHO IS AROUND EIGHTY-ONE YEARS OF AGE, CAME
11 TO THE DOOR. TONY GLEATON WENT TO THE FRONT DOOR AND
12 WHEN MR. POLITE OPENED IT THE DEFENDANTS, I BELIEVE
13 FOUR OF THE FIVE, RUSHED IN THE HOME. YOUR HONOR, MR.
14 TONY GLEATON PISTOL WHIPPED AND BEAT MR. POLITE ABOUT
15 THE HEAD AND THE BODY AND THEN ACTUALLY SHOT MR.
16 POLITE IN THE GROIN. DURING THIS INCIDENT, WHILE THEY
17 WERE ALL ARMED THEY WENT INTO ONE OF THE BEDROOMS
18 WHERE MRS. POLITE WAS, TOOK FROM HER A BUCKET WITH
19 MONEY IN IT, TOOK LIQUOR FROM THE HOUSE, ALSO TOOK A
20 PISTOL THAT BELONGED TO MR. POLITE FROM THAT RESIDENCE
21 DURING THIS INCIDENCE, IT WAS FORTY-ONE CALIBER
22 REVOLVER. YOUR HONOR, MRS. POLITE WAS ABLE TO
23 POSITIVELY IDENTIFY TWO OF THE INDIVIDUALS, DARRELL
24 GLEATON AND DARONE DERRICOTT. THEY THEN LEFT THAT
25 RESIDENCE AND SOME SIX HUNDRED AND SIXTY FEET FROM

1 THERE THE CAR RUNS OUT OF GAS. THEY GO TO ANOTHER
2 RESIDENCE, THE HOME OF MR. ERIC AND MRS. JENNIFER
3 GRANT. ONCE THEY ARRIVED AT THAT LOCATION THE FORCED
4 ENTRY INTO THE HOME. IN THE HOME WAS FLEMING BRIGGS,
5 WHO IS THE BROTHER OF MRS. GRANT, ONE OF THE HOME
6 OWNERS. MR. GRANT, MRS. GRANT, AS WELL AS THEIR TWO
7 CHILDREN, A ONE YEAR OLD AND ANOTHER LITTLE GIRL THAT
8 WAS IN ANOTHER ROOM. YOUR HONOR, WHEN THE ENTERED THE
9 HOME MR. BRIGGS WAS IN THE FRONT ROOM, IN THE DEN
10 ASLEEP. WHILE ALL ARMED WITH GUNS, BASICALLY THEY
11 RANSACKED THE HOME DEMANDING MONEY, CAR KEYS. MR.
12 BRIGGS WAS PISTOL WHIPPED, HE WAS KICKED ABOUT HE FACE
13 AND THE BODY. MULTIPLE DEFENDANTS ALL WENT INTO THE
14 BEDROOM OF MR. AND MRS. GRANT. MR. GRANT WAS PISTOL
15 WHIPPED, BEATEN, HE HAD A DRESSER THROWN ON THE BACK
16 OF HIM. HE'S IN THE SAME ROOM WITH HIS WIFE, MRS.
17 GRANT, WHO WAS THEN FORCED BY DARRELL GLEATON, WHO
18 STANDS BEFORE YOU TODAY, WHOM MR. GLEATON FORCED HER
19 TO HAVE ORAL SEX AS WELL AS VAGINAL SEX, ALSO
20 THREATENED TO KILL HER CHILD IF SHE DID NOT COMPLY,
21 ALL OF THIS WHILE MR. GRANT WAS IN THE ROOM BEING
22 BEATEN AND THE BABY WAS IN THE ROOM. ALSO, YOUR
23 HONOR, THE BABY, THE ONE YEAR OLD WAS STRUCK IN THE
24 FACE WITH A PISTOL AS WELL DURING THIS INCIDENT.
25 MULTIPLE SHOTS WERE FIRED IN THE RESIDENCE DURING THIS

1 WHOLE INCIDENT. YOUR HONOR, AGAIN, THEY TOOK THE
2 VEHICLE BELONGING TO MR. GRANT AND LEFT THE RESIDENCE.
3 THEY LEFT THERE AND THEN SUBSEQUENTLY THE CAR WRECKED,
4 THEY SET THE CAR ON FIRE, AND THEN ALL FIVE DEFENDANTS
5 DISBURSED. MR. DARRELL GLEATON WAS FOUND NEAR THE
6 VEHICLE. HE THEN GAVE THE NAMES OF THE CO-DEFENDANTS,
7 AND IT WAS FROM THERE THAT THE NUMEROUS AGENCIES WERE
8 ABLE TO LOCATE ALL OF THEM. MR. STALEY TURNED HIMSELF
9 IN. RICARDO JOHNSON AS WELL AS DARONE DERRICOTT, TWO
10 OF THE CO-DEFENDANTS, WERE CAUGHT AT A BUS STATION BY
11 TASK FORCE IN COLUMBIA. RICARDO JOHNSON HAD A HAND
12 GUN IN HIS POCKET WHEN HE WAS CAUGHT. AND THEN, MR.
13 TONY GLEATON WAS FOUND IN WILLISTON IN SOME WOODS BY A
14 SLED TRACKING TEAM. HE WAS FOUND NEAR TWO ABANDONED
15 MOBILE HOMES. UNDER THOSE MOBILE HOMES, YOUR HONOR,
16 THERE WAS A SHOT GUN FOUND AS WELL AS A REVOLVER, THE
17 REVOLVER BEING THE REVOLVER THAT WAS TAKEN FROM THE
18 POLITE'S HOME AS WELL AS THE SHOT GUN THAT WAS FOUND
19 UNDER THE TRAILER WAS ALSO THE SHOT GUN THAT WAS USED
20 IN THE INCIDENT IN DENMARK.

21 YOUR HONOR, JUST FOR THE RECORD, I
22 WOULD JUST SAY, EVEN THOUGH WE ARE NOT SENTENCING,
23 THAT WE HAVE A NUMBER OF THE VICTIMS PRESENT IN THE
24 COURTROOM TODAY. MR. GRANT, HIS MOTHER, AS WELL AS
25 HIS AUNT AND ONE OF HIS UNCLES. MRS. GRANT HAD

1 PREPARED SOMETHING FOR TODAY IN CASE THERE WAS
2 SENTENCING. SHE WASN'T ABLE PHYSICALLY, SHE DIDN'T
3 WANT TO COME HERE TODAY, SHE WAS TOO NERVOUS TO BE
4 HERE. AND THEN, ALSO MR. POLITE, HIS SON AS WELL AS
5 HIS DAUGHTER, AND HIS DAUGHTER-IN-LAW, AS WELL AS HIS
6 BROTHER AND HIS COUSIN ARE ALL HERE TODAY IN THE
7 COURTROOM TODAY. AND YOUR HONOR, THAT WOULD BE THE
8 EXTENT OF THE FACTS.

9 THE COURT: ANYTHING ELSE, MR.
10 GRANT?

11 MR. GRANT: NOT FOR PURPOSES OF
12 GUILT AND INNOCENCE, YOUR HONOR.

13 THE COURT: MR. DAVIS?

14 MR. DAVIS: NOT AT THIS TIME, YOUR
15 HONOR.

16 THE COURT: MR. WILSON?

17 MR. WILSON: NOT AT THIS TIME.

18 THE COURT: ALRIGHT, I WILL ACCEPT
19 THE PLEAS, I FIND THERE'S A SUBSTANTIAL FACTUAL BASIS
20 FOR EACH ONE OF THESE PLEAS. I FIND THAT THE
21 DEFENDANTS HAVE FREELY, VOLUNTARILY, KNOWINGLY AND
22 INTELLIGENTLY WAIVED THEIR RIGHT TO A JURY TRIAL, AND
23 THEIR RIGHT TO REMAIN SILENT, AND THEY'VE ALL BEEN
24 REPRESENTED BY COMPETENT ATTORNEYS WITH WHOM THEY SAY
25 THEY ARE SATISFIED. SO, I ACCEPT THE PLEAS.

1 AND I UNDERSTAND MEMBERS OF THE
2 FAMILY ARE HERE, AND YOU ALL UNDERSTAND THAT THERE'S
3 NOT GOING TO BE A SENTENCING TODAY, THAT THAT
4 SENTENCING IS GOING TO BE AT A LATER TIME, BUT IF YOU
5 WOULD LIKE TO SPEAK I WOULD BE GLAD FOR ANY OF YOU TO
6 SPEAK IF YOU WOULD LIKE TO DO SO AT THIS TIME. JUST,
7 YOU DON'T HAVE TO, BUT -- AND YOU WILL HAVE AN
8 OPPORTUNITY LATER ON IF YOU WANT TO SPEAK LATER ON.

9 SOLICITOR BURBAGE: I DON'T BELIEVE
10 ANYONE WISHES TO SPEAK AT THIS TIME, YOUR HONOR.

11 THE COURT: ALRIGHT, THANK YOU
12 VERY MUCH, AND THIS MATTER IS IN RECESS.

13 SOLICITOR BURBAGE: THANK YOU, YOUR
14 HONOR.

15 (Recess)

16 SOLICITOR BURBAGE: YOUR HONOR, MAY
17 I APPROACH?

18 THE COURT: YES, MA'AM.

19 (Whereupon, a bench conference
20 is held out of the hearing
21 of the court reporter.)

22 SOLICITOR BURBAGE: I CALL WILLIAM
23 ANTONIO GLEATON.

24 THE COURT: ALRIGHT.

25 SOLICITOR BURBAGE: YOUR HONOR, MR.

1 GLEATON IS PLEADING GUILTY TO ONE COUNT OF POINTING A
2 PRESENTING A FIREARM, 2007-GS-38-0445, ONE COUNT OF
3 ARMED ROBBERY, 2007-GS-38-044, EXCUSE ME. 0444, I'M
4 SORRY, YOUR HONOR, I'M GOING TO TRY TO GET THESE IN
5 ORDER. ONE COUNT OF BURGLARY, FIRST, 2007-GS-38-0446,
6 ONE COUNT OF POSSESSION OF A WEAPON DURING THE
7 COMMISSION OF CERTAIN CRIMES, 2007-GS-38-0447, I'M
8 SORRY, YOUR HONOR, 0442, AND THEN ONE COUNT OF BURGLARY,
9 FIRST, 2007-GS-38-1370, AS WELL AS ONE COUNT OF ASSAULT
10 AND BATTERY WITH INTENT TO KILL, 2007-GS-38-1369.
11 AGAIN, I BELIEVE MR. MOORE ALSO HAS SOME BAMBERG CHARGES
12 AS WELL THAT HE WOULD LIKE TO PLACE ON THE RECORD.

13 THE COURT: ALRIGHT.

14 SOLICITOR MOORE: THANK YOU, YOUR
15 HONOR. HE'S ALSO PLEADING GUILTY TO 2007-GS-05-148,
16 BURGLARY IN THE FIRST DEGREE, AND 2007-GS-05-149,
17 ASSAULT AND BATTERY WITH INTENT TO KILL.

18 THE COURT: ALRIGHT, MR. MOORE -- I'M
19 SORRY, MR. GLEATON, RAISE YOUR RIGHT HAND, PLEASE.

20 (Whereupon, William Antonio Gleaton
21 is duly sworn.)

22 THE COURT: ALRIGHT, SIR. I WILL
23 NEED YOU TO SPEAK A LITTLE LOUDER. WE NEED TO GET IT ON
24 THE MICROPHONE AND THIS LADY NEEDS TO HEAR YOU SO SHE
25 CAN WRITE IT DOWN.

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

37

1 EXAMINATION OF WILLIAM ANTONIO GLEATON2 BY THE COURT:

3 Q. HOW OLD ARE YOU, MR. GLEATON?

4 A. TWENTY-SIX.

5 Q. HOW FAR DID YOU GO IN SCHOOL?

6 A. I GRADUATED.

7 Q. HAVE YOU EVER BEEN TREATED FOR DRUG ABUSE, ALCOHOL
8 ABUSE, OR MENTAL ILLNESS?

9 A. NO, SIR.

10 Q. HAVE YOU HAD ANY DRUGS, ALCOHOL, MEDICATION OR
11 ANYTHING IN THE LAST TWENTY-FOUR HOURS THAT WOULD
12 KEEP YOU FROM UNDERSTANDING WHAT'S GOING ON IN
13 COURT TODAY?

14 A. NO, SIR.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

EXAM - DEFENSE COUNSEL PALMER BY THE COURT

38

1 EXAMINATION OF DEFENSE COUNSEL PALMER2 BY THE COURT:

3 Q. MR. PALMER, HAVE YOU EXPLAINED TO YOUR CLIENT THE
4 CHARGES HE IS FACING, THE EVIDENCE THE STATE HAS
5 AGAINST HIM, THE POSSIBLE PENALTIES ON EACH OF
6 THESE CHARGES WHICH I'LL GO OVER IN JUST A MINUTE,
7 AND HIS CONSTITUTIONAL RIGHTS?

8 A. I HAVE, YOUR HONOR.

9 Q. AND DO YOU BELIEVE HE UNDERSTANDS ALL OF THOSE
10 MATTERS?

11 A. I DO.

12 Q. AND HOW HAS HE ADVISED YOU HE WISHES TO PLEAD?

13 A. HE'S TOLD ME HE WANTS TO PLEAD GUILTY, YOUR HONOR.

14 Q. AND DO YOU CONCUR IN HIS DECISION TO PLEAD GUILTY?

15 A. I DO.

16 (NOTE: Blank lines on this page do not indicate any
17 part of record has been omitted. Headers on testimony
18 pages and hard page breaks between testimony are now
19 required by the Court. See next ensuing page for
20 sequential continuation of record.)

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 EXAMINATION OF WILLIAM ANTONIO GLEATON

2 BY THE COURT CONTINUES

3 Q. ALRIGHT, WE HAVE -- FIRST, MR. GLEATON, DO YOU
4 UNDERSTAND THAT THESE TWO BAMBERG COUNTY CHARGES,
5 YOU HAVE A RIGHT TO HAVE THEM HEARD IN BAMBERG
6 COUNTY. DO YOU UNDERSTAND THAT?

7 A. YES, SIR.

8 Q. DO YOU WANT TO GIVE UP THAT RIGHT TO HAVE THEM
9 HEARD IN BAMBERG AND LET ME HEAR THEM WHEN I HEAR
10 ALL THE OTHER CASES NOW?

11 A. YES, SIR.

12 Q. ALRIGHT, SIR. NOW, INDICTMENT NUMBER 148 FOR
13 BURGLARY IN THE FIRST DEGREE CARRIES UP TO A
14 MINIMUM OF FIFTEEN YEARS AND UP TO LIFE IN PRISON.
15 INDICTMENT NUMBER 149 FOR ASSAULT AND BATTERY WITH
16 INTENT TO KILL CARRIES UP TO TWENTY YEARS IN
17 PRISON. AND IN ORANGEBURG COUNTY, INDICTMENT 445
18 FOR POINTING AND PRESENTING A FIREARM CARRIES UP
19 TO FIVE -- I THINK.

20 SOLICITOR BURBAGE: THAT'S CORRECT,
21 YOUR HONOR.

22 Q. INDICTMENT NUMBER 442, POSSESSION OF A WEAPON
23 DURING THE COMMISSION OF A VIOLENT CRIME, I THINK
24 THAT CARRIES UP TO FIVE?

25 SOLICITOR BURBAGE: POINTING AND

1 PRESENTING IS FIVE, YOUR HONOR.

2 SOLICITOR MOORE: THEY'RE BOTH FIVE.

3 Q. AND INDICTMENT 446, BURGLARY IN THE FIRST DEGREE,
4 CARRIES A MINIMUM OF FIFTEEN UP TO LIFE IN PRISON.
5 INDICTMENT 1370, BURGLARY IN THE FIRST DEGREE,
6 CARRIES THE SAME SENTENCE. INDICTMENT 444, ARMED
7 ROBBERY, CARRIES UP TO THIRTY YEARS IN PRISON.
8 INDICTMENT 1369, ASSAULT AND BATTERY WITH INTENT
9 TO KILL, CARRIES UP TO TWENTY YEARS IN PRISON.
10 ALL OF THESE CHARGES ARE SERIOUS, OR MOST SERIOUS,
11 MOST SERIOUS, ALL OF THESE ARE NO PAROLE.

12 THE COURT: HAVE YOU EXPLAINED ALL
13 THAT TO HIM?

14 MR. PALMER: YES, SIR.

15 Q. ALRIGHT, SIR. NOW, MR. GLEATON, YOUR ATTORNEY
16 TELLS ME -- I'LL BE GLAD TO PAUSE IF YOU NEED A
17 MINUTE TO TALK WITH HIM.

18 A. I'M STAYING.

19 Q. ALRIGHT. THE NO PAROLE PROVISION MEANS THAT YOU
20 HAVE TO SERVE A MINIMUM OF EIGHTY-FIVE PER CENT OF
21 THESE CASES AND THEN YOU WOULD GET OUT ON
22 COMMUNITY SUPERVISION, WHICH IS KIND OF LIKE BEING
23 ON PROBATION. AND IF YOU VIOLATE THAT COMMUNITY
24 SUPERVISION THEN YOU CAN GO BACK TO PRISON AGAIN.
25 BUT IT'S NO PAROLE. DO YOU UNDERSTAND THAT?

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 A. YES, SIR.

2 Q. ALRIGHT, SIR. NOW, YOUR ATTORNEY TELLS ME HE'S
3 EXPLAINED TO YOU ALL OF THESE CHARGES, THE
4 EVIDENCE THE STATE HAS AGAINST YOU ON ALL OF THESE
5 CHARGES, THE POSSIBLE PENALTY, AND HE'S EXPLAINED
6 TO YOU YOUR CONSTITUTIONAL RIGHTS. HE SAYS THAT
7 HE BELIEVES THAT YOU UNDERSTAND ALL OF THOSE
8 MATTERS AND THAT YOU WANT TO PLEAD GUILTY. IS THAT
9 RIGHT?

10 A. YES, SIR.

11 Q. NOW, IF AT ANYTIME YOU DON'T UNDERSTAND WHAT I'M
12 SAYING YOU STOP US, JUST RAISE YOUR HAND OR SPEAK
13 TO YOUR LAWYER, AND WE'LL -- BECAUSE I WANT YOU TO
14 UNDERSTAND, THAT'S VERY IMPORTANT.

15 NOW, IN ORDER TO PLEAD GUILTY TO THESE CHARGES YOU
16 HAVE TO GIVE UP CERTAIN RIGHTS THAT YOU HAVE. THE
17 FIRST OF THESE IS YOUR RIGHT TO REMAIN SILENT.
18 THAT IS YOUR RIGHT TO SAY NOTHING ABOUT THE
19 CHARGES. YOU CANNOT BE FORCED TO TESTIFY AGAINST
20 YOURSELF. BUT IF YOU PLEAD GUILTY YOU HAVE TO
21 GIVE UP THAT RIGHT IN ORDER TO ADMIT THE TRUTH OF
22 THE CHARGES AGAINST YOU.

23 SECONDLY, YOU HAVE THE RIGHT TO A JURY TRIAL.
24 THAT IS YOUR RIGHT TO HAVE A JURY OF TWELVE PEOPLE
25 DECIDE WHETHER OR NOT YOU ARE, IN FACT, GUILTY OF

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

42

1 THESE CHARGES BEYOND A REASONABLE DOUBT. A JURY
2 WOULD BASE ITS DECISION ON THE TESTIMONY AND THE
3 EVIDENCE PUT UP BY THE STATE'S WITNESSES. YOUR
4 ATTORNEY COULD CROSS-EXAMINE THOSE WITNESSES AND
5 CALL WITNESSES ON YOUR OWN BEHALF, AND PUT UP ANY
6 DEFENSE YOU MIGHT HAVE TO THESE CHARGES. YOU
7 WOULD BE PRESUMED TO BE INNOCENT IF YOU HAD A JURY
8 TRIAL, THE BURDEN WOULD BE ON THE STATE TO
9 CONVINCE ALL TWELVE JURORS OF YOUR GUILT. DO YOU
10 UNDERSTAND BOTH YOUR RIGHT TO REMAIN SILENT AND
11 YOUR RIGHT TO HAVE A JURY TRIAL?

12 A. YES, SIR.

13 Q. DO YOU UNDERSTAND THAT IN ORDER TO PLEAD GUILTY
14 YOU HAVE TO GIVE UP BOTH OF THOSE RIGHTS?

15 A. YES, SIR.

16 Q. AND THAT'S WHAT YOU WANT TO DO?

17 A. YES, S IR.

18 Q. YOU DON'T WANT A JURY TRIAL ON ANY OF THE CHARGES?

19 A. I PLEAD GUILTY, SIR.

20 Q. ALRIGHT. WE'LL TAKE THE BAMBERG CHARGES FIRST.
21 BURGLARY, FIRST DEGREE, SAYS THAT IN BAMBERG
22 COUNTY, ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO
23 THOUSAND AND SIX, THAT YOU WILLFULLY AND
24 UNLAWFULLY, WITH OTHER INDIVIDUALS, ENTERED THE
25 DWELLING OF DAMEON McDONALD, WITHOUT CONSENT, WITH

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 INTENT TO COMMIT A CRIME IN THAT DWELLING, AND
2 THAT YOU WERE ARMED, AND THAT THIS OCCURRED AT
3 NIGHTTIME. DO YOU UNDERSTAND THAT CHARGE?

4 A. YES, SIR.

5 Q. HOW DO YOU PLEAD TO THAT CHARGE?

6 A. GUILTY, SIR.

7 Q. INDICTMENT 149 SAYS THAT ON OR ABOUT THAT SAME
8 DATE, DECEMBER EIGHTEENTH, WITH MALICE
9 AFORETHOUGHT, YOU COMMITTED AN ASSAULT AND BATTERY
10 UPON DAMEON McDONALD WITH INTENT TO KILL THIS
11 VICTIM, THAT YOU SHOT HIM. DO YOU UNDERSTAND THAT
12 CHARGE?

13 A. YES, SIR.

14 Q. HOW DO YOU PLEAD TO THAT CHARGE?

15 A. GUILTY, SIR.

16 Q. ALRIGHT. IN ORANGEBURG COUNTY, WE'LL TAKE
17 INDICTMENT 1370, IT SAYS THAT ON OR ABOUT DECEMBER
18 THE EIGHTEENTH, TWO THOUSAND AND SIX, THAT YOU
19 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF
20 VANCE POLITE, SENIOR, AND ANNIE BELL POLITE,
21 WITHOUT CONSENT AND WITH INTENT TO COMMIT A CRIME
22 IN THAT DWELLING, AND THIS OCCURRED WHILE YOU WERE
23 ARMED AND AT NIGHTTIME. DO YOU UNDERSTAND THAT
24 CHARGE?

25 A. YES, SIR.

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

44

1 Q. HOW DO YOU PLEAD TO THAT CHARGE?

2 A. GUILTY, SIR.

3 Q. AND INDICTMENT 1369 SAYS THAT ON THAT OCCASION
4 WHEN YO WENT INTO THE HOME OF MR. POLITE, THAT
5 WITH MALICE AFORETHOUGHT YOU COMMITTED AN ASSAULT
6 AND BATTERY UPON MR. POLITE BY MEANS OF SHOOTING
7 HIM WITH A GUN AND STRIKING HIM WITH THAT GUN WITH
8 THE INTENT TO KILL MR. POLITE. DO YOU UNDERSTAND
9 THAT CHARGE?

10 A. YES, SIR.

11 Q. HOW DO YOU PLEAD TO THAT CHARGE?

12 A. GUILTY, SIR.

13 Q. INDICTMENT 446, BURGLARY IN THE FIRST DEGREE, SAYS
14 THAT ON OR ABOUT THAT SAME NIGHT, DECEMBER THE
15 EIGHTEENTH, TWO THOUSAND AND SIX, YOU WILLFULLY
16 AND UNLAWFULLY ENTERED THE DWELLING OF ERIC AND
17 JENNIFER GRANT WITHOUT CONSENT WITH INTENT TO
18 COMMIT A CRIME IN THAT DWELLING, AND IT OCCURRED
19 AT NIGHTTIME WHILE YOU WERE ARMED WITH A WEAPON.
20 DO YOU UNDERSTAND THAT CHARGE?

21 A. YES, SIR.

22 Q. HOW DO YOU PLEAD TO THAT CHARGE?

23 A. GUILTY, SIR.

24 Q. INDICTMENT 444 SAYS THAT WHEN YOU WENT INTO THE
25 GRANT'S DWELLING THAT NIGHT THAT YOU COMMITTED

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

45

1 ROBBERY BY FELONIOUSLY OR WRONGFULLY TAKING FROM
2 THE PERSON OR PRESENCE OF THE VICTIM, ERIC GRANT,
3 BY MEANS OF FORCE OR INTIMIDATION SOME GOODS, IT
4 COULD HAVE BEEN MONEY, A NINETEEN NINETY-FOUR
5 BUICK LESABRE, AND OTHER PERSONAL PROPERTY WHILE
6 YOU WERE ARMED WITH A DEADLY WEAPON. DO YOU
7 UNDERSTAND THAT CHARGE?

8 A. YES, SIR.

9 Q. HOW DO YOU PLEAD TO THAT CHARGE?

10 A. GUILTY, SIR.

11 Q. INDICTMENT 442 SAYS THAT ON THAT NIGHT WHEN YOU
12 COMMITTED THE CRIME OF BURGLARY THAT YOU HAD IN
13 YOUR POSSESSION OR VISIBLY DISPLAYED A FIREARM.
14 DO YOU UNDERSTAND THAT CHARGE?

15 A. YES, SIR.

16 Q. HOW DO YOU PLEAD TO THAT CHARGE?

17 A. GUILTY, SIR.

18 Q. INDICTMENT 445 SAYS THAT ON THAT NIGHT, ON
19 DECEMBER THE EIGHTEENTH, THAT YOU WILLFULLY AND
20 UNLAWFULLY POINTED OR PRESENTED A WEAPON AT
21 FLEMING BRIGGS. DO YOU UNDERSTAND THAT CHARGE?

22 A. YES, SIR.

23 Q. HOW DO YOU PLEAD TO THAT CHARGE?

24 A. GUILTY, SIR.

25 Q. NOW, MR. GLEATON, IN REGARD TO ALL OF THESE

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 CHARGES, DID YOU TELL YOUR ATTORNEY, MR. SCOTT,
2 EVERYTHING ABOUT THESE FACTS IN THIS CASE SO THAT
3 HE COULD GIVE YOU CORRECT ADVICE?

4 A. YES, SIR.

5 Q. HAS HE FAILED TO DO ANYTHING THAT YOU THINK HE
6 NEEDS TO DO TO HELP YOU IN THIS CASE?

7 A. NO, SIR.

8 Q. HAVE YOU UNDERSTOOD ALL THE QUESTIONS THAT I HAVE
9 ASKED YOU?

10 A. YES, SIR.

11 Q. HAVE YOU ANSWERED THEM TRUTHFULLY?

12 A. YES, SIR.

13 Q. DO YOU UNDERSTAND THAT IF YOU WANTED TO FILE AN
14 APPEAL IN THIS CASE YOU WOULD HAVE TO DO THAT
15 WITHIN TEN DAYS?

16 A. YES, SIR.

17 Q. NOW, A FEW MINUTES AGO I TOOK A PLEA I THINK FROM
18 YOUR BROTHER, WAS HE ONE OF THE YOUNG MEN THAT
19 STOOD UP?

20 A. YES, SIR. HE WASN'T MY BROTHER, BUT WE'RE RELATED.

21 Q. WELL, TWO OF THEM, MR. STALEY AND MR. GLEATON.

22 A. YES, SIR.

23 Q. AND YOU HEARD AT THAT TIME THE STATE, THESE TWO
24 ATTORNEYS OVER HERE, RECITED THE FACTS THAT THEY
25 ALLEGE HAPPENED BOTH IN BAMBERG AND ORANGEBURG

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 COUNTY, YOU HEARD ALL OF THOSE FACTS RECITED AT
2 THAT TIME?

3 A. YES, SIR.

4 Q. IS THERE ANY SIGNIFICANT DIFFERENCE IN YOUR
5 VERSION OF WHAT HAPPENED AND THEIRS? DO YOU WANT
6 THEM TO REPEAT ALL OF THOSE FACTS?

7 A. NO, SIR.

8 COURT REPORTER: NO, SIR?

9 Q. YOU HEARD THEM AND UNDERSTOOD THEM AT THAT TIME?

10 A. SIR, DID I HEAR ALL OF THE FACTS?

11 Q. YES, SIR.

12 A. YES, SIR, I HEARD ALL THE FACTS.

13 Q. I'LL BE GLAD TO GET THEM TO REPEAT THOSE FACTS
14 AGAIN, BUT YOU HEARD THEM, AND I - - -

15 A. I HEARD IT.

16 Q. SIR?

17 A. I HEARD IT.

18 Q. DO YOU DISAGREE WITH ANY OF THOSE FACTS?

19 A. NO, SIR.

20 THE COURT: ALRIGHT, SIR. I'LL
21 ACCEPT THE PLEA, I FIND A SUBSTANTIAL FACTUAL BASIS FOR
22 THE PLEA, HIS DECISION TO PLEAD GUILTY IS FREELY AND
23 VOLUNTARILY MADE, HE'S KNOWINGLY AND INTELLIGENTLY
24 WAIVED HIS RIGHT TO A JURY TRIAL, AND HE'S HAD THE
25 SERVICES OF AN ATTORNEY WITH WHOM HE SAYS HE'S

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 SATISFIED. AND, OF COURSE, SENTENCE WILL BE DEFERRED -
2 OH YEA, IN DISCUSSIONS I HAVE AGREED WITH YOUR ATTORNEY
3 THAT I WILL CAP ANY SENTENCE GIVEN TO YOU, A SENTENCE OF
4 FORTY YEARS, WHICH WOULD MEAN UP TO FORTY YEARS, BUT I
5 HAVE AGREED I WOULD NOT GO OVER FORTY YEARS. DO YOU
6 UNDERSTAND THAT?

7 A. YES, SIR.

8 Q. AND OTHER THAN THAT, HAS ANYBODY PROMISED YOU
9 ANYTHING OR THREATENED YOU TO GET YOU TO PLEAD
10 GUILTY?

11 A. NO, SIR.

12 Q. ALRIGHT, SIR. YOU DON'T HAVE ANY COMPLAINTS
13 AGAINST ANYBODY AT THIS TIME?

14 A. NO, SIR.

15 THE COURT: ALRIGHT, SIR.

16 MR. MOORE, ANYTHING YOU NEED TO ADD?

17 OH, YEAH, THERE'S A BARNWELL COUNTY CASE.

18 SOLICITOR MOORE: YES, SIR, JUST - -

19 -

20 DEFENDANT GLEATON: LET ME SAY, WITH
21 MY SENTENCING, COULD YOU BE, LIKE, A LITTLE LENIENT ON
22 ME SO I WOULD STILL BE ABLE TO COME HOME WITH MY KIDS,
23 OR WHATEVER?

24 THE COURT: MR. GLEATON, I WILL
25 CONSIDER GOING LESS THAN THE FORTY YEARS. I'M NOT, I

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 DON'T WANT TO GIVE YOU ANY HOPES THAT I WILL GO LESS
2 THAN THE FORTY YEARS, BECAUSE YOU'VE PLED GUILTY TO
3 ABOUT AS BAD A THINGS AS A MAN CAN DO, AND A WHOLE LOT
4 OF THEM. AND YOU WERE LOOKING AT LIFE IN PRISON, VERY
5 EASILY, VERY EASILY YOU COULD BE GETTING LIFE IN PRISON.
6 AND I KNOW THAT'S NOT A GOOD FEELING FOR YOU TO STAND
7 THERE. I CAN'T PROMISE YOU I WILL GIVE YOU A DAY LESS
8 THAN FORTY YEARS, I CAN ONLY PROMISE YOU I WILL NOT GIVE
9 YOU ANYMORE THAN FORTY YEARS. IT WILL BE A LONG TIME
10 UNDER ANY CIRCUMSTANCES BEFORE YOU WILL BE COMING HOME
11 TO SEE YOUR CHILDREN. I MEAN, IN PRISON THEY MAKE
12 ARRANGEMENTS FOR THE CHILDREN TO COME UP AND VISIT YOU,
13 BUT THERE'S JUST NO WAY IN THE WORLD THAT I COULD
14 GUARANTEE YOU COMING HOME ANYTIME SOON TO SEE YOUR
15 CHILDREN. BUT I'LL BE GLAD TO HEAR FROM YOU AT THE TIME
16 OF YOUR SENTENCING. AT THAT TIME THE FAMILIES OF THE
17 VICTIMS AND ALL WILL BE HERE AND THEY WILL GET TO SPEAK.
18 I'LL BE GLAD TO HEAR FROM YOU AT THAT TIME, I'LL BE GLAD
19 TO HEAR FROM YOUR MOTHER ANYBODY ELSE, YOUR ATTORNEY,
20 WHO WANTS TO SPEAK ON YOUR BEHALF. BUT THE ONLY PROMISE
21 I'VE MADE IS THAT I WILL NOT GO OVER FORTY YEARS. DO YOU
22 UNDERSTAND THAT?

23 A. YES, SIR.

24 THE COURT: ALRIGHT, MR. MOORE.

25 SOLICITOR MOORE: THANK YOU, YOUR

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 HONOR, JUST BRIEFLY, HE HAS A PENDING ARMED ROBBERY
2 CHARGE FROM BARNWELL COUNTY, IT'S UNRELATED TO THESE
3 EVENTS THAT WE'VE GONE OVER TODAY. I'M GOING TO GIVE HIS
4 ATTORNEY, MR. KENT KIRKLAND, OPPORTUNITY TO REVIEW IT
5 AND CONSULT WITH HIM, AND GIVE HIM THE OPPORTUNITY TO
6 WORK SOMETHING OUT IN THE FUTURE. IN ESSENCE, WHAT I'M
7 SAYING IS, I'M NOT GOING TO AUTOMATICALLY SEEK A LIFE
8 WITHOUT PAROLE SENTENCE. I WILL GIVE HIM AN OPPORTUNITY
9 TO WORK IT OUT. AND I JUST WANTED TO PUT THAT ON THE
10 RECORD, THAT IT'S - - -

11 THE COURT: WELL, YOU SAID THAT YOU
12 WERE NOT GOING TO AUTOMATICALLY SEEK LWOP. I MEAN, I
13 THOUGHT PART OF THE AGREEMENT WAS THAT THAT SENTENCE WAS
14 GOING TO BE CONCURRENT WITH THESE. IS THAT NOT THE
15 AGREEMENT?

16 SOLICITOR MOORE: WELL, THAT'S WHAT
17 I ORIGINALLY OFFERED, AND HIS ATTORNEY WAS NOT FAMILIAR
18 WITH THAT CASE, HE WASN'T READY TO PLEAD TO THAT
19 BARNWELL COUNTY CHARGE, SO I'M GOING TO GIVE HIM AN
20 OPPORTUNITY FOR CONCURRENT AT A LATER DATE IS BASICALLY
21 - - -

22 THE COURT: ARE YOU GOING TO OFFER -
23 - -

24 SOLICITOR MOORE: --- CONSISTENT
25 WITH WHAT WE - - -

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 THE COURT: YOU'RE GOING TO OFFER
2 MR. GLEATON THE OPPORTUNITY TO PLEAD GUILTY TO THE
3 BARNWELL COUNTY CHARGE FOR A SENTENCE CONCURRENT WITH
4 THE SENTENCE I'M GOING TO GIVE HIM HERE?

5 SOLICITOR MOORE: YES SIR.

6 Q. DO YOU UNDERSTAND THAT, MR. GLEATON?

7 A. YES, SIR.

8 Q. NOW, IF YOU TURN THAT DOWN WHEN THE TIME COMES,
9 AND HE TRIES YOU IN BARNWELL, THEN YOU'RE SUBJECT
10 TO GETTING LIFE IN PRISON. HE'S OFFERED YOU TO
11 WRAP THE BARNWELL COUNTY SENTENCES UP IN THIS ONE,
12 BUT I CAN'T TAKE THAT PLEA TODAY BECAUSE YOUR
13 LAWYER IS NOT HERE. TELL ME WHAT YOUR QUESTIONS
14 ARE.

15 A. SEE, ON THAT CHARGE I WAS ALREADY LOCKED UP ON A
16 BENCH WARRANT WHEN THEY BROUGHT ME -- THE DATE OF
17 THE OTHER CHARGE I WAS ALREADY INCARCERATED AND
18 THEN THEY BROUGHT ME THE CHARGE, ME AND THE CHIEF
19 OF POLICE ALREADY TALKED ABOUT THAT, YOU KNOW WHAT
20 I'M SAYING? THAT CHARGE WAS SUPPOSED TO HAVE BEEN
21 GONE BUT IT'S STILL HERE, I DON'T KNOW WHY. I WAS
22 INCARCERATED. THE CHIEF WAS ASKING ME, DID YOU
23 BROKE OUT AND WENT AND ROBBED SOMEBODY AND CAME
24 BACK, OR WHATEVER? I WAS INCARCERATED WHEN I GOT
25 THAT CHARGE.

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 Q. WELL, I DON'T WANT YOU TO TELL ME WHETHER YOU'RE
2 GUILTY OF THAT CHARGE OR NOT, I DON'T WANT YOU TO
3 SAY THAT, BECAUSE YOU HAVE AN ATTORNEY THAT'S
4 REPRESENTING YOU ON THAT CHARGE. WHAT MR. MOORE
5 IS TELLING YOU, THAT IF YOU DECIDE, IF YOU DECIDE
6 THAT YOU WANT TO PLEAD GUILTY TO THAT CHARGE, THAT
7 THE SENTENCE WOULD BE CONCURRENT WITH THESE
8 SENTENCES, WHICH MEANS YOU WOULD SERVE THAT
9 SENTENCE AT THE SAME TIME YOU SERVE THESE
10 SENTENCES, IT WOULD NOT ADD ANY TIME TO WHAT
11 YOU'VE GOT TO SERVE, IF YOU DECIDE YOU WANT TO
12 PLEAD GUILTY. DO YOU UNDERSTAND THAT?

13 A. YES, SIR.

14 THE COURT: IF YOU DECIDE YOU DON'T
15 WANT TO PLEAD GUILTY TO THAT CHARGE, NOW THAT CHARGE IS
16 STILL STANDING OUT THERE, AND YOU WILL HAVE TO DEAL WITH
17 THAT LATER ON.

18 DEFENDANT GLEATON: I'LL HAVE TO DEAL
19 WITH THAT LATER ON.

20 THE COURT: AND SINCE YOU'VE ALREADY
21 PLED TO THESE, THIS IS WHAT WE CALL A ONE STRIKE, UNDER
22 THE TWO STRIKE LAW. IF YOU WERE TO GO TO TRIAL ON THE
23 BARNWELL COUNTY CHARGE, AND IF YOU WERE FOUND GUILTY,
24 THEN YOU WOULD GET LIFE IN PRISON, BECAUSE THAT WOULD BE
25 THE SECOND STRIKE UNDER THE TWO STRIKE LAW. NOW, I'M

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 JUST KIND OF EDUCATING YOU BECAUSE THE BARNWELL COUNTY
2 CASE IS NOT BEFORE ME.

3 I WOULD JUST ASK YOU THIS, MR.
4 MOORE, YOU DISCUSSED IT WITH HIS LAWYER, AND OF COURSE,
5 HIS LAWYER -- WHO IS IT, MR. WHO?

6 SOLICITOR MOORE: MR. KIRKLAND.

7 THE COURT: KIRKLAND?

8 SOLICITOR MOORE: YES, SIR.

9 THE COURT: OKAY. YOU DISCUSS THAT
10 WITH MR. KIRKLAND AND YOU TELL MR. KIRKLAND THAT I, THAT
11 IF HE WANTS TO ACCEPT THE OFFER YOU HAVE MADE AFTER HE
12 DISCUSSES IT WITH THE CLIENT, I WANT HIM TO DO IT IN
13 ORANGEBURG WHEN WE DO THIS PLEA. THERE'S NO USE FOR YOU
14 TO HAVE TO GO BACK TO BARNWELL AND TAKE ANOTHER PLEA. WE
15 NEED TO WRAP IT ALL UP AND THAT WILL TAKE CARE OF IT.
16 THERE'S NO REASON HE CAN'T DO THAT, HE COULD MAKE
17 ARRANGEMENTS TO DO THAT. SO, HE NEEDS TO TALK WITH HIS
18 CLIENT PRETTY QUICKLY.

19 SOLICITOR MOORE: YES, SIR.

20 THE COURT: ALRIGHT, SIR. WHERE
21 DOES MR. KIRKLAND PRACTICE?

22 SOLICITOR MOORE: HE'S THE PUBLIC
23 DEFENDER FOR BARNWELL AND BAMBERG, AND HE'S IN BARNWELL.

24 THE COURT: OKAY. WELL, HE CAN
25 HANDLE THAT.

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 Q. DO YOU UNDERSTAND THAT, MR. GLEATON?

2 A. YES, SIR.

3 Q. OKAY. YOU'RE NOT OBLIGATED TO PLEAD GUILTY TO THAT
4 CHARGE, HE'S JUST TELLING YOU THAT IF YOU DO
5 DECIDE YOU WANT TO PLEAD GUILTY - - -

6 A. COULD I ASK YOU ANOTHER QUESTION, MR. WILLIAMS?

7 Q. YES, SIR.

8 A. WHY IS MY COUNT SET AT FORTY AND - - -

9 COURT REPORTER: I'M SORRY?

10 A. WHY IS MY COUNT SET AT FORTY, FORTY YEARS, AND
11 I'VE GOT ANOTHER CO-DEFENDANT, AND HIS COUNT WAS
12 SET AT TWENTY, WITH MORE CHARGES THAN ME?

13 Q. WELL, I DON'T HAVE TO ANSWER THAT QUESTION, YOU
14 KNOW, BUT I WILL ANSWER THAT QUESTION. WHEN WE
15 TALKED ABOUT IT WITH ALL THE LAWYERS PRESENT, YOUR
16 LAWYER AND THE OTHER LAWYERS PRESENT, AND THE
17 PROSECUTORS PRESENT, THESE TWO LAWYERS AND THE
18 LAWYERS FOR THE OTHER CASES, AND WE WENT OVER THE
19 FACTS OF THE CASE, WHAT THE STATE IS ALLEGING
20 HAPPENED IN THAT CASE, AND TRIED TO DETERMINE WHO,
21 WHOSE CONDUCT WAS THE WORSE, AND YOUR, AND THE
22 THINGS THAT YOU DID WERE ABOUT AS, OR WORSE THAN
23 THE GUY THAT GOT THE CAP AT TWENTY. HE DIDN'T
24 SHOOT ANYBODY. AND SO, THAT'S ONE OF THE THINGS
25 THAT A JUDGE CONSIDERS WHEN HE'S TALKING ABOUT A

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 SENTENCE, IS WHAT EACH INDIVIDUAL DID, ALTHOUGH,
2 TECHNICALLY, UNDER THE LAW YOU'RE BOTH GUILTY OF
3 THE SAME CRIME, YOU KNOW, YOU PULLED THE TRIGGER
4 IN BAMBERG, AND HE DIDN'T, IF YOU'RE TALKING ABOUT
5 THE GUY WITH TWENTY.

6 A. SO, LIKE, ON, I THOUGHT THE MAXIMUM FOR ASSAULT
7 AND BATTERY WITH INTENT TO KILL WAS, LIKE, TWENTY
8 YEARS.

9 Q. IT IS, BUT THAT'S JUST ONE CHARGE. AND I HAVE TO
10 LOOK AT ALL OF THE CHARGES TOGETHER, I HAVE TO
11 LOOK AT EVERYTHING THAT HAPPENED THAT NIGHT, AND
12 EVERYTHING YOU DID, EVERYTHING EACH ONE OF THEM
13 DID. I TRY TO LOOK AT THEM INDIVIDUALLY AND SEE
14 WHAT EVERYBODY DID AND TRY TO MAKE SOME
15 APPROPRIATE SENTENCE. THAT'S THE REASON. YOU
16 KNOW, AND WE'LL -- I'LL GIVE YOU AN OPPORTUNITY TO
17 SAY WHATEVER YOU WANT TO SAY WHEN WE HAVE THE
18 SENTENCING, BUT MR. GLEATON, YOU ARE, YOU ARE
19 REALISTICALLY LOOKING AT SPENDING THE REST OF YOUR
20 LIFE IN PRISON. AND WHEN I SAY, THE REST OF YOUR
21 LIFE, I MEAN UNTIL THE DAY YOU DIE. I MEAN, THERE
22 AIN'T NO PAROLE, THERE AIN'T NO EARLY OUT. I MEAN,
23 YOUR MAMA WOULD SAY, I'LL NEVER SEE MY SON AGAIN.
24 SHE'S HOPING NOW SHE'LL LIVE LONG ENOUGH TO SEE
25 YOU WALK THE STREET, AND CHANGES ARE GOOD THAT

EXAM - WILLIAM ANTONIO GLEATON BY THE COURT

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1 SHE'LL DO THAT, BUT I MEAN, BUT THE CHARGES
2 AGAINST YOU, IF YOU GET THE FULL FORTY YEARS
3 YOU'RE GETTING A GOOD DEAL. IT'S A LONG TIME TO
4 SERVE, BUT COMPARED TO WHAT YOU COULD BE LEAVING
5 HERE FACED WITH, IT'S A LOT BETTER THAN YOU COULD
6 BE LOOKING AT. SO, YOU NEED TO CONSIDER THAT SIDE
7 OF IT, WHAT YOU COULD GET ON THE TOP SIDE, AS WELL
8 AS WHAT SOMEBODY ELSE MIGHT GET ON THE BOTTOM
9 SIDE. ALRIGHT, SIR?

10 A. YES, SIR.

11 THE COURT: ALRIGHT. THANK YOU VERY
12 MUCH.

13 SOLICITOR BURBAGE: THANK YOU, YOUR
14 HONOR.

15 THE COURT: COURT WILL BE IN RECESS
16 UNTIL NINE:THIRTY IN THE MORNING.

17 (Recess for the day)

18 DATE:

19 JANUARY 16, 2008

20 SOLICITOR BURBAGE: THE STATE CALLS
21 RICARDO JOHNSON. JUDGE, MAY I APPROACH?

22 THE COURT: YES, MA'AM.

23 SOLICITOR BURBAGE: IS THERE ANY WAY
24 THAT HELPS YOU TO KEEP THEM IN ORDER WHEN I HAND YOU ALL
25 THESE THINGS? BECAUSE I'VE GO THE BAMBERG ONES AND THE

1 OTHER STUFF HERE. IS THAT HELPFUL OR NOT?

2 THE COURT: YEAH.

3 SOLICITOR BURBAGE: OKAY. AND I'LL
4 DO THEM IN ORDER OF INDICTMENT.

5 THE COURT: AND I LIKE THE PLEA
6 SHEET ON TOP.

7 SOLICITOR BURBAGE: ON TOP? OKAY.

8 THE COURT: BUT IF YOU HAVEN'T GOT
9 THEM DONE THAT WAY - - -

10 SOLICITOR BURBAGE: I THINK THEY'RE
11 THAT WAY THIS TIME, ACTUALLY.

12 THE COURT: OKAY.

13 SOLICITOR BURBAGE: OKAY. YOUR
14 HONOR, STANDING BEFORE YOU IS RICARDO JOHNSON, WITH HIS
15 ATTORNEY, JOSH KOGER. YOUR HONOR, HE IS PLEADING GUILTY
16 TO TWO INDICTMENTS OUT OF BAMBERG COUNTY. HE'S WAIVING
17 VENUE ON THOSE. YOUR HONOR, I'M STANDING IN FOR THE
18 SOLICITOR, BEN MOORE, ON THOSE CASES. THE FIRST ONE IS
19 2007-GS-05-165, FOR ASSAULT AND BATTERY WITH INTENT TO
20 KILL, AS WELL AS 2007-GS-05-164, FOR BURGLARY, FIRST.

21 YOUR HONOR, IN ORANGEBURG COUNTY
22 HE'S PLEADING GUILTY TO ONE COUNT OF BURGLARY, FIRST,
23 2007-GS-38-0433, AS WELL AS ONE COUNT OF ARMED ROBBERY,
24 2007-GS-38-0434. HE'S ALSO PLEADING GUILTY TO
25 INDICTMENT NUMBER 2007-GS-38-0435, FOR POSSESSION OF A

1 WEAPON DURING THE COMMISSION OF CERTAIN CRIMES. IN
2 ORANGEBURG AS WELL, 2007-GS-38-1367, FOR BURGLARY,
3 FIRST, AND 2007-GS-38-1368, FOR ASSAULT AND BATTERY WITH
4 INTENT TO KILL.

5 THE COURT: RAISE YOUR RIGHT HAND,
6 PLEASE, SIR, AS BEST YOU CAN.

7 (Whereupon, Ricardo Johnson
8 is duly sworn.)

9 THE COURT: ALRIGHT.

10 (NOTE: Blank lines on this page do not indicate any
11 part of record has been omitted. Headers on testimony
12 pages and hard page breaks between testimony are now
13 required by the Court. See next ensuing page for
14 sequential continuation of record.)

EXAM - RICARDO JOHNSON BY THE COURT

59

1 EXAMINATION OF RICARDO JOHNSON2 BY THE COURT:

3 Q. HOW OLD ARE YOU, SIR?

4 A. TWENTY, I'LL BE TWENTY-ONE ON MARCH ELEVENTH.

5 Q. HAVE YOU EVER BEEN TREATED FOR DRUG ABUSE, ALCOHOL
6 ABUSE, OR MENTAL ILLNESS?

7 A. NO, SIR.

8 Q. HAVE YOU HAD ANY DRUGS, ALCOHOL, MEDICATION OR
9 ANYTHING IN THE LAST TWENTY-FOUR HOURS THAT WOULD
10 KEEP YOU FROM UNDERSTANDING WHAT'S GOING ON IN
11 COURT TODAY?

12 A. NO, SIR, BESIDES MY PAIN MEDICINE.

13 Q. WHY ARE YOU TAKING PAIN MEDICINE?

14 A. FOR SICKLE CELL ANEMIA.

15 Q. AND YOU TAKE THAT ALL THE TIME?

16 A. YES, SIR.

17 Q. WHAT DO YOU TAKE?

18 A. TYLOX, FOLIC ACID.

19 Q. DOES ANY OF THAT MEDICATION PREVENT YOU FROM
20 UNDERSTANDING WHAT'S GOING ON IN COURT?

21 A. NO, SIR.

22 Q. AND YOU'RE GETTING IT LIKE YOU'RE SUPPOSED TO?

23 A. YES, SIR.

24 (NOTE: Blank lines on this page do not indicate any
25 part of record has been omitted.)

EXAM - DEFENSE COUNSEL KOGER BY THE COURT

61

1 A. YES, YOUR HONOR.

2 (NOTE: Blank lines on this page do not indicate any
3 part of record has been omitted. Headers on testimony
4 pages and hard page breaks between testimony are now
5 required by the Court. See next ensuing page for
6 sequential continuation of record.)

EXAM - DEFENSE COUNSEL KOGER BY THE COURT

60

1 EXAMINATION OF DEFENSE COUNSEL KOGER2 BY THE COURT:

3 Q. MR. KOGER, HAVE YOU EXPLAINED TO YOUR CLIENT THE
4 CHARGES HE IS FACING, THE EVIDENCE THE STATE HAS
5 AGAINST HIM, THE POSSIBLE PENALTY -- IN BAMBERG
6 COUNTY HE'S GOT AN ASSAULT AND BATTER WITH INTENT
7 TO KILL THAT CARRIES TWENTY YEARS, AND A BURGLARY,
8 FIRST, WHICH CARRIES NO LESS THAN FIFTEEN YEARS
9 AND UP TO LIFE. IN ORANGEBURG COUNTY HE'S GOT A
10 BURGLARY, FIRST, THAT CARRIES UP TO LIFE AND NO
11 LESS THAN FIFTEEN, AND AN ASSAULT AND BATTERY WITH
12 INTENT TO KILL WHICH CARRIES UP TO TWENTY, AND
13 ALSO IN ORANGEBURG A BURGLARY, FIRST, WHICH
14 CARRIES UP TO LIFE IN PRISON WITH NO LESS THAN
15 THIRTY, AN ARMED ROBBERY, WHICH CARRIES UP TO
16 THIRTY, POSSESSION OF A WEAPON DURING THE
17 COMMISSION OF A CRIME, A VIOLENT CRIME, WHICH
18 CARRIES UP TO FIVE. AND HAVE YOU EXPLAINED TO HIM
19 HIS CONSTITUTIONAL RIGHTS?

20 A. YES, YOUR HONOR.

21 Q. AND DO YOU BELIEVE HE UNDERSTANDS THESE MATTERS?

22 A. YES, YOUR HONOR.

23 Q. AND HOW HAS HE ADVISED YOU HE WISHES TO PLEAD?

24 A. GUILTY, YOUR HONOR.

25 Q. DO YOU CONCUR IN HIS DECISION TO PLEAD GUILTY?

EXAM - RICARDO JOHNSON BY THE COURT

62

1 EXAMINATION OF RICARDO JOHNSON2 BY THE COURT CONTINUES

3 Q. MR. JOHNSON, YOUR ATTORNEY TELLS ME HE'S EXPLAINED
4 TO YOU ALL OF THESE CHARGES, BOTH ORANGEBURG AND
5 BAMBERG. HE SAYS THAT HE BELIEVES YOU -- HE'S
6 EXPLAINED TO YOU THE EVIDENCE THAT THE STATE HAS
7 AGAINST YOU ON ALL OF THESE CHARGES, THAT HE'S
8 EXPLAINED TO YOU THE POSSIBLE PENALTIES, WHICH I
9 JUST WENT OVER, AND YOUR CONSTITUTIONAL RIGHTS,
10 AND HE SAYS HE BELIEVES YOU UNDERSTAND THOSE
11 MATTERS AND YOU WANT TO PLEAD GUILTY. IS THAT
12 RIGHT?

13 A. YES, SIR.

14 Q. NOW, IN ORDER TO PLEAD GUILTY YOU HAVE TO GIVE UP
15 CERTAIN RIGHTS THAT YOU HAVE. THE FIRST OF THESE
16 IS YOUR RIGHT TO REMAIN SILENT. THAT IS YOUR
17 RIGHT TO SAY NOTHING ABOUT THESE CHARGES. YOU
18 CANNOT BE FORCED TO TESTIFY AGAINST YOURSELF. BUT
19 IF YOU WANT TO PLEAD GUILTY YOU HAVE TO GIVE UP
20 THAT RIGHT IN ORDER TO ADMIT THE TRUTH OF THESE
21 CHARGES. THAT'S WHAT A GUILTY PLEA IS, AN
22 ADMISSION THAT THE CHARGES ARE TRUE.

23 ALSO, YOU HAVE THE RIGHT TO A JURY TRIAL. THAT IS
24 YOUR RIGHT TO HAVE A JURY DETERMINE WHETHER OR NOT
25 YOU ARE, IN FACT, GUILTY OF THESE CHARGES BEYOND A

EXAM - RICARDO JOHNSON BY THE COURT

63

1 REASONABLE DOUBT. A JURY WOULD BASE ITS DECISION
2 ON THE TESTIMONY AND THE EVIDENCE PUT UP BY THE
3 STATE'S WITNESSES. YOUR ATTORNEY COULD CROSS-
4 EXAMINE THOSE WITNESSES AND CALL WITNESSES ON YOUR
5 OWN BEHALF, AND PUT UP ANY DEFENSE YOU MIGHT HAVE
6 TO THESE CHARGES. YOU WOULD BE PRESUMED TO BE
7 INNOCENT IF YOU HAD A JURY TRIAL, THE BURDEN WOULD
8 BE ON THE STATE TO CONVINCE ALL TWELVE JURORS OF
9 YOUR GUILT. DO YOU UNDERSTAND YOUR RIGHT TO
10 REMAIN SILENT AND YOUR RIGHT TO HAVE A JURY TRIAL?

11 A. YES, SIR.

12 Q. DO YOU UNDERSTAND THAT IN THE BAMBERG COUNTY
13 OFFENSES YOU HAVE THE RIGHT TO HAVE THEM HEARD IN
14 BAMBERG COUNTY?

15 A. YES, SIR.

16 Q. DO YOU WANT TO WAIVE THAT RIGHT AND LET ME HEAR
17 THEM IN ORANGEBURG, OR DO YOU WANT TO PUT THOSE
18 ASIDE AND HAVE THEM HEARD LATER IN BAMBERG?

19 A. I WANT TO WAIVE THAT RIGHT AND HAVE IT HEARD IN
20 FRONT OF YOU.

21 Q. HAVE IT HEARD RIGHT NOW. ALRIGHT. NOW, AND YOU
22 DON'T WANT A JURY TRIAL?

23 A. NO, SIR.

24 Q. ALRIGHT. WITH THE BAMBERG CHARGES, WE'LL START
25 WITH THE BURGLARY IN THE FIRST DEGREE, INDICTMENT

EXAM - RICARDO JOHNSON BY THE COURT

64

1 NUMBER 2007-164, THE ALLEGATIONS ARE THE YOU, WITH
2 OTHER PEOPLE, IN BAMBERG COUNTY, ON OR ABOUT
3 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX,
4 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF
5 DAMEON McDONALD WITHOUT CONSENT, WITH INTENT TO
6 COMMIT A CRIME IN THAT DWELLING. AND THIS
7 OCCURRED AT NIGHTTIME WHILE YOU WERE ARMED WITH A
8 DEADLY WEAPON. DO YOU UNDERSTAND THAT CHARGE?

9 A. YES, SIR.

10 Q. HOW DO YOU PLEAD TO THAT CHARGE?

11 A. GUILTY.

12 Q. INDICTMENT 165 SAYS THAT IN BAMBERG COUNTY, ON OR
13 ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND AND
14 SIX, THAT WITH MALICE AFORETHOUGHT YOU COMMITTED
15 AN ASSAULT AND BATTERY UPON DAMEON McDONALD WITH
16 INTENT TO KILL MR. McDONALD, HE WAS SHOT. AND I
17 DON'T THINK YOU WERE THE TRIGGER MAN BUT YOU WERE
18 THERE INVOLVED IN IT. DO YOU UNDERSTAND THAT
19 CHARGE?

20 A. YES, SIR.

21 Q. HOW DO YOU PLEAD TO THAT CHARGE?

22 A. GUILTY.

23 Q. IN ORANGEBURG COUNTY, BURGLARY, FIRST DEGREE,
24 INDICTMENT 1367 - - -

25 THE COURT: WE'VE GO THE PLEA SHEETS

EXAM - RICARDO JOHNSON BY THE COURT

65

1 AND THE INDICTMENTS MIXED UP, SO LET ME JUST GET THEM
2 STRAIGHT.

3 SOLICITOR BURBAGE: SORRY, YOUR
4 HONOR.

5 Q. 433, OKAY. THIS IS INDICTMENT 1367, IT'S A GOOD
6 THINK I LOOKED, - - -

7 SOLICITOR BURBAGE: SORRY, YOUR
8 HONOR.

9 Q. --- IT SAYS, IN ORANGEBURG COUNTY, ON OR ABOUT
10 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX, YOU
11 WILLFULLY AND UNLAWFULLY ENTERED THE DWELLING OF
12 VANCE POLITE, SENIOR, AND ANNIE BELL POLITE
13 WITHOUT CONSENT AND WITH INTENT TO COMMIT A CRIME
14 IN THAT DWELLING, AND THAT OCCURRED AT NIGHTTIME,
15 AND YOU WERE ALSO ARMED. DO YOU UNDERSTAND THAT
16 CHARGE?

17 A. YES, SIR.

18 Q. HOW DO YOU PLEAD TO THAT CHARGE?

19 A. GUILTY.

20 Q. INDICTMENT 1368, ASSAULT AND BATTER WITH INTENT TO
21 KILL, SAYS THAT ON OR ABOUT DECEMBER THE
22 EIGHTEENTH, TWO THOUSAND AND SIX, WITH MALICE
23 AFORETHOUGHT YOU COMMITTED AN ASSAULT AND BATTERY
24 UPON THE VICTIM, VANCE POLITE, BY SHOOTING HIM
25 WITH A GUN WITH THE INTENT TO KILL HIM, AND HE WAS

EXAM - RICARDO JOHNSON BY THE COURT

66

1 ALSO STRUCK WITH A GUN ABOUT THE HEAD OR BODY. DO
2 YOU UNDERSTAND THAT CHARGE?

3 A. YES, SIR.

4 Q. HOW DO YOU PLEAD TO THAT CHARGE?

5 A. GUILTY, EVEN THOUGH I DIDN'T - - -

6 Q. YOU DIDN'T HIT HIM, BUT YOU WERE THERE AND
7 INVOLVED IN IT?

8 A. YES, SIR.

9 Q. AND YOUR LAWYER HAS EXPLAINED TO YOU WHAT WE MEAN
10 BY THE HAND OF ONE IS THE HAND OF ALL?

11 A. YES, SIR.

12 Q. AND YOU UNDERSTAND THAT?

13 A. YES, SIR.

14 Q. AND IF YOU WERE THERE AND PART OF WHAT WAS GOING
15 ON YOU'RE RESPONSIBLE FOR EVERY ACT. AND ON THAT
16 BASIS YOU'RE PLEADING?

17 A. GUILTY.

18 Q. GUILTY. ALRIGHT, SIR. INDICTMENT NUMBER 433,
19 BURGLARY, FIRST, SAYS THAT ON OR ABOUT THE
20 EIGHTEENTH OF DECEMBER, TWO THOUSAND AND SIX, IN
21 ORANGEBURG COUNTY, THAT YOU WILLFULLY AND
22 UNLAWFULLY ENTERED THE DWELLING OF ERIC AND
23 JENNIFER GRANT WITHOUT CONSENT WITH INTENT TO
24 COMMIT A CRIME IN THAT DWELLING, AND THAT ALSO
25 OCCURRED IN THE NIGHTTIME WHILE YOU WERE ARMED.

EXAM - RICARDO JOHNSON BY THE COURT

67

1 DO YOU UNDERSTAND THAT CHARGE?

2 A. YES, SIR.

3 Q. HOW DO YOU PLEAD TO THAT CHARGE?

4 A. GUILTY.

5 Q. INDICTMENT 434, ARMED ROBBERY, SAYS THAT ON OR
6 ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND AND
7 SIX, YOU COMMITTED ROBBERY BY FELONIOUSLY OR
8 WRONGFULLY TAKING FROM THE PERSON OR PRESENCE OF
9 ERIC GRANT BY MEANS OF FORCE OR INTIMIDATION WHILE
10 ARMED WITH A DEADLY SOME GOODS INCLUDING A
11 NINETEEN NINETY-FOUR BUICK LESABRE. DO YOU
12 UNDERSTAND THAT CHARGE?

13 A. YES, SIR.

14 Q. HOW DO YOU PLEAD TO THAT CHARGE?

15 A. IN INDICTMENT, POSSESSION OF A WEAPON, IT SAYS
16 THAT IN ORANGEBURG COUNTY, ON OR ABOUT DECEMBER
17 THE EIGHTEENTH, TWO THOUSAND AND SIX, WHILE
18 COMMITTING A VIOLENT CRIME OF BURGLARY, FIRST,
19 THAT YOU HAD IN YOUR POSSESSION OR VISIBLY
20 DISPLAYED A FIREARM. DO YOU UNDERSTAND THAT
21 CHARGE?

22 A. YES, SIR.

23 Q. HOW DO YOU PLEAD TO THAT CHARGE?

24 A. GUILTY.

25 THE COURT: MR. KOGER, HAS THERE

EXAM - RICARDO JOHNSON BY THE COURT

68

1 BEEN ANY RECOMMENDATION?

2 MR. KOGER: NONE, OTHER THAN
3 CONCURRENT.

4 THE COURT: SIR?

5 MR. KOGER: CONCURRENT SENTENCES.

6 SOLICITOR BURBAGE: THAT'S CORRECT,
7 YOUR HONOR, OUR OFFER IS THAT THE SENTENCES RUN
8 CONCURRENT.

9 Q. ALRIGHT. THAT MEANS THAT WHATEVER SENTENCES YOU
10 GET ON THESE SENTENCES YOU WOULD SERVE THEM ALL AT
11 ONE TIME AND NOT STACK THEM ONE ON TOP OF THE
12 OTHER. OTHER THAN THAT, HAS ANYBODY PROMISED YOU
13 ANYTHING OR THREATENED YOU TO GET YOU TO PLEAD
14 GUILTY?

15 A. NO, SIR.

16 Q. ARE YOU SATISFIED WITH YOUR ATTORNEY?

17 A. YES, SIR.

18 Q. HAVE YOU UNDERSTOOD ALL THE QUESTIONS THAT I HAVE
19 ASKED YOU?

20 A. YES, SIR.

21 Q. HAVE YOU ANSWERED THEM TRUTHFULLY?

22 A. YES, SIR.

23 Q. DO YOU UNDERSTAND IF YOU WANTED TO FILE AN APPEAL
24 IN THIS CASE YOU WOULD HAVE TO DO THAT WITHIN TEN
25 DAYS?

EXAM - RICARDO JOHNSON BY THE COURT

69

1 A. YES, SIR. TEN DAYS OF WHEN?

2 Q. OF THE DATE YOU ARE SENTENCED.

3 A. YES, SIR.

4 Q. NOW, ALSO AS I UNDERSTAND IT, THE CONDITION OF
5 THIS PLEA, THAT YOU HAVE AGREED, AND I THINK THERE
6 WERE FIVE YOUNG MEN INVOLVED IN THIS, THREE OF
7 THEM HAVE ALREADY PLED GUILTY, THERE'S STILL ONE
8 THAT HAS NOT, AND THAT YOU HAVE AGREED THAT IF THE
9 STATE CALLS UPON YOU TO TESTIFY IN HIS TRIAL, THAT
10 YOU WILL TESTIFY TO THE TRUTH AS TO YOUR
11 INVOLVEMENT AND TO THE INVOLVEMENT OF EVERYBODY
12 ELSE THAT WAS INVOLVED IN THE CASE. IS THAT
13 RIGHT, SIR?

14 A. YES, SIR.

15 Q. AND YOU UNDERSTAND THAT IF YOU DIDN'T FULFIL THAT
16 OBLIGATION THE STATE COULD WITHDRAW THEIR CONSENT
17 TO THIS PLEA AND CHARGE YOU WITH ALL OF THESE
18 CRIMES AGAIN? IN OTHER WORDS, THAT'S A CONDITION
19 OF THE PLEA, YOU HAVE TO AGREE TO TESTIFY
20 TRUTHFULLY, AND IF YOU DON'T WE'RE BACK AT SQUARE
21 ONE. DO YOU UNDERSTAND THAT?

22 A. YES, SIR.

23 THE COURT: WAS THERE SOMETHING ELSE
24 I NEEDED TO ASK HIM OR IS THAT IS? I THINK THAT'S IT.
25 SOLICITOR BURBAGE: I BELIEVE THAT'S

EXAM - RICARDO JOHNSON BY THE COURT

70

1 ALL, YOUR HONOR.

2 Q. DO YOU HAVE ANY QUESTIONS? OH, YEAH, ARE YOU
3 SATISFIED, YOU SAID YOU'RE SATISFIED WITH YOUR
4 LAWYER?

5 A. YES, SIR.

6 Q. DID YOU TELL HIM EVERYTHING ABOUT ALL OF THESE
7 CASES, ABOUT EVERYTHING THAT HAPPENED THAT NIGHT
8 IN BAMBERG, I MEAN, DENMARK, NORWAY, EVERYWHERE?

9 A. YES, SIR.

10 Q. SO HE -- BECAUSE HE CAN'T GIVE YOU GOOD ADVICE IF
11 HE DOESN'T KNOW WHAT YOU SAY. AND DO YOU HAVE ANY
12 COMPLAINTS AGAINST HIS SERVICES?

13 A. NO, SIR.

14 Q. THERE'S NOTHING YOU'VE ASKED HIM TO DO THAT YOU
15 THINK HE SHOULD HAVE DONE THAT HE'S FAILED TO DO
16 FOR YOU?

17 A. NO, SIR.

18 THE COURT: ALRIGHT. I'LL ACCEPT
19 HIS PLEA, I FIND THERE'S A SUBSTANTIAL FACTUAL BASIS FOR
20 HIS PLEA, HIS DECISION TO PLEAD GUILTY IS FREELY AND
21 VOLUNTARILY MADE, HE'S KNOWINGLY AND INTELLIGENTLY
22 WAIVED HIS RIGHT TO A JURY TRIAL, HE'S WAIVED HIS RIGHT
23 TO HAVE THE BAMBERG CHARGES HEARD IN BAMBERG COUNTY, AND
24 HE'S HAD THE SERVICES OF AN ATTORNEY WITH WHOM HE SAYS
25 HE'S SATISFIED.

EXAM - RICARDO JOHNSON BY THE COURT

71

1 I KNOW THE OTHER THING.

2 Q. YOU UNDERSTAND THAT YOU'RE NOT GOING TO BE
3 SENTENCED UNTIL EITHER ALL FIVE OF YOU HAVE PLED
4 GUILTY OR UNTIL THE TRIAL OF THE ONE REMAINING
5 DEFENDANT IS OVER, AND AT THAT TIME YOU'LL BE
6 SENTENCED. DO YOU UNDERSTAND THAT?

7 A. YES, SIR.

8 Q. IN OTHER WORDS, YOU'RE NOT GOING TO BE SENTENCED
9 TODAY. DO YOU UNDERSTAND THAT?

10 A. YES, SIR.

11 THE COURT: AND I THINK MR. KOGER
12 WANTED TO GET YOUR MOTHER DOWN HERE BEFORE THAT ANYHOW,
13 ISN'T THAT RIGHT?

14 MR. KOGER: THAT'S CORRECT, YOUR
15 HONOR.

16 THE COURT: ALRIGHT, SIR. I DON'T
17 NEED TO HEAR ANYTHING ELSE FROM THE STATE. YEAH, I
18 GUESS I DO, BECAUSE I HAVEN'T HEARD -- I HEARD ALL THE
19 FACTS YESTERDAY, BUT I'LL HEAR THEM AGAIN. YOU NEED TO
20 PUT THEM ON AT THIS TIME.

21 SOLICITOR BURBAGE: YOUR HONOR, THIS
22 INCIDENT OCCURRED ON -- ALL THESE INCIDENTS OCCURRED
23 BETWEEN DECEMBER EIGHTEENTH OF O-SIX, LATE NIGHT, AND
24 EARLY MORNING DECEMBER NINETEENTH. THEY STARTED IN
25 DENMARK IN BAMBERG COUNTY, AT THIRTY-SEVEN SAWDUST,

EXAM - RICARDO JOHNSON BY THE COURT

72

1 WHICH WAS A SINGLE WIDE MOBILE HOME. YOUR HONOR, ALL OF
2 THESE INDIVIDUALS WERE TOGETHER, WENT TO THAT RESIDENCE.
3 MR. BRANDON STALEY WAS DRIVING THE VEHICLE. MR.
4 DERRICOTT, DARONE DERRICOTT, AS WELL AS RICARDO JOHNSON,
5 STOOD NEAR THE OUTSIDE OF THE TRAILER. MR. DARRELL
6 GLEATON AS WELL AS WILLIAM ANTONIO GLEATON WENT TO THE
7 DOOR AND MR. TONY GLEATON SHOT THE VICTIM, MR. DAMEON
8 McDONALD, WITH A SHOT GUN. YOUR HONOR, FROM THERE THEY
9 THEN LEFT THAT RESIDENCE IN THE VEHICLE AND DROVE TO --
10 WHICH WAS THE VEHICLE BELONGING TO ANTONIO GLEATON,
11 WILLIAM ANTONIO GLEATON'S GIRL FRIEND, THEY DROVE TO THE
12 HOME OF MR. VANCE POLITE, SENIOR, AND MRS. ANNIE BELL
13 POLITE, WHICH WAS STREET IN THE
14 TOWN OF NORWAY IN ORANGEBURG COUNTY. WHEN THEY GOT TO
15 THAT RESIDENCE MR. POLITE CAME TO THE FRONT DOOR. HE WAS
16 EIGHTY-ONE YEARS OF AGE. TONY GLEATON WENT TO THE FRONT
17 DOOR. MR. POLITE OPENED THE DOOR AND THE DEFENDANTS, WE
18 BELIEVE, YOUR HONOR, FOUR OF THEM RUSHED IN THE HOME
19 WHILE ARMED WITH HAND GUNS AND SHOT GUN, AND THIS
20 INCIDENT MR. STALEY WAS POSSIBLY STILL IN THE VEHICLE,
21 THE OTHER FOUR WENT IN, TONY GLEATON PISTOL WHIPPED MR.
22 POLITE, SEVERELY BEAT HIM ABOUT THE FACE AND HIS BODY,
23 THE OTHER INDIVIDUALS WENT THROUGHOUT THE HOUSE
24 SEARCHING MONEY, DEMANDING MONEY, FORCING MRS. POLITE,
25 WHO IS SEVENTY-SIX YEARS OF AGE, WHO WAS ALSO IN THE

EXAM - RICARDO JOHNSON BY THE COURT

73

1 HOME, TO GIVE MONEY TO THESE DEFENDANTS. ALSO DURING THE
2 INCIDENT A REVOLVER WAS TAKEN THAT BELONGED TO MR.
3 POLITE, AS WELL AS LIQUOR, AS WELL AS THE MONEY, THERE
4 WAS SOME MONEY IN A WHITE BUCKET THAT WAS TAKEN FROM THE
5 RESIDENCE. MRS. POLITE IDENTIFIED POSITIVELY DARRELL
6 GLEATON AS WELL AS DARONE DERRICOTT. YOUR HONOR, SOME
7 SIX HUNDRED AND SIXTY FEET FROM THAT RESIDENCE MR., ALL
8 OF THESE INDIVIDUALS LEFT IN THAT VEHICLE, IT RAN OUT OF
9 GAS, THEY THEN RAN INTO A RESIDENCE AT
10 ROAD, WHICH WAS THE HOME OF ERIC AND
11 JENNIFER GRANT, AND THAT WAS ALSO IN ORANGEBURG COUNTY.
12 ONCE THEY GOT TO THAT HOME THEY ALL FORCED ENTRY WHILE
13 ARMED WITH HAND GUNS AND SHOT GUN, ALL OF THEM WENT INTO
14 THE HOME. YOUR HONOR, MR. FLEMING BRIGGS WAS IN THE
15 FRONT ROOM SLEEPING IN A CHAIR IN THE DEN. JENNIFER
16 GRANT WAS ALSO IN THE HOME AS WELL AS ERIC GRANT AND
17 THEIR TWO CHILDREN. YOUR HONOR, THESE INDIVIDUALS
18 PISTOL WHIPPED AND BEAT MR. BRIGGS WHO AS IN THE FRONT
19 ROOM, DEMANDING FOR MONEY, DEMANDING FOR CAR KEYS.
20 ALSO, MULTIPLE DEFENDANTS WENT INTO THE BEDROOM WHERE
21 MR. AND MRS. GRANT WERE. MRS. GRANT WAS FORCED TO HAVE
22 ORAL AS WELL AS VAGINAL SEX WITH ONE OF THE DEFENDANTS,
23 DARRELL GLEATON. HE WAS BASICALLY -- MR. GLEATON
24 THREATENED THAT HE WOULD KILL HER ONE YEAR OLD WHO WAS
25 ALSO IN THE ROOM IF THE VICTIM DID NOT COMPLY. ALSO IN

EXAM - RICARDO JOHNSON BY THE COURT

74

1 THE ROOM AGAIN WAS MR. ERIC GRANT WHO MULTIPLE
2 DEFENDANTS BEAT HIM ABOUT HIS BODY, PISTOL WHIPPED HIM,
3 THREW A DRESSER ON HIM, ALL OF THIS WITH THE CHILD IN
4 THE ROOM. THE CHILD WAS ALSO HIT IN THE FACE WITH A
5 PISTOL DURING THAT INCIDENT, AND THERE WAS ANOTHER CHILD
6 IN ANOTHER ROOM DURING THIS WHOLE INCIDENT. ALSO, YOUR
7 HONOR, MULTIPLE SHOTS WERE FIRED BY PISTOLS AS WELL AS
8 SHOT GUN IN THE RESIDENCE DURING INCIDENT. AND AFTER
9 THIS THEY TOOK THE LESABRE THAT BELONGED TO MR. GRANT
10 AND THEN LEFT THERE, WRECKED THAT VEHICLE. AT THAT
11 POINT THEY SET THE CAR ON FIRE AND ALL FIVE OF THEM
12 DISBURSED. YOUR HONOR, DARRELL GLEATON WAS FOUND
13 NEARBY, MR. BRANDON STALEY TURNED HIMSELF IN. RICARDO
14 JOHNSON WHO IS STANDING BEFORE YOU TODAY, AS WELL AS
15 DARONE DERRICOTT WERE IN COLUMBIA AT THE BUS STATION,
16 THEY WERE LOCATED BY A FUGITIVE TASK FORCE, THEY LOCATED
17 BOTH OF THESE INDIVIDUALS. MR. JOHNSON HAD A HAND GUN
18 ON HIS PERSON AT THE TIME THAT THEY WERE APPREHENDED.
19 MR. WILLIAM GLEATON WAS APPREHENDED IN WILLISTON I
20 BELIEVE THE NEXT DAY BY A SLED TRACKING TEAM, AND WHEN
21 MR. GLEATON WAS FOUND HE WAS FOUND IN SOME WOODS, HE WAS
22 ALSO NEAR TWO ABANDONED MOBILE HOMES. UNDERNEATH EACH OF
23 THOSE MOBILE HOMES, ONE WAS A SHOT GUN AND UNDER THE
24 OTHER ONE WAS A PISTOL, THE PISTOL THAT WAS TAKEN FROM
25 MR. POLITE'S HOUSE, THE SHOT GUN BEING THE ONE THAT WAS

1 USED BY TONY TO SHOOT THE VICTIM, MR. DAMEON McDONALD,
2 THE FIRST INCIDENT. YOUR HONOR, THAT'S THE FACTS IN
3 THIS CASE.

4 THE COURT: MR. KOGER, ANYTHING YOU
5 WANT TO ADD AT THIS TIME?

6 MR. KOGER: YOUR HONOR, JUST, I
7 REALIZE THAT A SENTENCING IS GOING TO BE HELD IN THE
8 NEAR FUTURE, AND AT THAT PARTICULAR TIME WE WOULD LIKE
9 TO PRESENT SOME MITIGATING CIRCUMSTANCES AS TO THE
10 VARIOUS FACTS THAT WERE RELATED BY THE SOLICITOR'S
11 OFFICE, BUT WE WOULD RESERVE TO MAKE THOSE ARGUMENTS AT
12 THAT PARTICULAR TIME WITH HIS MOTHER BEING BY HIS SIDE.

13 THE COURT: ALRIGHT, SIR. DO YOU
14 HAVE ANY QUESTIONS, MR. JOHNSON?

15 DEFENDANT JOHNSON: NO, SIR.

16 THE COURT: ALRIGHT, THANK YOU VERY
17 MUCH. THIS MATTER WILL BE IN RECESS.

18 MR. KOGER: THANK YOU.

19 SOLICITOR BURBAGE: THANK YOU, YOUR
20 HONOR.

21 (Recess for the day.)

22 DATE:
23 JANUARY 17, 2008

24 THE COURT: SOLICITOR.

25 SOLICITOR BURBAGE: THANK YOU, YOUR

1 HONOR, THE STATE WOULD CALL DARONE DERRICOTT, JUNIOR.

2 THE COURT: ALRIGHT.

3 COURT REPORTER: HOW DO YOU SPELL THE
4 LAST NAME?

5 SOLICITOR BURBAGE: D-E-R-R-I-C-O-T-
6 T.

7 YOUR HONOR, MR. DERRICOTT IS HERE
8 WITH HIS ATTORNEY, GLEN WALTERS. HE'S PLEADING GUILTY TO
9 A NUMBER OF INDICTMENTS. THE FIRST INDICTMENTS HE'S
10 LEADING TO ARE ACTUALLY BAMBERG COUNTY INDICTMENTS,
11 2007-GS-05-134, FOR BURGLARY, FIRST, AS WELL AS 2007-GS-
12 05-135, FOR ASSAULT AND BATTERY WITH INTENT TO KILL.

13 I BEG THE COURT'S INDULGENCE.

14 YOUR HONOR, HE'S ALSO PLEADING
15 GUILTY TO - - -

16 THE COURT: ALRIGHT, THAT CARRIES
17 TWENTY YEARS. ALRIGHT.

18 SOLICITOR BURBAGE: THAT'S CORRECT,
19 YOUR HONOR.

20 THE COURT: WHY DON'T YOU GIVE US
21 THE SENTENCE ON EACH ONE WHEN YOU DO IT AND THAT WILL
22 SAVE ME FROM HAVING TO DO THAT AGAIN.

23 SOLICITOR BURBAGE: OKAY. OKAY,
24 YOUR HONOR, THE BURGLARY, FIRST, FIFTEEN YEARS TO LIFE,
25 YOUR HONOR, ASSAULT AND BATTERY WITH INTENT TO KILL, UP

1 TO TWENTY YEARS. HE'S ALSO CHARGED WITH 2007-GS-38-
2 0425, FOR ASSAULT AND BATTERY WITH INTENT TO KILL, UP TO
3 TWENTY YEARS, YOUR HONOR, BURGLARY, FIRST, 2007-GS-38-
4 0423, FIFTEEN TO LIFE, YOUR HONOR. HE'S ALSO CHARGED
5 WITH KIDNAPING, 2007-GS-38-0422, I BELIEVE, YOUR HONOR,
6 THAT CARRIES UP TO - - -

7 THE COURT: WHICH, ASSAULT AND
8 BATTERY?

9 SOLICITOR BURBAGE: KIDNAPING.

10 THE COURT: THIRTY, UP TO THIRTY.

11 MR. WALTERS: THIRTY.

12 SOLICITOR BURBAGE: THIRTY, YOUR
13 HONOR, BURGLARY, FIRST, 2007-GS-38-0424, IT WOULD BE
14 FIFTEEN TO LIFE, YOUR HONOR, AS WELL AS ARMED ROBBERY,
15 2007-GS-38-0426, WOULD BE TEN TO THIRTY, YOUR HONOR.

16 THE COURT: ALRIGHT, MR. DERRICOTT,
17 WILL YOU RAISE YOUR RIGHT HAND, PLEASE.
18 (Whereupon, Darone Derricott, Jr.,
19 is duly sworn.)

20 THE COURT: ALRIGHT, SIR. IF YOU
21 HAVE ANY QUESTIONS AT ANYTIME JUST ASK YOUR ATTORNEY OR
22 ASK ME. DO YOU NEED TO SPEAK WITH HIM A SECOND?

23 DEFENDANT DERRICOTT: I JUST HAD ONE
24 QUESTION.

25 THE COURT: SURE. GO AHEAD.

1 (Whereupon, Defendant and
2 Defense Counsel confer
3 off the record.)

4 THE COURT: READY?

5 DEFENDANT DERRICOTT: YES, SIR.

6 THE COURT: ALRIGHT, SIR.

7 (NOTE: Blank lines on this page do not indicate any
8 part of record has been omitted. Headers on testimony
9 pages and hard page breaks between testimony are now
10 required by the Court. See next ensuing page for
11 sequential continuation of record.)

EXAM - DARONE DERRICOTT, JR., BY THE COURT

79

1 EXAMINATION OF DARONE DERRICOTT, JR.,

2 BY THE COURT:

3 Q. HOW OLD ARE YOU?

4 A. NINETEEN YEARS OLD, SIR.

5 Q. HOW FAR DID YOU GO IN SCHOOL?

6 A. TWELFTH GRADE.

7 Q. HAVE YOU EVER BEEN TREATED FOR DRUG ABUSE, ALCOHOL
8 ABUSE OR MENTAL ILLNESS?

9 A. YES, SIR.

10 Q. HAVE YOU HAD ANY DRUGS, ALCOHOL, MEDICATION OR
11 ANYTHING IN THE LAST TWENTY-FOUR HOURS THAT WOULD
12 KEEP YOU FROM UNDERSTANDING WHAT'S GOING ON IN
13 COURT TODAY?

14 A. NO, SIR.

15 (NOTE: Blank lines on this page do not indicate any
16 part of record has been omitted. Headers on testimony
17 pages and hard page breaks between testimony are now
18 required by the Court. See next ensuing page for
19 sequential continuation of record.)

EXAM - DEFENSE COUNSEL WALTERS BY THE COURT

80

1 EXAMINATION OF DEFENSE COUNSEL WALTERS2 BY THE COURT:

3 Q. MR. WALTERS, HAVE YOU EXPLAINED TO YOUR CLIENT THE
4 CHARGES HE IS FACING THAT THE SOLICITOR JUST WENT
5 OVER, THE EVIDENCE THE STATE HAS ON THESE CHARGES,
6 THE POSSIBLE PENALTY ON EACH OF THESE CHARGES
7 WHICH THE SOLICITOR JUST WENT OVER, AND HIS
8 CONSTITUTIONAL RIGHTS?

9 A. YES, SIR, YOUR HONOR, WE'VE MET ON NUMEROUS
10 OCCASIONS AT THE JAIL. AS THE PROSECUTION, WHEN
11 THEY PRESENTED THE RULE FIVE INFORMATION THERE'S A
12 CONFESSION BY MY CLIENT. WE CAREFULLY WENT
13 THROUGH THE CONFESSION ON TWO OR THREE DIFFERENT
14 OCCASIONS WITH REGARDS TO THIS MATTER AND WE
15 BELIEVE IT'S IN HIS BEST INTEREST AT THIS TIME
16 THAT WE ENTER INTO A PLEA.

17 Q. SO, YOU AGREE WITH HIS DECISION TO PLEAD GUILTY?

18 A. YES, SIR, YOUR HONOR.

19 Q. AND YOU'VE EXPLAINED TO HIM THAT THESE ARE VIOLENT
20 AND MOST SERIOUS OFFENSES?

21 A. YES, SIR, WE'VE DISCUSSED THE ISSUE WITH REGARDS
22 TO STRIKES. WE'VE ALSO DISCUSSED THE ISSUE WITH
23 REGARDS TO THE OFFENSE BEING VIOLENT, AND IN
24 ADDITION TO THAT WE'VE ALSO TALKED ABOUT THE
25 POSSIBILITY OF CONSECUTIVE TIME AS OPPOSED TO

EXAM - DEFENSE COUNSEL WALTERS BY THE COURT

81

1 CONCURRENT TIME, AND IN ADDITION TO THAT THE
2 POSSIBILITY OF SURVIVING A TRIAL IN ORANGEBURG AND
3 SURVIVING A TRIAL IN BAMBERG. THERE WERE SERIOUS
4 IMPLICATIONS -- SERIOUS PROBLEMS HERE, AND BECAUSE
5 OF THE COMPLEXITY OF THE CASE ITSELF FOR A
6 NINETEEN YEAR OLD KID TO TAKE THIS RISK, A
7 NINETEEN YEARS OLD GROWN MAN TO TAKE THIS RISK I
8 DO NOT BELIEVE IT'S IN HIS BEST INTEREST TO
9 PROCEED FORWARD AT TRIAL, AND WE'VE DISCUSSED THIS
10 MATTER.

11 Q. AND HE UNDERSTANDS ALL THOSE MATTERS ABOUT THE
12 VIOLENCE AND MOST SERIOUS AND NO PAROLE?

13 A. YES, SIR, YOUR HONOR.

14 (NOTE: Blank lines on this page do not indicate any
15 part of record has been omitted. Headers on testimony
16 pages and hard page breaks between testimony are now
17 required by the Court. See next ensuing page for
18 sequential continuation of record.)

EXAM - DARONE DERRICOTT, JR., BY THE COURT

82

1 EXAMINATION OF DARONE DERRICOTT, JR.,

2 BY THE COURT CONTINUES:

3 Q. MR. DERRICOTT, YOUR ATTORNEY TELLS ME HE'S
4 EXPLAINED TO YOU EACH OF THESE CHARGES THAT WE'VE
5 TALKED ABOUT. HE'S EXPLAINED TO YOU THE EVIDENCE
6 THE STATE HAS AGAINST YOU ON THE CHARGES, HE'S
7 EXPLAINED TO YOU THE POSSIBLE PENALTIES WHICH WE
8 JUST STATED INTO THE RECORD, AND YOUR
9 CONSTITUTIONAL RIGHTS. HE'S EXPLAINED TO YOU THE
10 OTHER CONSEQUENCES SUCH AS THEM BEING MOST SERIOUS
11 AND VIOLENT OFFENSES AND THE NO PAROLE PROVISIONS.
12 HE SAYS HE BELIEVES THAT YOU UNDERSTAND ALL OF
13 THOSE MATTERS AND THAT YOU WANT TO PLEAD GUILTY.
14 IS THAT RIGHT?

15 A. YES, SIR.

16 Q. DO YOU HAVE ANY QUESTIONS ABOUT THOSE MATTERS THAT
17 WE JUST TALKED ABOUT?

18 A. NO, SIR.

19 Q. ALRIGHT. IN ORDER TO PLEAD GUILTY YOU HAVE TO
20 GIVE UP CERTAIN RIGHTS THAT YOU HAVE. THE FIRST
21 OF THESE IS YOUR RIGHT TO REMAIN SILENT. THAT IS
22 YOUR RIGHT TO SAY NOTHING ABOUT THE CHARGES. YOU
23 CANNOT BE FORCED TO TESTIFY AGAINST YOURSELF. BUT
24 WHEN YOU PLEAD GUILTY YOU GIVE UP THAT RIGHT IN
25 ORDER TO ADMIT THE TRUTH OF THE CHARGES AGAINST

EXAM - DARONE DERRICOTT, JR., BY THE COURT

83

1 YOU. THAT'S WHAT A GUILTY PLEA, AN ADMISSION THAT
2 THE CHARGES ARE TRUE.

3 SECONDLY, YOU HAVE THE RIGHT TO A JURY TRIAL.
4 THAT IS YOUR RIGHT TO HAVE A JURY DETERMINE
5 WHETHER OR NOT YOU ARE, IN FACT, GUILTY OF THESE
6 CHARGES BEYOND A REASONABLE DOUBT. A JURY WOULD
7 BASE ITS DECISION ON THE TESTIMONY AND THE
8 EVIDENCE PUT UP BY THE STATE'S WITNESSES. YOUR
9 ATTORNEY COULD CROSS-EXAMINE THOSE WITNESSES AND
10 CALL WITNESSES ON YOUR OWN BEHALF AND PUT UP ANY
11 DEFENSE YOU MIGHT HAVE TO THESE CHARGES. YOU
12 WOULD BE PRESUMED TO BE INNOCENT IF YOU HAD A JURY
13 TRIAL, THE BURDEN WOULD BE ON THE STATE TO
14 CONVINCE ALL TWELVE JURORS OF YOUR GUILT.

15 DO YOU UNDERSTAND BOTH YOUR RIGHT TO REMAIN SILENT
16 AND YOUR RIGHT TO HAVE A JURY TRIAL?

17 A. YES, SIR.

18 Q. DO YOU UNDERSTAND THAT IN ORDER TO PLEAD GUILTY
19 YOU HAVE TO GIVE UP BOTH OF THOSE RIGHTS?

20 A. YES, SIR.

21 Q. AND IS THAT WHAT YOU WANT TO DO?

22 A. YES, SIR.

23 Q. YOU DON'T WANT A JURY TRIAL ON ANY OF THESE
24 CHARGES?

25 A. NO, SIR.

EXAM - DARONE DERRICOTT, JR., BY THE COURT

84

1 Q. THE BAMBERG COUNTY CHARGES, YOU WOULD ALMOST
2 CERTAINLY BE ENTITLED TO A TRIAL IN BAMBERG
3 COUNTY. DO YOU UNDERSTAND THAT?

4 A. YES, SIR.

5 Q. AND YOU HAVE A RIGHT TO HAVE THIS PLEA ON THE
6 BAMBERG COUNTY CHARGES HEARD IN BAMBERG COUNTY.
7 DO YOU WANT TO HAVE IT HEARD OVER THERE, IN
8 BAMBERG, OR DO YOU WANT TO WAIVE THAT RIGHT AND
9 LET ME HEARD IT HERE TODAY?

10 A. I'LL LET YOU HEAR IT HERE TODAY, SIR.

11 Q. ALRIGHT. FIRST WE'LL START WITH THE BAMBERG
12 CHARGES. INDICTMENT NUMBER 134, FOR BURGLARY, IN
13 THE FIRST DEGREE. THE INDICTMENT SAYS THAT HERE,
14 OR THERE IN BAMBERG COUNTY THAT YOU WITH SOME
15 OTHER PEOPLE, ON OR ABOUT DECEMBER THE EIGHTEENTH,
16 TWO THOUSAND AND SIX, WILLFULLY AND UNLAWFULLY
17 ENTERED THE DWELLING OF DAMEON McDONALD WITHOUT
18 CONSENT, WITH INTENT TO COMMIT A CRIME, AND THIS
19 OCCURRED IN THE NIGHTTIME WHILE YOU WERE ARMED
20 WITH A DEADLY WEAPON. DO YOU UNDERSTAND THAT
21 CHARGE?

22 A. YES, SIR.

23 Q. HOW DO YOU PLEAD TO THAT CHARGE?

24 A. GUILTY.

25 Q. INDICTMENT 135 SAYS THAT ON OR ABOUT THAT SAME

EXAM - DARONE DERRICOTT, JR., BY THE COURT

85

1 DATE, DECEMBER THE EIGHTEENTH, TWO THOUSAND AND
2 SIX, IN BAMBERG COUNTY, WITH MALICE AFORETHOUGHT,
3 YOU COMMITTED AN ASSAULT AND BATTERY UPON DAMEON
4 MCDONALD WITH INTENT TO KILL MR. McDONALD, AND HE
5 WAS SHOT IN THE SHOULDER. DO YOU UNDERSTAND THAT
6 CHARGE?

7 A. YES, SIR.

8 Q. HOW DO YOU PLEAD TO THAT CHARGE?

9 A. GUILTY, SIR.

10 Q. AND ON INDICTMENT 423, ORANGEBURG COUNTY
11 INDICTMENT, IT SAYS THAT ON OR ABOUT THE
12 EIGHTEENTH OF DECEMBER, TWO THOUSAND AND SIX, THAT
13 YOU WILLFULLY AND UNLAWFULLY, WITH OTHERS, ENTERED
14 THE DWELLING OF VANCE AND ANNIE BELL POLITE
15 WITHOUT CONSENT, WITH INTENT TO COMMIT A CRIME IN
16 THAT DWELLING, AND THIS ALSO OCCURRED AT NIGHT
17 WHILE YOU WERE ARMED WITH A WEAPON. DO YOU
18 UNDERSTAND THAT CHARGE?

19 A. YES, SIR.

20 Q. HOW DO YOU PLEAD TO THAT CHARGE?

21 A. GUILTY, SIR.

22 Q. AND INDICTMENT 425 SAYS THAT ON THAT OCCASION WHEN
23 YOU WENT INTO MR. POLITE'S HOUSE THAT YOU
24 COMMITTED AN ASSAULT AND BATTERY WITH MALICE
25 AFORETHOUGHT BY SHOOTING MR. POLITE, AND HE WAS

EXAM - DARONE DERRICOTT, JR., BY THE COURT

86

1 ALSO STRUCK ABOUT THE FACE AND BODY. DO YOU
2 UNDERSTAND THAT CHARGE?

3 A. YES, SIR.

4 Q. HOW DO YOU PLEAD TO THAT CHARGE?

5 A. GUILTY.

6 Q. AND INDICTMENT 424 SAYS THAT IN ORANGEBURG COUNTY,
7 ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND
8 SIX, YOU WILLFULLY AND UNLAWFULLY ENTERED THE
9 DWELLING OF ERIC AND JENNIFER GRANT WITHOUT
10 CONSENT, WITH INTENT TO COMMIT A CRIME IN THAT
11 DWELLING. THIS ALSO OCCURRED AT NIGHT WHILE YOU
12 WERE ARMED. DO YOU UNDERSTAND THAT CHARGE?

13 A. YES, SIR.

14 Q. HOW DO YOU PLEAD TO THAT CHARGE?

15 A. GUILTY, SIR.

16 Q. INDICTMENT 426 SAYS THAT ON THAT SAME OCCASION,
17 DECEMBER THE EIGHTEENTH, TWO THOUSAND AND SIX, IN
18 ORANGEBURG COUNTY, YOU COMMITTED ROBBERY BY
19 FELONIOUSLY OR WRONGFULLY TAKING FROM THE PERSON
20 OR PRESENCE OF THE VICTIM, MR. GRANT, BY MEANS OF
21 FORCE OR INTIMIDATION SOME GOODS OR MONIES,
22 INCLUDING A NINETEEN NINETY-FOUR BUICK LESABRE
23 AUTOMOBILE WHILE YOU WERE ARMED WITH A DEADLY
24 WEAPON. DO YOU UNDERSTAND THAT CHARGE?

25 A. YES, SIR.

EXAM - DARONE DERRICOTT, JR., BY THE COURT

87

1 Q. HOW DO YOU PLEAD TO THAT CHARGE?

2 A. GUILTY, SIR.

3 Q. AND INDICTMENT 422 SAYS THAT IN ORANGEBURG COUNTY,
4 ON OR ABOUT DECEMBER THE EIGHTEENTH, TWO THOUSAND
5 AND SIX, YOU WILLFULLY AND UNLAWFULLY SEIZED OR
6 CONFINED OR KIDNAPED MR. FLEMING BRIGGS AND/OR
7 ERIC GRANT AND/OR JENNIFER GRANT WITHOUT AUTHORITY
8 OF LAW. DO YOU UNDERSTAND THAT CHARGE?

9 A. YES, SIR.

10 Q. HOW DO YOU PLEAD TO THAT CHARGE?

11 A. GUILTY, SIR.

12 Q. NOW, IN DISCUSSING THESE MATTERS WITH YOUR
13 ATTORNEY AND WITH THE SOLICITOR, I HAVE AGREED
14 THAT I WOULD CAP ANY POSSIBLE SENTENCE YOU MIGHT
15 GET A TWENTY-FIVE YEARS. THAT MEANS YOU WOULD NOT
16 GET MORE THAN TWENTY-FIVE YEARS. YOU COULD GET
17 LESS, NO GUARANTEE YOU WOULD GET LESS, BUT A
18 GUARANTEE THAT YOU WILL NOT GET MORE THAN TWENTY-
19 FIVE YEARS. DO YOU UNDERSTAND THAT?

20 A. YES, SIR.

21 Q. AND THAT ALL THE SENTENCES WOULD BE CONCURRENT,
22 WHICH MEANS YOU WOULD SERVE ALL OF THEM AT ONE
23 TIME, THEY WOULD NOT BE ADDED TO EACH OTHER. DO
24 YOU UNDERSTAND THAT?

25 A. YES, SIR.

EXAM - DARONE DERRICOTT, JR., BY THE COURT

88

1 Q. OTHER THAN THAT, MR. DERRICOTT, HAS ANYBODY
2 PROMISED YOU ANYTHING OR THREATENED YOU TO GET YOU
3 TO PLEAD GUILTY?

4 A. NO, SIR.

5 Q. ARE YOU SATISFIED WITH YOUR ATTORNEY?

6 A. YEAH, I'M PRETTY SATISFIED WITH MY ATTORNEY, SIR.

7 Q. ALRIGHT, SIR. HAVE YOU UNDER -- DID YOU TELL HIM
8 EVERYTHING ABOUT ALL OF THESE CASES SO HE COULD
9 GIVE YOU GOOD ADVICE?

10 A. YES, SIR.

11 Q. HAS HE FAILED TO DO ANYTHING YOU THINK HE NEEDS TO
12 DO TO HELP YOU IN THIS CASE?

13 A. I BELIEVE HE'S DONE A WONDERFUL JOB, SIR.

14 Q. ALRIGHT, SIR. I AGREE, BECAUSE, I MEAN, THESE ARE
15 SOME SERIOUS CHARGES. HAVE YOU UNDERSTOOD ALL THE
16 QUESTIONS THAT I HAVE ASKED YOU?

17 A. YES, SIR.

18 Q. HAVE YOU ANSWERED THEM TRUTHFULLY?

19 A. YES, SIR.

20 Q. DO YOU UNDERSTAND IF YOU WANTED TO FILE AN APPEAL
21 IN THIS CASE YOU WOULD HAVE TO DO THAT WITHIN TEN
22 DAYS - - -

23 A. YES, SIR.

24 Q. --- FROM THE DATE YOU ARE SENTENCED, WHICH WOULD
25 BE ONE DAY NEXT WEEK. DO YOU UNDERSTAND THAT?

1 A. YES, SIR.

2 THE COURT: I'LL ACCEPT HIS PLEAS,
3 I FIND A SUBSTANTIAL FACTUAL BASIS FOR HIS PLEAS, HIS
4 DECISION TO PLEAD GUILTY IS FREELY AND VOLUNTARILY MADE.
5 HE'S KNOWINGLY AND INTELLIGENTLY WAIVED HIS RIGHT TO A
6 JURY TRIAL, AND HE'S HAD THE SERVICES OF AN ATTORNEY
7 WITH WHOM HE SAYS HE'S SATISFIED. AND THE SENTENCING,
8 THEN, WILL BE ONE DAY NEXT WEEK, WHATEVER TIME Y'ALL
9 WORK IT OUT, AND OF COURSE, I'LL BE GLAD TO HEAR FROM
10 YOU, MR. ENDICOTT, AS WELL AS YOUR ATTORNEY, AND -- I
11 MEAN, MR. DERRICOTT, AND ANY MEMBERS OF YOUR FAMILY WHO
12 WANT TO SPEAK ON YOUR BEHALF AT THAT TIME.

13 DEFENDANT DERRICOTT: ALRIGHT, THANK
14 YOU, SIR.

15 THE COURT: ALRIGHT. ANYTHING, MR.
16 WALTERS, YOU NEED TO ADD?

17 MR. WALTERS: THERE'S NOTHING MORE
18 TO SAY, YOUR HONOR.

19 SOLICITOR BURBAGE: I DON'T KNOW
20 THAT MR. DERRICOTT'S HEARD THE FACTS, YOUR HONOR.

21 THE COURT: OH, THAT'S RIGHT, WE'VE
22 GOT TO HEAR THE FACTS. GO AHEAD.

23 SOLICITOR BURBAGE: YOUR HONOR, THE
24 FIRST INCIDENT OCCURRED AT - AT A
25 MOBILE HOME LOCATED IN DENMARK IN BAMBERG COUNTY. YOUR

EXAM - DARONE DERRICOTT, JR., BY THE COURT

90

1 HONOR, THAT WAS THE RESIDENCE BELONGING TO DAMEON
2 McDONALD. THESE INDIVIDUALS WENT TO THAT RESIDENCE.
3 THE, ONE OF THE CO-DEFENDANTS, BRANDON STALEY, WAS
4 DRIVING A VEHICLE THAT BELONGED TO WILLIAM ANTONIO
5 GLEATON, ANOTHER CO-DEFENDANT'S GIRL FRIEND. THEY DROVE
6 THAT VEHICLE TO THE RESIDENCE. MR. DARRELL GLEATON AS
7 WELL AS WILLIAM GLEATON WENT TO THE FRONT DOOR, MADE
8 ENTRY INTO THE RESIDENCE AND MR. TONY GLEATON DID SHOOT
9 MR. DAMEON McDONALD WITH A SHOT GUN. THE, MR.
10 DERRICOTT, AS WELL AS MR. JOHNSON STOOD OUTSIDE THE
11 VEHICLE NEARBY DURING THIS INCIDENT, SORT OF SERVING AS
12 A LOOKOUT, YOUR HONOR. AFTER THIS INCIDENT THEY THEN
13 GOT INTO THE VEHICLE AND DROVE TO THE SECOND LOCATION
14 WHICH WAS THE HOME OF MR. VANCE POLITE, SENIOR, AND MRS.
15 ANNIE BELL POLITE AT IN
16 NORWAY HERE IN ORANGEBURG COUNTY. ONCE AT THAT
17 RESIDENCE FOUR OF THESE INDIVIDUALS, WE BELIEVE FOUR OF
18 THESE INDIVIDUALS LEFT THE VEHICLE, POSSIBLY MR. STALEY
19 STAYED IN THE VEHICLE, THE OTHER FOUR INDIVIDUALS,
20 INCLUDING THE DEFENDANT STANDING BEFORE YOU TODAY, MR.
21 DERRICOTT, WENT IN THE HOME. TONY GLEATON WAS THE FIRST
22 TO GO TO THE FRONT DOOR, AND WHEN MR. POLITE OPENED THE
23 DOOR MR. POLITE WAS STRUCK ABOUT THE BODY AND HIS FACE
24 WITH A PISTOL. HE WAS ALSO SHOT IN THE GROIN BY MR.
25 TONY GLEATON. ALL OF THESE INDIVIDUALS WENT IN THE HOME

EXAM - DARONE DERRICOTT, JR., BY THE COURT

91

1 ARMED WITH GUNS, THEY WENT IN AND FORCED MRS. POLITE TO
2 HAND OVER ANY SORT OF MONEY, THREATENING TO KILL HER IF
3 SHE DIDN'T GIVE THEM MONEY. THERE WAS A WHITE BUCKET
4 THAT CONTAINED SOME MONEY THAT THEY TOOK. THEY TOOK
5 SOME LIQUOR FROM THE RESIDENCE AS WELL AS A PISTOL, I
6 MEAN, A REVOLVER BELONGING TO MR. POLITE, ALL THIS WHILE
7 THEY ARMED WITH GUNS. YOUR HONOR, MRS. POLITE
8 POSITIVELY IDENTIFIED DARREL GLEATON AND DARONE
9 DERRICOTT. YOUR HONOR, THEY LEFT THAT RESIDENCE IN THE
10 VEHICLE THAT THEY HAD BEEN DRIVING PREVIOUSLY, THAT
11 VEHICLE RAN OUT OF GAS. THEY THEN WENT TO THE HOME OF
12 ERIC AND JENNIFER GRANT WHICH WAS AT
13 ROAD. YOUR HONOR, AT THAT LOCATION ALL
14 FIVE FORCED ENTRY INTO THE HOME. WHEN THEY GOT INSIDE
15 THE HOME MR. FLEMING BRIGGS WAS IN THE HOME, HE'S THE
16 BROTHER OF JENNIFER GRANT, ONE OF THE HOME OWNERS, HE
17 WAS ASLEEP IN THE FRONT ROOM. YOUR HONOR, ALL OF THESE
18 INDIVIDUALS WERE ARMED WITH GUNS. THEY WENT IN, MR.
19 BRIGGS WAS BEAT ABOUT HIS BODY AND HIS FACE, HE WAS
20 PISTOL WHIPPED. ALSO, A NUMBER OF DEFENDANTS WENT INTO
21 THE BACK ROOM, OR INTO THE BEDROOM WHICH IS WHERE MR.
22 GRANT WAS AS WELL AS MRS. GRANT AND THEIR ONE YEAR OLD
23 CHILD. WHILE IN THAT BEDROOM DARRELL GLEATON DID
24 FORCIBLY RAPE MRS. GRANT, FORCING HER TO HAVE ORAL SEX
25 AS WELL AS VAGINAL INTERCOURSE, THREATENING TO KILL HER

EXAM - DARONE DERRICOTT, JR., BY THE COURT

92

1 CHILD IF SHE DID NOT COMPLY. MULTIPLE DEFENDANTS WERE
2 IN THE ROOM ALSO PISTOL WHIPPING, BEATING MR. GRANT
3 ABOUT HIS BODY. A DRESS WAS THROWN ON HIM. ALSO DURING
4 THAT INCIDENT THE ONE YEAR OLD WAS STRUCK IN THE FACE
5 WITH A PISTOL. YOUR HONOR, THERE WAS ALSO ANOTHER CHILD
6 IN THE HOME IN ANOTHER BEDROOM DURING THIS INCIDENT.
7 AGAIN, ALL OF THEM WERE ARMED WITH WEAPONS. A NUMBER OF
8 THESE WEAPONS WERE FIRED WHILE IN THE HOME. AND AFTER
9 ALL OF THE INDIVIDUALS, THEY TOOK THE KEYS TO THE
10 LESABRE BELONGING TO MR. GRANT, LEFT THAT RESIDENCE, AND
11 YOUR HONOR, THE CAR WAS WRECKED. ONCE THE CAR WAS
12 WRECKED THEY SET IT ON FIRE AND ALL FIVE OF THE
13 INDIVIDUALS DISBURSED. MR. DARRELL GLEATON WAS FOUND
14 NEARBY, BRANDON STALEY LATER TURNED HIMSELF IN, DARONE
15 DERRICOTT WHO IS STANDING BEFORE YOU TODAY AS WELL AS
16 MR. RICARDO JOHNSON WERE CAUGHT AT A BUS STATION IN
17 COLUMBIA BY A FUGITIVE TASK FORCE. AGAIN, MR. RICARDO
18 JOHNSON HAD A HAND GUN IN HIS POCKET. AND THEN, WILLIAM
19 GLEATON WAS LATER FOUND IN WILLISTON HIDING IN THE WOODS
20 BY ANOTHER TASK FORCE AND HE WAS FOUND NEAR TWO
21 ABANDONED MOBILE HOMES. UNDER THOSE MOBILE HOMES, ONE,
22 THERE WAS THE PISTOL, OR EXCUSE ME, REVOLVER THAT WAS
23 TAKEN FROM THE HOME OF MR. POLITE, AND UNDER ONE OF THE
24 OTHER ABANDONED MOBILE HOMES THERE WAS A SHOT GUN AND
25 THAT SHOT GUN WAS THE ONE THAT WAS USED TO SHOOT MR.

1 POLITE, OR EXCUSE ME, YOUR HONOR, MR. McDONALD IN THE
2 FIRST INCIDENT IN BAMBERG.

3 YOUR HONOR, THAT WOULD BE THE EXTENT
4 OF THE FACTS IN THIS CASE.

5 THE COURT: ANYTHING YOU WANT TO ADD
6 AT THIS TIME?

7 MR. WALTERS: NO, SIR, YOUR HONOR.

8 THE COURT: DO YOU HAVE ANY
9 DISAGREEMENT WITH WHAT SHE SAID, MR. DERRICOTT?

10 DEFENDANT DERRICOTT: NO, SIR.

11 THE COURT: ALRIGHT. WE'LL BE IN
12 RECESS ON THIS MATTER THEN UNTIL WE FINISH IT UP NEXT
13 WEEK.

14 SOLICITOR BURBAGE: THANK YOU, YOUR
15 HONOR.

16 MR. WALTERS: THANK YOU, YOUR HONOR.

17 (Recess for the day.)

18 DATE:
19 JANUARY 23, 2008

20 MR. GRANT: YOUR HONOR, MAY WE
21 APPROACH?

22 THE COURT: YES, SIR.

23 SOLICITOR PASCOE: WILLIAM ANTONIO
24 GLEATON, DARRELL GLEATON, RICARDO JOHNSON, BRANDON
25 STALEY, AND DARONE DERRICOTT.

1 COURT REPORTER: SOLICITOR, CALL
2 THEIR NAMES OUT IN THE ORDER THAT THEY ARE STANDING,
3 PLEASE.

4 SOLICITOR BURBAGE: OKAY. WE HAVE
5 WILLIAM ANTONIO GLEATON, WHOSE REPRESENTED BY SCOTT
6 PALMER, DARRELL GLEATON, WHOSE REPRESENTED BY GERALD
7 DAVIS AS WELL AS CHRIS WILSON.

8 MR. CHANDLER: THIS IS STEVE
9 CHANDLER STANDING IN FOR CHRIS, YOUR HONOR. CHRIS HAD
10 TO BE OUT OF STATE.

11 SOLICITOR BURBAGE: RICARDO JOHNSON,
12 WHO I BELIEVE IS STILL IN THE BACK, WHOSE REPRESENTED BY
13 JOSH KOGER.

14 THE COURT: WELL, WAIT A MINUTE,
15 WHERE IS YOUR CLIENT?

16 SOLICITOR BURBAGE: THEY'RE GETTING
17 HIM, YOUR HONOR.

18 THE COURT: WE JUST AS WELL WAIT
19 UNTIL THEY GET HIM.

20 SOLICITOR BURBAGE: FIRST WE HAVE
21 WILLIAM ANTONIO GLEATON WHOSE REPRESENTED BY SCOTT
22 PALMER. DARRELL GLEATON WHOSE REPRESENTED BY GERALD
23 DAVIS AS WELL AS STEVE CHANDLER. JOSH KOGER IS
24 REPRESENTING RICARDO JOHNSON. GLEN WALTERS IS
25 REPRESENTING DARONE DERRICOTT. CARL GRANT IS

1 REPRESENTING BRANDON STALEY. THAT'S ALL THE DEFENDANTS,
2 YOUR HONOR.

3 THE COURT: ALRIGHT.

4 SOLICITOR PASCOE: MAY IT PLEASE THE
5 COURT.

6 THE COURT: YES, SIR. FIVE OF THESE
7 GENTLEMEN HAVE PLED TO VARIOUS VERY SERIOUS CHARGES. I
8 HAVE ACCEPTED THEIR PLEAS AND THEY ARE BEFORE ME TODAY
9 FOR SENTENCING.

10 ALRIGHT, SOLICITOR, I'LL HEAR FROM
11 YOU AND THEN I'LL HEAR FROM ANYBODY ON BEHALF OF THE
12 VICTIMS' FAMILIES AND THEN I'LL HEAR FROM EACH ATTORNEY,
13 AND ANYBODY WHO WANTS TO SPEAK ON BEHALF OF THEIR
14 CLIENTS, AND THEN I'LL SENTENCE ALL FIVE OF THEM.

15 ALRIGHT, SIR.

16 SOLICITOR PASCOE: YES, SIR. AS YOUR
17 HONOR STATED, ALL FIVE OF THESE DEFENDANTS PLED GUILTY
18 LAST WEEK AND ACCEPTED RESPONSIBILITY AND CULPABILITY
19 FOR THESE HOME INVASIONS. THE HOME INVASION OF MR. AND
20 MRS. POLITE, AS WELL AS THE HOME INVASION OF MR. AND
21 MRS. GRANT WHO LIVE IN ORANGEBURG COUNTY TOWARDS NORWAY
22 IN THE NEESES AREA, YOUR HONOR. MS. BURBAGE LAST WEEK
23 WENT OVER A GREAT DEAL OF THE FACTS. IF THE COURT WOULD
24 LIKE I CAN GO OVER A COUPLE MORE FACTS OR GO OVER WHAT
25 NOW WE BELIEVE WE WOULD HAVE PROVEN WITH REGARD TO EACH

1 DEFENDANT - - -

2 THE COURT: ALRIGHT, SIR.

3 SOLICITOR PASCOE: --- INVOLVED IN
4 THE HOME INVASIONS.

5 THE COURT: ALRIGHT, SIR.

6 SOLICITOR PASCOE: YOUR HONOR, FIRST
7 WITH REGARDS TO MR. AND MRS. POLITE'S HOME WHICH WAS
8 INVADED THAT NIGHT OF DECEMBER THE EIGHTEENTH, AS MS.
9 BURBAGE POINTED OUT LAST WEEK, WE WOULD HAVE PRODUCED
10 EVIDENCE WHICH WOULD HAVE PROVEN THAT TONY GLEATON
11 REALLY WAS THE RING LEADER OF THAT. HE'S THE ONE THAT
12 CHOSE THAT HOUSE AFTER THEY COMMITTED THEIR HOME
13 INVASION IN BAMBERG WHICH YOU HEARD THE FACTS OF LAST
14 WEEK. WHEN THEY GOT TO THE POLITES' HOUSE WE WOULD HAVE
15 PUT UP EVIDENCE THAT MR. TONY GLEATON KNOCKED ON THE
16 DOOR. MR. POLITE, WHO IS -- HOW OLD KELLY? EIGHTY-ONE
17 YEARS OLD AND PRESENT TODAY, OPENED THE DOOR. TONY
18 GLEATON BEGAN TO PISTOL WHIP MR. POLITE, NEARLY PISTOL
19 WHIPPED HIM TO DEATH, IT'S A MIRACLE THAT HE'S HERE
20 TODAY ALIVE. IN FACT, I REMEMBER GETTING THE PHONE CALL
21 THE NEXT MORNING, AND THE SLED AGENT IN CHARGE OF THE
22 CASE, CAPTAIN ROGER HEATON, TOLD ME THAT MR. POLITE WAS
23 NOT GOING TO BE WITH US. HE SAID POINT BLANK THAT THIS
24 WAS GOING TO BE A MURDER CASE. BUT SOMEHOW MR. POLITE
25 SURVIVED THAT PISTOL WHIPPING. HE ALSO, AS YOUR HONOR

1 KNOWS, WAS SHOT IN THE GROIN AREA WE BELIEVE
2 INTENTIONALLY BY THE DEFENDANT, TONY GLEATON. ALSO
3 INSIDE THAT HOUSE WE WOULD HAVE PUT UP EVIDENCE THAT
4 FOUR OF THE DEFENDANTS WENT INSIDE, IT WAS DARRELL
5 GLEATON, TONY GLEATON, RICARDO JOHNSON AND DARONE
6 DERRICOTT. MR. BRANDON STALEY STAYED OUTSIDE, AND OF
7 COURSE, BUT PLED GUILTY OF THESE CHARGES UNDER THE HAND
8 OF ONE IS THE HAND OF ALL. INSIDE THE HOUSE THERE ARE
9 WITNESSES' STATEMENTS THAT POSSIBLY DARRELL GLEATON WAS
10 GOING TO ATTEMPT TO SEXUALLY ASSAULT MRS. POLITE, WHO IS
11 IN HER SEVENTIES, AND THAT IT WAS DARONE DERRICOTT, MR.
12 WALTERS' CLIENT, WHO TOLD HIM NOT TO DO IT. BUT ONCE
13 INSIDE ALL OF THEM DID STEAL SOME MONEY, A GUN AND SOME
14 OTHER ITEMS, AND LIQUOR FROM INSIDE THE HOUSE.

15 THEY THEN, OF COURSE, GO TO THE
16 GRANT'S HOME AFTER THEIR VEHICLE BROKE DOWN, WHICH WE
17 WENT INTO LAST WEEK. INSIDE THE GRANT'S HOME
18 SPECIFICALLY WITH EACH DEFENDANT, THESE, THE VICTIMS,
19 MR. AND MRS. GRANT AND THEIR BROTHER, OR BROTHER-IN-LAW,
20 THEY WERE VERY SPECIFIC AS TO BEING ABLE TO PICK THE
21 DEFENDANTS OUT AND WHAT THEY DID INSIDE THE HOME.
22 ACCORDING TO MR. AND MRS. GRANT ALL OF THE DEFENDANTS
23 WERE JUST ABOUT EQUALLY CULPABLE INSIDE THAT HOME. THEY
24 WERE PISTOL WHIPPED BY ALL OF THEM, PARTICULARLY TONY
25 GLEATON, WHO OF COURSE, COMMITTED A SEXUAL ASSAULT

1 INSIDE THE HOME THAT YOUR HONOR KNOWS ABOUT, OR EXCUSE
2 ME, DARRELL GLEATON, DARRELL GLEATON WHO COMMITTED THE
3 SEXUAL ASSAULT. TONY GLEATON WAS PICKED OUT OF LINEUPS
4 AS HAVING PISTOL WHIPPED PEOPLE. RICARDO JOHNSON WAS
5 PICKED OUT OF LINEUPS AND IDENTIFIED BY THE VICTIMS AS
6 PISTOL WHIPPING PEOPLE. BRANDON STALEY IDENTIFIED FROM
7 THE LINEUPS AS POSSESSING A SHOT GUN, PISTOL WHIPPING
8 INDIVIDUALS, AND FIRING A SHOT GUN INSIDE THE RESIDENCE.
9 MR. DERRICOTT WAS PICKED OUT BY ONE OF THE VICTIMS AS
10 POSSIBLY HITTING SOMEONE WITH A GUN. BUT MOSTLY,
11 ACCORDING TO THE VICTIMS IN THAT CASE MR. DERRICOTT WAS
12 GOING AROUND THE HOUSE LOOKING FOR KEYS TO THE VEHICLE.
13 AGAIN, THEY WERE VERY POSITIVE ON THEIR IDENTIFICATIONS,
14 IT WAS EASY FOR THEM TO IDENTIFY SOME BECAUSE THEY HAD
15 DIFFERENT TRAITS, EACH DEFENDANT, AND THAT'S HOW THEY
16 WERE ABLE TO IDENTIFY THEM VERY EASILY.

17 WITH REGARDS TO PRIOR RECORDS, I
18 DON'T KNOW IF KELLY WENT OVER THESE LAST WEEK, BUT TONY
19 GLEATON, YOUR HONOR, HAS A PRIOR RECORD, TWO THOUSAND,
20 SIMPLY ASSAULT AND BATTERY, TWO THOUSAND AND TWO,
21 BURGLARY IN THE SECOND DEGREE FOR WHICH HE RECEIVED A,
22 IT LOOKS LIKE A SUSPENDED YOA, AND TWO THOUSAND AND
23 FOUR, POSSESSION OF CRACK.

24 AS FAR AS RICARDO JOHNSON, HE HAS A
25 PWID DRUG CHARGE WHERE HE GOT ONE YEAR PROBATION IN

1 MARYLAND, YOUR HONOR.

2 MR. BRANDON STALEY HAS A RESISTING
3 ARREST FROM TWO THOUSAND AND FOUR.

4 THAT'S ALL WE HAVE WITH REGARDS TO
5 FACTS AND RECORDS.

6 THE COURT: DARRELL GLEATON AND
7 DARONE HAVE NO RECORDS?

8 SOLICITOR PASCOE: NO RECORDS, YOUR
9 HONOR, NONE THAT WE HAVE ON THE RAP SHEET.

10 THE COURT: ALRIGHT. ALRIGHT, I'LL
11 BE GLAD TO HEAR FROM ANYBODY ON BEHALF OF THE VICTIMS.

12 SOLICITOR BURBAGE: YOUR HONOR,
13 PRESENTLY IN THE COURTROOM TODAY WE HAVE ERIC AND
14 JENNIFER GRANT, DOROTHY GRANT ISAAC, WHO IS ERIC GRANT'S
15 MOTHER, GLADYS SCOTT, WHO IS AN AUNT, WILLIE GRANT, WHO
16 IS AN UNCLE.

17 ALSO, YOUR HONOR, FROM THE POLITE'S
18 FAMILY, MR. AND MRS. POLITE ARE NOT PRESENT IN THE
19 COURTROOM. HOWEVER, THEIR SON AND THEIR DAUGHTER ARE,
20 VERTA POLITE JONES, THE DAUGHTER, IS PRESENT, VANCE
21 POLITE, JUNIOR, THE SON, IS HERE, GLEN POLITE, WHO IS
22 ALSO ANOTHER SON OF MR. POLITE, IS PRESENT, DIANE
23 POLITE, A DAUGHTER-IN-LAW, DANIEL POLITE, A NEPHEW, JOHN
24 ALBERT POLITE, ANOTHER NEPHEW, STANLEY POLITE, THE
25 BROTHER OF MR. POLITE, AS WELL AS ELI GILMORE WHO IS

1 ALSO A COUSIN, YOUR HONOR.

2 ALSO PRESENT IN THE COURTROOM IS
3 INVESTIGATOR CRAFT OF THE ORANGEBURG COUNTY SHERIFF'S
4 OFFICE, AS WELL AS CRAIG COLLIER ON BEHALF OF SHAWN
5 HARLEY WITH SLED.

6 YOUR HONOR, I BELIEVE THAT MR.
7 GRANT, ERIC GRANT, AS WELL AS WILLIE GRANT WOULD LIKE TO
8 ADDRESS THE COURT, AS WELL AS GLEN POLITE.

9 THE COURT: ALRIGHT, I'LL BE GLAD TO
10 HEAR FROM YOU. YOU JUST STAND RIGHT THERE, MR. POLITE,
11 JUST SPEAK LOUD ENOUGH FOR THE COURT REPORTER TO HEAR
12 YOU, AND TELL US YOUR NAME FIRST.

13 SOLICITOR PASCOE: THIS IS MR.
14 GRANT, YOUR HONOR.

15 THE COURT: I MEAN MR. GRANT, YES,
16 SIR.

17 ERIC GRANT: YOUR HONOR, IT HURTS
18 REAL BAD. I MEAN, THIRTY-ONE YEARS OLD, I DON'T BOTHER
19 NOBODY, I DON'T DO NOTHING TO NO ONE, AND HERE IT IS, ME
20 AND MY FAMILY, WE JUST ASLEEP, AND YOU KNOW, AT THE SAME
21 TIME, HEAR YOUR DOOR BEING KICKED IN AND JUST IN
22 GENERAL, FROM A MAD POINT OF VIEW, IT'S NOT FUN TO FEEL
23 HELPLESS IN YOUR HOUSE AND YOU CAN'T PROTECT YOUR WIFE,
24 YOUR KIDS, AND THAT HURTS SO BAD. I MEAN, AND AT THE
25 SAME TIME, AND SEEING YOUR LITTLE SON GETTING HIT AND

1 THEN SOMEONE, SOMEBODY JUST RAPING YOUR WIFE, THAT HURT,
2 THAT HURT. I MEAN, IT'S NO OTHER WAY I CAN REALLY SAY.
3 I MEAN, TO ME, I DIDN'T DO ANYTHING TO Y'ALL. I'M NOT
4 A BAD PERSON. I MEAN, BOTTOM LINE, IF Y'ALL WANTED THE
5 CAR, TAKE THE CAR, BUT MAN, THAT'S MY WIFE, AND THAT'S
6 MY LITTLE BOY. HOW WOULD Y'ALL FEEL IF THAT WAS ME
7 COMING TO Y'ALL'S HOUSE, MAN? Y'ALL WOULDN'T LIKE THAT.
8 AND AT THE SAME TIME YOU FEEL HELPLESS, AND AT THE SAME
9 TIME, SAY IF THAT WAS Y'ALL'S GIRL FRIEND OR Y'ALL'S
10 WIFE I WAS DOING THAT TO. Y'ALL WOULDN'T LIKE THAT. I
11 MEAN, IT HURT, Y'ALL, I MEAN, BOTTOM LINE, I'M THE TYPE
12 OF PERSON LIKE THIS, I CAN GIVE YOU THE SHIRT OFF MY
13 BACK IF I GOT IT. I MEAN, IT JUST, MAN, IT'S ROUGH.
14 IT'S, OH, BOY, MAN, I MEAN -- ALL I CAN SAY, MAN, Y'ALL
15 JUST BREAK ME, I MEAN, IT'S - - -

16 SOLICITOR BURBAGE: AND YOUR HONOR,
17 MRS. GRANT I BELIEVE WANTED TO ADDRESS THE COURT.
18 HOWEVER SHE HAD PREPARED A LETTER THE LAST TIME WHEN SHE
19 WASN'T SURE IF SHE COULD, SO I TOLD HER I'D READ THE
20 LETTER TO THE COURT. SHE DOESN'T FEEL LIKE SHE COULD
21 READ IT OUT LOUD.

22 THE COURT: ALRIGHT.

23 SOLICITOR BURBAGE: "I'D LIKE TO
24 ADDRESS THE COURT BY SAYING THIS FOR MYSELF, I THINK
25 WHAT THEY DID TO ME WAS WRONG.

1 COURT REPORTER: MA'AM, YOU HAVE TO
2 SLOW DOWN.

3 SOLICITOR BURBAGE: "I WOULD LIKE TO
4 ADDRESS THE COURT BY SAYING THAT FOR MYSELF I THINK WHAT
5 THEY DID TO ME WAS VERY WRONG. I NEVER THOUGHT IN MY
6 LIFE THAT I WOULD EVER HAVE GOTTEN RAPED UNTIL THE NIGHT
7 OF DECEMBER EIGHTEENTH, TWO THOUSAND AND SIX. I HATE
8 THE FACT THAT I GOT RAPED, ESPECIALLY NOT IN FRONT OF MY
9 SON. I DO NOT EVEN FEEL LIKE MYSELF AGAIN. MYSELF AND
10 MY FAMILY WERE DOING FINE UNTIL THE NIGHT OF DECEMBER
11 THE EIGHTEENTH OF TWO THOUSAND AND SIX. BEFORE THAT
12 NIGHT MY DAUGHTER WAS NOT AFRAID TO STAY WITH ME. SHE
13 WAS ASLEEP WHEN IT HAPPENED BUT SHE IS STILL AFFECTED BY
14 IT BECAUSE SHE KNOWS THAT SOMETHING HAPPENED TO US.
15 WHENEVER MY HUSBAND GOES ANYWHERE SHE WANTS TO GO. IF
16 I WOULD SAY NO, SHE KICKS, BITES SCREAMS TO GO BECAUSE
17 SHE IS SCARED THAT IF SHE WOULD STAY WITH ME THAT
18 SOMETHING MIGHT HAPPEN. MYSELF, MY HUSBAND, MY SON AND
19 DAUGHTER HAD TO GO TO COUNSELING FOR A WHILE. I MYSELF
20 HAVE NOT GOTTEN OVER WHAT HAPPENED TO ME BECAUSE EVER
21 SINCE I GOT RAPED I FEEL THAT SOMETIMES MY LIFE IS NOT
22 THE SAME. I FEEL ANGRY AND VERY SCARED. I HATE WHAT HE
23 DID TO ME AND MY FAMILY, WE DID NOT DO NOTHING WRONG. I
24 REALLY, REALLY HATE WHAT HE DID TO ME, ESPECIALLY NOT IN
25 FRONT OF MY SON. I HATE WHAT HE DID, BECAUSE EVERY DAY

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1 I HAVE TO LIVE WITH THE FACT THAT I AM A RAPE VICTIM AND
2 I'M SCARED FOR THE REST OF MY LIFE. BECAUSE OF WHAT
3 HAPPENED TO US WE HAD TO MOVE AND OUR LIVES WILL NEVER
4 BE THE SAME. SINCE THAT WE'RE GOING TO HAVE ANOTHER
5 BABY, BUT I THINK WHAT HAPPENED TO ME AND GET UPSET, AND
6 I KNOW I SHOULDN'T GET UPSET BECAUSE I'M PREGNANT, BUT
7 DEALING WITH THE PREGNANCY, DEALING WITH MY DAUGHTER,
8 KNOWING THE FACT THAT I GOT RAPED, DEALING WITH MOVING
9 AND HAVING NOBODY THAT UNDERSTANDS ME I GET REALLY
10 UPSET. I TRY TO SAY TO MYSELF THAT IT'S GOING TO GET
11 BETTER BUT I DON'T KNOW WHEN. A LOT OF PEOPLE DO NOT
12 UNDERSTAND WHAT BEING RAPED DOES. WHEN I GOT RAPED I
13 WAS FORCE SLAPPED LIKE I WAS NOTHING. THEY ALSO HIT US
14 LIKE WE WERE ANIMALS. WE GOT HIT IN THE HEAD, KICKED,
15 AND WHEN I GOT RAPED IN FRONT OF MY SON THAT WAS THE
16 WORSE THING THAT CAN EVER HAPPEN. I GOT RAPED AND I AM
17 A LIVING TESTIMONY. I'M A RAPE VICTIM FOR THE REST OF
18 MY LIFE. I HATE WHAT HE DID TO ME AND MY FAMILY."

19 AND YOUR HONOR, I BELIEVE WE HAVE
20 ONE MORE, MR. GRANT'S, ONE OF THEIR UNCLES WOULD LIKE TO
21 ADDRESS THE COURT AS WELL.

22 THE COURT: ALRIGHT, YES, SIR.

23 WILLIE GRANT: YOUR HONOR, MY NAME
24 IS WILLIE GRANT, AND I WOULD LIKE TO SAY HOW IT AFFECTED
25 ME AND MY NEPHEW, ERIC. HE HAD RECENTLY MOVED FROM THE

1 HOUSE THAT THIS HAPPENED, AND IN THE NEW HOUSE HE'S
2 GOING THROUGH CHANGES OF WANTING TO BAR HIS DOORS, IN
3 WHICH THE LANDLORD OF THAT APARTMENT WON'T ALLOW THAT.
4 OTHER WORDS, HE, JUST A PART, WHEN HE CALLED ME AND SAID
5 -- MY NICKNAME IS BUBBA - HE SAID, BUBBA, I NEED TO LOCK
6 UP MY HOUSE, I'VE GOT TO PROTECT MY FAMILY. BUT IN HIS,
7 IN TRYING TO DO THAT THE PEOPLE SAID, NO, YOU CAN'T DO
8 THAT. AND JUST TO SEE HIM GO THROUGH THIS, YOU KNOW,
9 TRYING TO PROTECT HIS FAMILY, AND TALKING TO ME, AND
10 HE'S MY DRUMMER FROM MY CHOIR IN MY CHURCH, AND SOMETIME
11 HE GETS TO THINKING ABOUT IT AND HE STARTS MISSING
12 NOTES, KEYS ON HIS DRUM SET, IT JUST GETS OVERWHELMING
13 FOR HIM, YOU KNOW. AND I JUST HATE TO SEE HIM GOING
14 THROUGH THIS ALL BECAUSE OF THE SITUATION THAT HE'S IN.
15 AND IT HAS AFFECTED ME, AND IT HAS AFFECTED HIM AND HIS
16 FAMILY.

17 THE COURT: THANK YOU, SIR.

18 YES, SIR.

19 GLEN POLITE: YOUR HONOR, MY NAME IS
20 GLEN POLITE. YOU KNOW, YOUR HONOR, WHEN I THINK ABOUT
21 IT, IN OUR SOCIETY TODAY DATES ARE VERY IMPORTANT. AND
22 NORMALLY IT'S IMPORTANT BECAUSE IT MARKS AN UNCHANGING
23 EVENT THAT TAKES PLACE IN OUR LIFE, OUR BIRTHDAY, OR
24 MARRIAGE DATE, OUR GRADUATION DATES, THINGS THAT SHOULD
25 BE IMPORTANT AND HAPPY. BUT THERE'S A DATE, DECEMBER

1 THE EIGHTEENTH, TWO THOUSAND AND SIX, THAT IS GOING TO
2 BE UNCHANGING FOR A LOT OF FOLKS, FOR THE VICTIMS AS
3 WELL AS FOR THE DEFENDANTS. MY PARENTS, MY FATHER WHO
4 IS EIGHTY-TWO, MY MOTHER WHO IS SEVENTY-SEVEN, THEY
5 MOVED TO NORWAY IN NINETEEN FORTY-NINE, FOR FIFTY-SIX
6 YEARS NOT AN EVENT HAPPENED WITHIN THEIR HOME UNTIL THE
7 NIGHT OF DECEMBER EIGHTEENTH. MY MOM, WHO IS A
8 DIABETIC, WAS ALMOST RAPED DUE TO THIS SITUATION. MY
9 FATHER, WHO IS EIGHTY-TWO, NEVER BEEN TO A DOCTOR WITH
10 THE EXCEPTION OF IN THE YEAR TWO THOUSAND WHEN HE WENT
11 IN FOR AN OPERATION FOR CARCINOID CANCER, NEVER AGAIN
12 HAS HE SEEN A DOCTOR UNTIL THIS EVENT. SINCE DECEMBER
13 EIGHTEENTH HE HAS BEEN TO THE DOCTOR TWENTY-TWO TIMES,
14 TWENTY-TWO TIMES. EVERYONE THAT KNOWS MY FATHER KNOWS
15 THAT HE'S ACTIVE, OUT ON HIS TRACTOR, OUT IN THE FIELDS,
16 PLANTING VEGETABLES FOR ANYBODY TO COME PICK AND TO
17 HAVE. BUT SINCE DECEMBER EIGHTEENTH IT WAS JUST UNTIL
18 YESTERDAY THAT HE WAS ABLE TO STEP BACK ON HIS TRACTOR
19 AGAIN. ANYONE THAT KNOWS MY FATHER AND KNOWS THAT
20 BECAUSE OF THE BEATING THAT HE TOOK IN HIS HEAD, HIS
21 MENTAL CAPABILITIES, HIS CAPACITIES IS NOT THERE. HIS
22 MEMORY IS NOT THERE AS IT USED TO BE. HE'S NOT AS FUN
23 AS HE USED TO BE BECAUSE HE BREAKS DOWN WHEN HE THINKS
24 ABOUT WHAT HAPPENED TO HIM ON DECEMBER THE EIGHTEENTH.
25 ANYONE THAT KNOWS ANNIE BELL POLITE AND VANCE POLITE,

1 THEY KNOW THAT IF YOU ASK FOR IT THEY WOULD GIVE IT.
2 BUT THAT NIGHT THEY WERE VIOLATED, IT WAS TAKEN. I THINK
3 THAT IF EITHER ONE OF THE DEFENDANTS AND THEIR FAMILIES
4 WERE TO LOOK AT THE OTHER SIDE OF THE FENCE AND TO HAVE
5 THAT HAPPEN TO THEIR PARENTS THEY WOULD EXPECT YOU, AS
6 UPHOLDING THE LAW FOR THE STATE OF SOUTH CAROLINA, TO DO
7 WHAT IS JUST, AND THAT'S ALL WE ASK OF YOU TODAY.

8 THE COURT: THANK YOU, SIR.

9 SOLICITOR PASCOE: THANK YOU, YOUR
10 HONOR.

11 THE COURT: ALRIGHT.

12 SOLICITOR PASCOE: THAT'S ALL WE'D
13 HAVE.

14 THE COURT: ALRIGHT. MR. PALMER.

15 MR. PALMER: THANK YOU, YOUR HONOR,
16 MAY IT PLEASE THE COURT. PLEASE PARDON MY VOICE, I'M A
17 LITTLE BIT UNDER THE WEATHER. YOUR HONOR, I JUST WANT
18 TO SAY A FEW WORDS ON BEHALF OF WILLIAM ANTONIO GLEATON.
19 THERE'S BEEN SOME TALK THROUGHOUT THIS CASE ABOUT HIM
20 BEING THE RING LEADER. HOWEVER, I WOULD QUESTION
21 SPECIFICALLY WHAT FACTS MAKE HIM THE RING LEADER. THE
22 CASE FILE CONTAINS SOME ALLEGED STATEMENTS THAT HE MADE
23 BEFORE THIS TURN OF EVENTS, BUT OF COURSE, MAKING
24 STATEMENTS ISN'T A CRIME.

25 WITH REGARD TO THE SPECIFIC CHARGES,

1 HE'S BEEN CHARGED WITH ABWIK, SEVERAL COUNTS OF
2 BURGLARY, FIRST, USING A WEAPON, ARMED ROBBERY, AND
3 KIDNAPING. THE KIDNAPING CHARGE WAS DROPPED, SO HE'S
4 PLED TO EVERYTHING BUT THAT. THERE'S NO CHARGE OF
5 CRIMINAL SEXUAL CONDUCT, THERE'S NO EVIDENCE THAT HE
6 ENGAGED IN THAT.

7 WITH REGARD TO THE ABWIK, YOUR
8 HONOR, MR. GLEATON WOULD ACCEPT THE MAXIMUM SENTENCE ON
9 THAT. AND MY POINT WITH THIS, YOUR HONOR, IS THAT THESE
10 MEN WERE ALL OPERATING TOGETHER. THERE WAS NO RING
11 LEADER, THEY WERE ALL ENGAGED IN IT EQUALLY. IN FACT,
12 THERE'S SOME EVIDENCE THAT MR. GLEATON TRIED TO STOP OF
13 THESE CRIMES, ESPECIALLY WITH REGARD TO THE CRIMINAL
14 SEXUAL CONDUCT. WITH REGARD TO THE SHOOTING OF MR.
15 POLITE, AS UNFORTUNATE AND TRAGIC AS THAT IS, THERE IS
16 SOME EVIDENCE THAT IT WAS THE RESULT OF A STRUGGLE AND
17 PERHAPS NOT INTENTIONAL.

18 NOW, WITH REGARD TO WILLIAM GLEATON,
19 YOUR HONOR, THESE ARE SOME OF THE MOST SERIOUS CRIMES
20 THAT CAN BE COMMITTED, AS YOU'VE ALREADY POINTED OUT,
21 AND YOU WOULD THINK THAT ANYBODY CAPABLE OF THIS WOULD
22 BE A COLD BLOODED PERSON INCAPABLE OF REMORSE. YOUR
23 HONOR, I'VE SEEN OTHERWISE IN THIS MAN. I'VE SEEN HIM
24 EXPRESS REMORSE, ESPECIALLY WHEN HE'S INTERACTING WITH
25 HIS FAMILY. THERE IS SOME GOOD IN THIS MAN, YOUR HONOR,

1 AND I THINK THAT HE DOESN'T NEED THE MAXIMUM SENTENCE.
2 HE NEEDS TO BE PUNISHED FOR WHAT HE DID AND NO MORE. HE
3 NEEDS TO BE PUNISHED ACCORDING TO WHAT HE DID AND NO
4 MORE. HE NEEDS TO BE PUNISHED EVENLY ALONG WITH THESE
5 OTHER FIVE DEFENDANTS, BUT NOT SINGLE HIM OUT AS THE
6 RING LEADER, BECAUSE I DON'T THERE'S ANY REAL EVIDENCE
7 OF THAT, THEY WERE ALL WORKING TOGETHER, THEY ALL KNEW
8 WHAT THEY WANTED TO DO.

9 AND FINALLY, YOUR HONOR, I WOULD
10 OFFER THAT, IN MITIGATION, THAT THERE IS SOME EVIDENCE
11 THAT MR. GLEATON AND SOME OF THESE OTHER GUYS WERE OUT
12 OF THEIR MINDS ON CONTROLLED SUBSTANCES. WHILE THAT'S
13 NO EXCUSE, AS EVERYONE HERE KNOWS, IT CERTAINLY CAN BE
14 CONSIDERED, THAT UNDER HIS NORMAL STATE OF MIND WILLIAM
15 GLEATON, I TRULY BELIEVE, WOULDN'T EVEN HAVE CONSIDERED
16 ANY OF THESE ACTIONS.

17 YOUR HONOR, I HAVE TODAY WITH ME MS.
18 MARY GLEATON, WHO IS WILLIAM'S MOTHER.

19 THE COURT: YES, SIR.

20 MR. PALMER: I THINK SHE'S LIKE TO
21 ADDRESS THE COURT BRIEFLY.

22 THE COURT: I'LL BE GLAD TO HEAR
23 FROM YOU, MA'AM.

24 MARY GLEATON: FIRST OF ALL, AS HIS
25 MOTHER, AND I HAD A CHANCE TO BE AROUND ALL THE YOUNG

1 MEN, AND I AM SAVED AND WITH THE HOLY SPIRIT, I CAN TELL
2 WHEN WHO'S GOT A SWEET SPIRIT. AND I KNOW THESE BOYS
3 DIDN'T DO WHAT THEY DID, THEY WAS UNDER THE INFLUENCE OF
4 THE DRUGS AND THE ALCOHOL. JUST LIKE YOU SAY, IT
5 DOESN'T MAKE IT RIGHT, BUT I KNOW JUST FROM BEING AROUND
6 THEM AND TALKING TO THEM, IF IT WASN'T FOR THE DRUGS AND
7 THE ALCOHOL AND SATAN GOT A HOLD OF THEM, THEY DON'T
8 WORK AND BE LIKE THAT, NONE OF THEM. AND I JUST ASK,
9 AND I APOLOGIZE TO THE FAMILIES, I'M SORRY FOR WHAT
10 HAPPENED TO YOU ALL, AND IF I COULD UNDO IT I WOULD, BUT
11 I CAN'T. AND I JUST ASK YOU ALL MERCY FOR THEM FROM THE
12 COURT AND FROM GOD, IN THE NAME OF JESUS, AND THAT'S IT.

13 THE COURT: THANK YOU, MA'AM.

14 MR. PALMER: JUST FURTHER, SOME
15 BRIEF WORDS FROM MR. GLEATON'S PASTOR, YOUR HONOR.

16 THE COURT: YES, SIR, SURE.

17 REV. LINDSEY AMAKER: I'D LIKE TO
18 ADDRESS THE COURT AND THE FAMILY AGAIN. WE ARE SORRY,
19 BUT WE KNOWING THIS, THAT ALL OF US ARE VICTIMS IN THIS.
20 THAT FAMILY HURT, THEIR FAMILY HURT. I WAS TALKING TO
21 MR. GLEATON IN COMING, AND HE DOES HAVE GREAT REMORSE.
22 I GUESS ALL THE DEFENDANTS DOES. AND TO KNOW HIM, TO
23 SAY THAT HE'S A RING LEADER, I WASN'T THERE, BUT TO KNOW
24 HIM AND TALK TO HIM, THAT HE HAS REMORSE. AND HE WAS
25 TELLING ME SOME THINGS THAT WAS GOING ON, AND HE HAVE

1 CHILDREN. AND AS TO THE MANNER OF SPEAKING, WHEN YOU'RE
2 HELPLESS YOU CAN'T TAKE CARE OF YOUR FAMILY. WE PRAY
3 THAT THE JUDGE WILL SEE THESE YOUNG MEN AS SALVAGEABLE,
4 THAT THEY CAN BE SAVED AND USED FURTHER IN LIFE AS
5 CITIZENS, BECAUSE IF WE WIPE THEM ALL OUT, ALL OF THESE
6 MEN, AND WE PUT THEM ALL AWAY AND JUST FORGET ABOUT
7 THEM, THEN WHAT ARE WE SAYING? THAT THEY ARE NOT SORRY?
8 DRUGS AND ALCOHOL, I DID IT, AND THEY DO MAKE YOU DO
9 THINGS THAT ARE NOT NORMAL IN YOUR MIND. AND WHAT THEY
10 DID WAS HORRENDOUS AND TERRIBLE, GOD KNOWS IT WAS, BUT
11 ARE WE TO THROW THEM AWAY? ARE WE JUST TO WALK AWAY AND
12 SAY WHAT THEY DID DESERVE THE MAXIMUM OF EVERYTHING?
13 AND THEN YOU TURN, AFTER THEY DO THEIR MAX AND BE OLD
14 MEN, THEY LET THEM OUT INTO THE STREET, THEY HAVE NO
15 HOPE, THEY HAVE NO DESIRE TO DO GOOD. I PRAY FOR ALL
16 THESE YOUNG MEAN. I PRAY THAT, JUDGE, THAT YOU HAVE TO
17 FOLLOW THE LETTER OF THE LAW, THAT YOU HAVE SOME MERCY,
18 BECAUSE THOUGH THEY WENT THROUGH A TRAGIC THING, GOD
19 BROUGHT THEM THROUGH. AND THIS YOUNG LADY WILL HAVE TO
20 BATTLE WITH THAT SITUATION. I WAS PRAYING FOR HER WHILE
21 THEY WAS EXPLAINING. BUT EVERYBODY IN THIS COURTROOM IS
22 HURT TODAY, EVERYBODY. AND I ASK THAT YOU JUST HAVE
23 MERCY, JUDGE.

24 THE COURT: YOUR NAME, SIR?

25 REV. LINDSEY AMAKER: REV. LINDSEY

1 AMAKER.

2 THE COURT: THANK YOU, REV. AMAKER.

3 MR. PALMER: FINALLY, YOUR HONOR, IN
4 LIEU OF ADDRESSING THE COURT DIRECTLY, MR. GLEATON,
5 HIMSELF, HAS PREPARED A BRIEF STATEMENT AND I'D LIKE TO
6 READ IT INTO THE RECORD.

7 THE COURT: ALRIGHT, SIR. YES, SIR.

8 MR. PALMER: "JUDGE WILLIAMS, DEAR,
9 YOUR HONOR, FIRST OF ALL I WANT TO APOLOGIZE TO ALL THE
10 VICTIMS AND FAMILY MEMBERS THAT WERE INVOLVED IN THIS
11 CASE. I'M TRULY SORRY FOR ALL OF THE PAIN AND PROBLEMS
12 THAT I'VE CAUSED ANY AND EVERYONE MENTALLY AND/OR
13 PHYSICALLY, YOUR HONOR. I'VE MADE A FEW BAD DECISIONS
14 IN MY LIFE AND I DESERVED TO BE PUNISHED, YOUR HONOR. I
15 ASK YOU FOR YOUR MERCY UPON THE COURT, YOUR HONOR, I'M
16 A FATHER OF TWO BEAUTIFUL LITTLE GIRLS WHICH I LOVE
17 DEARLY. I'M TWENTY-SIX, AND MY MOM IS SIXTY-ONE.
18 BESIDES MY MOM THE ONLY FAMILY I HAVE IS MY SISTER WHO
19 IS NOW FORTY-THREE. I KNOW THAT I'M GOING TO HAVE TO
20 FACE SOME FACTS, BUT YOUR HONOR, I ASK YOU FOR A LIGHT
21 ENOUGH SENTENCE SO THAT WHEN I DO GET RELEASED FROM
22 REHABILITATION MYSELF I'LL STILL HAVE SOME FAMILY THAT
23 CAN HELP ME ADJUST AND BASICALLY GET ME A JOB AND NOT
24 DEPEND ON NO ONE TO TAKE CARE OF ME. YOUR HONOR, I'M
25 TRULY SORRY FOR THE WRONG I'VE DONE AND I'M READY TO GET

1 THIS BEHIND ME AND MOVE FORWARD FROM MY PAST MISTAKES
2 AND DO BETTER FOR MY KIDS, MYSELF AND MY FUTURE. THANK
3 YOU FOR YOUR TIME, YOUR HONOR. WILLIAM ANTONIO
4 GLEATON." AND WE WOULD ASK THAT THIS BE MADE PART OF
5 THE FILE, YOUR HONOR.

6 THE COURT: YES, SIR, JUST PASS IT
7 TO THE COURT REPORTER. THANK YOU, SIR.

8 COURT REPORTER: COURT'S ONE.
9 (Court's Exhibit One
10 marked and filed.)

11 MR. PALMER: AND IN CLOSING, YOUR
12 HONOR, WE ARE ASKING THAT THE SENTENCE BE FAIR, EVEN-
13 HANDED, CONSIDERING THE OTHER DEFENDANTS, AND THAT'S,
14 WE'LL BE SATISFIED WITH THAT, YOUR HONOR. THANK YOU.

15 THE COURT: ALRIGHT, SIR.

16 MR. DAVIS.

17 MR. DAVIS: YOUR HONOR, IF IT PLEASE
18 THE COURT, I REPRESENT DARRELL GLEATON, ALONG WITH
19 STEPHEN CHANDLER. YOUR HONOR, HE'S STANDING IN FOR MR.
20 CHRIS WILSON WHO WAS THE ORIGINAL ATTORNEY WHO COULD NOT
21 BE HERE TODAY.

22 THE COURT: THAT'S ON THE BAMBERG
23 CHARGE?

24 MR. DAVIS: ON THE BAMBERG CHARGES,
25 YOUR HONOR, HE WAS CHARGED IN BAMBERG AND WITH TWO

1 SEPARATE SETS OF CHARGES IN ORANGEBURG COUNTY.

2 YOUR HONOR, IF IT PLEASE THE COURT,
3 DARRELL GLEATON IS EIGHTEEN YEARS OLD, YOUR HONOR. ON
4 THE NIGHT THESE CRIMES WERE COMMITTED HE'D ONLY BEEN
5 ALIVE EIGHTEEN YEARS. UP UNTIL THAT POINT HE HAD
6 ABSOLUTELY NO RECORD. IF YOU COULD REMOVE THAT ONE NIGHT
7 FROM HIS LIFE WE WOULDN'T BE HERE TODAY, YOUR HONOR.
8 HOWEVER, HE'S FREELY AND OPENLY ADMITTED IN COURT THAT
9 HE'S GUILTY, AND HE'S PLED GUILTY TO THE FACTS OF THIS
10 CASE, YOUR HONOR. HE TELLS ME THAT ON THAT PARTICULAR
11 NIGHT IN QUESTION HE HAD TAKEN SOME ILLEGAL DRUGS,
12 SMOKED SOME MARIJUANA. HE SAYS THAT WHAT HAPPENED WAS
13 NOT HIM. HE'S EVER SO REMORSEFUL AND REPENTANT. YOUR
14 HONOR, HE IS A PERSON THAT NORMALLY WOULDN'T DO
15 SOMETHING LIKE THIS. AND HOWEVER, HE'S NOT USING THE
16 DRUGS AS AN EXCUSE, HE SIMPLY SAYS THAT HAD HE NOT TAKEN
17 THOSE DRUGS HE WOULDN'T BE HERE TODAY.

18 YOUR HONOR, ON THE NIGHT IN QUESTION
19 WHEN THE POLICE CAME LOOKING AFTER THEY HAD THE REPORT
20 OF THE CRIME, THEY RAN INTO MR. GLEATON, DARRELL
21 GLEATON. AND HE TELLS ME THAT HE TURNED HIMSELF IN WHEN
22 HE SAW THE POLICE OUT IN THE FIELDS LOOKING FOR HIM. HE
23 PROVIDED THE NAMES OF ALL THE CO-DEFENDANTS WHICH
24 ENABLED THE POLICE TO MAKE A SPEEDY RECOVERY OF THE
25 OTHER CO-DEFENDANTS, YOUR HONOR, AND POSSIBLY PREVENTING

1 OTHER CRIMES BEING COMMITTED. YOUR HONOR, HE LATER,
2 SUBSEQUENTLY THAT NIGHT OR THE NEXT DAY GAVE A STATEMENT
3 IMPLICATING HIMSELF, FREELY ADMITTING HIS INVOLVEMENT,
4 YOUR HONOR. AND ADDITIONALLY, HE'D AGREED TO TESTIFY IN
5 THE EVENT THAT THESE CASES HAD GONE TO COURT, YOUR
6 HONOR. HOWEVER, THEY DID NOT, BUT HE STOOD READY TO DO
7 THAT. YOUR HONOR, HE SAYS THAT HE UNDERSTANDS THAT HE'S
8 CAUSED THESE VICTIMS A LIFETIME OF PAIN. HE HURLED THEM
9 INTO AN ETERNAL DISTRUST OF PEOPLE. HE KNOWS THAT
10 THEY'RE SUFFERING GREAT PAIN AS A RESULT OF HIS ACTIONS,
11 AND HE SAYS THAT HE'S NOT BLAMING ANYONE OTHER THAN
12 HIMSELF, YOUR HONOR. HE DOESN'T BLAME HIS CO-
13 DEFENDANTS. YOUR HONOR, WE WOULD SIMPLY ASK THAT THE
14 COURT SENTENCE HIM TO A DETERMINATE AMOUNT OF TIME IN
15 JAIL AND THAT YOUR HONOR NOT SENTENCE HIM TO A PERIOD
16 LONGER THAN TWENTY-FIVE YEARS. YOUR HONOR, HE'LL BE IN
17 A PLACE WHERE HE WON'T BE ABLE TO CAUSE ANYBODY ANY
18 HARM. TWENTY-FIVE YEARS IS A LONG, LONG TIME. YOUR
19 HONOR, TO SAVE HIS SOUL HE HAS THRUST HIMSELF UPON
20 JESUS, TO SAVE HIS BODY HE HAS THRUST HIMSELF UPON THE
21 MERCY OF THIS COURT.

22 THANK YOU.

23 THE COURT: THANK YOU, SIR.

24 MR. CHANDLER.

25 MR. CHANDLER: JUDGE, I THINK WE

1 NEED FOR THE RECORD JUST TO WAIVE ANY -- FOR SENTENCING
2 PURPOSES, JUST A COUPLE OF BRIEF COMMENTS AFTER THAT,
3 AND THAT IS, MR. PALMER STATED THAT HIS CLIENT WAS NOT
4 IN HIS NORMAL STATE OF MIND AND HAD HE BEEN NORMAL HE
5 WOULDN'T HAVE COMMITTED THESE ACTS. AND I THINK A GOOD
6 INDICATION OF WHAT THAT NORMAL STATE OF MIND IS, IS WHAT
7 THEY DID BEFORE THAT NIGHT. AND YOU KNOW, MY CLIENT
8 DOES NOT EVEN HAVE A JUVENILE RECORD. HE LIVED WITH HIS
9 MOM AND DAD, HE WAS, HE WAS CLOSE TO GRADUATING FROM
10 HIGH SCHOOL, NO JUVENILE RECORD, NO ADULT RECORD, AND
11 REALLY, WE'RE TALKING ABOUT ONE NIGHT WITH MARIJUANA AND
12 ECSTASY, AND THIS IS THE FLY THAT BASICALLY GOING TO
13 SPOIL THE OINTMENT OF HIS LIFE. WE WOULD JUST ASK THE
14 COURT TO CONSIDER, TO THE EXTENT THAT IT MITIGATES AT
15 ALL WHAT HE'S DONE, THE FACT THAT THIS ISN'T COMING FROM
16 HIS NORMAL CHARACTER, BECAUSE IF HIS CHARACTER WAS THAT
17 CORRUPT YOU WOULD HAVE SEEN SOMETHING IN IT BEFORE THIS
18 NIGHT; THAT THIS WAS THE RESULT OF THE INFLUENCE OF THIS
19 HORRIBLE DRUG. AND SO, WE WOULD ASK THAT WHEN THE COURT
20 IMPOSES JUDGEMENT IT DOES CONSIDER THAT AND GIVE HIM
21 SOME MERCY.

22 THANK YOU, YOUR HONOR.

23 THE COURT: ALRIGHT, THANK YOU, SIR.

24 MR. CHANDLER: I THINK HE HAS A

25 COUPLE OF WORDS THAT HE WOULD LIKE TO SAY.

1 THE COURT: YES, SIR.

2 DARRELL GLEATON: YOUR HONOR, I
3 WOULD LIKE TO APOLOGIZE TO THE VICTIMS. I'D LIKE TO SAY
4 I'M SORRY FOR ALL THE THINGS THAT HAPPENED THAT NIGHT,
5 WHICH Y'ALL ARE GOING THROUGH. I WASN'T RAISED TO BE
6 LIKE THIS, AND I WANT TO SAY I'M SORRY FOR ALL THAT
7 HAPPENED.

8 THE COURT: THANK YOU, SIR.

9 ANYONE ELSE?

10 MR. DAVIS: NO, YOUR HONOR.

11 THE COURT: ALRIGHT. MR. KOGER.

12 MR. KOGER: YOUR HONOR, MAY IT
13 PLEASE THE COURT. I REPRESENT RICARDO JOHNSON WHO'S
14 STANDING BEFORE YOU, HAD PLED GUILTY ON LAST WEEK, IS
15 NOW BEFORE YOU PRONOUNCING SENTENCE. AND BY HIS SIDE
16 BEHIND HIM IS HIS MOTHER WHO I'VE BEEN IN CONSTANT
17 CONTACT WITH, MS. BARBARA JOHNSON, SINCE THE BEGINNING
18 OF THIS CASE, AND HE HAS SOME OTHER FAMILY MEMBERS HERE
19 STANDING BEHIND HIM, NOT ONLY ON THIS DAY BUT BEFORE
20 THAT FATEFUL NIGHT, AND WILL BE STANDING BEHIND HIM LONG
21 AFTER THIS FATEFUL DAY.

22 YOUR HONOR, I HAD OPPORTUNITY TO
23 MEET WITH MR. JOHNSON NUMEROUS TIMES IN MY PREPARATION
24 AND REPRESENTATION OF MR. JOHNSON ON THIS PARTICULAR
25 CASE. I THINK WE HAD ABOUT FOUR OR FIVE, MAYBE SIX

1 VISITS THEN. WHAT STRUCK ME AT THE INITIAL MEETING
2 ABOUT MR. JOHNSON IS THAT, HOW THIS TYPE OF PERSON COULD
3 BE CHARGED WITH THESE HORRENDOUS CRIMES. AND INDEED,
4 JUDGE WILLIAMS, WE HAVE, I HAVE APPEARED BEFORE YOU MANY
5 TIMES WHEN I WAS THE PUBLIC DEFENDER DOWN IN BAMBERG
6 COUNTY, AND I HAVE APPEARED BEFORE YOU WITH SOME
7 HORRENDOUS CRIMES, AND THIS EASILY RANKS, I THINK THE
8 CASES THAT I HAVE BEEN INVOLVED WITH PROBABLY IN THE TOP
9 FIVE, SO HORRENDOUS AND HORRIFIC. AND FROM THE VERY
10 FIRST TIME I SPOKE WITH RICARDO ABOUT THESE CHARGES HE
11 WAS VERY REMORSEFUL, AND JUST BASICALLY, BASICALLY
12 DIDN'T KNOW WHAT HAPPENED. NOW, NOT WHAT HAPPENED IN
13 THE SENSE THAT HE'S TRYING TO EVADE RESPONSIBILITY,
14 BECAUSE HE PLED GUILTY TO THESE CHARGES, HE PLED GUILTY
15 TO HIS PART IN THESE CHARGES, WHETHER DIRECTLY OR BEING
16 INVOLVED WITH THE, UNDER THE THEORY, THE HAND OF ONE,
17 THE HAND OF ALL. AND SO MANY TIMES IN OUR
18 CONVERSATIONS, YOUR HONOR, WE, YOU KNOW, IF HE HAD MADE
19 ONE OTHER MOVE, MADE ONE OTHER DECISION, BECAUSE MOST
20 IMPORTANTLY WE WOULDN'T HAVE VICTIMS IN THIS CASE. AND
21 ALSO ALMOST AS IMPORTANT, WE WOULDN'T HAVE MR. JOHNSTON
22 BEFORE YOU AND HIS FAMILY STANDING BEHIND HIM.
23 BASICALLY, WHEN THE GUNS, AND ACCORDING TO DISCOVERY,
24 WHEN THE GUNS WERE GIVEN, WHEN THE GUN WAS GIVEN TO MR.
25 JOHNSON HE COULD HAVE SAID, NO WAY, I'M NOT GOING TO BE

1 A PARTY TO THIS. HE WOULDN'T HAVE BEEN HERE. IF HE HAD
2 NOT GONE IN OR ACTED AS A LOOKOUT, OR GOTTEN IN THE CAR
3 TO GO TO THE NEXT PLACE HE COULD HAVE MINIMIZED OR
4 MITIGATED HIS INVOLVEMENT. AND THE LONGER THAT HE
5 STAYED WITH IT BRINGS US TO THIS PORTION RIGHT HERE.

6 NOW, AGAIN, MY COLLEAGUES HAVE
7 SPOKEN AND THE VICTIMS HAVE SPOKEN ABOUT THAT FATEFUL
8 NIGHT IN TWO THOUSAND SIX, DECEMBER EIGHTEENTH, AND LORD
9 KNOWS, EVERYONE HERE, IF THEY, IF IT COULD HAVE BEEN
10 DIFFERENT EVERYONE WOULD HAVE HAD IT OCCUR DIFFERENTLY.
11 BUT UNFORTUNATELY AND TRAGICALLY, WE'RE HERE. AND JUST
12 AS MY COLLEAGUES WANT YOU TO LOOK AT WHAT THEIR CLIENTS,
13 AND IN THIS CASE WHAT MR. JOHNSON DID BEFOREHAND, I'M
14 ASKING FOR YOUR HONOR TO DO THE SAME THING. NOW, ONE,
15 ONE CORRECTION, I THINK THE SOLICITOR STATED THAT HE HAD
16 A POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA, AND
17 FROM MY CONVERSATIONS WITH MR. JOHNSON, THAT WAS A
18 SIMPLE POSSESSION OF MARIJUANA.

19 YOUR HONOR, I HAVE SOME CHARACTER
20 LETTERS AND I WOULD LIKE TO, AS I KNOW YOU WOULD, TAKE
21 TIME TO GO THROUGH THESE LETTERS, THAT WOULD OUTLINE THE
22 TYPE OF PERSON THAT MR. JOHNSON WAS UP UNTIL DECEMBER
23 EIGHTEENTH, TWO THOUSAND AND SIX, AND THAT I THINK MR.
24 JOHNSON IS CURRENTLY RIGHT NOW, AND WAS IMMEDIATELY
25 AFTER HE ENGAGED IN THAT NIGHT OF HORROR. AND I'D LIKE

1 THE OPPORTUNITY TO PASS THESE UP AND GIVE YOU A CHANCE
2 TO LOOK AT THEM.

3 THE COURT: ALRIGHT. THANK YOU,
4 SIR.

5 (Whereupon, Court examines
6 letters handed up by Mr. Koger.)

7 THE COURT: MARK THOSE AS COURT'S
8 EXHIBIT TWO, PLEASE, MA'AM.
9 (Court's Exhibit Two
10 marked and filed.)

11 MR. KOGER: AND YOUR HONOR, AT THE
12 APPROPRIATE TIME HIS MOTHER, MS. JOHNSON, WOULD LIKE TO
13 SPEAK. I HAD AN OPPORTUNITY TO SPEAK TO THE YOUNG MAN
14 FOR ABOUT TEN HOURS IN MY REPRESENTATION, BUT I THINK
15 IT'S DEFINITELY MORE APPLICABLE THAT YOU HEAR FROM HIS
16 MOTHER IN THIS PARTICULAR MATTER. AS MANY CONVERSATIONS
17 AS I HAD WITH MR. JOHNSON ON THIS CASE, I PROBABLY HAD
18 EVEN MORE WITH HIS MOTHER, WHO RESIDES IN THE D.C. AREA,
19 AND WHO I HAVE BEEN CONSTANTLY IN CONTACT WITH.

20 AS YOU SEE FROM THE LETTERS THAT HE
21 ATTENDED NORTHWESTERN HIGH, ONE OF THE LETTERS WAS FROM
22 HIS COACH AND THEN, OF COURSE, THE OTHER LETTER WAS FROM
23 A FAMILY FRIEND THAT ATTESTED TO HIS CHARACTER. BEFORE
24 WE WAS, CAME TO THIS PLACE HERE TODAY HE HAD ASPIRED TO
25 BE A BARBER, THAT WAS HIS ASPIRATION IN LIFE. AND HE

1 SUFFERS FROM SICKLE CELL ANEMIA, AND OF COURSE, THE
2 MOTHER WILL GO INTO GREAT DETAIL WITH THAT, AND OF
3 COURSE, THAT'S BEEN A LIFELONG ORDEAL. AND FROM HIS TIME
4 OVER AT THE DETENTION CENTER HE HAD HAD SEVERAL SERIOUS
5 ORDEALS. AT THE APPROPRIATE TIME WHEN I ASK YOU TO
6 CONSIDER LENIENCY IN SENTENCING WE ALSO WOULD MAKE A
7 REQUEST THAT ANY TYPE OF INCARCERATION TIME WOULD BE
8 EITHER DONE IN A MEDICAL FACILITY OR HIS FILE WOULD BE
9 EAR MARKED FOR THAT PARTICULAR THING. BUT I THINK AT
10 THIS TIME MS. JOHNSON WOULD LIKE TO ADDRESS THE COURT
11 AND THEN MAYBE ANOTHER FAMILY MEMBER, AND THEN MR.
12 JOHNSON WOULD LIKE TO ADDRESS THE COURT, AND THEN I
13 WOULD LIKE TO HAVE SOME CLOSING REMARKS ONCE WE GO
14 THROUGH THAT.

15 THE COURT: ALRIGHT, SIR, I'LL BE
16 GLAD TO HEAR FROM THEM.

17 BARBARA JOHNSON: MY NAME IS BARBARA
18 JOHNSON, AND I APOLOGIZE TO THE STATE OF SOUTH CAROLINA
19 AND TO THE VICTIMS AND THEIR FAMILIES. AND I'M FROM A
20 COUNTRY DON'T RESPECT WOMEN AND THEY RAPE THEM, AND I'VE
21 A VICTIM OF RAPE SO I KNOW WHAT IS RAPE, AND I'VE A
22 VICTIM OF HOW MEN CAN BEAT WOMEN. AND I'M NOT
23 JUSTIFYING NOTHING FOR MY SON, I RAISED MY SON
24 PRACTICALLY IN CHILDREN'S HOSPITAL, ALL THE HOSPITALS,
25 ALL THE HOSPITALS, YOUR HONOR. NO, MY SON, MY SON HAS

1 SICKLE CELL ANEMIA, THAT GIVES HIM PNEUMONIA, GIVE HIM
2 A FEVER OF A HUNDRED AND FIVE, AND AT ONE TIME THE
3 DOCTORS CALLED ME AND THEY TOLD ME COME AND GET YOUR
4 SON, WE CAN'T DO NOTHING MORE FOR HIM BECAUSE HE LOSE SO
5 MUCH OF HIS BODY FAT. AND I COME TO THIS COUNTRY, AND
6 I WORK HARD, I'M A HAIR STYLIST IN D.C., AND I WORK HARD
7 AND I MAKE SURE THAT MY CHILDREN IS PROVIDED WELL AND
8 ARE SENT TO SCHOOL. I BE THERE FOR HIM, I'M HIS FRIEND,
9 I'M EVERYTHING. I RAISED MY SON WITHOUT A FATHER, AND
10 NEVER LET HIM KNOW HIS FATHER OR WHATEVER, BUT I RAISED
11 MY SON AND I KNOW I RAISED MY SON GOOD. I RAISED MY SON
12 IN CHURCH, AND I RAISED MY SON AND I TALKED TO MY SON,
13 AND I WASN'T SCARED TO GIVE HIM THE BELT, BECAUSE IN MY
14 COUNTRY WE GAVE THEM THE BELT, AND I PUNISHED HIM. AND
15 WHEN MY SON, ALL MOST OF HIS LIFE HE WAS RAISED IN THE
16 HOSPITAL, HE NEVER HAD A CHILDHOOD LIFE, BUT HE GO TO
17 SCHOOL, AND I KNOW MY SON IS EDUCATED, AND I KNOW
18 WHATEVER WENT ON IS SO WRONG. BUT YOUR HONOR, I'M
19 ASKING YOU FOR YOUR LENIENCY ON MY SON, ON HIS SENTENCE.
20 AND I'M JUST PRAYING FOR ALL THESE YOUNG MEN, THAT
21 WHATEVER HAPPENED, THAT Y'ALL WILL CHANGE YOUR LIFE,
22 BECAUSE WHAT Y'ALL DID WAS NOT RIGHT. AND I KNOW THIS
23 IS SO WRONG, BUT I'M JUST ASKING YOUR HONOR IF YOU COULD
24 HAVE YOUR LENIENCY ON MY SON. AND IF YOU HAVE TO GIVE
25 HIM A HIGH SENTENCE PLEASE SEND MY SON TO A MEDICAL

1 FACILITY SO -- I'M NOT NO YOUNG GIRL SO I CAN GO VISIT
2 MY SON BEFORE, YOU KNOW, I LEAVE THIS EARTH OR IF HE
3 DIE, I GIVE HIM A GOOD BURIAL. BUT I KNOW WHAT HE DID
4 IS WRONG, AND I'M ASKING YOUR HONOR AND THE STATE OF
5 SOUTH CAROLINA, HAVE LENIENCY ON MY SON. AND I
6 APOLOGIZE AGAIN TO THE FAMILIES AND THE VICTIMS,
7 ESPECIALLY THE PERSON WHO GOT RAPED. JUST, I APOLOGIZE.

8 THE COURT: THANK YOU, MA'AM.

9 RICARDO JOHNSON: I'D LIKE TO
10 ADDRESS THE VICTIMS. I'D LIKE TO SAY I'M SORRY FOR WHAT
11 HAPPENED THAT NIGHT. I THINK ABOUT IT ALL THE TIME, AND
12 I KNOW THAT THINGS THAT HAPPENED WENT BEYOND MY CONTROL.
13 I KNOW THAT IT HURTS BECAUSE I THINK ABOUT THE
14 SITUATIONS AND HOW, HOW IT HAPPENED. I KNOW YOU'LL
15 PROBABLY NEVER GET OVER THIS, AND I KNOW THAT YOU ARE
16 CHRISTIANS, SO I KNOW THAT YOU KNOW THAT GOD DOES
17 FORGIVE. I JUST ASK YOU PLEASE FIND IT IN YOUR HEART TO
18 SOME WAY FORGIVE ME FOR THE THINGS THAT HAPPENED THAT
19 NIGHT. I DON'T WANT TO BLAME IT ON ANYONE ELSE BUT
20 MYSELF BECAUSE I HAVE A MIND TO THINK ON MY OWN, BUT I
21 JUST WANTED TO SAY THAT THE THINGS THAT WENT ON THAT
22 NIGHT WAS WRONG, AND I JUST ASK YOU, PLEASE FORGIVE ME
23 BECAUSE I KNOW THAT YOU'LL NEVER BE ABLE TO FORGET ABOUT
24 IT. BUT I JUST WANT YOU TO KNOW THAT SINCERELY I KNOW
25 WHAT YOU'RE GOING THROUGH, AND I KNOW IT HURTS, BECAUSE

1 I THINK ABOUT IT ALL THE TIME, I THINK ABOUT IT EVERY
2 NIGHT. AND I ALWAYS TOLD MYSELF WHEN I WAS GROWING UP
3 AND I WATCHED T.V. AND HEAR THINGS LIKE THAT, I ALWAYS
4 SAY IT WOULD NEVER BE ME, IT WOULD NEVER BE ME. BUT
5 JUST A SECOND PASSED AND ALL THOSE THINGS WERE PART OF
6 MY LIFE, JUST THAT QUICK. I JUST ASK YOU, PLEASE
7 FORGIVE ME FOR THE THINGS THAT HAPPENED. AND I'D LIKE
8 TO SAY THAT, AS YOU KNOW, I HAVE A BAD SICKNESS, AND YOU
9 KNOW, FOR, TO DO SO MANY DECADES, IT'S NOT PROMISED BUT
10 AT THE SAME TIME I DO ACCEPT RESPONSIBILITIES FOR THE
11 ACTIONS OF ME AND MY PEERS, EVEN THOUGH I'M VERY SORRY
12 FOR IT. AND YOU PROBABLY LOOK AT ME AND SAY, WELL, HE'S
13 IN FRONT OF THE JUDGE TODAY AND HE'S IN FRONT OF SO MANY
14 PEOPLE SO HE'S SAYING HE'S SORRY, BUT I REALLY FEEL IT
15 IN MY HEART, BECAUSE I HAVE A MOTHER AND SHE'S BEEN
16 THROUGH ALL THE SAME THINGS, AND IF I HAD A CHOICE
17 NOTHING LIKE THAT WOULDN'T HAPPEN, SIR, AND THE REST OF
18 THE FAMILY. AND I'D JUST LIKE TO SAY THAT WHATEVER YOU
19 DO, I'D JUST ASK THAT WHATEVER YOU DO, I HAVE NO OTHER
20 CHOICE BUT TO LIVE OUT MY SENTENCE BECAUSE LIFE GIVES
21 YOU, LIFE PLAYS YOU CARDS AND YOU HAVE NO CHOICE BUT TO
22 PLAY THEM. IF YOU THROW THEM IN THAT SUICIDE. AND I
23 PLAN TO KEEP ON LIVING AS LONG AS GOD WILL LET ME, BUT
24 I'D JUST ASK THAT YOU PLEASE GRANT ME A LITTLE BIT OF
25 LENIENCY ON MY BEHALF. AND I'D LIKE TO SAY ONCE AGAIN

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1 THAT I'M SORRY. I KNOW THAT IT WOULD HAVE BEEN AGAINST
2 THE LAW TO SPEAK TO YOU DURING ME BEING INCARCERATED,
3 BUT I JUST WANTED Y'ALL TO KNOW, ALL ALONG THAT I'VE
4 BEEN HOLDING THIS SPEECH INSIDE FOR ALMOST A YEAR AND
5 SOME MORE NOW. I JUST WANTED TO LET Y'ALL KNOW THAT I'M
6 SORRY. I'D JUST LIKE TO TELL EVERY SINGLE MEMBER THAT,
7 I'M SORRY, REALLY, TRULY, IN MY HEART. THANK YOU.

8 THE COURT: THANK YOU, SIR.

9 MR. KOGER: JUDGE, JUST
10 ADDITIONALLY, BRIEFLY, IT WAS INDICATED IN DISCOVERY
11 THAT DURING A COUPLE OF TIMES IT WAS MR. JOHNSON THAT
12 EMPLOYED, DON'T KILL THE VICTIMS, DON'T KILL THE
13 VICTIMS. AGAIN, YOU KNOW, JUST TO TRY TO, THAT WAS A
14 LITTLE REASON IN THE EVENING OF JUST HORRIFIC EVENTS.
15 AND WE'D JUST ASK, WE REALIZE THE CAP IS TWENTY-FIVE ON
16 THIS PARTICULAR CASE, BUT WE ASK THAT YOU WOULD CONSIDER
17 SOMETHING SOMEWHAT LESS THAN THE TWENTY-FIVE. WE'RE
18 DEALING WITH PARAMETERS WITH THE MINIMUM ON BURGLARY,
19 FIRST DEGREE, OF FIFTEEN YEARS, AND WE'D ASK YOUR HONOR
20 RESPECTFULLY AND HUMBLY TO CONSIDER SENTENCING MR.
21 JOHNSON TO THE FIFTEEN YEARS, OR SOMETHING NOT TOO MUCH
22 MORE THAN THAT, AND NOT SENTENCE HIM TO THE CAP ON THIS
23 PARTICULAR CASE.

24 THANK YOU.

25 THE COURT: THANK YOU, SIR.

1 MR. WALTERS.

2 MR. WALTERS: MAY IT PLEASE THE
3 COURT.

4 THE COURT: YES, SIR.

5 MR. WALTERS: YOUR HONOR, I
6 REPRESENT MR. DARONE ANTONIO DERRICOTT, JUNIOR. HE'S
7 NINETEEN YEARS OLD. YOUR HONOR, UNDER THE CIRCUMSTANCES,
8 THIS IS A SAD EVENT BECAUSE THIS IS WHAT HAPPENS WHEN
9 ECSTASY IS MIXED WITH MARIJUANA AND YOUNG MEN GO OUT FOR
10 THE NIGHT, AND ONE NIGHT OF GOING OUT LEADS TO THE
11 HORRIFIC EVENTS THAT WE HAVE BEFORE THE COURT.

12 WHEN I TALK ABOUT MR. DERRICOTT, THE
13 FIRST ISSUE I'D LIKE TO POINT OUT TO THE COURT WITH
14 REGARDS TO THE FACTS, AS FAR AS CULPABILITY HERE, UNDER
15 THE HAND OF ONE, THE HAND OF ALL, IF WE LOOK CAREFULLY
16 AT ALL THE FACTS, AND I'VE GONE THROUGH THIS WITH THE
17 SOLICITOR'S OFFICE I GUESS TWO OR THREE TIMES, AS FAR AS
18 THE CULPABILITY OF MY CLIENT, HIS INVOLVEMENT WITHIN
19 THIS PROCESS, I BELIEVE HE'S THE LEAST CULPABLE OF ALL.
20 IN FACT, IN DISCUSSING THIS MATTER, IT'S CLEARLY STATED
21 IN THE CONFESSION THAT WAS GIVEN BY MY CLIENT THAT HE
22 WAS REFERRED TO AS A PUSSY BECAUSE HE WOULD NOT
23 PARTICIPATE FULLY IN THE ACTIVITIES THAT WERE GOING ON
24 IN EACH OF THE HOMES. IN FACT, HE WAS DEGRADED FOR NOT
25 PARTICIPATING IN THE BEATINGS. AS THE SOLICITOR STATED,

1 THE VICTIM STATED HE POSSIBLY COULD HAVE BEEN ONE OF THE
2 PERSONS. EACH OF THE EVENTS THAT OCCURRED IN EACH OF
3 THE HOMES, THIS WAS THE INDIVIDUAL THAT WAS GOING AROUND
4 TO SEE IF THERE WERE CAR KEYS, IF THERE WAS SOMETHING
5 THAT HE COULD GRAB. BUT AS FAR AS HIS CULPABILITY IN
6 THIS SITUATION UNDER THE EVENTS, EACH TIME HE WAS
7 REFERRED TO AS A PUSSY BECAUSE HE WOULD NOT PARTICIPATE
8 IN THE RAPE, HE WOULD NOT PARTICIPATE IN THE PHYSICAL
9 BEATINGS THAT OCCURRED. HE'S NINETEEN YEARS OLD. BEING
10 ON ECSTASY AND MARIJUANA, THAT'S NO EXCUSE FOR THE
11 BEHAVIOR THAT'S BEEN EXHIBITED UNDER THE CIRCUMSTANCES.
12 AND OF COURSE, YOUR HONOR, IN ASSESSING WHAT'S
13 APPROPRIATE HERE, THE VICTIMS IN THIS PARTICULAR CASE,
14 WE CANNOT RESTORE, WE CAN'T GIVE THEM THEIR DIGNITY
15 BACK, WE CAN'T GIVE THEM THEIR HONOR BACK. AND OF
16 COURSE, WE HAVE A YOUNG MAN THAT'S BEFORE THE COURT
17 THAT'S NINETEEN YEARS OLD, NEVER BEEN IN TROUBLE BEFORE.
18 HIS MOTHER'S NEVER BEEN DIRECTLY INVOLVED IN HIS LIFE,
19 AND HIS FATHER IS HERE BEFORE THE COURT ALONG WITH HIS
20 STEP MOTHER. UNDER THE CIRCUMSTANCES, ONE NIGHT IN
21 ORANGEBURG COUNTY, AND THIS IS A YOUNG MAN THAT WAS
22 RAISED IN WASHINGTON, D.C., HE'S MADE A TERRIBLE
23 MISTAKE. HE'S REMORSEFUL ABOUT WHAT HAS OCCURRED. TO
24 WALK IN HERE AND SAY, WELL, I WAS THE PERIPHERAL GUY
25 BECAUSE I RAN AROUND AND GOT THE CAR KEYS, AND I DIDN'T

1 PARTICIPATE IN THE BEATINGS, IT DOESN'T CHANGE THE HAND
2 OF ONE IS THE HAND OF ALL. AND CERTAINLY, THE VICTIMS
3 THAT ARE BEFORE THIS COURT, WE'RE ALL FLOORED AND HURT
4 BY THE WORDS, ESPECIALLY OF MR. POLITE AND WHAT HE HAD
5 TO SAY. UNDER THE CIRCUMSTANCES, YOUR HONOR, I WOULD
6 SIMPLY ASK THAT YOU CONSIDER THE FACT THAT HE IS VERY,
7 VERY YOUNG. HE'S NINETEEN YEARS OLD. HE HAS DONE
8 SOMETHING OF A PROLIFIC NATURE AS FAR AS STUPIDITY IS
9 CONCERNED. HE'S PUT HIMSELF IN A POSITION WHERE HE COULD
10 HAVE ACTUALLY GONE TO JAIL FOR THE REST OF HIS LIFE.
11 MR. DERRICOTT IS HERE BEFORE YOU TODAY, HE'S ACCEPTED
12 RESPONSIBILITY FOR WHAT HAS OCCURRED, AND MOST
13 IMPORTANTLY, I ASK THAT YOU PLEASE TAKE INTO
14 CONSIDERATION, AND I DISCUSSED THIS MATTER WITH THE
15 SOLICITOR'S OFFICE, AND I TOLD HIM, I SAID, YOU WERE
16 THERE SO THAT MAKES YOU PART OF THIS ENTIRE EVENT. BUT
17 IF WE LOOK AT THE FACTS CAREFULLY, HE WAS THE KID THAT
18 WAS ON THE PERIPHERAL, HE WAS THE KID THAT WAS CALLED A
19 PUSSY, HE WAS THE KID THAT WOULDN'T USE THE GUN, HE WAS
20 THE KID THAT DIDN'T PARTICIPATE IN THE BEATINGS, BUT HE
21 WAS THERE. SO, WE'RE HERE TO ACCEPT FULL RESPONSIBILITY
22 FOR WHAT WE'VE DONE. AND MR. DERRICOTT WOULD LIKE TO
23 STATE SOMETHING TO THE COURT ALSO.

24 THE COURT: YES, SIR.

25 DARONE DERRICOTT, JR.: FIRST OF ALL

1 I'D LIKE TO APOLOGIZE TO THE FAMILIES, THE GRANTS AND
2 THE POLITES, BECAUSE I DON'T KNOW WHAT Y'ALL ARE GOING
3 THROUGH, I WOULD BE LYING IF I SAID I DID, BECAUSE I
4 NEVER WENT THROUGH WHAT Y'ALL WENT THROUGH. I NEVER HAD
5 A FAMILY MEMBER WHO WAS RAPED BEFORE SO I CAN'T SAY THAT
6 I KNOW HOW THAT FEELS, BUT I KNOW THAT IT MUST FEEL
7 HORRIBLE FOR YOU NOT TO BE ABLE TO -- YOU TO HAVE TO
8 DEAL WITH THAT FOR THE REST OF YOUR LIFE, I'D LIKE TO
9 APOLOGIZE FOR ALL THE PAIN, EVERYTHING THAT Y'ALL ARE
10 GOING THROUGH. AND I ALSO WOULD LIKE TO APOLOGIZE TO
11 THE FAMILY MEMBERS OF THE GRANTS AND THE POLITES BECAUSE
12 BY Y'ALL BEING RELATED Y'ALL HAVE TO BE THERE TO CARE
13 FOR THEM AND SUPPORT THEM AND ENCOURAGE THEM, AND Y'ALL
14 ARE FEELING THE SAME THING THAT THEY FEEL. SO, I'M HERE
15 TO TELL Y'ALL TODAY THAT I APOLOGIZE FOR ALL MY ACTIONS
16 THAT TOOK PLACE ON THE NIGHT OF DECEMBER EIGHTEENTH, AND
17 I ASK THAT Y'ALL FORGIVE ME. I ALSO WOULD LIKE TO
18 APOLOGIZE TO MY FAMILY BECAUSE AS I SAID, THE ACTIONS OF
19 PEOPLE, THEY ALSO AFFECT YOUR FAMILY MEMBERS, WHETHER
20 THEY DID IT OR THEY DIDN'T. IT ALSO AFFECTS PEOPLE
21 AROUND YOU, AS WELL AS MY CO-DEFENDANTS AND THEIR FAMILY
22 MEMBERS, SO I'D LIKE TO APOLOGIZE TO ALL OF Y'ALL, TOO,
23 BECAUSE EVERYBODY HERE HAS TO GO THROUGH THE SAME THING.
24 AND I ASK THAT Y'ALL JUST FORGIVE US FOR THE ACTIONS
25 THAT TOOK PLACE. I'M NINETEEN, YOUR HONOR, I MADE IT TO

1 THE TWELFTH GRADE, BUT I DIDN'T COMPLETE DUE TO MY
2 INCARCERATION, BUT I DID TAKE MY G.E.D. DURING THE
3 THIRTEEN MONTHS OF MY INCARCERATION. AND I HAVE A
4 SEVENTEEN MONTH OLD DAUGHTER, AND I'M NOT HERE TO, I
5 MEAN, I'VE USED DRUGS IN MY LIFE, I USED DRUGS THE NIGHT
6 OF THIS INCIDENT, AND I WAS GOING THROUGH A LOT OF
7 THINGS IN MY LIFE, BUT I'M NOT BLAMING THAT AND I'M NOT
8 TRYING TO MAKE THAT THE REASON FOR THE ACTIONS THAT TOOK
9 PLACE BECAUSE, I MEAN, WHEN YOU CHOOSE TO DO THINGS
10 THERE ARE CONSEQUENCES AND YOU HAVE TO BE ABLE TO ACCEPT
11 FULL RESPONSIBILITY FOR THE CONSEQUENCES OF YOUR
12 ACTIONS. AND I'M HERE TODAY TO LET YOU KNOW THAT I AM
13 WILLING TO ACCEPT FULL RESPONSIBILITY OF MY ACTIONS.
14 AND I ALSO WOULD JUST LIKE TO, IF I DO MAKE IT OUT OF
15 PRISONS I WOULD LIKE TO BECOME A POSITIVE INPUT IN
16 SOCIETY, AND NOT ONLY SOCIETY, BUT MY FAMILY, BECAUSE I
17 DON'T WANT MY DAUGHTER OR MY YOUNGER BROTHERS AND
18 SISTERS AND MY LITTLE COUSIN TO GO THROUGH WHAT I WENT
19 THROUGH. AND I'M JUST HERE TO LET YOU KNOW I'M WILLING
20 TO ACCEPT FULLY RESPONSIBILITIES FOR MY ACTIONS, YOUR
21 HONOR, AND I'D LIKE TO APOLOGIZE TO ORANGEBURG COUNTY AS
22 A COMMUNITY BECAUSE THE CRIME TOOK PLACE IN THIS
23 COMMUNITY, AND THE COMMUNITY WAS AFFECTED BY OUR ACTIONS
24 AS WELL. THAT'S ALL I HAVE TO SAY. AND MY MOTHER, MY
25 STEP-MOTHER, SHE HAD SOMETHING THAT SHE WANTED TO SAY,

1 TOO.

2 THE COURT: ALL RIGHT, SIR. THANK
3 YOU, SIR.

4 MAGGIE DERRICOTT: MY NAME IS MAGGIE
5 DERRICOTT, I'M DARONE'S STEP-MOTHER. AND YOUR HONOR, I
6 JUST WANT TO APOLOGIZE TO THE FAMILY TO WHAT HAS
7 OCCURRED. I'M TRULY SORRY. DARONE WAS NOT RAISED THIS
8 WAY, AND I'M JUST APOLOGETIC TO YOU ALL FOR HIS ACTIONS.
9 I DO HAVE SOME CHARACTER WITNESSES AND WOULD LIKE ALSO
10 TO SPEAK ON BEHALF OF DARONE. I HEAR HIM TALKING TODAY
11 AND I'M PROUD. I TELL RON ALL THE TIME THAT THERE ARE
12 CONSEQUENCES TO HIS ACTIONS, I TELL HIM THAT HIS ACTIONS
13 NOT ONLY AFFECT HIM, THEY AFFECT OTHERS. I TELL HIM
14 THAT, YOU KNOW, IT'S VERY SELFISH TO JUST DO THINGS AND
15 NOT HAVE ANY REMORSE OR ANY FEELINGS AS TO HOW IT
16 AFFECTS OTHERS. AND I HEAR HIM STANDING HERE TODAY AND
17 I KNOW THAT HE'S LISTENED TO WHAT I'VE TOLD HIM, AND I'M
18 PROUD OF HIM. I'M TRULY SORRY FOR THE ACTIONS THAT HE'S
19 DONE, BUT I CAN HEAR THE REMORSE IN HIS VOICE, I CAN
20 HEAR THE REHABILITATION, I CAN HEAR THE WORDS COMING
21 BACK, AND I JUST PRAY THAT YOU'LL HAVE MERCY AND
22 LENIENCY WHEN YOU SENTENCE HIM. I DO REALIZE THAT HE HAS
23 DONE AN AWFUL THING, ALL OF THEM HAVE, AND THEY DESERVE
24 WHAT IS DUE TO THEM. HOWEVER, I DO ASK FOR MERCY AND
25 LENIENCY IN WHAT YOU'RE GOING TO SENTENCE HIM. I DO

1 HAVE SOME CHARACTER LETTERS.

2 THE COURT: YES, MA'AM, PASS THEM

3 UP. THANK YOU, MA'AM.

4 (Whereupon, the Court examines
5 documents.)

6 THE COURT: MARK THESE AS COURT'S
7 EXHIBIT THREE.

8 (Court's Exhibit Three
9 marked and filed.)

10 MR. WALTERS: MAY IT PLEASE THE
11 COURT, MR. DERRICOTT WOULD ALSO LIKE TO SPEAK, YOUR
12 HONOR.

13 THE COURT: YES, SIR.

14 DARONE ANTONIO DERRICOTT, SENIOR:
15 HOW ARE YOU DOING, YOUR HONOR, MY NAME IS DARONE ANTONIO
16 DERRICOTT, SENIOR. AND I MIGHT APOLOGIZE TO THE VICTIMS
17 OVER THERE. I KNOW THE POLITES BECAUSE I USED TO LIVE
18 THERE. AND PRETTY MUCH, YOU RAISE A KID THE BEST WAY
19 YOU CAN. THEY MAKE BAD DECISIONS. AND I DON'T ACTUALLY
20 KNOW WHAT HAPPENED THAT NIGHT BUT I KNOW SOMETHING WENT
21 BAD SOMEWHERE. AND I MEAN, EVERY KID IN HERE, THEY'RE
22 YOUNG, THEY'RE EIGHTEEN, NINETEEN, AND FOR THEM TO LOSE
23 THE REST OF THEIR LIFE AND NEVER HAVE A CHANCE TO GROW
24 UP. AND I KNOW THEY MADE A MISTAKE AND THEY'VE GOT TO
25 PAY THE PRICE, BUT I JUST HOPE AND PRAY THE PRICE IS NOT

1 TOO BIG, BECAUSE IF IT WAS TO ME I'D GIVE MY LIFE RIGHT
2 NOW FOR MY SON, FOR WHAT HE DID, BECAUSE I WOULDN'T
3 NEVER DO THAT. AND I FEEL BAD FOR ALL THE REST OF THE
4 FAMILIES BECAUSE I KNOW THESE PEOPLE, TOO. AND THE KIDS
5 JUST MADE A BAD MISTAKE, OR A LOT OF MISTAKES. FOR WHAT
6 REASON, I GUESS THEY WAS ON WHATEVER THEY WAS ON, BUT I
7 HOPE THE VICTIMS AND YOU CAN FORGIVE THEM FOR WHAT
8 THEY'VE DONE AND CUT THEM SOME TYPE OF BREAK TO GIVE
9 THEM A CHANCE TO GET THEIR LIFE BACK TOGETHER AND GROW
10 UP AS AN ADULT, BECAUSE THEY HAVEN'T HAD A CHANCE TO DO
11 THAT YET. THANK YOU.

12 THE COURT: THANK YOU, SIR.

13 MR. WALTERS: YOUR HONOR, THIS IS
14 MS. PATRICIA DERRICOTT.

15 THE COURT: ALRIGHT, YES, MA'AM.

16 PATRICIA DERRICOTT: GOOD EVENING,
17 YOUR HONOR. I'D FIRST LIKE TO APOLOGIZE TO THE VICTIMS,
18 AND I'D LIKE TO SAY, YOU KNOW, THAT I'M TRULY -- DARONE
19 AND THE REST OF THE GENTLEMEN, I KNOW SOMETHING WENT ON
20 THAT NIGHT, YOU KNOW. I'VE BEEN DOWN HERE IN SOUTH
21 CAROLINA, I'M FROM D.C., A FEW TIMES, AND I KNOW THIS IS
22 NOT THEM AS A NATURAL, YOU KNOW, AND I ASK YOU THAT YOU
23 MAY HAVE MERCY UPON THEM, YOU KNOW, AND I'VE BEEN
24 PRAYING, YOU KNOW, THAT GOD HAVE MERCY UPON THEM, YOU
25 KNOW, AND TO GIVE THEM ANOTHER CHANCE AT LIFE, YOU KNOW,

1 TO GET THEIR LIFE TOGETHER. I'VE BEEN LISTENING TO ALL
2 THE GENTLEMEN, YOU KNOW, AND YOU KNOW, THIS DRUG THAT
3 THEY TOOK, YOU KNOW, IT'S JUST SO SAD THAT IT'S BEING
4 PUT OUT HERE, THAT YOU KNOW, OUR CHILDREN, YOU KNOW, ARE
5 TAKEN UPON IT, AND IT DOES SOMETHING TO THE MIND, YOU
6 KNOW, THAT THEY JUST LOSE TOTAL CONTROL. YOU KNOW, I
7 WANT TO APOLOGIZE, YOU KNOW, FOR IT. AND DARONE IS A
8 GREAT PERSON, HE'S A GREAT PERSON. HE'S A SECURITY
9 LEADER AT NEW COMMANDMENT BAPTIST CHURCH IN WASHINGTON,
10 D.C., YOU KNOW. HE'S A RESPECTABLE PERSON. I'VE SPENT
11 A LOT OF TIME WITH HIM AND MY KIDS TOGETHER, SO I JUST
12 ASK YOU TO HAVE MERCY UPON THEM.

13 THE COURT: THANK YOU, MA'AM.

14 MR. WALTERS: IN CLOSING, YOUR
15 HONOR, I'D ASK THAT THE COURT PLEASE CONSIDER THE FACT
16 THAT THIS IS THE KID THAT'S INVOLVED IN THIS PARTICULAR
17 EVENT. HE'S ACCEPTED FULL RESPONSIBILITY FOR WHAT HE'S
18 DONE. HE'S THE KID THAT'S INVOLVED THAT WAS CALLED NAMES
19 AND WENT ALONG WITH THE GROUP AND CONTINUED TO GO ALONG
20 WITH THE GROUP, AND AS A RESULT OF THAT -- HE SIMPLY
21 COULD HAVE WALKED AWAY -- HE'S IN A WORLD OF TROUBLE AT
22 THIS TIME. I ASK THAT YOU CONSIDER HIS YOUTH AND THAT
23 THERE'S STILL SOME GOOD WITHIN DARONE DERRICOTT, AND
24 POSSIBLY HE COULD BE A MEANINGFUL CONTRIBUTOR TO OUR
25 SOCIETY. BUT MOST IMPORTANTLY, WE DO ACCEPT FULL

1 RESPONSIBILITY FOR WHAT WE HAVE DONE.

2 THANK YOU.

3 THE COURT: ALRIGHT, MR. GRANT.

4 MR. GRANT: YES, SIR, YOUR HONOR.

5 MAY IT PLEASE THE COURT, YOUR HONOR. YOUR HONOR, OF
6 COURSE, I'M HERE REPRESENTING BRANDON STALEY. AND OF
7 COURSE, THE COURT BY NOW HAS HEARD THE VARIOUS STORIES
8 AND THE VARIOUS ARGUMENTS MADE REGARDING RELATIVE
9 INVOLVEMENT OF EACH DEFENDANT IN THIS CASE. LET ME SAY
10 FIRST AND FOREMOST, WITH REGARDS TO MR. STALEY, WE FIND
11 IT COMPELLING THAT THE SOLICITOR OBVIOUSLY HAS NOW
12 CONCEDED, AS HE HAD TO UP FRONT, BECAUSE THE DISCOVERY
13 IN THE CASE, THAT FOR FIFTY PER CENT OF WHAT HE'S
14 CHARGED WITH, THAT IS THE SITUATION WITH THE POLITE
15 FAMILY, BRANDON STALEY ADMITTEDLY DID NOT EVEN GO IN THE
16 HOUSE. HE HAS ACCEPTED RESPONSIBILITY UNDER THE LEGAL
17 THEORY, THE HAND OF ONE IS THE HAND OF ALL.

18 NOW, ACCEPTANCE OF RESPONSIBILITY IN
19 THE CRIMINAL JUSTICE SYSTEM AS WE WELL KNOW IS THE FIRST
20 STEP TOWARDS REHABILITATION. NUMBER ONE, THE DRUNK
21 DRIVER CANNOT ACCEPT RESPONSIBILITY UNLESS HE GOES TO
22 ALCOHOLICS ANONYMOUS, AND FIRST HE MUST CALL HIMSELF,
23 WHAT, AND ALCOHOLIC. SO, THIS YOUNG MAN HAS ACCEPTED
24 RESPONSIBILITY BY STANDING BEFORE THE COURT. AND BEFORE
25 WE GET TO WHAT RELATIVE PUNISHMENT THE COURT SHOULD GIVE

1 HIM, LET'S TALK ABOUT THE FACT THAT, NUMBER ONE, WHEN HE
2 ACCEPTED RESPONSIBILITY, WHEN HE ADMITTED HIS GUILT, AND
3 THE VERY MOMENT THAT THE COURT ACCEPTED HIS GUILTY PLEA
4 BY LAW BY STATUTE HE IMMEDIATELY WOULD FACE A MINIMUM OF
5 FIFTEEN YEARS IN PRISON, NON-PAROLABLE TIME, WHERE HE
6 WOULD POSSIBLY SERVE DAY FOR DAY, FIFTEEN YEARS FOR HIS
7 INVOLVEMENT IN THIS MATTER. NO ONE CAN ARGUE, AT LEAST
8 NOT HONESTLY, THAT THAT WOULD BE JUST A SLAP UPON HIS
9 WRIST. NO ONE CAN ARGUE THAT. SO, HE'S FACING FIFTEEN
10 YEARS MINIMUM FOR HIS INVOLVEMENT IN THIS MATTER.

11 NOW, WHEN YOU TALK ABOUT THE GRANTS'
12 HOME, THE SOLICITOR HAS INDICATED THAT BRANDON DID GO IN
13 THE HOUSE. THE SOLICITOR HAS INDICATED THAT THERE ARE
14 STATEMENTS THAT BRANDON SHOT A SHOT GUN AND PISTOL
15 WHIPPED SOMEONE. PLEASE KNOW THAT WE PART COMPANY WITH
16 THOSE STATEMENTS, BUT WE ACCEPT RESPONSIBILITY, ONCE
17 AGAIN, UNDER THE HAND OF ONE IS THE HAND OF ALL.

18 BRANDON TELLS ME THAT HE DEFINITELY
19 HAS NO PREVIOUS RECORD. THE SOLICITOR INDICATES THERE'S
20 A PREVIOUS CONVICTION FOR RESISTING ARREST, I THINK, IN
21 TWO THOUSAND AND FOUR. BRANDON INDICATES THAT THAT
22 CHARGE IS ACTUALLY STILL PENDING. IF HE'S RIGHT THEN
23 THERE'S NO PREVIOUS RECORD. THAT, TOO, YOUR HONOR, IS
24 A MITIGATING FACTOR AND CIRCUMSTANCE WITH REGARDS TO
25 THIS CASE.

1 MR. STALEY IS ONLY TWENTY-ONE YEARS
2 OLD, HE IS A LIFETIME RESIDENT OF ORANGEBURG COUNTY, AND
3 HE ALSO HAS A TWO YEAR OLD SON. HE IS A MEMBER OF THE
4 BUSHY POND BAPTIST CHURCH, AND HE ATTENDED HUNTER-
5 KINARD-TYLER HIGH SCHOOL IN NORWAY. HE ALSO ATTENDED
6 DENMARK TECH AND GOT SOME COLLEGE EDUCATION UNDER HIS
7 BELT.

8 THE QUESTION BEFORE THE COURT IS, OR
9 SHOULD BE BEFORE THE COURT IS, NUMBER ONE, DESPITE WHAT
10 HE'S PLEADING TO, DOES HE HAVE REHABILITATIVE POTENTIAL?
11 IS HE SALVAGEABLE? CAN HE COME FORTH ONE DAY AND BE A
12 PRODUCTIVE CITIZEN IN OUR SOCIETY AND BE A GOOD MAN AND
13 LEARN FROM THIS AND BE THE POSTER CHILD, IF YOU WILL, IN
14 THE COMMUNITY AND TELL YOUNG PEOPLE ABOUT WHAT CAN
15 HAPPEN IF YOU TAKE ONE SINGLE NIGHT, GET INTO A WILD
16 SITUATION, AND HOW IT CAN LITERALLY DESTROY THE REST OF
17 YOUR LIFE? I THINK HE IS SALVAGEABLE.

18 I HAVE SEVERAL STATEMENTS, AND I'LL
19 HAND THOSE UP TO THE COURT IN A MINUTE, BUT I HAVE HIS
20 MOM HERE, MRS. BELL, AND HIS DAD, MR. BELL. AND I HAVE
21 A GROUP OF PEOPLE -- IF YOU ALL CAN STAND UP THOSE WHO
22 CAME ON BEHALF OF BRANDON -- A GROUP OF PEOPLE WHO ARE
23 FAMILY MEMBERS AND FRIENDS, YOUR HONOR. YOU CAN SIT
24 BACK DOWN. AND OF COURSE, I WON'T BELABOR THE RECORD IN
25 HAVING ALL OF THEM COME UP HERE AND TALK, BUT SUFFICE IT

1 TO SAY, JUDGE, THAT THESE PEOPLE SAY THAT THIS IS A
2 YOUNG MAN WHO SHOWED MANNERS; THE KIND OF YOUNG MAN WHO
3 WHEN HE DEALT WITH ELDERLY PEOPLE MANNERS. MAYBE THAT'S
4 THE REASON WHY HE COULDN'T FIND IT IN HIS HEART TO GO
5 INSIDE A HOUSE WHERE SOMEBODY'S DOING SOME DAMAGE TO AN
6 EIGHTY-ONE YEAR OLD MAN. AND LET ME SAY, NO MATTER HOW
7 WE ARGUE AS LAWYERS, NO MATTER WHAT WE MAY SAY TO THESE
8 VERY FINE PEOPLE AND THESE FAMILIES, NOTHING IS GOING TO
9 EASE THEIR PAIN OTHER THAN PRAYER, OTHER THAN A BELIEF
10 AND A HOLDING ON THAT GOD WILL CERTAINLY MAKE IT RIGHT.
11 BECAUSE THERE'S POWER IN SHOWING MERCY. JESUS, HIMSELF,
12 SAID, BLESSED ARE THE MERCIFUL. AND, OF COURSE, WE'RE
13 GOING TO ASK THE COURT FOR MERCY UPON BRANDON. WHY?
14 BECAUSE NUMBER ONE, HIS RELATIVE INVOLVEMENT, WHEN YOU
15 SORT OUT WHO DID WHAT IN THIS PARTICULAR CASE. IT'S
16 BEEN ARGUED THAT SOMEONE ELSE WAS LEAST CULPABLE. I
17 THINK THE FACTS INDICATE HE TRULY WAS INDEED LEAST
18 CULPABLE.

19 YOUR HONOR, I WANT YOU TO UNDERSTAND
20 THAT WHEN WE MAKE THIS ARGUMENT WE'RE CERTAINLY NOT
21 TRYING TO SLIGHT WHAT HAPPENED HERE. WE'RE CERTAINLY
22 NOT TRYING TO IN SOME WAY MAKE IT LOOK AS THOUGH THIS IS
23 NOT A VERY SERIOUS MATTER, BECAUSE IT IS. BUT FOR HIM
24 TO STAND BEFORE YOU -- HE COULD HAVE SAID, I WANT TO GO
25 TO TRIAL. WE TALKED ABOUT THAT NUMEROUS TIMES. HE

1 COULD HAVE SAID, I DIDN'T GO IN THAT HOUSE, GRANT, I
2 WANT TO GO TO TRIAL. WE KNOW THAT IF HE HAD GONE TO
3 TRIAL THIS PROBABLY WOULD HAVE BEEN A TRIAL LASTING I
4 WOULD IMAGINE TWO TO THREE WEEKS IF THEY TRIED EVERYBODY
5 TOGETHER. THERE WOULD HAVE BEEN A LOT OF RESOURCES
6 SPENT BY THE SOLICITOR'S OFFICE, SPENT BY THE STATE, A
7 LOT OF TIME, AND MOST UNFORTUNATELY, IT WOULD HAVE PUT
8 THIS POOR GOOD PEOPLE THROUGH THIS HORRIBLE EVENT OVER
9 AND OVER AGAIN. BUT INSTEAD, WHEN BRANDON FOUND OUT THE
10 POLICE WERE LOOKING FOR HIM HE TURNED HIMSELF IN.
11 BRANDON ALSO IMMEDIATELY, THROUGH ME, AS HIS LAWYER,
12 REPORTED TO THE SOLICITOR'S OFFICE. HE WAS WILLING TO
13 ASSIST THE PROSECUTION IN THE PROSECUTION OF ANY AND
14 EVERYBODY WHO DOES NOT WANT TO PLEAD GUILTY. SO, WE
15 ARGUE THAT HE DESERVES CREDIT FOR HIS SUBSTANTIAL
16 ASSISTANCE TO THE STATE IN CONVINCING SOME OF THESE
17 OTHER FELLOWS TO PLEAD GUILTY, HE DESERVES CREDIT FOR
18 THAT.

19 I WANT TO LET THE COURT, IF YOU
20 DESIRE, JUDGE, TO HEAR FROM MOM, DAD, THEN BRANDON, AND
21 I'LL HAND THOSE STATEMENTS UP TO YOU LATER.

22 THE COURT: ALRIGHT, SIR.

23 SHEILA BELL: HI, YOUR HONOR, MY
24 NAME IS SHEILA BELL. BEFORE I SAY ANYTHING ABOUT MY SON
25 I WOULD LIKE TO ADDRESS THE VICTIMS AND THEIR FAMILIES.

1 I CAN'T IMAGINE WHAT YOU'VE GONE
2 THROUGH. I CAN'T SAY I FEEL WHAT YOU'VE GONE THROUGH, I
3 CAN'T SAY I FEEL YOUR PAIN, BUT I DO HURT, BECAUSE YOU
4 ARE MY FAMILY, I GREW UP, MY FAMILY ORIGINATED FROM
5 NORWAY, THE JAMES AND THE BELL FAMILY, THAT'S MY FAMILY.
6 I'M NOT HERE TO MAKE MY SON RIGHT, HIS WRONG RIGHT. HE
7 HAS TO PAY FOR WHAT HE HAS DONE. BUT I'M ASKING THAT
8 YOU ACCEPT OUR APOLOGY, AND I HOPE THAT SOME DAY YOU'LL
9 BE ABLE TO FORGIVE HIM, OUR FAMILY, ALL OF US. WE'RE ALL
10 FAMILY, FORGIVE US FOR WHAT, FORGIVE THEM FOR WHAT
11 THEY'VE DONE. AND TO YOU, YOU'VE BEEN, WHAT YOU'VE BEEN
12 THROUGH, MS. GRANT, I HOPE SOMEDAY THAT YOU CAN FIND
13 SOME KIND OF PEACE WHERE YOU CAN SLEEP AT NIGHT, YOU
14 KNOW, AND I PRAY, AGAIN I SAY, I PRAY THAT YOU ALL WILL
15 SOMEDAY FORGIVE US FOR WHAT WE'VE DONE. AND YOUR HONOR,
16 I STAND UP HERE ASKING FOR YOUR MERCY AND YOUR LENIENCY
17 ON MY SON, NOT JUST MY SON BUT ALL THE FELLOWS HERE. I
18 CAN SAY THAT I HAVE A GOOD SON AND I LOVE HIM VERY MUCH.
19 AND HE HAS A SON. HOPEFULLY, ONE DAY HE'S OUT OF HERE
20 HE CAN COME HOME AND HE CAN RAISE HIS SON. ALL I CAN
21 SAY IS THAT I'M SORRY AGAIN, AND I DO ASK FOR YOUR
22 MERCY.

23 THE COURT: THANK YOU, MA'AM.

24 YES, SIR.

25 ERIC BELL: MY NAME IS ERIC BELL.

1 THE COURT: YES, SIR.

2 ERIC BELL: AND I'D JUST LIKE TO
3 APOLOGY, FOR Y'ALL TO ACCEPT MY APOLOGY, BECAUSE I KNOW
4 SOME OF THE POLITES, I KNOW THE GRANTS, WE WENT TO
5 SCHOOL TOGETHER. I'D JUST LIKE Y'ALL'S APOLOGY FOR MY
6 SON, FOR WHAT THEY DID. I'M SO SORRY IT HAPPENED, I'M
7 SO SORRY. Y'ALL JUST PLEASE FORGIVE US, PLEASE FORGIVE
8 US. AND I ASK FOR MERCY FROM THE COURT ON MY SON, SIR.
9 HAVE MERCY ON HIM, SIR, PLEASE. THANK YOU.

10 THE COURT: THANK YOU, SIR.

11 MR. GRANT: BRANDON WOULD LIKE TO
12 HAVE A COMMENT, YOUR HONOR.

13 THE COURT: ALRIGHT, SIR.

14 BRANDON STALEY: WELL, YOUR HONOR,
15 IT ISN'T REALLY TOO MUCH I CAN SAY, JUST, I MEAN, I'M
16 SORRY FOR WHAT HAPPENED, I MEAN, BECAUSE I'VE GOT A
17 MAMA, A FATHER, AND A SON, SO I KIND OF UNDERSTAND WHAT
18 Y'ALL ARE GOING THROUGH, BUT REALLY I DON'T, BUT I'D
19 JUST LIKE TO APOLOGIZE FOR EVERYTHING AND HOPE THAT
20 Y'ALL WILL FORGIVE US ONE DAY, ME AND MY COUSINS, CO-
21 DEFENDANTS, JUST FORGIVE US FOR WHAT WE DONE. I'M
22 SORRY.

23 MR. GRANT: MAY I APPROACH, YOUR
24 HONOR?

25 THE COURT: YES, SIR.

1 MR. GRANT: YOUR HONOR, I HAVE
2 CHARACTER STATEMENTS WRITTEN BY SEVERAL PEOPLE ON BEHALF
3 OF BRANDON STALEY. YOUR HONOR, I'VE ALREADY GIVEN THE
4 SOLICITOR A COPY OF THESE DOCUMENTS.

5 THE COURT: ALRIGHT, SIR.

6 MR. GRANT: AFTER THE COURT HAS
7 REVIEWED THOSE DOCUMENTS I'LL BE PREPARED TO MAKE MY
8 CLOSING COMMENTS.

9 THE COURT: ALRIGHT, JUST GIVE ME A
10 FEW MINUTES.

11 MR. GRANT: YES, SIR.

12 (Whereupon, the Court examines
13 documents handed up by Mr. Grant.)

14 THE COURT: MARK THESE AS COURT'S
15 EXHIBIT FOUR.

16 (Court's Exhibit Four
17 marked and filed.)

18 THE COURT: ALRIGHT, SIR.

19 MR. GRANT: THANK YOU, YOUR HONOR,
20 AND NOW THAT YOU'VE CONSIDERED THOSE STATEMENTS, YOUR
21 HONOR, I HOPE THAT YOU SEE THAT AS ADDITIONAL EVIDENCE
22 THAT THIS TRAGIC AND SAD EVENT WAS TRULY OUT OF
23 CHARACTER FOR THE YOUNG MAN STANDING BESIDE ME, BRANDON
24 STALEY. HE OBVIOUSLY MADE A TERRIBLE, TERRIBLE MISTAKE
25 IN JUDGEMENT. NATURALLY, FIFTEEN YEARS IS A VERY LONG

1 TIME. IT IS THE MINIMUM SENTENCE, AND IT MIGHT BE
2 TRITE, BUT IT IS DEFINITELY TRUE, THERE'S NOTHING
3 MINIMAL ABOUT THE MINIMUM SENTENCE IN THIS CASE.
4 FIFTEEN YEARS IS A VERY LONG TIME. HIS MOST PRODUCTIVE
5 YEARS HE WILL HAVE TO SPEND IN A PRISON CELL. HE'S
6 ACCEPTING RESPONSIBILITY FOR THAT, JUDGE. WE'RE ASKING
7 YOU, WHEN YOU CONSIDER WHAT SHOULD BE THE SENTENCE IN
8 THIS CASE, AND I KNOW THAT YOU OBVIOUSLY HAVE TO SORT IT
9 THROUGH IN YOUR OWN MIND AND IN YOUR OWN HEART, AND THEN
10 THE QUESTION BECOMES, WHO DESERVES PUNISHMENT? THEY ALL
11 DO. WHO DESERVES MERCY? THEY ALL DO, TO RELATIVE
12 DEGREES, I WOULD IMAGINE, BASED UPON THEIR RELATIVE
13 INVOLVEMENT. BUT I'M ASKING THE COURT THAT WHEN YOU GO
14 TO THE POWERS OF MERCY AND YOU GO TO THE POWERS OF
15 PUNISHMENT, WHEN YOU GET TO THE MERCY POWER, IF THERE IS
16 ANYTHING LEFT I ASK THAT YOU HEAP IT UPON THE HEAD OF
17 BRANDON STALEY.

18 THANK YOU, YOUR HONOR.

19 THE COURT: THANK YOU, SIR.

20 ANYTHING ELSE FROM ANY OF THE FAMILY
21 MEMBERS? ANYTHING ELSE FROM THE STATE?

22 SOLICITOR PASCOE: YOUR HONOR, I'D
23 LIKE TO SHOW THIS TO MR. GRANT. AND I'LL BE THE FIRST
24 TO CONCEDE THAT MR. STALEY'S PRIORS ARE INSIGNIFICANT TO
25 WHAT HE'S LOOKING AT TODAY, BUT I WANT TO SHOW HIM HIS

1 RAP SHEET, THAT IT DOES SAY THAT IN AUGUST ELEVENTH, OF
2 TWO THOUSAND AND FOUR, HE WAS CONVICTED OF JUST
3 RECKLESS DRIVE, RESISTING ARREST IN OPERATING A MOTOR
4 VEHICLE.

5 THE COURT: ALRIGHT, SIR.

6 MR. GRANT: OKAY. HE TOLD ME THAT
7 WAS INCORRECT, BUT THAT'S FINE.

8 THE COURT: ALRIGHT. ANYTHING ELSE
9 FROM ANYBODY?

10 ALRIGHT, YOU'LL HAVE TO GIVE ME A
11 FEW MINUTES TO PULL OUT THESE SHEETS.

12 YOU SEE A LOT OF TERRIBLE THINGS IN
13 THIS COURTROOM AND ALL THE COURTROOMS IN THIS COUNTRY.
14 I DON'T BELIEVE THERE'S EVER BEEN ONE FILLED WITH MORE
15 TRAGEDY THAN WE SEE IN THIS COURTROOM TODAY. TO THE
16 POLITE FAMILIES AND THE GRANT FAMILIES, I KNOW YOUR
17 FAMILIES, I KNOW SOME OF YOU PERSONALLY, INDIVIDUALLY.
18 I KNOW BOTH OF YOUR FAMILIES. I CAN'T IMAGINE WHAT
19 YOU'RE GOING THROUGH AND WHAT YOU'RE GOING TO CONTINUE
20 TO GO THROUGH. BUT PLEASE KNOW THAT MY HEART GOES OUT
21 TO YOU, MY PRAYERS GO OUT TO YOU. AND TELL VANCE AND
22 MRS. POLITE THAT I SEND THEM MY BEST WISHES AND I'LL
23 KEEP THEM IN MY PRAYERS, PLEASE.

24 TO THE FIVE OF YOU YOUNG MEN, I
25 DON'T THINK I'VE EVERY HAD THIS MANY DEFENDANTS CHARGED

1 WITH THIS MANY CRIMES, AND NONE OF YOU HAS A SERIOUS
2 CRIMINAL BACKGROUND.

3 MR. ANTONIO GLEATON, YOU HAVE A
4 RECORD, IT'S NOT A BAD RECORD, IT'S NOT A GOOD RECORD,
5 BUT YOU HAVE A RECORD.

6 BUT THIS WAS A ONE NIGHT EVENT, BUT
7 UNDERSTAND, THE CONSEQUENCES OF ONE NIGHT HAVE BEEN LIFE
8 CHANGING FOR JUST DOZENS AND DOZENS AND DOZENS OF
9 PEOPLE. THE GRANT FAMILY, THE POLITE FAMILY, ALL OF
10 YOUR FAMILY AND FRIENDS.

11 PASTOR, I AGREE WITH YOU THAT
12 EVERYBODY IS HURTING IN THIS COURTROOM TODAY. THE
13 DIFFERENCE IS THAT THE GRANT FAMILIES AND THE POLITE
14 FAMILIES ARE INNOCENT. THEY DIDN'T HAVE ANYTHING TO DO
15 TO BRING THIS DOWN ON THEIR HEADS. THEY'RE NOT
16 RESPONSIBLE FOR ONE IOTA, THEY JUST HAPPENED TO BE IN
17 THE WRONG PLACE AT THE WRONG TIME. THESE YOUNG MEN
18 VOLUNTARILY TOOK INTOXICATING DRUGS KNOWING THE RESULTS
19 THAT IT CAN CAUSE. THEY ARE ONE HUNDRED PER CENT
20 TOTALLY RESPONSIBLE IN THE EYES IN THE LAW AND IN THE
21 EYES OF GOD FOR WHAT THEY HAVE DONE. THE FACT THAT THEY
22 WERE ON DRUGS EXPLAINS WHY THEY DID IT, BUT IT DOESN'T
23 FORGIVE THEM IN THE SLIGHTEST, NOT AT ALL.

24 EACH OF YOU YOUNG MEN IS LOOKING AT
25 THREE LIFE SENTENCES. SO WHEN YOU GO BACK TO THE

1 COMPLEX TONIGHT AND TO THE DEPARTMENT OF CORRECTIONS
2 SOON COMPLAINING ABOUT THE SENTENCES THAT YOU'RE FIXING
3 TO GET IN THIS COURTROOM, REMEMBER THAT YOU ARE
4 LEGITIMATELY LOOKING AT THREE LIFE SENTENCES. THE
5 LEGISLATURE OF THE STATE OF SOUTH CAROLINA SAYS THAT
6 WHEN YOU GO INTO A MAN'S HOME AT NIGHT WITH THE INTENT
7 TO COMMIT A CRIME, LIFE SENTENCES IS A POSSIBLE AND
8 APPROPRIATE PUNISHMENT.

9 NOW, WE'VE TALKED A LOT ABOUT THE
10 HAND OF ONE IS THE HAND OF ALL. THAT'S A FAIR DOCTRINE,
11 BECAUSE THE BANK ROBBER ISN'T GOING TO ROB THE BANK
12 UNLESS HE'S GOT SOMEBODY SITTING OUT IN THE CAR TO DRIVE
13 HIM AWAY. AND SO, THE LAW RECOGNIZES THAT THEORY, THAT
14 WHEN TWO OR MORE PEOPLE GET TOGETHER AND PLAN TO DO
15 SOMETHING THEY FEED ON EACH OTHER, THEY GROW STRENGTH
16 FROM EACH OTHER. AND SO, AS FAR AS THE LAW IS CONCERNED
17 THERE IS NO DIFFERENCE IN YOUR CULPABILITY FROM THE
18 FIRST TO THE LAST, EACH OF YOU DESERVES THE FULL
19 PUNISHMENT OF THE LAW WHICH WOULD BE THREE LIFE
20 SENTENCES PLUS MANY YEARS ON TOP OF THAT. AND SO, ALL OF
21 YOUR ARE GETTING STIFF SENTENCES, ALL OF YOU, AND YOU'RE
22 GOING TO HAVE TO SERVE THESE SENTENCES WITHOUT PAROLE.
23 EVEN THE OLDEST OF YOU GETTING THE STIFFEST SENTENCE
24 WILL BE YOUNGER THAN I AM TODAY WHEN YOU GET OUT OF
25 JAIL. SO, YOU'VE GOT A FUTURE TO YOUR LIFE. AND BE

1 THANKFUL THAT YOU'RE NOT WALKING OUT OF HERE WITH A LIFE
2 SENTENCE.

3 MR. GRANT WAS SPEAKING THE TRUTH
4 WHEN HE SAID, EVERYBODY DESERVES PUNISHMENT AND
5 EVERYBODY DESERVES A REASONABLE MEASURE OF MERCY. WELL,
6 YOU'RE ALL GETTING PROBABLY MORE MERCY THAN YOU DESERVE
7 IN THIS COURTROOM TODAY. AND WHAT YOU DO WITH YOUR LIFE
8 AFTER YOU LEAVE HERE TODAY IS UP TO YOU. YOU CAN BLAME
9 OTHER PEOPLE, YOU CAN BLAME DRUGS, AND YOU CAN SPEND
10 THESE YEARS IN THE PENITENTIARY IN MISERY, HATING, AND
11 THAT HATE GROWING MORE AND MORE AND IT WILL DESTROY YOU
12 FOREVER. THEN YOU JUST AS WELL BE GETTING A LIFE
13 SENTENCE. OR YOU CAN TAKE IT LIKE A MAN AND YOU CAN
14 SAY, I DID IT, I TOOK THE DRUGS, I DIDN'T MEAN FOR THIS
15 TO HAPPEN BUT I AM SOLELY RESPONSIBLE, JUST LIKE YOU'VE
16 SAID STANDING IN FRONT OF ME IN THE COURTROOM TODAY, I'M
17 SOLELY RESPONSIBLE FOR WHAT I'VE DONE, AND I'M GOING TO
18 TAKE MY MEDICINE, I'M GOING TO SERVE MY TIME, I'M GOING
19 TO BE GRAY HEADED WHEN I GET OUT OF PRISON BUT I'M GOING
20 TO BE A DIFFERENT MAN WHEN I GET OUT OF PRISON AND I'M
21 GOING TO DO SOMETHING WITH MY LIFE, BECAUSE YOU CAN DO
22 THAT. IT'S ENTIRELY UP TO YOU. A POET SAID, TWO MEN
23 LOOKED OUT THROUGH PRISON BARS AND ONE SAW MUD AND ONE
24 SAW STARS. IT'S BECAUSE ONE WAS LOOKING DOWN AND PITY ON
25 HIMSELF, AND THE OTHER WAS LOOKING UP AT WHAT GOD HAD

1 MADE IN HIS CREATION AND SAID, I CAN DO SOMETHING WITH
2 MY LIFE WHEN I FINALLY WALK OUT THAT DOOR. SO, I
3 CHALLENGE ALL FIVE OF YOU TO TAKE THAT ATTITUDE, SERVE
4 YOUR TIME, PAY YOUR PRICE, AND THEN YOU CAN GET OUT AND
5 HAVE A REASONABLE COMFORTABLE LIFE. LIKE I SAY, EVEN
6 THE OLDEST OF YOU WILL BE YOUNGER THAN I AM TODAY. AND
7 I DON'T CONSIDER MYSELF NEARLY THROUGH WITH MY LIFE. I
8 DON'T KNOW WHAT GOD'S PLANS ARE FOR ME, BUT I DON'T
9 CONSIDER THAT MY LIFE IS NEARLY OVER.

10 EVEN THOUGH IN THE EYES OF THE LAW
11 YOU ARE EQUALLY GUILTY, MORALLY AND PRACTICALLY SPEAKING
12 THERE ARE SOME DIFFERENCES IN THE CULPABILITY HERE.

13 MR. WILLIAM GLEATON, YOU SHOT TWO
14 PEOPLE. YOU ARE TWENTY-SIX YEARS OLD. YOU'RE A THIRD
15 AGAIN AS OLD AS ANY OF THESE OTHER YOUNG MEN. YOU
16 SHOULD HAVE BEEN A LEADER TO THEM IN POSITIVE THINGS AND
17 NOT NEGATIVE THINGS, AND I THINK THERE IS EVIDENCE THAT
18 YOU WERE THE LEADER OF THIS GROUP.

19 MR. GLEATON, YOU RAPED A WOMAN, MR.
20 DARRELL GLEATON.

21 THE OTHER THREE OF YOU WERE THERE.
22 I PROMISE YOU, IF THE THREE OF YOU HADN'T BEEN THERE
23 GOING ALONG WITH IT, WHAT THESE TWO DID WOULDN'T HAVE
24 HAPPENED. IT CERTAINLY WOULDN'T HAVE HAPPENED TO THE
25 EXTENT THAT IT DID. THEY DREW ON YOUR OWN STRENGTH AND

1 YOUR PRESENCE, YOU BEING THERE. EVEN IF YOU'RE ONLY
2 DRIVING THE CAR YOU'RE CONTRIBUTING VERY STRONGLY TO
3 WHAT THE REST OF THEM DID AND YOU'VE GOT TO PAY YOUR
4 PRICE ALSO.

5 SENTENCE OF THE COURT AS TO

6 WILLIAM ANTONIO GLEATON

7 MR. WILLIAM GLEATON, ON INDICTMENT
8 148, BURGLARY IN THE FIRST DEGREE -- AND THAT'S THE
9 BAMBERG COUNTY INDICTMENT, INDICTMENT 1370, BURGLARY IN
10 THE FIRST DEGREE, INDICTMENT 446, BURGLARY IN THE FIRST
11 DEGREE, ON EACH OF THOSE INDICTMENTS THE SENTENCE IS
12 THAT YOU BE COMMITTED TO THE STATE DEPARTMENT OF
13 CORRECTIONS FOR A PERIOD OF FORTY YEARS.

14 ON INDICTMENT 444, ARMED ROBBERY,
15 INDICTMENT 1369, ASSAULT AND BATTERY WITH INTENT TO
16 KILL, BAMBERG COUNTY INDICTMENT OF 149, ASSAULT AND
17 BATTERY WITH INTENT TO KILL, IN EACH OF THOSE
18 INDICTMENTS -- WELL, ON THE ARMED ROBBERY AND THE
19 ASSAULT AND BATTERY WITH INTENT -- ARMED ROBBERY IS
20 THIRTY YEARS, ASSAULT AND BATTERY WITH INTENT TO KILL,
21 TWO COUNTS, IS TWENTY YEARS EACH.

22 ON THE POINTING AND PRESENTING A
23 FIREARM, THE SENTENCE IS FIVE YEARS.

24 POSSESSION OF A WEAPON DURING THE
25 COMMISSION OF A CERTAIN CRIME, THE SENTENCE IS FIVE

1 YEARS.

2 THEY ARE ALL CONCURRENT. YOU'LL GET
3 CREDIT FOR ALL THE TIME THAT YOU'VE SERVED.

4 SENTENCE OF THE COURT AS TO

5 DARRELL CORNELIUS GLEATON

6 MR. DARRELL GLEATON, ON INDICTMENTS
7 437, 1373 IN ORANGEBURG COUNTY, INDICTMENT 144 IN
8 BAMBERG COUNTY, ALL INDICTMENTS FOR BURGLARY IN THE
9 FIRST DEGREE, THE SENTENCE OF THE COURT IS THAT YOU BE
10 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
11 PERIOD OF THIRTY-FIVE YEARS.

12 ON INDICTMENT 438, KIDNAPING,
13 INDICTMENT 441, ARMED ROBBERY, INDICTMENT 436, CRIMINAL
14 SEXUAL CONDUCT IN THE FIRST DEGREE, ON EACH OF THOSE
15 INDICTMENTS THE SENTENCE IS THIRTY YEARS.

16 ON INDICTMENT FROM BAMBERG COUNTY
17 NUMBER 145, AND ORANGEBURG NUMBER 1374, EACH OF THOSE AN
18 INDICTMENT FOR ASSAULT AND BATTERY WITH INTENT TO KILL,
19 THE SENTENCE ON EACH OF THOSE INDICTMENTS IS TWENTY
20 YEARS.

21 THE SENTENCES ARE CONCURRENT, AND
22 YOU GET CREDIT FOR ANY TIME THAT YOU'VE SERVED.

23 SENTENCE OF THE COURT AS TO

24 RICARDO JOHNSON

25 MR. RICARDO JOHNSON, ON INDICTMENT

1 164 FROM BAMBERG COUNTY, INDICTMENT 1367 FROM ORANGEBURG
2 COUNTY, INDICTMENT 433 FROM ORANGEBURG COUNTY, EACH OF
3 THOSE BEING INDICTMENTS FOR BURGLARY IN THE FIRST
4 DEGREE, THE SENTENCE OF THE COURT IS THAT YOU BE
5 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
6 PERIOD OF TWENTY YEARS.

7 ON INDICTMENT 434, ARMED ROBBERY,
8 THE SENTENCE IS TWENTY YEARS.

9 ON INDICTMENT 1368, ASSAULT AND
10 BATTERY WITH INTENT TO KILL IN ORANGEBURG COUNTY, AND
11 INDICTMENT 165, ASSAULT AND BATTERY WITH INTENT TO KILL
12 IN BAMBERG COUNTY, ON EACH OF THOSE INDICTMENTS THE
13 SENTENCE IS TWENTY YEARS.

14 ON INDICTMENT 435, POSSESSION OF A
15 WEAPON DURING THE COMMISSION OF A VIOLENT CRIME THE
16 SENTENCE IS FIVE YEARS.

17 EACH OF THOSE SENTENCES IS
18 CONCURRENT, AND YOU GET CREDIT FOR THE TIME THAT YOU'VE
19 SERVED.

20 SENTENCE OF THE COURT AS TO

21 DARONE DERRICOTT, JR.

22 MR. DARONE DERRICOTT, JR., ON
23 INDICTMENT 424, FROM ORANGEBURG COUNTY, AND 423 FROM
24 ORANGEBURG COUNTY, AND INDICTMENT 134 FROM BAMBERG
25 COUNTY, EACH OF THOSE BEING INDICTMENTS FOR BURGLARY IN

1 THE FIRST DEGREE, THE SENTENCE OF THE COURT IS THAT YOU
2 BE COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR
3 A PERIOD OF TWENTY YEARS.

4 ON INDICTMENT 426, ARMED ROBBERY,
5 THE SENTENCE IS TWENTY YEARS.

6 ON INDICTMENT 135, BAMBERG COUNTY
7 INDICTMENT, AND INDICTMENT 422, KIDNAPING IN ORANGEBURG
8 COUNTY, ON EACH OF THOSE -- AND ASSAULT AND BATTERY WITH
9 INTENT TO KILL IN ORANGEBURG COUNTY INDICTMENT 425, ON
10 EACH OF THOSE INDICTMENTS THE SENTENCE IS TWENTY YEARS.

11 THEY ARE ALL CONCURRENT AND YOU GET
12 CREDIT FOR THE TIME THAT YOU'VE SERVED.

13 SENTENCE OF THE COURT AS TO

14 BRANDON ALZANTE STALEY

15 MR. BRANDON STALEY, ON INDICTMENT
16 FROM BAMBERG COUNTY NUMBER 120, WHICH IS BURGLARY IN THE
17 FIRST DEGREE, ON INDICTMENT 1372, AND INDICTMENT 430 IN
18 ORANGEBURG, INDICTMENTS FOR BURGLARY IN THE FIRST
19 DEGREE, INDICTMENT 431 FROM ORANGEBURG COUNTY,
20 KIDNAPING, INDICTMENT 432 FOR ARMED ROBBERY, INDICTMENT
21 1371 FROM ORANGEBURG COUNTY, ASSAULT AND BATTERY WITH
22 INTENT TO KILL, ON EACH OF THOSE INDICTMENTS THE
23 SENTENCE OF THE COURT IS THAT YOU BE COMMITTED TO THE
24 STATE DEPARTMENT OF CORRECTIONS FOR A PERIOD OF TWENTY
25 YEARS.

1 THEY ARE ALL CONCURRENT, AND YOU GET
2 CREDIT FOR THE TIME THAT YOU'VE SERVED.
3 MAY GOD HAVE MERCY ON ALL OF YOU.
4 GOOD LUCK TO YOU.
5 SOLICITOR PASCOE: THANK YOU, YOUR
6 HONOR.
7 SOLICITOR BURBAGE: THANK YOU, YOUR
8 HONOR.

FORM 5

STATE OF SOUTH CAROLINA

County of ORANGEBURGWILLIAM ANTONIO GLEATON, 326287
Full name and prison number (if any) of Applicant

V.

State of South Carolina

IN THE COURT OF COMMON PLEAS

2009-CP-38-00005APPLICATION FOR
POST-CONVICTION RELIEFINSTRUCTIONS-READ CCAREFULLY

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

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction of 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 established that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention ORANGEBURG-CALHOUN-REGIONAL
DETENTION CENTER

2. Name and location of Court which imposed sentence ORANGEBURG

COUNTY GENERAL SESSIONS, ORANGEBURG SECRET TRUE COPY

3. Name(s) of co-defendant(s) (if any) _____

4. The indictment number or numbers (if known) upon which and the offenses for which

sentence was imposed:

- (a) BURGLARY 1st, 07-GS-381370, 07-GS-05148, 07-GS-380446
- (b) ABWIK, 07-GS-381369, 07-GS-05149, ARMED ROBBERY, 07-GS-380444
- (c) FIREARM PROVISION, 07-GS-380442, POINTING FIREARM, 07-GS-380445

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

- (a) BURG 1st, JAN 23, 2008, 40 YEARS CONCURRENT
- (b) ABWIK, 1-23-08, 20 Yrs CONCURRENT, ARMED ROBBERY 30 Yrs concurrent
- (c) POINTING FIREARM, PROVISION, 1-23-08, 5 Yrs CONCURRENT

6. Check whether a finding of guilty was made:

- (a) ☒ after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____

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

LAWYER FAILED TO DO SO

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

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

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

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

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

(c) the date of each such result:

- i. _____
- ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) Court and lawyer failed to advise me of my right to appeal

(b) lawyer failed to appeal my case timely

(c) _____

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

(a) INVOLUNTARY PLEA

(b) INEFFECTIVE ASSISTANCE OF COUNSEL
SANTANCING JUDGE SHOULD HAVE DISQUALIFIED
 (c) HIMSELF BECAUSE OF BIAS, PREJUDICE AND CONFLICT OF
INTEREST

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

(a) COUNSEL GAVE ERRONEOUS ADVICE

(b) ATTACHED ARGUMENT
GROUNDS TO SUPPORT my ALLEGATIONS ARE CONTAINED IN THE
 (c) TRANSCRIPT FROM THE SANTANCING HEARING

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

(a) any petition in a State Court under South Carolina Law? _____

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____

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

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

(a) the specific nature thereof:

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

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

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

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

- i. _____

- ii. _____
- iii. _____
- iv. _____

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

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

(a) which grounds have been presented:

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

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

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

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

- (a) _____
- (b) _____
- (c) _____

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

- (a) your arraignment and plea? SCOTT PALMER
- (b) your trial, if any? _____

- (c) your sentencing? SCOTT PALMER
- (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? _____
18. If you answered yes to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. SCOTT PALMER, P.O. BOX 722, SANTEE S.C.

- ii. KENNETH KIRKLAND, MAIN ST, BARNWELL S.C.

- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. SCOTT PALMER, ARRAIGNMENT, PRELIMINARY
HEARING, GUILTY PLEA
- ii. KENNETH KIRKLAND, ARRAIGNMENT, PRELIMINARY
HEARING
- iii. _____
19. State clearly the relief you seek in filing this application:
NEW TRIAL OR VACATED SENTENCE

20. Are you now under sentence from any other court that you have not challenged?
NO

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

I, WILLIAM ANTONIO GLETON hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefore. In support of my application I declare under penalty or perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

William A Gleaton
Applicant

SWORN or affirmed to and subscribed before me this
18 day of Dec., 2008.

Stacey Simon
Notary Public

My Commission Expires: 5/16/11

NOTARY PUBLIC
STATE OF ALABAMA
COMMISSION EXPIRES 5/16/2011

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG	)	
	)	
	)	2009-CP-38-0005
	)	
William Gleaton, #326282,	)	
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	(Appointment of Counsel Requested)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed January 2, 2009,¹ 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 Orangeburg County Clerk of Court. The Applicant was indicted by the Orangeburg County Grand Jury for Possession of a Weapon During the Commission of Certain Crimes (2007-GS-38-0442), Kidnapping (2007-GS-38-0443), Armed Robbery (2007-GS-38-0444), Pointing and Presenting a Firearm (2007-GS-38-0445), Burglary – First Degree (2007-GS-38-0446), Assault and Battery with Intent to Kill (“ABWIK”) (2007-GS-38-1369), and Burglary – First Degree (2007-GS-38-1370). Applicant was also charged in Bamberg County with Burglary – First Degree (2007-GS-05-0148) and ABWIK (2007-G-05-0149). He was represented by Scott Palmer, Esquire. On January 15, 2008, the Applicant pled guilty before the Honorable James C.

¹ The application was received by Respondent on July 21, 2010.

Williams, Jr., and sentencing was deferred. On January 23, 2008, Applicant was sentenced to an aggregate term of forty (40) years imprisonment. Applicant did not appeal his guilty plea or sentence.

Attached herewith and incorporated herein are the records of the Orangeburg 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 amend this Return upon receipt of any relevant materials.

II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Involuntary plea.
 - a. "Counsel gave erroneous advice."
2. Ineffective assistance of counsel.
 - a. "Attached argument."²
3. "Sentencing judge should have disqualified himself because of bias, prejudice and conflict of interest."
 - a. "Grounds to support my allegations are contained in the transcript from the sentencing hearing."

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

For purposes of this Return, Respondent interprets Applicant's second and third allegations to be allegations of ineffective assistance of counsel. In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his 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).

² No argument is attached to the application as received from the Clerk of Court.

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.

Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit. In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Respondent submits that the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record.

Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305

164

S.E.2d 247.

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

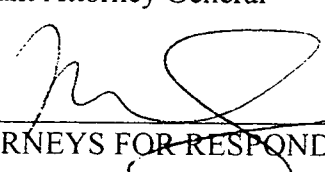
Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

MARY S. WILLIAMS
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

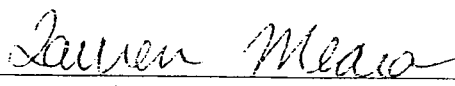
11/2, 2010.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG	)	
	)	
	)	2009-CP-38-0005
	)	
WILLIAM GLEATON, 326282	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

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

Hemphill P. Pride, II, Esquire
Law Office of Hemphill P. Pride II, LLC
Post Office Box 4529
Columbia, SC 29240

DATED this 2nd day of November, 2010.


 Lauren Meara, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
2009-CP-38-00005

WILLIAM A. GLEATON,)
PLAINTIFF,)

VS.)

STATE OF SOUTH CAROLINA)
DEFENDANT.)
_____)

TRANSCRIPT OF RECORD

JUNE 7, 2011
ST. GEORGE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE DIANE S. GOODSTEIN, JUDGE

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

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ATTORNEY FOR THE PLAINTIFF

MARY WILLIAMS, ESQ.
ROB CORNEY, ESQ.
ATTORNEYS FOR THE DEFENDANT

BONNIE H. KELLY
CIRCUIT COURT REPORTER

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1 THE COURT: Okay. All right. Ms. Williams, you just
2 want to introduce and then I'm going to hear from Mr.
3 Pride.

4 MS. WILLIAMS: Certainly, Your Honor.

5 THE COURT: Yes.

6 MS. WILLIAMS: This is Mr. Gleaton, William Gleaton;
7 2009-CP-38-0005. Mr. Gleaton had several charges:
8 Possession of a weapon, kidnapping, armed robbery, pointing
9 and presenting, three counts of burglary in the first
10 degree, and two counts of assault and battery with intent
11 to kill.

12 He pled guilty along with several co-defendants, and
13 in the transcript, his plea -- it actually begins on page
14 35 because there were several pleading guilty that day.

15 But the kidnapping charge was *nol-prossed* as a result
16 of this plea. He received a sentence of 40 years on the
17 burglary first degree. Everything else was concurrent with
18 those sentences. So, he's doing an aggregate term of 40
19 years.

20 He pled guilty on January 15, 2008, then he was
21 sentenced about a week later on January 23, 2008. And this
22 application was filed in January of 2009. He's represented
23 today by Mr. Pride.

24 THE COURT: Turning it over to you.

25 MR. PRIDE: May it please the Court.

1 THE COURT: Yes, sir.

2 MR. PRIDE: Mr. Gleaton is presently 29 years old. At
3 the time of the crime that's alleged in this matter he was
4 26 years old. He is slightly unlettered and was at that
5 time. And amazingly, since 2008, he is -- he did -- he
6 didn't know that he had the ability to learn as much as he
7 has learned since he's been working on this case for
8 getting 40 years. And has made yeomen progress in
9 spelling, reading, and writing.

10 In 2008 when he was sentenced, he was a first
11 offender; that is to say that he had no significant -- no
12 felony past criminal record. At the time that he was --
13 pled -- entered these pleas, he was represented by Mr.
14 Scott Palmer of the Orangeburg Bar Association, who was
15 appointed. And the reason why he was appointed was because
16 there were multiple defendants.

17 THE COURT: Uh-huh.

18 MR. PRIDE: And the Public Defenders Office got
19 conflicted out. And as you very well know, Judge, that's
20 when they turn to the private bar.

21 Judge, this is a interesting case from the standpoint
22 that I would submit to you that the plea really starts on
23 page 7 in this case, because one of the significant points
24 that I seek to make to the Court in this matter would be
25 starting on lines 3 -- I'm sorry -- starting on page 6,

1 lines 22 through 25.

2 THE COURT: Okay.

3 MR. PRIDE: And on page 7, lines 1 through 24.

4 Because you -- because what you will find in this
5 case, Judge, is that Mr. -- the defendant in this case pled
6 guilty to two indictments from Bamberg, South Carolina.

7 And I think it is very important and significant in
8 this case that in Bamberg, South Carolina, he was
9 represented by the Public Defender. And I don't think that
10 there'll be any dispute from Mr. Palmer that he knew little
11 or nothing about those cases in Bamberg when he agreed to
12 go forward with them.

13 And the reason why I say that -- and I will submit to
14 the Court that, other than speaking to Mr. Palmer, I've had
15 no conversations with him about this matter. But I have
16 reviewed his file.

17 And his file is devoid of any discovery from Bamberg,
18 any mention of those offenses over in Bamberg. And of
19 course, they were felonies and right serious offenses.

20 The second matter that I will ask you to pay
21 particular attention to, Judge, is on page -- am I going
22 too far in this opening ---

23 THE COURT: No.

24 MR. PRIDE: --- statement? Okay.

25 THE COURT: Goodness, no.

1 MR. PRIDE: Okay. Can I approach?

2 THE COURT: Surely.

3 (Mr. Pride hands a document to the Court.)

4 MR. PRIDE: What I'm handing the Court is a portion of
5 the transcript. And what I am asking the Court -- what
6 portion of the transcript that I think is relevant in this
7 case that I'm asking the Court to look at is Page 143,
8 lines 15 through 23.

9 And what I think is significant here, Judge, that I'll
10 ask you -- that I'll bear in on is the fact that the
11 Honorable Judge Williams knew the victims and expressed
12 great sympathy for the victims in this case. And had a --
13 and -- and -- and -- and -- and expressed personal concern
14 as -- as it indicates in those statements.

15 I'm going to bear in on that, bring that to the
16 Court's attention; and hope to develop that, Judge, in a
17 manner in which I hope I can convince the Court that
18 certainly one of two things should have happened.

19 Judge Williams should have said, "Because of my close
20 relation to the victims, I recuse myself."

21 Or the second point that I hope to make is that I
22 think that counsel representing the defendant had a duty to
23 sort of vet Judge Williams and say to him, "How close do
24 you know them? What is the nature of this relationship?"

25 And to make a record on that case so that it clears

1 His Honor of any bias, or of any possible appearance of --
2 of -- of impropriety -- appearance of impropriety is no
3 longer the law. But you get my point, Judge, that I'm
4 trying to make?

5 THE COURT: (Nods head up and down.)

6 MR. PRIDE: Those are the things that I will hopefully
7 try and impress the Court and lead the Court and direct you
8 today to pay attention to.

9 THE COURT: All right. Call your first witness.

10 MR. PRIDE: Okay. I'll call Mr. Palmer.

11 THE COURT: Okay. Yes, sir, Mr. Palmer. Raise your
12 right hand.

13 WHEREUPON SCOTT PALMER, having
14 been first duly sworn, testifies as follows:

15 THE COURT: Very well. And when you are seated, if
16 you would state your full name for the record.

17 THE WITNESS: William Scott Palmer.

18 DIRECT EXAMINATION BY MR. PRIDE:

19 Q Mr. Palmer, you're a member of the South Carolina Bar?

20 A That's correct.

21 Q And how long have you been practicing?

22 A Since November of 1988.

23 Q And where do you practice?

24 A I have two offices: One is in Eastern Orangeburg
25 County in the town of Santee, and the other is in

1 Ridgeville, which is Dorchester County.

2 Q You heard me proffer to the Court that you were
3 appointed in this case; is that correct?

4 A Yes.

5 Q And when you were appointed to represent Mr. -- Mr. --

6 A Gleaton.

7 Q -- Gleaton, you were appointed for cases and crimes
8 purportedly that had happened in the Orangeburg
9 jurisdiction; is that not correct?

10 A Yes. The order of appointment came from the
11 Orangeburg Clerk of Court.

12 Q All right. And you became aware sometime during the
13 course of your representation that Mr. Gleaton was also
14 charged with offenses in Bamberg; is that correct?

15 A Yeah. I became aware of that pretty quickly actually.

16 Q All right. And did you have any investigation of
17 those cases over there?

18 A Well, the -- the discovery I received from the
19 Orangeburg solicitor had a number of incident reports and
20 statements that sort of encompassed both situations. In
21 other words, the alleged set of facts that took place in --
22 in Denmark and as well as Norway.

23 Q Did you ever talk to the Public Defender's Office in
24 Bamberg?

25 A No, I didn't.

1 Q And you were aware of -- of the fact that the Public
2 Defender's Office did and was appointed to represent the
3 defendant in those cases; is that not correct?

4 A I have to say I probably was aware of that, yeah.

5 Q All right. And were you also aware of the fact that
6 they conducted a preliminary hearing in that case?

7 A I did not know that, and the only thing I can say is
8 that that probably happened before I got appointed.

9 Q Okay. And would it surprise you if I told you that
10 the Public Defender's Office, as a result of their
11 representation in those charges, generated a file?

12 A That would not surprise me, sir.

13 Q Were you ever privy to that file?

14 A No.

15 Q All right. And you do agree with my representation to
16 the Court, that back in 2008 in Orangeburg, before Judge
17 Williams, that you entered a plea in behalf of the
18 defendant for the charges in Bamberg?

19 A That's correct.

20 Q All right. Now, do you remember when you were
21 appointed to the cases in Orangeburg?

22 A I don't remember specifically, no.

23 Q You don't? Okay. Do you remember what the charges
24 were?

25 A Oh, yeah.

1 Q What were they?

2 A Well, they was one count of kidnapping; there was one
3 count of burglary, first degree; one count of -- at least
4 one count of armed robbery; there was a count of pointing
5 and presenting a firearm during commission of a violent
6 crime.

7 There was one other indictment. I'd have to look at
8 the file to see, but that -- those were the -- the big
9 ones, if you will.

10 Q As a result of your representation, were -- was there
11 a plea bargaining agreement reached with the Solicitor's
12 Office?

13 A Yes.

14 Q And would it be correct that the plea bargaining
15 agreement called for the defendant to get a sentence of 40
16 years?

17 A That would be -- that would have been the
18 recommendation to the Court, yes.

19 Q To the Court. Well, obviously the Court has to agree
20 on it. But that was the agreement that you reached with
21 the Solicitor's Office?

22 A That's correct.

23 Q All right. And as a result of that agreement that you
24 reached with the Solicitor's Office, were some of the
25 charges which were originally filed against this defendant

1 dropped?

2 A The kidnapping charge was *nol-prossed*.

3 Q All right. And that was part of the plea agreement?

4 A Yes, sir.

5 Q All right. Now, did you conduct a preliminary hearing
6 of the -- as a result of those charges in Orangeburg?

7 A I don't think so.

8 Q All right. And ---

9 A I -- I -- and just to explain my answer, I think by
10 the time I got in the case that -- that there hadn't been
11 one requested. And if it had, it had taken place by the
12 time I got in the case.

13 Q So, your answer would be that you did not connect --
14 conduct a preliminary ---

15 A I ---

16 Q --- hearing?

17 A --- I did not.

18 Q And if one was conducted, you are unaware of it.

19 A Exactly.

20 Q All right. Now, would it be a fair statement to
21 proffer to the Court that this young man stayed in jail for
22 13 months?

23 A You know, I don't know exactly how long he was in
24 jail. But he was in jail for -- I mean, I -- I have no
25 reason to not agree with that.

1 Q Okay. And during the time that -- strike that,
2 please.

3 When you undertook his representation -- and -- and I
4 want to tell you before I -- I want to preference my
5 question by saying this to you: I've examined your file
6 and I don't see where you filed any discovery motions. Do
7 you recall filing any discovery motions?

8 A Yes.

9 Q And if perhaps when you sent Mr. Gleaton the file, you
10 just didn't send your motions; is that correct?

11 A Well, this particular case, I -- I made a backup file.
12 And it's -- in some cases it's standard procedure for me.
13 And I -- I don't copy everything.

14 The reason I make a backup file is if the case looks
15 like it's going to trial, I'll have one of my assistants
16 put it in a trial notebook. And typically what we put in
17 there is the important stuff, if you will: the warrants,
18 the indictments, the incident reports, the statements. And
19 we exclude the extraneous correspondence that is sort of
20 routine in the file, including the discovery motion, which
21 is a standard format.

22 In this particular case I wasn't able to locate my
23 original file with the correspondence and the notes. So,
24 what I sent William, after he requested it in writing, was
25 actually my backup file.

1 Now, there is some correspondence in there, but it's
2 certainly not the complete file that I had. But I know
3 that I -- I did discovery motion in Orangeburg County,
4 again, but not Bamberg.

5 Q Well, whether you file a discovery motion or not, it
6 is very clear from the examination of your file that you
7 received voluminous discovery in this case from the
8 Solicitor's Office. That -- that would be a correct
9 statement, wouldn't it?

10 A I would agree.

11 Q All right. And one of the things that you -- may I
12 approach the witness, Your Honor?

13 THE COURT: You may.

14 (Mr. Pride confers with Ms. Williams.)

15 MR. PRIDE: I've shown to the Solicitor's Office the
16 document that I will ask the witness to review.

17 (Mr. Pride hands document to the witness.)

18 Q Will you look at that and tell me whether or not you
19 recall this document?

20 A Yes.

21 Q And would it be a fair statement to say that your file
22 contained that document?

23 A Yes.

24 Q All right. Thank you.

25 MR. PRIDE: Judge, I want to mark this as an exhibit.

DIRECT EXAMINATION BY MR. PRIDE - SCOTT PALMER

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1 THE COURT: Any objection?

2 MS. WILLIAMS: If it's something that's in his file, I
3 don't have a coming in -- problem coming in as something
4 that's in his file.

5 THE COURT: Okay.

6 THE COURT REPORTER: Is it a Court's exhibit, Your
7 Honor?

8 THE COURT: No. Applicant's exhibit.

9 (Marked Applicant's Exhibit No. 1, photo.)

10 Q I show you what has been marked by the court reporter
11 as Defendant's [sic] Exhibit 1 and admitted by the Court as
12 an exhibit; and ask you to look at that and tell me is that
13 your handwriting under exemplary number three?

14 A No, it is not.

15 Q Do you recall whether or not that document came to you
16 in your file like that, or you have no explanation about
17 it?

18 A Well, I can look in -- in my file, but it look -- it
19 appears to match with the same copy I have in my file.

20 Q Okay.

21 A You're referring to the -- the -- the handwritten
22 words "Jennifer Grant," and then there's a date underneath
23 it?

24 Q That's correct.

25 A No, I didn't write that.

1 Q Okay. Do you know who Jennifer Grant was?

2 A Yeah.

3 Q Who was she?

4 A One of the alleged victims -- well, one of the victims
5 in the case.

6 Q Okay. And based on your experience, that tells you
7 that that's usually the way that law enforcement has a
8 person identify someone, by writing their name under there?

9 A That was my understanding of the reason for that
10 writing --

11 Q Okay.

12 A -- and the circling the photograph.

13 Q Okay. Did you ever file a motion to suppress that
14 identification?

15 A No.

16 Q Look at it again, and tell me whether or not you think
17 that those people on there possess similarities, or do you
18 think the defendant probably is outstanding?

19 A I -- I'm not in a position to say. I can't answer
20 that, because I wasn't there during the commission of these
21 incidents.

22 Q No. I'm not asking you about whether or not you were
23 there at the commission of the incident. I'm asking you as
24 a lawyer representing the defendant, when you received this
25 document, did it strike you that the defendant was

1 outstanding in this document, because the rest of the
2 pictures you can barely see? Did that ever occur to you?

3 A It didn't, but I -- I will say that had the case gone
4 to trial, that certainly would have been an issue. And
5 there would have been a motion.

6 Q All right. Now, how long have you practiced criminal
7 law?

8 A Well, I've been a member of the Bar for 23 years
9 almost, and I've done, to some extent, criminal work during
10 those years.

11 But to answer your question more specifically, the --
12 the court-appointed cases, I think I started out like a lot
13 of attorneys doing the DSS cases.

14 Q Uh-huh.

15 A And I would say about 10 to 12 years ago, I asked the
16 Clerk of Court to put me on the criminal appointment list.
17 And so, I think my practice has focused more on criminal
18 law since that time.

19 Q And my point is this: You're not a neophyte as it
20 relates to representing people who are charged with crimes,
21 are you?

22 A I don't consider myself a neophyte.

23 Q All right. Now, we've established -- I proffered to
24 the Court that Mr. Gleaton had -- was in jail about 13
25 months before this case was ultimately disposed of.

DIRECT EXAMINATION BY MR. PRIDE - SCOTT PALMER

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1 MR. PRIDE: (To The Court) Did you say something,
2 Judge?

3 THE COURT: Uh-huh.

4 MR. PRIDE: What?

5 THE COURT: Nothing.

6 MR. PRIDE: I'm sorry.

7 THE COURT: I'm with you.

8 MR. PRIDE: Okay.

9 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

10 Q How many times did you go see Mr. Gleaton?

11 A At the detention center?

12 Q Anywhere. He -- he -- in other words, he never was
13 out on bond, was he?

14 A No. But there were a couple of meetings at the
15 courthouse.

16 Q At the courthouse?

17 A In addition to my jail visits, we had several
18 conversations at the courthouse.

19 Q Did you list your jail visits?

20 A Did I list them?

21 Q Yes.

22 A You mean when I signed in?

23 Q In other words, when you go down to the jail, you list
24 your name.

25 A Oh, yeah. I do that every time.

DIRECT EXAMINATION BY MR. PRIDE - SCOTT PALMER

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1 Q You do that every time?

2 A Yeah.

3 Q And how many times did you do that?

4 A I seem to recall two.

5 Q Two times.

6 A Like I said, I don't have my notes, but I recall two
7 jail visits.

8 Q In 13 months?

9 A Well, I was a -- I wasn't his attorney for the entire
10 13 months.

11 Q Weren't you initially appointed when -- when these
12 crimes took place and he was arrested?

13 A I -- I wasn't initially appointed, no.

14 Q Who was initially appointed?

15 A Well, I don't know that. But I wasn't -- my -- my
16 answer is, I wasn't appointed as soon as he was arrested
17 and booked.

18 Q When did you -- when -- do you recall when you were
19 appointed and when you began to represent him?

20 A I can't give you a date.

21 Q But you can tell me that between when you were
22 appointed and when you ultimately represented him in his
23 pleas that you visited him twice at the -- at the detention
24 center; is that correct?

25 A Yes.

1 Q And you've also told the Court that there were
2 additional visits and they were at the courthouse, I
3 assume, during proceedings; is that correct?

4 A I think one time he was brought over for an
5 appearance. And then the other time I met with him was a
6 rather lengthy -- there was a meeting that actually Judge
7 Williams let us go back in the jury room, and his mother
8 and I believe his sister were included in that meeting.
9 And that was probably the longest conversation I had with
10 him. And that was, you know, close to the time he agreed
11 to plead guilty.

12 Q Okay. And during the course of your representation,
13 you were aware that they -- there were co-defendants; is
14 that correct?

15 A Yeah. Four others.

16 Q Did you consider severance as part of your defense in
17 this case since this young man had no prior criminal record
18 at all?

19 A Well, the -- the transcript seems to indicate he did,
20 but no. The answer is, no, I did not consider severance.

21 Q Okay. And when you pled -- do you have a copy of the
22 transcript ---

23 A I do.

24 Q --- from the plea? Could you turn to page 143?

25 A Got it.

1 Q Beginning at 14, would you read 14 through 23 for me?
2 And those are the words of Judge Williams.

3 A You want me to read ---

4 Q Right.

5 A --- from the transcript?

6 Q Read it aloud.

7 A Beginning with line 14?

8 Q Yes, please.

9 A Okay. (As read) "I don't believe there's ever been
10 one filled with more tragedy than we see in the courtroom
11 today.

12 "To the Polite families and the Grant families, I know
13 your families, I know some of you personally, individually.
14 I know both of your families. I can't imagine what you're
15 going through and what you're going to continue to go
16 through.

17 "But please know that my heart goes out to you, my
18 prayers go out to you. And tell Vance and Mrs. Polite that
19 I send them my best wishes, and I'll keep them in my
20 prayers, please."

21 Continue?

22 Q No. That -- that -- that -- that's sufficient. When
23 Judge Williams made those statements, it was prior to his
24 accepting the plea or after accepting the plea; do you --
25 do you recall?

1 A I believe that was after he accepted the plea, because
2 in this situation there were two -- two different hearings.
3 One was for the acceptance of the plea, and one was for the
4 actual sentencing, which I think took place about a week
5 later.

6 Q Uh-huh.

7 A And this -- this statement, I believe, took place at
8 the second proceeding that was the sentencing hearing.

9 Q Would it be a fair statement to say that prior to the
10 defendant pleading in this matter as you've indicated, that
11 there had been an agreement reached with the solicitor for
12 40 years; is that correct?

13 A Correct.

14 Q So, your position is, regardless of -- would your
15 position be that regardless of what Judge -- Judge Williams
16 said, that it -- no prejudice would enure to the defendant
17 if he approved the agreement?

18 A Not sure I follow you, but let me -- let me try to
19 answer that. I don't think this statement shows any
20 prejudice on the part of Judge Williams. And the reason I
21 say that is, during the -- the first hearing where William
22 actually pled and agreed to plead guilty, but before he got
23 sentenced, which was the second hearing he actually --
24 William actually asked Judge Williams directly why is the
25 recommendation 40 years, because one of the other guys is

1 only getting 20.

2 Judge took the time to break it down for me. It was
3 very specific and very clear as to why he was willing to
4 recommend -- or accept the recommendation of 40 years. And
5 he clearly told us at that proceeding that -- that he
6 shouldn't get his hopes up that he'll get a day less than
7 40 years. I mean, he was quite clear about it.

8 Now, had he gotten 50, 60, or more, I think this
9 statement would come into play, and it might be the basis
10 of some motions and some -- some action to overturn this
11 thing based on some issues of prejudice, or you know,
12 knowledge of the victims, that sort of thing.

13 Q Well, I guess we're saying the same thing. In other
14 words, you felt that because there was a plea agreement
15 between yourself and the Solicitor's Office for the
16 defendant and the judge -- the judge went along with the
17 plea agreement, whatever statements he made were not
18 relevant or prejudice, because the defendant was not
19 injured as a result of them?

20 A Yeah. I mean, he -- the -- the sentence was exactly
21 what was expected based on the agreement with the
22 Solicitor's Office and the prior discussions in court
23 during the actual plea.

24 Q Well, was the sentence for a cap of 40 years or was
25 the sentence for 40 years?

1 A Well, I would have to say that the agreement was
2 probably for a cap of 40 years.

3 Q Which meant that Judge Williams could have given less
4 than 40 years?

5 A He could have, but he -- again, he made it clear at
6 the first proceeding that -- that he could not make any
7 promise or representation that -- that he would do that.

8 Q Well, isn't that traditional with all judges? I mean,
9 you -- you -- I've been -- excuse me. Strike that --

10 It's very rarely that you're able to get a judge to
11 commit to you what they're going to do, other than the fact
12 that they're going to take it under consideration. Isn't
13 that a fact?

14 A I have no dispute with that statement.

15 Q Okay. Now, why did you feel comfortable representing
16 the defendant on the charges that emulated from Bamberg?

17 A I was never comfortable with this case, sir. This was
18 a -- one of the more tragic cases that I've handled. That
19 includes murder trials and that -- that sort of thing.
20 This was a bad, bad case.

21 But I think what the answer you want is I felt
22 comfortable in proceeding with this guilty plea, number
23 one, because I had access to the incident reports, the
24 statements of co-defendants that described in detail the
25 sequence of events, not only in Norway but also in Denmark.

1 There were -- there were two home invasions, one in each
2 county.

3 And secondly, that there were four other co-defendants
4 who all pled at the same time. This was all done together.
5 And I had talked to each of those defense lawyers in some
6 detail about their position, what they had in mind for
7 their clients, and you know, whether or not they were going
8 to plead guilty and that sort of thing.

9 So, I felt even though I hadn't really received
10 discovery from Bamberg, I felt that I had a grasp on the
11 facts and I had a grasp on where the victims were coming
12 from. And so, that's -- that's why we went ahead with it.

13 He had another charge that he was represented on by
14 another attorney that wasn't there that day. I don't know
15 what happened with that charge, but that was unrelated to
16 this sequence of events.

17 Q Well, you didn't -- you didn't go forward on that one,
18 did you?

19 A No. No.

20 Q Okay.

21 A No.

22 Q Now, how did you handle the question of jurisdiction?
23 Did you get the defendant to sign a waiver of jurisdiction
24 or a transfer of jurisdiction? How did you handle that
25 question of jurisdiction from Bamberg to Orangeburg County?

1 A He -- in the transcript, he waives jurisdiction. He
2 agrees to have those charges heard in Orangeburg County.

3 Q And you felt like that was sufficient?

4 A Well, we talked about it, and he agreed to it.

5 Q And did you explain to him that part of the plea
6 bargaining agreement that I am making with the Orangeburg
7 Solicitor's Office would also encompass the disposition of
8 the cases in Bamberg?

9 A Yes. Yeah, we talked about that. And you know, the -
10 - the prospect of -- of dealing with this case, which was a
11 string -- a factual string that basically all happened in
12 one sequence of events, I thought was a lot riskier taking
13 it to two counties. Because I didn't know what kind of
14 deal he was going to get down there or if he went to trial.

15 Arguably there was some aspects of the -- the Bamberg
16 charges that were more egregious than the Orangeburg.

17 Q Do you know whether or not he acknowledged to you that
18 he was guilty of the charges in Green -- in -- in Bamberg?

19 A Well, I don't know at -- at -- at -- at what point in
20 representation you're referring to. But when my first --
21 when I first met with William, he minimized his involvement
22 in all of this. He said he -- he never even went in the
23 houses, that all he wanted to do was steal the cars.

24 And when I confronted him with the -- the documents
25 and the fact that some of his co-defendants had actually

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1 signed statements describing a whole different set of
2 events and a whole different involvement, he took a
3 different position.

4 Later in the case, I think during our second meeting,
5 he assured me that the Orangeburg charges wouldn't be a
6 problem, because Mr. and Mrs. Grant were people in his
7 community that he didn't think would want to proceed with
8 the prosecution.

9 Q Well, he felt that he was relying on a statement that
10 the Grants had signed as it relates -- as it relates to his
11 participation that -- in -- in these events. Is that --
12 that not correct?

13 A I -- I think that was part of it, yes. And I -- I
14 think the fact that he at least thought that he knew them,
15 or -- or at least was in the same community with these
16 folks would help him. And of course, at the -- at the plea
17 hearing, Mr. Grant had a whole different position.

18 MR. PRIDE: Excuse me, Your Honor.

19 (Mr. Pride confers with Ms. Williams.)

20 MR. PRIDE: Judge, excuse me. I've shown this to Ms.
21 Williams. I intend to show it to the witness. If the
22 witness does identify it, then I intend to mark it as an
23 exhibit and put it in.

24 MS. WILLIAMS: And what it is, it's a sheet of paper
25 with some handwriting on it. And that -- if it won't -- if

DIRECT EXAMINATION BY MR. PRIDE - SCOTT PALMER

1 it's something that's in Mr. Palmer's file, that's fine.

2 But I don't think it can go to whether this person
3 actually wrote this or whether what it's contained in it is
4 true, because the person who wrote it is not here and
5 there's no way to verify what it really means ---

6 THE COURT: Is it ---

7 MS. WILLIAMS: --- in that regard.

8 THE COURT: Okay. In other words, the question is --
9 well, let's just see where it goes. Just show it to him --
10 -

11 MR. PRIDE: Okay.

12 THE COURT: --- and see if he can identify it.

13 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

14 Q Mr. Palmer, I show you a copy of the statement which
15 we have -- I think the two of us have been referring to
16 during my -- my examination. Would that be the statement?

17 (Mr. Pride hands document to the witness.)

18 A You know, without looking through my file I would -- I
19 would have to ---

20 Q Please.

21 A --- agree.

22 Q Make yourself comfortable.

23 A Yeah. I'll have to look and see if that's in there.

24 Give me just a minute, Your Honor, please.

25 (Brief pause.)

1 A I -- I -- I have found it.

2 Q Okay.

3 A That -- that document does appear in my file as part
4 of the discovery along with a number of other statements
5 from Mr. Grant.

6 Q But this statement does appear?

7 A Yes, sir.

8 MR. PRIDE: Which I'm going to ask the Court's
9 reporter to -- I want to enter this ---

10 MS. WILLIAMS: That's subject to -- yeah, it can be
11 entered for the reasonableness, but not for what's in it,
12 if that makes sense.

13 THE COURT: In other words ---

14 MS. WILLIAMS: It can't go ---

15 THE COURT: --- it's not being admitted for the truth
16 of the matter asserted, but rather admitted for the fact
17 that it was in the file of Mr. Palmer, yes?

18 MR. PRIDE: Yes.

19 THE COURT: Very well.

20 (Marked Applicant's Exhibit No. 2, statement document.)

21 MR. PRIDE: Judge, what's your pleasure? Some Judge
22 like to pass these things up or do we just leave ---

23 THE COURT: You know, here's what happens with that.
24 Sometimes the lawyers need to hold on to it, and sometimes
25 they want me to look at it. So, the last thing I want to

1 do is all of a sudden you've got to walk around the
2 courtroom and I got you hamstrung. You know what I mean?
3 So, when you're ready for me to look at it, I will look at
4 it. But you may need it.

5 MR. PRIDE: Okay.

6 THE COURT: Okay.

7 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

8 Q Now, based on that statement, which has been marked,
9 been admitted by the Court and -- as Defendant's [sic]
10 Exhibit 2, this is a statement signed by who?

11 A It's signed by Eric Grant.

12 THE COURT REPORTER: First name again?

13 MR. PRIDE: Eric.

14 THE WITNESS: Eric.

15 MR. PRIDE: Excuse me. I'm sorry.

16 Q And would I be correct if I said that this statement
17 looks like that it was dated 12/21/06?

18 A That's the date that's written on it, yes.

19 Q Okay. And would you read just the written part of
20 that statement, on -- starting there?

21 A The handwritten part?

22 Q Yes.

23 A Well, first Mr. Grant filled in his name, apparently,
24 or someone did. But the handwritten part, the text of it,
25 is (as read): "Come on. These are my people. I know

1 them. That's what I heard him say."

2 Q Do you perceive that Mr. Grant was talking about the
3 defendant in this statement?

4 A My ---

5 Q Is that ---

6 A --- my understanding was that this statement was made
7 in conjunction with a lineup identification.

8 Q Uh-huh.

9 A But it's curious, because the statement is dated four
10 days after the lineup.

11 Q The lineup is -- is 12/21, right?

12 A Actually the -- the lineup I have that's signed by
13 Eric Grant has a ---

14 Q 12/20.

15 A --- has a circle around the applicant's photograph and
16 it's signed -- it's signed -- looks like it's signed --

17 Q It is what it is.

18 A It is what it is, and it's ---

19 Q Okay.

20 A --- it's really not legible. It says -- actually it
21 looks like it's 21/17/06.

22 Q Uh-huh.

23 A And the -- the statement you're referring to, sir, is
24 dated 12/21/06.

25 Q That's right.

1 A So, it's really hard to figure out what that -- what
2 all it means.

3 Q All right. Now, Mr. Palmer, would you not agree that
4 the defendant reluctantly, finally agreed to plea in this
5 case?

6 A I think -- I think I would -- first of all I'd say he
7 was quite reluctant, as most of them are. And -- and you
8 know, I -- I can't imagine being in his position. But he
9 didn't have many options.

10 Q Would you also not agree that a life sentence hanging
11 over his head perhaps, had a lot to do with his ultimate
12 decision, which was the 40 years?

13 A I -- I would agree. And had -- had this case gone to
14 trial, I think a life sentence would have been a -- a
15 likelihood.

16 Q Would Judge Williams have tried -- had tried this
17 case?

18 A I don't know.

19 Q This plea was entered on a Friday at about four --
20 four or five o'clock in the afternoon; am I correct? If
21 you know.

22 A Yeah, I'd have to refer to the date.

23 Q Okay. I don't need ---

24 A Do a calendar.

25 Q That's not significant. I don't think that's

1 significant.

2 MR. PRIDE: Just indulge me one moment, please, Your
3 Honor.

4 THE COURT: Of course. Of course. I tell you what,
5 if I may? I have two hats. I have the master-in-equity
6 hat along with my other duties. And I notice that it's one
7 o'clock. We only have fourteen properties to sell.

8 These are -- these are important matters. Mr. Pride,
9 I do not mind one bit with you just taking your time,
10 because you really have what would be about 15 minutes
11 while I go have the unhappy occasion to go for -- although
12 it's happy for me, it will be my last time to do master-in-
13 equity duties, because we have a wonderful new master-in-
14 equity.

15 But I've -- I've explained to her that I would sell
16 these properties just to give her an opportunity to
17 observe.

18 That will give you a few minutes. Would that be of
19 help?

20 MR. PRIDE: Yes, that would be of help.

21 THE COURT: Well, that would mean ---

22 MR. PRIDE: And I would appreciate it too.

23 THE COURT: Absolutely. Absolutely. We will do that.
24 You be at ease. It will probably take me about -- like I
25 said, there are 14 properties. That's about like a minute

1 a property and a minute to walk over there. So, you all --

2 -

3 MR. PRIDE: All right.

4 THE COURT: Okay. We'll do that.

5 (Off at 1:08 p.m.)

6 (Back on the record at 2:14 p.m.)

7 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

8 Q Mr. Palmer, do you recall whether or not the defendant
9 was ever given a bond in this case?

10 A I don't recall, no.

11 Q You did appear at the bond hearing when the bond was
12 denied; is that not correct?

13 A I think so, yes. It's hard to remember. I don't have
14 any record of that in this file, but it seems like there
15 was some attempt to get him some bond.

16 Q Okay. And when Judge Williams acknowledged that he
17 had a close relation and knew the victims, were you
18 reluctant to vet the Judge about the extent of that
19 relation? I see you did not make a comment to him at all.
20 Were you reluctant to do that?

21 A No.

22 Q You didn't feel that it was necessary to inquire of
23 the Court about the extent of that relation?

24 A No.

25 Q All right.

1 MR. PRIDE: Thank you very much, Judge.

2 THE COURT: Very well.

3 MR. PRIDE: Thank you too, Mr. --

4 THE COURT: All right. Cross-examination?

5 CROSS-EXAMINATION BY MS. WILLIAMS:

6 Q Mr. Palmer, you stated in the transcript that you had
7 an opportunity to discuss the evidence and potential
8 sentences and things of that nature with Mr. Gleaton. Is
9 that your recollection today?

10 A Yes.

11 Q And what specific -- can you tell me generally what
12 items of evidence you would have reviewed with him in each
13 case?

14 A Well, the evidence in the case consisted primarily of
15 witness statements, lineups, incident reports. I believe
16 there was some physical evidence, and I think they
17 recovered some of the weapons that were used in the -- the
18 crimes.

19 But we didn't really get far enough to examine the
20 weapons and all that. So, the -- the evidence we reviewed
21 was documentary.

22 Q And what impact did co-defendants's decisions to plead
23 guilty and testify against Mr. Gleaton have on your
24 representation?

25 A Well, let me just say that I -- I think it severely

1 limited his options.

2 Q How so? Could you tell me just -- did he have any
3 plausible defenses?

4 A Well, you know, when I first met with him, he gave me
5 what I thought were going to be the basis of possibly some
6 defenses, but those didn't really pan out.

7 As I stated on direct, he initially told me that his
8 involvement was minimal, he never entered the dwellings,
9 that this wasn't his idea; and he really only participated
10 in jacking the car -- or cars. So, the first meeting
11 wasn't that helpful.

12 And the second meeting is when he sort of switched his
13 position and said, "Well, I'm not worried about the
14 Orangeburg County charge, because the victims are my
15 acquaintances," had some connection to him. I don't think
16 he said they were family, but they were members of his
17 community. And he -- he didn't think they were going to
18 zealously prosecute the case.

19 And so, as -- as I learned neither of those facts were
20 true, that his defenses sort of dwindled. It -- it --
21 really this -- this class -- this case came down to the
22 classic plea or go to trial. And in my view -- I could be
23 wrong, but in my view, trial would have been a disaster for
24 Mr. Gleaton.

25 Q And there were two solicitors there, Mr. Moore and Ms.

1 Burbage. Were -- was one of the solicitors from Bamberg?

2 A Yeah. Kelly Burbage was the Orangeburg County
3 Assistant Solicitor, and then Attorney Moore came up from
4 Bamberg.

5 Q Did you have any opportunity to talk to him before the
6 plea?

7 A I talked to him right before the plea, yes.

8 Q Okay. In your criminal experience, was this kind of a
9 serious crime that would warrant -- would you expect a more
10 lengthy sentence? Can you try to quantify that for me?

11 A I -- I assume you're asking had the case gone to
12 trial?

13 Q Yes, sir.

14 A I -- I think -- as I've stated, I think had this case
15 gone to trial and based on my review of the file, my
16 speaking with not only the solicitor's office, but the
17 other defense attorneys, I feel that a conviction on at
18 least most of these charges would have been a strong
19 likelihood. And in that case, I think he would have
20 received a much harsher sentence than he did.

21 Q And do you have any personal knowledge of who Judge
22 Williams knew or how he might have known them or what, if
23 any, actual relationship he had with these folks?

24 A Well, prior to Judge Williams' pronouncement in court
25 that he knew the victims, the only thing I knew about that

1 that -- was just sort of this vague knowledge of where
2 Judge Williams lived. And he lived in the southern part of
3 the county. And this is essentially -- essentially where
4 most of this took place. So, I didn't have any previous
5 knowledge that he had any connection at all with these
6 victims.

7 Q And was there any benefit in your mind of pleading
8 before Judge Williams? Was that -- was that a judge you
9 would want to appear before for any reason or not?

10 A Well, I -- I -- I've always had a lot of confidence in
11 Judge Williams. But I think, in this particular case, his
12 accepting this recommendation was probably as good as it
13 was going to get with any judge based on the facts and
14 circumstances that we had to deal with.

15 MS. WILLIAMS: Beg the Court's indulgence.

16 THE COURT: Sure.

17 MS. WILLIAMS: I apologize.

18 Q In regards to a severance of this matter, would the
19 evidence have pretty much been the same amongst the five
20 co-defendants? Was there anything that was particularly
21 different about Mr. Gleaton's case from that of the other
22 co-defendants?

23 A The only thing that I think was unique to Mr. Gleaton
24 is I don't believe he gave a written statement. Unlike his
25 co-defendants, I think he declined to give a written

1 statement. But having -- but I honestly don't believe that
2 would have been grounds for severance.

3 Q And when everybody else agreed to testify against the
4 others, was severance really an issue for you?

5 A I don't -- I don't believe so.

6 Q Okay.

7 MS. WILLIAMS: I believe that's everything I have.

8 THE COURT: All right. Re-direct?

9 MR. PRIDE: Right.

10 RE-DIRECT EXAMINATION BY MR. PRIDE:

11 Q When you have multiple defendants and one of the
12 defendants does not give a statement against the others, is
13 that not an indication of an antagonistic relation between
14 the parties? When a co-defendant gives a statement against
15 a defendant, isn't that a demonstration of an antagonistic
16 relation?

17 A I would have to agree to some extent that it is. But
18 I think the issue is whether or not it's grounds for
19 severance. And I don't -- it's been my experience that
20 these types of cases the Court, in the interest of economy
21 and not subjecting the taxpayers to five separate trials,
22 would want the cases tried together.

23 Q Economy and -- and a pecuniary interest should never
24 outweigh justice, should it?

25 A Well, that's a rhetorical question. But it's been my

1 experience that when you ask for severance, these reasons
2 come into it; that the judges don't want to have five
3 separate trials on one set of facts.

4 Q And it's been your experience that that would outweigh
5 the best interest of justice for an individual?

6 A Well, I'm not making a judgment call. I'm just saying
7 that when I ask for severance -- I tried a five day murder
8 trial in December in Orangeburg County. One of the issues
9 was severance. And the presiding judge denied all the
10 requests for severance.

11 And it was as case not unlike this, in some sense,
12 that you had five individuals working in unison. And the -
13 - the reasons given for denial were some of these reasons
14 we're discussing.

15 I'm not making a -- a -- giving you an opinion on
16 whether or not that outweighs the need for justice. I
17 certainly recognize the need for justice in every court.

18 But as a practical matter, it's been my experience
19 that most trial judges will not grant severance unless
20 there's a unique set of circumstances which did not exist
21 in this case.

22 Q What unique set of circumstances do you think has to
23 exist for the Court to examine in order to grant the
24 severance?

25 A Well, I don't know. Maybe if you suggest one, I might

1 agree or disagree with you.

2 Q Well, an antagonistic relation is one of the things
3 that the Court does examine between the parties to
4 determine; isn't it?

5 A Well, I agree with that. But also, to some extent, in
6 every case where you have multiple defendants working under
7 the same set of facts, there's some degree of antagonism
8 between them. And I think it's the Court's job to weigh
9 whether or not that's going to deprive one of these
10 individuals of fair trial.

11 And in this case, I didn't predict that the Court
12 would find those circumstances to exist.

13 Q In a co -- a co-defendant's testimony against a
14 defendant should be viewed by the Court with scepticism;
15 would you not agree?

16 A Well, you know, that's -- that's, again, without
17 actually listening to the witness, some witnesses are more
18 credible than others. But even if you have severance, it
19 doesn't prevent the State from bringing in the co-
20 defendants to testify against the defendant whose trial is
21 being tried separately.

22 Q Well, I mean, that's not the -- the reason to prevent
23 them from testifying that you ask for severance. The
24 reason that you ask for severance is so they will all not
25 be sitting at the same together, tried together; isn't that

1 correct?

2 A Well, I would agree, yes.

3 Q Okay. And also, you recognized from your
4 investigation in this case that -- that as it related to
5 the charges of assault and battery of a high and aggravated
6 nature, that the defendant in this case had a pretty good
7 chance of -- of not being found guilty of that, didn't you?

8 A What specific set of facts are you referring to?

9 Which -- which incident?

10 Q Well, let me ask you another way. Turn to page 207,
11 and read lines 13 through 17, and tell me what set of facts
12 were you referring to when you made those statements.

13 A 207?

14 Q Yes.

15 THE COURT: Page -- it's got to be something else.

16 MR. PRIDE: I beg your pardon?

17 THE COURT: It's got to be something other than 207,
18 because I only got to ---

19 MR. PRIDE: Excuse me. I'm sorry. 107.

20 THE COURT: 107.

21 MR. PRIDE: If I put my glasses on I'd ---

22 THE WITNESS: I -- I know what you're talking about.

23 It was -- it was after the -- when I addressed the Court on
24 William's behalf, and offered some information in -- in
25 mitigation. Primarily I got those facts from William.

1 Q Well, what did you tell the Court? Read lines 12
2 through 17 for me. Read it.

3 A Twelve through seventeen. (As read) "There's some
4 evidence that Mr. Gleaton tried to stop of these crimes."
5 I don't know if that's a misprint. But ---

6 Q Yeah.

7 A (As read) "Tried to stop these crimes especially with
8 regards to the criminal sexual conduct."

9 Now, the -- the -- if you want the -- the fact to
10 support statement, there's some statements of co-defendants
11 that he did, in fact, try to discourage it. And after the
12 fact, he was angry with his cousin Daryl for committing the
13 sexual act.

14 Q Right. But go ahead and read the next line. That's
15 what I have -- really have reference to.

16 A (As read) "With regard to the shooting of Mr. Polite,
17 as unfortunate and tragic as that is, there's some evidence
18 that it was a result of a struggle and perhaps not
19 intentional."

20 Those facts came from Mr. Gleaton.

21 Q Well, if he said it was unintentional, do you think he
22 -- you should have allowed him to plea to it?

23 A My statements certainly aren't evidence. I was -- I
24 was trying to get him some mercy.

25 Q Well, you weren't -- you weren't -- you weren't

1 offering a hyperbole to the Court, were you? I mean, you
2 were offering a serious proposition to the Court.

3 A I -- I was offering his version of the facts.

4 Q All right.

5 A Now, in -- in retrospect, I think his version was
6 vastly outweighed by the facts as a whole. But certainly
7 he had mentioned that, that the -- the shooting was
8 involved with some sort of struggle. Whether or not -- who
9 -- who initiated the struggle, as you notice, I didn't go
10 there.

11 MR. PRIDE: All right. Thank you very much.

12 THE COURT: Re-cross?

13 MS. WILLIAMS: Nothing further.

14 THE COURT: Very well. Is this witness free to leave?

15 MR. PRIDE: Please, I have ---

16 MS. WILLIAMS: Actually ---

17 MR. PRIDE: --- no problem.

18 MS. WILLIAMS: --- I would like for him to stay
19 because I don't know what all is going to come ---

20 THE COURT: Oh. You got to stay.

21 THE WITNESS: I'll stick around, Your Honor.

22 (The witness retires from the stand.)

23 THE COURT: Let me ask you this question: Y'all, it's
24 2:30. Who's hungry? I don't want anybody's blood sugar
25 plummeting. I'm looking at everybody.

1 MR. PRIDE: Judge, we had a great big meal while you
2 were out.

3 THE COURT: What did you have.

4 MR. PRIDE: Crackers.

5 MS. WILLIAMS: I don't anticipate having any
6 additional witnesses. There's only one more. There's ---

7 THE COURT: Uh-huh.

8 MS. WILLIAMS: --- some have to be back in Columbia --

9 -

10 THE COURT: Well, let me look at my SCDC people. How
11 are y'all? How's your blood sugar? I don't want it
12 plummeting.

13 SCDC GUARD: We're all right, Your Honor.

14 (Brief discussion with audience members.)

15 THE COURT: Well, let's take 15 minutes.

16 (Briefly off the record at 2:31 p.m.)

17 (Back on the record at 2:53 p.m.)

18 THE COURT: Hello. And raise your right hand for me.

19 WHEREUPON CYNTHIA SIMPKINS, having
20 been first duly sworn, testifies as follows:

21 THE COURT: Please be seated, and when you are seated
22 -- get -- come on. Get situated. There you go. And then
23 pull that microphone down just a little tiny bit. And
24 state your full name for the record, spell your last name.

25 THE WITNESS: Cynthia Simpkins.

1 DIRECT EXAMINATION BY MR. PRIDE:

2 Q Ms. Simpkins, what is your relation to the defendant,
3 Mr. Gleaton?

4 A Sister.

5 Q Sister. And where do you live?

6 A I live in Springfield, South Carolina.

7 Q And how old are you, if you don't mind me asking?

8 A I am 45 years old.

9 Q And how far did you go in school?

10 A I went to part -- my sophomore year in college, but I
11 had to stop.

12 Q Where did you go to school?

13 A Claflin University.

14 Q And presently, are you employed?

15 A Yes, I am.

16 Q Where are you employed?

17 A CBS Learning Center.

18 Q And how long have you been employed there?

19 A Ten years.

20 Q And are you married?

21 THE COURT REPORTER: "CBS"?

22 THE WITNESS: CBS Learning Center.

23 Q And are you married?

24 A Yes, I am.

25 Q And do you have children?

1 A I have three girls.

2 Q Three girls.

3 A Yes.

4 Q Okay. Now, you are aware of the fact that back in
5 2006, your brother was arrested; is that correct?

6 A Correct.

7 Q And what part did -- did you -- did you try and assist
8 him in any respect?

9 A No.

10 Q Well, I don't mean in the crime.

11 A Oh.

12 Q I mean, did you try and help him with ---

13 (Courtroom laughter.)

14 Q I don't blame you. I'll try to do better -- better
15 than that with my questions.

16 THE COURT: Okay. That's a moment. There's a memory.

17 A Yes. As a sister, I tried to assist him in --

18 Q Okay. All right.

19 A Yeah.

20 Q And did your mother also -- was she aware of it?

21 A Yes.

22 Q And did the family sort of rally to try and do what
23 they could to help him?

24 A We tried.

25 Q Okay. Now ---

1 THE COURT REPORTER: Did you say "yes"?

2 THE WITNESS: Yes, we tried.

3 Q Okay. Were you aware of the fact that the Court
4 appointed a lawyer for him?

5 A Yes.

6 Q Did you know who the Court appointed as a lawyer?

7 A Not at first we didn't.

8 Q I mean, do you -- do you know now?

9 A Yes.

10 Q Who was it?

11 A It was Attorney Scott Palmer.

12 Q Okay. And after Mr. Palmer was appointed, did you
13 have an occasion to talk with Mr. Palmer?

14 A Mostly at first on the telephone.

15 Q And what was your purpose -- well, did he call you or
16 did you call him?

17 A I think we called him first.

18 Q Okay. Well, not "we." I'd rather you tell me ---

19 A I -- well, I called him and my -- I called him.

20 Q And what -- why were you calling him?

21 A I wanted to try to get to know him, to see would he
22 represent my -- our brother in the case.

23 Q And what response did you get?

24 A Well, we -- at first, lot of phone calls and leaving
25 messages be -- at first. And we never really met with him,

1 just over the phone leaving messages basically, while we --

2 -

3 Q Did he return the calls?

4 A Yes.

5 Q And when he returned your call, did the two of you
6 talk?

7 A Basically, we was trying to see whether we were going
8 to get to talk to my brother or not about the case.

9 Q Was that the reason that you were calling the lawyer,
10 to tell him that, "I want you to go see my brother"?

11 A Yes.

12 Q All right.

13 A Yes.

14 Q And did you convey that message to him?

15 A Well, yes. We would we say we -- you know, "You gonna
16 represent him. When would you get to talk with him?" That
17 kind of thing.

18 Q All right. And did the lawyer agree to go see him?

19 A He said he would get there.

20 Q And did he get there?

21 A Not at first, no. No.

22 Q All right.

23 A Not -- not that we were aware of it. No.

24 Q Okay. But it's fair to say that Mr. Palmer was a busy
25 lawyer.

1 A Yes.

2 Q And he couldn't put down everything --

3 A Exactly.

4 Q -- and go down there immediately. But he understood
5 why you were calling --

6 A Right.

7 Q -- is that correct? And that ultimately he responded
8 by going to see your brother; is that correct?

9 A Correct.

10 Q How many times, if you know, did he make a visit? And
11 I don't want you to guess. If you don't know, just tell me
12 I don't know.

13 A I -- I recall, just from talking to my brother saying
14 he -- I think, one time that he might have visit.

15 Q All right. Now, do you recall the day that your
16 brother entered his plea, when he told the Court, "I want
17 to plead -- plead guilty"?

18 A Yeah, I can recall that day.

19 Q How did you find out about the fact that that
20 proceeding was going on?

21 A The day of the proceeding we got a call about 11,
22 saying that we needed to meet to the court at two o'clock
23 for the pleading. And we was asking, like, "What pleading,
24 for what?"

25 And he said, "The case for William. We need y'all to

1 be there at two o'clock."

2 Q Who gave you that notice?

3 A It -- well, my mom relay that message. I didn't talk
4 to Attorney Palmer that day. I didn't; she did.

5 Q Okay.

6 A Yeah.

7 Q Now, the day that your brother entered his plea, did
8 you get a chance to talk to Mr. Palmer?

9 A Yes, I did.

10 Q Tell the judge what happened, and what -- what went on
11 in that conversation.

12 A In the conversation, the day we was in the conference
13 room and my brother came in, and everybody cordially spoke
14 to each other. He stated -- you know, my brother was
15 asking him -- we were just ask ---

16 Q Not "him/he." I want you to ---

17 A Attorney -- William asked Attorney --

18 Q Thank you.

19 A William asked Attorney Palmer who was the judge, and
20 my mama asked as well. And he gave us the name of the
21 judge.

22 So, the next question was: "Isn't he from Norway?"

23 And he said, "Yes."

24 And so, my mom says, "Well, Attorney Palmer, that
25 Judge Williams know the family. You think that would be a

1 wise decision let that type of judge do the pleading case?"

2 And it's like, well, it -- it was done. You know, we
3 was here today, and that's the case we are come to for him
4 to plead.

5 So, the next question William asked Attorney Palmer
6 said, "Man, you gonna get -- Attorney Palmer, you gonna get
7 a judge that's from the city that the crime was allegedly
8 in to, you know, I guess, preside over the case, the
9 pleading case?"

10 And it went into a discussion, and he said to -- and I
11 can't say right after, but the conversation was that,
12 "Well, I hope you don't think I'm gonna get you off."

13 And so --

14 Q Who said that?

15 A Attorney Palmer said to William that, "I hope you
16 don't think I was gonna get you off."

17 Q Okay.

18 A And so, I stepped in and I said, "Attorney Palmer,
19 we're not asking you to get him off. We're asking you to
20 represent him fairly."

21 So, after that, it kind of went back and forth. My
22 brother said, "Well, I don't want to plea to something" --
23 William said, "I don't want to plead to something that I
24 didn't do." And he ---

25 Q Did your brother maintain his innocence throughout

1 this 13 months?

2 A Yes.

3 Q Okay.

4 A Yes.

5 Q Go ahead.

6 A And he said, "I don't want to plea to something that I
7 didn't do. I -- I was in -- in -- in the vicinity of some
8 of the crimes. But I -- I don't want to plea to
9 something."

10 He said, "Well -- well, can't we just let us ---"

11 Q "He" who?

12 A William said, "Let's -- let me go to trial. I feel I
13 have a better chance, because I get to tell the truth in
14 spite of all the guys pleading against me and -- and coming
15 against me. Just let -- let us go to court."

16 He said, "Well, if you go to court, then you might get
17 -- you might end up getting life."

18 And so, William said, "Well, 40 years is life to me.
19 So, if -- if the judge can hear my -- my part of the story
20 besides what the defendants said."

21 So, it kind of went back and forth. And so, he said,
22 "Well, all y'all" -- Attorney Palmer said, "Well, you're
23 not going to prison for just 10 or 15 years or 20 years."

24 And so, I said, "Well, obvious you're going to get him
25 40 years. They capped him at 40. But obvious you -- you

1 in decision to get him 40 years." So, I said, "Well, whose
2 side are you on?"

3 And I asked Attorney Palmer that. I said, "Just --
4 this is just five black boys going down the creek." I
5 said, "It's not going to stop society from being" -- I
6 said, "Just -- we asking you to represent him."

7 So, by that time William was, you know, crying, saying
8 he didn't know what to do. And we didn't know what to do.

9 So, it got to a point Attorney Palmer said this case -
10 - you know, he really -- he didn't want this case, you
11 know. It's a touchy case.

12 And I understood that. And you know, we said people
13 just don't feel safe, they just don't feel safe.

14 So, my question still was, well, are you really
15 representing him?

16 So, it kind of went on back and forth and -- to the
17 point that after a while, Attorney Palmer said to William
18 that, "Man, a woman was raped and a child was hit."

19 He said, "Man, I didn't do that." He said, "You don't
20 even know -- you -- I'm your client. You don't even know
21 what I had supposedly have done. That wasn't even me.
22 That's the other guy."

23 So, it kind of went back and forth, and eventually,
24 Attorney Palmer walked out. So, we just tried to get
25 ourselves together and we had to go back out. And when he

1 went back out, he went out alone. There wasn't -- Attorney
2 Palmer wasn't up there with him at first.

3 And he came up, and I -- I guess William went into the
4 procedures of the plead [sic].

5 Q Now, there were two Gleadons that were defendants in
6 this case; is that correct?

7 A Correct.

8 Q And the other Gleadon's name was Daryl Gleadon; is
9 that correct?

10 A Correct.

11 Q And your brother was William Gleadon?

12 A Correct.

13 Q Were they related?

14 A Distant relatives.

15 Q Distant relatives?

16 A Yes.

17 Q And it was Daryl Gleadon who had been charged with
18 rape, right?

19 A Yes.

20 Q Not your brother?

21 A Not my brother.

22 Q Okay. All right. And after -- would you say that
23 that was the full extent of your conversation with Mr.
24 Palmer, or was there any additional conversation regarding
25 the plea?

1 A The next day I called -- I'd say the next day or so I
2 called his office and I wanted to talk with him again. But
3 it was more like whatever decision was concrete, and then
4 at -- to a point he said, "I don't really have to talk to
5 you."

6 I said, "Yes, you do. You can talk to me, because my
7 brother agreed that you can talk to me and my mother." So,
8 I told him, "I don't think you, you know, did a good job of
9 representing him."

10 Q Well, that's -- that -- I'm not really interested in
11 that. What I'm -- what I'm interested in is what -- did
12 any other conversation take place prior to your brother
13 entering the plea with Mr. Palmer or -- or is that the
14 total conversation that you told the judge?

15 A That's the total conversation on the day of the plead
16 [sic].

17 Q Okay.

18 A Yes.

19 Q Did you get a chance to speak to the judge in your
20 brother's behalf and say, my brother's a good -- to say
21 whatever you could to try and help that situation?

22 A I didn't.

23 Q How about your mother?

24 A My mother did.

25 Q All right. And do you know if anybody else spoke on

1 your brother's behalf?

2 A Yes. There was a Pastor Lindsey Amaker that spoke on
3 my brother's behalf.

4 Q Well, he spoke on behalf of all the boys, didn't he?

5 A Basically. But he was for my brother.

6 Q Okay.

7 A Yes.

8 Q Okay.

9 A Yes.

10 THE COURT REPORTER: Last name again, "Lindsey...?"

11 THE WITNESS: Lindsey Amaker.

12 MR. PRIDE: Amaker.

13 Q Were you satisfied with your observation of Mr.
14 Palmer's representation of brother?

15 A No.

16 Q Okay. Let me ask you this: What did you want him to
17 do?

18 A I -- what I wanted -- when he said he was going to
19 talk with him, it was a while after that he agreed he
20 would, that he talk with him, if he talked with him.

21 Q Okay. Did Mr. Palmer discuss in the presence of your
22 brother with you and your mother about the overwhelm --
23 about the evidence against your brother, and why he should
24 take those steps to plead guilty?

25 A I can remember him stating that the co-defendants

CROSS-EXAMINATION BY MS. WILLIAMS - CYNTHIA SIMPKINS 58

1 already pleaded against -- pleaded, and I guess, against
2 whatever William was saying. Yes.

3 Q Did he tell you that -- did Mr. Palmer tell you that
4 he had written statements from the co-defendants in which
5 they had implicated your brother?

6 A I think he did mention that there were statements from
7 the co-defendants.

8 Q Did he discuss with you the nature of those
9 statements, what those statements said exactly?

10 A I don't recall that.

11 MR. PRIDE: All right. Answer any questions the Court
12 may have or Ms. Williams.

13 THE COURT: Cross-examination.

14 CROSS-EXAMINATION BY MS. WILLIAMS:

15 Q In this conversation, how did it come to be that Mr.
16 Gleaton decided to plead guilty or that -- did y'all come
17 to that decision together at the end of the conversation?

18 A No.

19 Q So, when you left the room, you thought he was not
20 going to plead guilty?

21 A Yes.

22 MS. WILLIAMS: Thanks.

23 THE COURT: Okay. All right. Re-direct?

24 MR. PRIDE: None.

25 THE COURT: All right. You may come down.

DIRECT EXAMINATION BY MR. PRIDE - MARY PEARL GLEATON 59

1 MR. PRIDE: Step down, please.

2 THE COURT: Yes.

3 (The witness complies.)

4 (The next witness approaches.)

5 THE COURT: Hi. Raise your right hand.

6 MARY PEARL GLEATON, having been
7 first duly sworn, testifies as follows:

8 THE COURT: Thank you. And if you'd please be seated.
9 And when you are situated, if you would state your full
10 name for the record.

11 THE WITNESS: My name is Mary Pearl Gleaton.

12 DIRECT EXAMINATION BY MR. PRIDE:

13 Q Ms. Gleaton, where do you live?

14 A I live at Wedgefield, South Carolina.

15 Q And are you married?

16 A No. Divorced.

17 Q How many children do you have?

18 A Three.

19 Q And William Gleaton is your son?

20 A Yes.

21 Q And how far did you go in school?

22 A Well, I graduated from high school. I went to Denmark
23 Tech. I like -- lack one semester from graduate (sic).

24 Q Okay. And where do you work?

25 A I work as a care-giver for a 94-year-old lady in

1 Salley, South Carolina.

2 Q And how long have you worked as a care-giver for her?

3 A Two years for her, but I've been doing that, like,
4 maybe 15 years.

5 Q Fifteen years?

6 A Yes.

7 Q She gonna outlive you?

8 A I think.

9 (Courtroom laughter.)

10 Q Okay. When William got in trouble in 2006, you became
11 aware of the circumstances; is that correct?

12 A Yes.

13 Q That is to say, that he was arrested and charged with
14 various crimes; is that correct?

15 A Yes.

16 Q Were you also aware that he had been arrested in
17 Bamberg, South Carolina, and charged with some criminal --
18 crimes?

19 A No.

20 Q You didn't know about that?

21 A Not Bamberg.

22 Q Okay. All right. You didn't -- you did not know
23 about that?

24 A Not Bamberg.

25 Q All right. Now, when you became aware of the fact

1 that your son was in jail and charged with some criminal
2 offenses, were you aware of who his lawyer was?

3 A Yes.

4 Q And how did you become aware of that?

5 A I ---

6 Q How did you know that he had got -- that he had a
7 lawyer?

8 A We -- I received a letter from the Public Defender
9 Office saying that Mr. Palmer was appoint for him.

10 Q All right. And once you found out who your son's
11 lawyer was, did you get in contact with Mr. Palmer?

12 A Yes, we got -- uh-huh.

13 Q Not "we." I want ---

14 A I mean, yes, I did. I called him.

15 Q Okay. And did you talk with him?

16 A Yes, I did.

17 Q And what was the nature of that conversation?

18 A Well, find -- you know, just like I -- trying to find
19 out, you know, who he was and whether he would go see him
20 and talk to him about the case.

21 Q All right. And did Mr. Palmer tell you about himself
22 and the fact that he was going to see him, see William?

23 A He told me he would go see him. He didn't tell me
24 exactly when he would.

25 Q All right. And did he go see your son?

DIRECT EXAMINATION BY MR. PRIDE - MARY PEARL GLEATON 62

1 A Well, yes. When they first put -- I mean, he went in
2 front the judge where he met us in Orangeburg, you know,
3 when we went in front of the judge with William.

4 MR. PRIDE: Could you indulge me for a minute, Judge?

5 THE COURT: Surely.

6 (Mr. Pride confers with Mr. Gleaton.)

7 Q Was that a -- was that where your son's bond was
8 denied or do -- if you know? That -- in other words,
9 you've told us that the first time you met your son's
10 lawyer, Mr. Palmer, was at a hearing in Orangeburg; is that
11 correct?

12 A Yes.

13 Q Did you understand the nature of that hearing, what
14 was going on at that hearing; what kind of hearing that
15 was? If you don't, just say.

16 A Well, not really.

17 Q Not really.

18 A Not really.

19 Q All right. Did you have another occasion thereafter
20 to speak with your son's lawyer?

21 A Well, I called him on the phone a few time and I spoke
22 to him.

23 Q And what was the nature of that conversation?

24 A Would just calling, whether he was going to go talk to
25 William, you know how a mother would be. I asked him, you

1 know, how would he know what's going on with him if he
2 don't talk to him.

3 Q So, you were calling to get him to go visit your son.

4 A Yes.

5 Q To request him to go visit your son.

6 A Yes.

7 Q All right. And do you know whether or not he
8 ultimately went to visit him?

9 A I can't remember that he went to see him. The onliest
10 [sic] time that I know of Mr. Palmer seeing him was like
11 when we met at court.

12 Q All right. Do you remember the day that your son was
13 sentenced?

14 A Yes.

15 Q Were you in court then?

16 A Yes.

17 Q Did you talk with Mr. Palmer -- (coughs) excuse me.
18 Did you talk with Mr. Palmer then?

19 A No, not on the day he was sentenced.

20 Q Okay.

21 A No.

22 Q Were you back in the room where Mr. Palmer brought
23 everybody along with William to discuss the sentencing?

24 A No. We didn't go in a room to discuss the sentencing.

25 MR. PRIDE: Excuse me, please, Judge.

1 THE COURT: Surely.

2 (Mr. Pride confers with Ms. Simpkins.)

3 Q I'm sorry. On the day that your son pled guilty, did
4 you have an opportunity to talk to Mr. Palmer?

5 A Yes. On the date that he plead, yes.

6 Q Tell the Court about that.

7 A Okay. It was my daughter and William and Mr. Palmer.
8 And we went in the room, and he said that the other --
9 other -- other what -- clients they -- they plead.

10 Q The other co-defendants?

11 A Yeah.

12 Q The boys that were charged ---

13 A Yes.

14 Q --- with your son?

15 A They -- they plead.

16 Q All right.

17 A And he wanted -- well, tell William to plead because
18 like -- but he didn't want to plead. And he asked Mr.
19 Palmer and he asked myself. And I said, "Son, I just don't
20 know what to say." You know, because I -- Mr. Palmer was
21 the lawyer.

22 So, then he kept on. Mr. Palmer say, "Well, everybody
23 else plead, you know, in other words you may as well plead
24 too, because you know, I'm -- I know you didn't think I was
25 going to get you off."

1 And he said, "No, but I -- I would like to feel like,
2 you know, I have someone that I could kind of like look to
3 for directions."

4 And so, it got into a little discussing about, you
5 know -- he said, "Well, you don't even know who I am." But
6 anyway they just on and on. And he break down and he cry.
7 And Mr. Palmer walked out and left us in that conference
8 room.

9 Q Did William tell Mr. Palmer that he wasn't guilty?

10 A He said, "I don't want to plead, because I -- if I
11 plead, I'll be pleaing to something I didn't do."

12 Q So, he maintained his innocence?

13 A Yeah, he did.

14 Q All right. Did you have an opportunity to speak to
15 the judge?

16 A Well, no. I didn't have an opportunity to speak to
17 the judge, but -- wait now. Let me finish it. That day,
18 when we was in the court, you know, he asked me did I have
19 anything to say. And I just -- I just asked that God have
20 mercy upon the boys, and you know, asked for mercy from the
21 Court and that what I said.

22 Q That was the extent of what you said to the Court?

23 A Uh-huh.

24 MR. PRIDE: Would you answer any questions, please,
25 that the Court may have to ask you or Ms. Williams.

CROSS-EXAMINATION BY MS. WILLIAMS - MARY PEARL GLEATON 66

1 MS. WILLIAMS: Ms. Gleaton ---

2 THE COURT: Cross-examination. Yes.

3 CROSS-EXAMINATION BY MS. WILLIAMS:

4 Q Ms. Gleaton, did you ever make any appointments with
5 Mr. Palmer's office to talk to him?

6 A Yeah, I talked to him.

7 Q So, you went and met with him in ---

8 A No, I had never met him. The onliest [sic] time I met
9 him was at the courthouse.

10 Q Okay. So, you didn't -- you didn't make any
11 appointments with him to come talk to him?

12 A No.

13 Q Did you ever pick up a copy of the file from his
14 office?

15 A He mailed some papers to me.

16 Q And what kind of papers did he mail?

17 A Like the -- the court papers.

18 Q Okay.

19 A Court papers.

20 Q So, things like -- was it statements or motions or do
21 you have any recollection of what it -- if you don't
22 remember, that's fine.

23 A Just statements. I -- statements.

24 Q Okay.

25 MS. WILLIAMS: All right. I think that that is all

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 67

1 the questions I have. Thank you.

2 MR. PRIDE: Thank you very much, Judge.

3 THE COURT: Yes.

4 MR. PRIDE: She can step down.

5 THE COURT: Thank you. Yes. You may come down.

6 (The witness complies.)

7 MR. PRIDE: Your Honor, the defendant ---

8 THE COURT: Okay. Sure.

9 MR. PRIDE: --- wants to testify.

10 THE COURT: Come on around.

11 (The witness complies.)

12 THE COURT: Raise your right hand.

13 WILLIAM ANTONIO GLEATON, having
14 been first duly sworn, testifies as follows:

15 THE COURT: Be seated, please, and state your full
16 name for the record.

17 THE WITNESS: My name is William Antonio Gleaton.

18 THE COURT REPORTER: Antonio?

19 THE WITNESS: Yes, ma'am.

20 THE COURT: All right. Your witness.

21 DIRECT EXAMINATION BY MR. PRIDE:

22 Q May I call you "William"?

23 A Yes, sir.

24 Q William, where do you -- where are you in jail now?

25 A I'm currently housed at -- on Lee County Correctional

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 68

1 Institution.

2 Q And how long have you been in jail?

3 A I've been incarcerated since 2006.

4 Q All right. And your trial or your plea was entered in
5 this case in 2008; is that correct?

6 A Yes, sir.

7 Q All right. And that plea was entered in -- in
8 Orangeburg?

9 A Yes, sir.

10 Q Who was your lawyer at that time?

11 A At the time I had in -- for the -- for the -- for the
12 particular events I had ---

13 Q No, no, no. Listen to the question ---

14 A All right.

15 Q --- and answer the question. When you entered your
16 plea --

17 A Yeah.

18 Q -- in Orangeburg --

19 A Yes, sir.

20 Q -- who was your lawyer?

21 A Scott Palmer.

22 Q All right. Now, prior to the events in Orangeburg,
23 let's just say you got in trouble in Bamberg, which
24 resulted in some criminal charges against you; is that
25 correct?

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 69

1 A Yes, sir.

2 Q What were you charged with in Bamberg?

3 A Burglary first degree, and assault and battery with
4 intent to kill.

5 Q All right. And were you represented in Bamberg by a
6 public defender?

7 A Yes, sir.

8 Q Did the Court appoint that public defender to
9 represent you?

10 A Yes, sir.

11 Q All right. And did that public defender come see you
12 in jail?

13 A He -- he never came and visit me in jail, but we had a
14 preliminary hearing. And we chance -- we had a chance to
15 discuss some issues.

16 Q All right. And at the preliminary hearing, I -- I
17 would assume that he cross-examined and asked witnesses
18 questions about the charges against you.

19 A Yes, sir.

20 Q Is that a fair statement?

21 A Yes, sir.

22 Q And that public defender was appointed by the
23 Court; is that correct?

24 A Yes, sir.

25 Q Were you ever aware of the Court ever releasing that

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 70

1 public defender from that case?

2 A No, sir.

3 Q Okay. Now, thereafter, thereafter being after the
4 preliminary hearing and after you were charged in Bamberg,
5 you were subsequently charged Orangeburg; is that correct?

6 A Yes, sir.

7 Q All right. And when you were in jail, did you have
8 funds to get a private lawyer?

9 A No, sir.

10 Q And as a result, who -- the Court appointed you a
11 lawyer?

12 A Yes, sir.

13 Q Who did the Court appoint?

14 A Counselor Scott Palmer.

15 Q All right. And what month were you arrested in
16 Orangeburg -- in Orangeburg in 2006?

17 A In 2006, it was December the 20th.

18 Q All right. And when is the first time that you recall
19 seeing Mr. Palmer?

20 A If I'm not mistaken --

21 Q I don't want you to be mistaken.

22 A All right.

23 Q So, I want you to think about it.

24 A The first time that I can say I actually seen him I
25 know for sure was on March 7th.

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 71

1 Q Why do you -- how do you know that on March 7th?

2 A We had a preliminary hearing.

3 Q And he was there for the preliminary hearing?

4 A Yes, sir.

5 Q All right. And when you were arrested on December --
6 in December of 2006, how many times did Mr. Palmer come to
7 the Orangeburg Detention Center to see you?

8 A He came to see me once, spoke with me briefly, and
9 then the -- the day of the plea, he came and tell me about
10 the plea.

11 Q How briefly -- what is briefly? What -- tell the
12 judge exactly what went on in that conversation when he
13 came to visit you in jail, at the Orangeburg Detention
14 Center?

15 A I spoke with Mr. -- Mr. Palmer for approximately about
16 10/15 minutes.

17 Q Did he have a file with him?

18 A He was -- he was on -- he -- he was jotting down some
19 notes. He had another dude with him.

20 Q Okay. Well, my question to you is: Did he have a
21 file that you recognized to be your file with him?

22 A No, sir.

23 Q Did he pull out any paper like a statement and say,
24 "Listen, your co-defendant wrote this statement about you?"
25 Did he show you any of those?

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 72

1 A No, sir.

2 Q Did he read any of those statements to you so that you
3 would be fully informed of what the co-defendants had said
4 about you?

5 A No, sir.

6 Q At anytime during Mr. Palmer's representation of you
7 did he ever make you aware of what the co-defendants said
8 about you?

9 A No, sir.

10 Q When I say "at anytime," did he surmise? You know,
11 often times, for the sake of time, a lawyer may say, "Well,
12 on this statement it says John Doe said that you did this,
13 that, and the other."

14 Did he ever take the time to tell you what the co-
15 defendants were saying about you?

16 A When I was called -- when I was called over to the
17 courthouse and I witnessed the other co-defendants pled
18 (sic) guilty and agree to testify against anybody else go
19 to trial. But as in seeing anything in writing, never seen
20 it.

21 Q Well, that -- that was what you heard, right?

22 A Yes, sir.

23 Q And I'm not asking -- I'm -- that's -- that's the
24 answer to something else. Listen to -- you got to listen
25 to what I'm asking.

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 73

1 A All right.

2 Q And what I'm trying to -- to -- to get to and make
3 very clear is one thing: Did Mr. Palmer -- do you know
4 what discovery is in a criminal case?

5 A As in like your *Brady*?

6 Q Yeah, *Brady*.

7 A Yes, sir.

8 Q All right. Did he bring the *Brady* information and
9 tell you what was in *Brady*?

10 A No. I -- I received my *Brady* from him in ---

11 Q Don't get ahead of me.

12 A Oh. All right.

13 Q I want -- you stick ---

14 A No, sir.

15 Q --- you stick to what I'm asking you. Okay?

16 A All right.

17 Q I'm asking you something plain and simple. During the
18 course of Mr. Palmer's representation of you, prior to your
19 plea, did he ever bring the *Brady* material and discuss it
20 with you?

21 A No, sir.

22 Q He never discussed any of the *Brady* material?

23 A No, basically about -- not about co-defendants and not
24 like that.

25 Q Okay. So, would it be a fair statement to say that

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 74

1 what Mr. Palmer did was tell you that your co-defendants
2 have told on you and implicated you in this case? Would --
3 would that be in effect --

4 MS. WILLIAMS: Your Honor, I would object to leading
5 at this point.

6 MR. PRIDE: I would -- can say that another way.

7 THE COURT: I bet. I know you can.

8 MR. PRIDE: Okay.

9 Q During the course of Mr. Palmer's representation of
10 you, did he ever tell you exactly -- did he ever tell you
11 that the co-defendants told on you?

12 A No, sir. During the -- during the -- during his
13 representation, he came and spoke with me. He was telling
14 me that he was my lawyer and such and such. But as in
15 going over the details about ---

16 Q I didn't ask you about -- you want to get too far
17 ahead of me.

18 A Yeah.

19 Q I want you just to answer my question.

20 THE COURT: All right. Mr. Gleaton, he's -- he's
21 scaring me. So, you got to hang with him.

22 You got to answer Mr. Pride's question. And if you
23 don't understand the question, tell him you don't
24 understand it. And that will be okay, too. Okay? But he
25 not going to let you get ahead of him. So, you got to hang

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 75

1 exactly where he is. Okay?

2 THE WITNESS: All right.

3 THE COURT: All right. Because he -- I'm getting
4 intimidated over here now. So, listen to this man.

5 (Courtroom laughter.)

6 MR. PRIDE: Come on, Judge.

7 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

8 Q What -- I'm asking you this: Did Mr. Palmer ever tell
9 you that the co-defendants told on you?

10 THE COURT: And that's a "yes" or "no" question --
11 that is a "yes/no" answer.

12 A No, sir.

13 Q Well, how did you know that your co-defendant -- did
14 you know that your co-defendants had told on you?

15 A The day of the plea.

16 Q That was the first time?

17 A When he -- when he come in there, he was like they --
18 they -- they -- they agree to testify against you saying
19 that you did this, you did that. I'm telling him that I
20 didn't.

21 Q Well, let's set the stage now. Did -- did the Court
22 take the plea of you and your co-defendants together, or
23 did the Court take them separately?

24 A It was two that pled first.

25 Q Were you all standing up there together?

DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 76

1 A No, sir. They had me sitting in the back of the
2 courtroom.

3 Q All right. So, two of your co-defendants went -- what
4 two? Do you know?

5 A Brandon Staley and Daryl Gleaton.

6 Q And Gleaton went before the judge --

7 A Yes, sir.

8 Q -- and entered their plea of guilty.

9 A Yes, sir.

10 Q And when they did that, where were you sitting?

11 A I was sitting, like, where the SCDC officer's at
12 (indicates.)

13 Q And who was sitting with you?

14 A I was alone.

15 Q I mean, were you sitting with other defendants?

16 A There was no other -- no other defendants in there.
17 It was just my two co-defendants, their lawyers, and me;
18 and my family in the background. I think it was my mom or
19 my cousin was in the back of the courtroom.

20 Q All right. So, you heard and first found out that
21 your co-defendants were going to testify you -- during
22 their guilty plea; is -- is that correct?

23 A Yes, sir.

24 Q Is that your statement?

25 A Yes, sir.

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1 Q You realize you're under oath, right? I want you --
2 in other words, I want you to think about what you're
3 saying and be correct. And that's why I'm -- I'm pushing
4 you like I am.

5 Are you sure, and it's important, that the first time
6 that you found out that your co-defendants had ratted you
7 out, told on you, implicated you -- no, listen to me -- was
8 when you were sitting in court and they pled guilty?

9 A During the ---

10 Q No.

11 THE COURT: He's eliciting a "yes" or "no" answer.

12 And then if you need to explain your answer, you can.

13 MR. PRIDE: Yeah.

14 THE COURT: But start with a "yes" or "no." Okay?

15 And then if you need to explain it, explain it.

16 A The day of the hearing of the -- of the plea, that was
17 the first time that I -- that I knew of this.

18 Q That you knew it?

19 A Yes, sir.

20 Q All right. Okay. And when did that conference take
21 place with Mr. Palmer and your family that ultimately led
22 to your agreeing to plead guilty?

23 A After my co-defendants pled, we went in the back room.
24 I was telling him that I didn't want to plea. I wanted to
25 -- to prove that I didn't -- I didn't do what I was being

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1 accused of. He was telling me, like --

2 Q Take your time.

3 A All right.

4 Q Just take your time. You want some water? You -- you
5 got -- the judge will give you plenty of her time and you
6 can take your time, and -- and -- and tell your story.

7 A All right. During the process of this plea, we went
8 in the conference with my -- with -- with Counselor Palmer,
9 my mom, my sister. We was discussion (sic) the issue at
10 hand about pleaing.

11 I was telling him that I didn't want to plea; I never
12 wanted to plea. But he was telling me due to the fact --
13 he was -- he was explaining to me something like hands of
14 one/hands of all. I was asking him explain that. He was
15 telling me something like my mere presence with them --
16 with them saying that I was there with them, would have
17 made me guilty.

18 Like, that's -- so, I -- I didn't want to plead. And
19 he was like, if -- if I would have went to trial, I was
20 subject to get a life sentence. I didn't want a life
21 sentence. I didn't -- I didn't -- you know, I didn't want
22 to plea.

23 So, after a minute, after he kept talking with me, I
24 felt like I had no other choice but to take the plea,
25 because he -- he gave me no other -- no alternate option.

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1 Like -- like I had no other defense or nothing else to do
2 besides take this plea.

3 Q For 13 months when you were in jail, did you maintain
4 your innocence and never give a state -- statement, never -
5 --

6 A Never gave a statement, sir.

7 Q Did you tell on any of your co-defendants?

8 A No, sir.

9 Q Never gave any -- you -- you maintained your -- your -
10 - did you ask -- excuse me. Strike that, please.

11 When you talked to Mr. Palmer, tell the Court about
12 any discussion that the two of you had about your problems
13 or your charges over in Bamberg County.

14 A We never discussed anything about Bamberg County.
15 With Bamberg County, I doubt if he knew anything about
16 those particular charges.

17 Q Did you know that day in court that Mr. Palmer was
18 going to represent you on those charges?

19 A See, from the way ---

20 Q No. Answer my question.

21 A I didn't know that he was representing me on those
22 charges.

23 Q Okay.

24 A But for the reason why I entered the plea, because I -
25 - I was led to believe --

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1 Q Well -- well, you're way ahead of where I am.

2 A All right.

3 Q Just wait a minute. My question ---

4 MS. WILLIAMS: Can he answer the question? I mean ---

5 MR. PRIDE: I'm so sorry. Excuse me.

6 MS. WILLIAMS: --- he's just not being allowed to
7 answer any questions here.

8 MR. PRIDE: Yeah.

9 MS. WILLIAMS: And I think the witness needs to answer
10 instead ---

11 MR. PRIDE: I'll slow down, Judge.

12 THE COURT: Okay. Go -- you may ---

13 MR. PRIDE: I'll slow down.

14 THE COURT: --- you may proceed.

15 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

16 Q What -- what -- what I'm asking you is this: When you
17 went to court to enter your plea that day, was Mr. Palmer
18 your lawyer for the charges in Bamberg?

19 A No, sir.

20 Q Did you understand that he was going to be your lawyer
21 for the charges in Bamberg?

22 A No, sir, not ---

23 Q Did you ---

24 A --- at the moment.

25 Q --- understand on that day that you went to court that

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1 they were going to dispose of the charges in Bamberg; get
2 rid of them, handle them?

3 A As in me pleaing to those?

4 Q Yeah.

5 A Because I -- yes -- yes, sir. Because the reason why
6 I pled to those charges, because ---

7 Q See, that's -- you're telling me the reason why you
8 pled.

9 A Oh.

10 Q And I ---

11 MS. WILLIAMS: Can you answer the question?

12 MR. PRIDE: But I'm ---

13 THE COURT: The question was: Did you know --

14 MR. PRIDE: Right.

15 THE COURT: -- and he's telling you why he knew.

16 MR. PRIDE: Right. And I ---

17 THE COURT: He said, yes. I know. But he ---

18 MR. PRIDE: Okay.

19 THE COURT: --- let -- go ahead and respond. How did
20 you know? I mean, that's what you were going to add --
21 answer.

22 THE WITNESS: I knew that the -- the charges -- the
23 only reason I pled to the charges, because that was the
24 advice that my counselor Scott Palmer gave me. I didn't --
25 I didn't -- I didn't know exactly what -- what -- what it

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1 was for or why. But the only reason I did enter that plea
2 was because of his advice.

3 THE COURT: Okay.

4 MR. PRIDE: Okay.

5 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

6 Q All right. And if I understand your testimony
7 correctly, when you met with Mr. Palmer, at no time prior
8 to your plea was there any discussion about the charges
9 that you had in Bamberg.

10 A No, sir.

11 Q All right. Now, tell the Court exactly what led to
12 your ultimately agreeing to -- to plead guilty. You've
13 told -- you've told Your Honor that you weren't guilty, you
14 maintained your innocence; is that correct?

15 A Yes, sir.

16 Q Tell the Court why you changed your mind?

17 A The only reason I pled guilty, because my -- my
18 counselor -- he led me to believe that my only choice was
19 to plead guilty, because I had co-defendants that was going
20 to say that I was guilty. Or if I wouldn't have pled
21 guilty, I was going to get a life sentence or just take the
22 40 years. So, that's -- that was the only reason.

23 Q Well, did you understand when Mr. Palmer talked to you
24 about a hand is part of the arm, that what he was doing or
25 attempting to do was explain the law, what the -- how the

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1 law views more than one defendant who is involved in a
2 crime? Did you understand that?

3 A Not -- understand -- could you repeat the question
4 again?

5 Q In other words, you told me that Mr. Palmer told you
6 as part of the conversation with you that a hand was part
7 of the arm, right? Did you -- is that not true?

8 A The hands of one/hands of all.

9 Q Yeah. Is that -- that's the way he put it?

10 A Yes, sir.

11 Q And -- and what did you -- how did you understand
12 that?

13 A From the way he was telling me, the hands of one/
14 hands of all, because those two already pled guilty, that
15 I'm automatically guilty. That's -- that's like my mere --
16 he was telling me my mere presence made me guilty, because
17 they already pled guilty.

18 I -- you know, I didn't know the law. I -- I didn't
19 know no better. I follow his advice.

20 Q Well, I notice in the record that you spoke to the
21 judge, and asked him questions during your sentencing. Can
22 you tell me why you didn't speak up and -- and tell Mr.
23 Palmer, "I don't understand that. Tell me a little -- tell
24 me another way. Tell me so that I can understand?" Why
25 didn't you do that?

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1 A Briefly -- like, I didn't really ask questions to the
2 judge, because the judge ---

3 Q No. You -- I gave you the judge --

4 MS. WILLIAMS: Can he be allowed to answer?

5 THE COURT: He -- he's -- not is non-responsive,
6 because what he -- the question was, as I understand it,
7 Mr. Pride said, "Obviously, you asked the judge certain
8 questions if you look at the transcript. Why didn't you
9 ask your lawyer those questions?"

10 MR. PRIDE: That's exactly the question.

11 THE COURT: So, listen.

12 MR. PRIDE: Yeah.

13 THE COURT: Do -- do you understand the question? In
14 other words, if you had the capacity to ask the judge
15 questions, why didn't you ask your lawyer those questions?

16 THE WITNESS: Because I was thinking that my lawyer --
17 my lawyer, he was -- he was already for me. So, the advice
18 that he was going -- that he was giving me was going to be
19 the best advice.

20 THE COURT: Okay.

21 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

22 Q All right. Well, you knew the difference between
23 somebody giving you bad advice and good advice, if in fact
24 you didn't do something. You -- you know that the law
25 doesn't want people to admit to things that they're accused

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1 of if they're not guilty of them. You know that, don't
2 you?

3 A I -- I know -- yes, sir.

4 Q Well, that's my point. Why didn't you tell him, "I'm
5 not guilty and -- and -- and I can't plead guilty. I'll
6 take my chances"?

7 A I told him that several times, but -- I told him that
8 several times. But the way he was talking to me, like, if
9 I didn't plea, he wasn't really going to try to do the best
10 that he could for me anyway. So, I -- I just felt like I
11 was stuck regardless and it was too late.

12 It was like, if I didn't take that plea that day, they
13 was gonna run me under the gun and go to trial like the
14 next day or so anyway. So, I didn't know what to do. I
15 was frightened. I didn't want no life sentence.

16 Q Now, while you were awaiting sentencing, did you get
17 any information about Judge Williams? How did you feel
18 about appearing before Judge Williams and entering a plea?
19 Strike the first part of my question.

20 A With -- with Judge -- with Judge Williams on -- like
21 the first time -- the very first time we went in front of
22 Judge Williams, I think I wrote -- I wrote Scott Palmer and
23 asking him, like, for a change of venue, because the judge
24 that sentence me, he was a -- he was on the town council;
25 and the mayor and the family members worked for the judge.

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1 The victims and the family members, they worked for the
2 same judge that sentenced me.

3 Q Now, do you know that to be -- are -- is that -- is --
4 do you know that to be a fact, or do you suspect that and
5 think that? There's a big difference.

6 A The victims -- the victims and the family members,
7 some of those -- like some of those people are cool with --
8 they -- they -- they communicate with some of my family.
9 That's how we knew these things.

10 My mom used to work down in that area and she know
11 that area real good. So, she know exactly what -- who's
12 who and what's what. And we explained this to him. And he
13 still didn't do anything about it.

14 Q You explained it to who?

15 MS. WILLIAMS: I believe that's a lack of personal
16 knowledge. He doesn't know anything in his personal
17 knowledge. Move to strike.

18 THE COURT: Sustained.

19 MR. PRIDE: Well -- okay. Thank you, Judge. What I'm
20 ---

21 THE COURT: It's hearsay. He said his momma told him.

22 DIRECT EXAMINATION BY MR. PRIDE (CONTINUES):

23 Q Right. But my point is this: Did you have
24 apprehensions? Did you fear pleading in front of Judge
25 Williams? Were you scared to plead in front of Judge

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1 Williams?

2 A I didn't want to plead period.

3 Q Well, I know that. But right now I'm asking about
4 Judge Williams. Were you scared of pleaing in front of
5 Judge Williams?

6 A Most definitely Judge Williams.

7 Q Did -- did you tell your lawyer that?

8 A Yes, sir. I didn't want to plea.

9 Q Well, I know you didn't want to plea. But we're
10 talking about -- we're not talking about pleaing now. What
11 we're talking about is Judge Williams.

12 And I want to know whether or not you conveyed -- what
13 you conveyed, if anything, to your lawyer about Judge
14 Williams and being afraid of him. And I'm not saying you
15 are, if you were.

16 A (No audible response.)

17 Q You might not have said anything. And if you didn't
18 say anything, say I didn't say nothing.

19 A I didn't. I didn't say anything.

20 Q Okay. Thank you. Well, when did -- when did -- did
21 you find out all this information that you told us about
22 Judge Williams before you entered your plea?

23 A Yes, sir, it was before I entered the plea.

24 Q Well, why didn't you say something to your lawyer?

25 A I -- I been -- I -- I been mentioned something to him

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1 about ---

2 Q I just asked you that and you told me you didn't say
3 anything.

4 A Oh. I thought you were saying, why I didn't say
5 nothing at the plea.

6 Before I pled, I told him -- I mentioned to him before
7 about the fact that -- where the judge was from and who
8 worked for the judge and all this and all that. But during
9 -- like, at my plea, I felt like it was no need to mention
10 -- mention it no more, because he already knew.

11 Q Okay. Well, what I'm asking you now, listen to me
12 good: Once you told your lawyer, tell the judge what your
13 lawyer told you? That's very simple. If anything.

14 A He ain't really comment on it.

15 Q Okay. All right.

16 MR. PRIDE: Would you indulge me just one second?

17 THE COURT: Of course. Of course.

18 MR. PRIDE: And I think I'm about through, Judge.

19 (Mr. Pride confers with the applicant's family.)

20 MR. PRIDE: Judge, thank you very much. Answer any
21 questions, please, the Court has to ask you or Ms.
22 Williams.

23 THE COURT: Thank you. Cross-examination?

24 CROSS-EXAMINATION BY MS. WILLIAMS:

25 Q Mr. Gleaton, you're -- you're a high school graduate;

1 is that right?

2 A Yes, ma'am.

3 Q And you talked to Judge Williams during that plea
4 about giving up your right to have the Bamberg charges
5 heard over there; is that correct?

6 A Yes, sir.

7 Q When was the next time ---

8 A I mean, yes, ma'am.

9 Q --- you talked to your Bamberg lawyer after that first
10 preliminary hearing you had with him?

11 A No more.

12 Q Never again?

13 A I -- no. I -- I -- I didn't talk to him no more.

14 Q Did you try to talk to him, or was Mr. Palmer pretty
15 much your attorney at that point?

16 A No, Mr. Palmer was never my attorney in Bamberg
17 County. He was the attorney in Orangeburg County. I had
18 two separate attorneys.

19 Q So, you just never talked to the other one for the
20 next year?

21 A I -- I wrote him a letter, but I -- all this happened
22 so quick. No, I -- I didn't talk to him no more.

23 Q Did you talk to Mr. Palmer about pleading to these
24 Bamberg charges prior to your guilty plea?

25 A No. The way it was explained to me -- the way Mr. --

1 Mr. Palmer explained to me about the pleading was that I
2 was gonna enter the plea and plead to all charges that day.
3 And they was gonna -- I was telling -- I was like, "Why do
4 I have to plea to the charges when -- when I feel like I'm
5 -- I'm innocent of it?"

6 He was like -- I was explaining -- we -- we -- we
7 discussed certain facts. He -- he explained to me that
8 they was -- they was gonna throw one charge out and I --
9 and I plea to everything else.

10 Q What charge were they going to throw out for you?

11 A A kidnapping charge.

12 Q Okay. And you did get to sit and watch your co-
13 defendants. That was Daryl Gleaton and Mr. Staley; is that
14 correct?

15 A Yes, ma'am.

16 Q Okay. Did y'all talk anymore after you watched them
17 plead guilty?

18 A Me and Mr. Palmer?

19 Q Un-huh.

20 A No. Because I -- at -- at the -- at the -- at the
21 time when my two co-defendants pled, I still wasn't -- I
22 still wasn't -- I still hadn't agreed to plea.

23 After they pled, it was like 5:15 in the afternoon,
24 and we was supposed -- I was supposed to be going back to
25 the county. That's when Mr. Palmer came and talked to me

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1 again. That's when he talked me into taking the plea.

2 Q Okay. So, he talked you into it after you saw those
3 two?

4 A No. He -- he -- after -- after I seen -- it ain't --
5 it ain't the fact about seeing those two. It was that --
6 that the advice that I received -- I didn't know much about
7 the law, and I -- I felt like my lawyer was gonna tell me
8 what was best -- what -- what was best on my behalf.

9 My lawyer, he led me to think that there was no other
10 choice. He -- he -- he ain't let me know that I could
11 actually go and -- and prove myself innocent.

12 He was telling me, like, my mere presence made me
13 guilty of anything and everything that they have already
14 pled to. So, I felt like that was my only choice to enter
15 that plea.

16 Q Okay. And you said you didn't learn that your co-
17 defendants might testify against you until you saw them
18 pleading guilty; is that right?

19 A (No audible response.)

20 Q When did you learn that the victims -- that some of
21 the victims could identify you?

22 A I -- I -- I never -- I never received a motion of --
23 like any of that. I didn't receive any of that. I didn't
24 know any of that until now.

25 Q When did you find out that Mr. Polite's revolver was

1 found under the trailer right by you when you were
2 arrested?

3 A I -- I -- I read -- I read that. But due to -- with -
4 - with the information, what y'all have in there, I was
5 found in Elko, South Carolina, and that was found in
6 Williston. That's two different towns.

7 Q So, you -- you agreed with the facts that you heard
8 when you were at the plea, though, right? You told the
9 judge that was what happened?

10 A I didn't tell the judge what happened. That's the
11 facts that they read. When he was asking me is those the
12 facts, I tell him I heard it. And then he slipped another
13 question in.

14 As I read the transcript, I see that he slipped that'
15 in. But I never agreed with the facts. He asked me did I
16 hear the facts, I was telling him, yes, I heard them. He
17 asked ---

18 Q When he asked ---

19 A --- me that ---

20 Q --- he asked you did you disagree with those facts,
21 what did you say?

22 A I was telling him I heard them.

23 Q You told him you heard them. He asked you did you
24 disagree with them, what did you say?

25 A As I read my transcript, I see in there that -- that I

1 somehow agreed with him.

2 Q Okay. When did you find out it was your girlfriend's
3 car that was taken to Mr. Polite's house?

4 A When did I find out?

5 Q Uh-huh.

6 THE COURT: That is a "yes"?

7 Q Yes. Sorry.

8 A Oh, that's in the -- in the -- in the *Brady*. What --
9 what ---

10 Q So, you didn't know that when you pled guilty?

11 A I didn't know none of this.

12 Q Okay. Why did you decide to plead guilty again?

13 A The advice of my counsel.

14 Q So, there was no evidence against you in your mind,
15 right?

16 A Not -- not proved to say exactly what the State was
17 alleging. What the State was alleging, that's -- that
18 wasn't exactly what happened. So, that's -- I wanted to
19 prove my innocence upon that.

20 Q Why didn't you go to trial then? What were you
21 worried about if there wasn't no -- no evidence against you
22 ---

23 A Because my ---

24 Q --- you were innocent, what were you worried about?

25 A --- because my counsel told me to plea, I had to take

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1 this plea. He's -- he told me if I would have went -- if
2 I'd have went to trial, my mere presence of whatever that
3 they pled guilty to, I was automatically guilty.

4 Q So, you felt they could prove you were there?

5 A Prove that I was there?

6 Q Uh-huh.

7 A They -- they -- it's -- it's -- it's not saying that I
8 wasn't there, it's -- it's -- what the -- what the State is
9 alleging happened didn't happen.

10 Q Now, during the week between your plea and your
11 sentencing, what happened during that week?

12 A Ma'am? Can you repeat that?

13 Q There was a week between your plea and your
14 sentencing. What happened during that week?

15 A I waited on -- waited to be sentenced.

16 Q And did you say anything to the judge? Did you decide
17 to change your mind?

18 A I didn't -- after -- after I accept the plea, I didn't
19 know that I could do any different.

20 Q Did you write a letter that you could read to the
21 Court about your -- how you felt bad about all these
22 things?

23 A Yeah, I apologized for -- for any and everyone, even -
24 - even -- like people who read the media, whoever who was
25 affected by the situation, I apologized to any and

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1 everybody. Because it definitely wasn't -- it -- it wasn't
2 really my conduct the way -- the way that they made me look
3 and -- and the way that -- the way that they were stating
4 that things went down. That's why I was apologizing to the
5 victim and the family members, on such -- on behalf of
6 that.

7 Q Okay. And you had some prior convictions before as
8 well, right? There's a burglary second, a prior 2002?

9 A It's -- it's on my record, but it wasn't -- it wasn't
10 necessarily me. It wasn't ---

11 Q That was a conviction. You're not admitting that
12 you're guilty of it, but you were convicted of it. Is that
13 what you're telling us?

14 A With -- with this charge alone -- see, with this
15 conviction -- I got a brother. He was -- he was staying
16 somewhere else. He was using my identification and then
17 they arrested him under my name.

18 Q And you assured Judge Williams that you'd answered all
19 his questions truthfully; is that correct?

20 A Yes, ma'am.

21 MS. WILLIAMS: I think that's all I have. Thank you.

22 MR. PRIDE: Very brief.

23 THE COURT: Surely. Re-direct.

24 MR. PRIDE: Okay.

25 RE-DIRECT EXAMINATION BY MR. PRIDE:

RE-DIRECT EXAMINATION BY MR. PRIDE - WILLIAM ANTONIO GLEATON 96

1 Q Did your lawyer prepare you to enter your plea of
2 guilty?

3 A No, sir.

4 Q Did you talk about what the judge was gonna ask you
5 and what your answers should be?

6 A Well, what -- what Counselor Scott Palmer was telling
7 me about the plea, he was telling me, basically, just
8 whatever the judge is asking me, just like "yes, sir," and
9 don't say too much onto the record.

10 Q Why?

11 A I don't know.

12 Q Did you ask him why?

13 A (Shakes head.)

14 THE COURT: He's shaking -- can you answer for me ---

15 A No. No, sir.

16 THE COURT: Thank you.

17 Q Okay. So, you're saying that your lawyer told you
18 just -- just say, yes, and -- to the questions?

19 A To the question that he ask me say, "yes, sir," and
20 don't put too much onto the record.

21 Q And is that what you did?

22 A Yes, sir.

23 Q All right.

24 MR. PRIDE: Thank you very much.

25 THE COURT: Uh-huh.

DIRECT EXAMINATION BY THE COURT - WILLIAM ANTONIO GLEATON 97

1 MR. PRIDE: Judge, that constitutes my examination.
2 Unless there's some additional questions, that is my case.

3 THE COURT: All right.

4 MS. WILLIAMS: If I could have just one second?

5 THE COURT: Sure.

6 (Ms. Williams confers with Mr. Palmer.)

7 MS. WILLIAMS: Your Honor, I don't think I have
8 anything else.

9 THE COURT: All right. Let -- I -- I have a question.

10 DIRECT EXAMINATION BY THE COURT:

11 Q Mr. Gleaton, when Ms. Williams was just asking you
12 about the conviction for burglary in the second degree --

13 A Yes, ma'am.

14 Q -- tell -- tell me what -- what you were saying to her
15 about that?

16 A See, from my understanding, I had a brother. He was -
17 - he was staying -- he was staying with a woman. From what
18 I --

19 Q Now, is that Daryl?

20 A No.

21 Q Another brother.

22 A He's not my brother.

23 Q Another brother?

24 A Yes, ma'am.

25 Q Who -- what was his ---

DIRECT EXAMINATION BY THE COURT - WILLIAM ANTONIO GLEATON 98

1 MR. PRIDE: Not another brother, because Daryl is not
2 his brother.

3 A Yeah, Daryl --

4 Q I'm sorry.

5 A Daryl is not my brother.

6 Q That's right. He's a distant relative, right?

7 A Yes, ma'am.

8 Q He's a distant relative.

9 A Really by marriage.

10 Q Tell me your brother's name?

11 A Ma'am?

12 Q What is your brother's name that was involved with the
13 burg -- burg second?

14 A Does that --

15 Q Well, let me tell you why I'm concerned. I -- I am
16 concerned that if you have on your record a conviction for
17 burglary in the second degree and that's not you, what --
18 what I understood you to just say to Ms. Williams' question
19 was, was that there was a conviction for burglary in the
20 second degree, but that wasn't you; that your brother
21 somehow got your identity, but it wasn't you.

22 Did I misunderstand that completely? I should ask you
23 that: Did I misunderstand that completely?

24 A No, ma'am, you didn't misunderstand it.

25 Q Okay. Okay. In other words, you have a conviction

DIRECT EXAMINATION BY THE COURT - WILLIAM ANTONIO GLEATON 99

1 for burglary in the second degree, but you would say that's
2 not you, that's your -- that really was your brother.

3 A Yes, ma'am.

4 Q And what's your brother's name?

5 A I ain't -- I ain't want to get nobody else in no type
6 of trouble, or I don't want ---

7 MR. PRIDE: That's not getting anybody in trouble.

8 THE WITNESS: That ain't getting nobody in trouble?

9 MR. PRIDE: Answer the question.

10 THE WITNESS: Dennis, Dennis Gleaton.

11 Q Okay. Dennis Gleaton. Dennis Gleaton.

12 MR. PRIDE: Judge, on that question, I want to proffer
13 to the Court that --

14 THE COURT: Oh, absolutely.

15 MR. PRIDE: -- that I talked to his sister, and I
16 talked to his mother. And if you recall, Judge, in my
17 opening statement, I told you that I represent a young man
18 who was a first offender and had no prior criminal record.
19 And it is my understanding from them that he has no prior
20 criminal record at all.

21 Now, I didn't see that in there. I'll look again, but
22 I did not --

23 THE COURT: Well, that's the only reason I raised it -

24 --

25 MR. PRIDE: Right.

DIRECT EXAMINATION BY THE COURT - WILLIAM ANTONIO GLEATON100

1 THE COURT: --- because, you know, we are here and ---

2 MS. WILLIAMS: Well, the transcript ---

3 THE COURT: --- you know, I don't ---

4 MS. WILLIAMS: --- actually lists a 2000 simple
5 assault and battery; a 2002 burglary second; a 2004
6 possession of crack. That's --

7 THE COURT: Take a look at that --

8 MS. WILLIAMS: -- why I asked about ---

9 THE COURT: -- just because I -- you know, obviously -
10 - you know, and I guess my point is that sometimes in PCRs
11 -- and Mr. Gleaton, sometimes in PCRs if there's an -- an
12 error that's in the records or somebody's, you know, rap
13 sheet, and it comes to my attention, I can't ignore that;
14 because that will go forward and hurt that person for their
15 whole life.

16 So, when it comes to my attention, I feel compelled
17 that if it's something that can be corrected, that somebody
18 take a look at it rather than just glossing over it.
19 That's the reason that I ask.

20 MR. PRIDE: Judge ---

21 THE COURT: See what I'm saying? Yeah.

22 MR. PRIDE: Excuse me.

23 THE COURT: We got ---

24 MR. PRIDE: Turn -- you have a transcript?

25 THE COURT: Yeah.

1 MR. PRIDE: Turn to page 98 ---

2 THE COURT: Okay.

3 MR. PRIDE: --- read page -- read 17 through 24,
4 because that's where that comes from. Not from a record --
5 not from, you know, the -- the record that's generated from
6 SLED. But that's where Ms. Williams got that from.

7 THE COURT: It's just reading the transcript. I
8 understand.

9 MR. PRIDE: Yeah.

10 THE COURT: And you've looked at the actual rap sheet
11 and you did not see those things.

12 MR. PRIDE: I did not see that. And that's why I made
13 that statement.

14 THE COURT: I'm -- I'm with you -- then -- then I'm
15 gonna put -- then -- then I'm gonna put that concern to
16 rest.

17 (To the witness) In other words, what -- what Mr.
18 Pride is telling me is that he's seen your -- your official
19 record, your rap sheet and it doesn't appear on your rap
20 sheet.

21 THE WITNESS: All right.

22 THE COURT: Okay? So, we don't need to worry -- you
23 don't need to worry about Dennis and those things. Be
24 mindful of it, I guess, if you ever come across it again
25 and just be sure that you take a real close look at it.

26 But Mr. Pride's said he's looked at your record, your

1 actual rap sheet ---

2 THE WITNESS: Yes, ma'am.

3 THE COURT: --- and he didn't see that on your rap
4 sheet.

5 THE WITNESS: All right.

6 THE COURT: Okay?

7 THE WITNESS: All right.

8 THE COURT: Okay?

9 THE WITNESS: Okay.

10 MR. PRIDE: Judge, that's my case.

11 (To the witness) You may step down.

12 THE COURT: Come on -- come on down.

13 (The witness complies.)

14 THE COURT: Very well.

15 MR. PRIDE: Can I make a very brief argument --

16 THE COURT: Oh, absolutely.

17 MR. PRIDE: --- if you're inclined ---

18 MS. WILLIAMS: I was gonna ---

19 THE COURT: And you ---

20 MS. WILLIAMS: --- call Mr. Palmer.

21 THE COURT: Oh. You gotta call Mr. Palmer back.

22 MS. WILLIAMS: I'm sorry. Just a couple of questions.

23 THE COURT: That's okay. That's fine. That's fine.

24 (Mr. Palmer re-takes the stand.)

25 THE COURT: Yes, ma'am.

26 DIRECT EXAMINATION BY MS. WILLIAMS:

1 Q Mr. Palmer, just to touch on a few things. You've
2 heard Mr. Gleaton testify that you had not told him about
3 co-defendant statements or really any evidence. Can you
4 tell me what your recollection is in that regard?

5 A Well, first of all he was provided a copy of his file.
6 I didn't --

7 Q Was that before his plea or after?

8 A -- I didn't have them the first time we met at the
9 detention center. I basically had a -- a notepad, because
10 I hadn't received them myself. And I was not appointed
11 when he first got arrested.

12 But subsequently I delivered a copy of his discovery
13 responses to him at the jail. They were in a yellow
14 envelope. Standard procedure for me. I also gave -- sent
15 a copy to Mrs. Gleaton, Mrs. Mary Gleaton.

16 So, yes, we did discuss that.

17 Q And did you advise him regarding hand of one/hand of
18 all as he's discussed, and what was the application of that
19 to these facts in your mind?

20 A Well, I disagree with the characterization that I told
21 him that his presence at the scene would automatically make
22 him guilty, I believe were his words. But we did discuss
23 that legal concept. And you know, that's a thread that
24 runs through many of these cases where there's co-
25 defendants working in unison. So, I was confident that he

DIRECT EXAMINATION BY MS. WILLIAMS - SCOTT PALMER 104

1 had an understanding of the basic principles of that legal
2 concept.

3 MS. WILLIAMS: I beg the Court's indulgence. I
4 apologize.

5 THE COURT: Surely.

6 Q And do you recall when the decision was made when Mr.
7 Gleaton decided that he would enter his guilty plea versus
8 proceeding to trial?

9 A Well, I do agree with his assertion and the -- the
10 assertion of the other witnesses that he never did want to
11 plead guilty. I wouldn't have either.

12 But as I stated on my earlier testimony, his options
13 were -- were simple: plea or go to trial. And even though
14 I didn't advise him to plead guilty -- and -- and let me
15 just say, I like to think I have a little different style
16 than some attorneys.

17 I believe to some degree in personal choices and
18 responsibility. I had this whole spiel I give my criminal
19 clients that there's -- there's -- they're not gonna hear
20 it from me that I recommend or I urge you to plead guilty.
21 I just lay out the options. I give them a choice. And I
22 give them what I think is gonna happen in either
23 circumstance.

24 The testimony that I left them alone in the conference
25 room, I agree that that happened. But I have a different

1 characterization. It was as highly emotional meeting. It
2 was Mr. Gleaton, his mother, and his sister. They didn't
3 know what to do. And I did tell them -- I did tell him
4 that, "You're not gonna walk away from this. You know,
5 there's not gonna be some miracle that gets you out of this
6 trouble. You could go to trial and be acquitted, but I
7 don't think that's gonna happen," is essentially what I
8 told him.

9 But I did agree to leave them alone in the jury room,
10 and let them discuss it and -- so he could decide what to
11 do. And that's why I -- I left the room.

12 But that -- that meeting actually lasted quite a
13 while, and it was very thorough and ended up getting pretty
14 emotional.

15 MS. WILLIAMS: I apologize, Your Honor. I'm just
16 trying to ---

17 THE COURT: That's okay.

18 MS. WILLIAMS: --- go back through and make sure I
19 covered ---

20 THE COURT: That's fine.

21 MS. WILLIAMS: --- the points that were raised. I
22 believe that covers it and I appreciate ---

23 THE COURT: All right.

24 MS. WILLIAMS: --- the Court's indulgence.

25 THE COURT: Very well. Yes? Cross-examination.

1 MR. PRIDE: Thank you very much.

2 THE COURT: Yes.

3 CROSS-EXAMINATION BY MR. PRIDE:

4 Q I talked with the mother and Mr. Gleaton. They say
5 the discovery and the mail that you sent them was the file
6 after the plea had been entered, not the discovery during
7 and before the plea.

8 A Well, I appreciate that's what they say, but he got a
9 copy of his file long before the plea happened.

10 Q By mailing it to him?

11 A I delivered it to him in the detention center.

12 Q I thought you said you mailed it.

13 A I mailed it to the mother.

14 Q Oh, when -- when you delivered it to him, did you
15 discuss it with him?

16 A Of course.

17 MR. PRIDE: Thank you.

18 MS. WILLIAMS: Nothing further, Your Honor.

19 THE COURT: All right. Thank you. Any further
20 witnesses?

21 MS. WILLIAMS: Nothing from the State.

22 THE COURT: Great. Reply/rebuttal?

23 MR. PRIDE: None.

24 THE COURT: Very well. Thank you.

25 (The witness retires from the stand.)

1 THE COURT: Now, closing. Closing. You wanted to
2 make a closing.

3 MR. PRIDE: Yes.

4 THE COURT: And I'm listening to you.

5 MR. PRIDE: Judge, respectfully, these kinds of cases
6 are distasteful. And a lawyer never feels good or takes
7 pride in talking about another lawyer's work. You know, I
8 think we all work hard, and ultimately we all don't make
9 beef stew the same way. We -- you know, we get -- probably
10 get the same results, but we go at it a different way.

11 But in this case, there are a few things that I would
12 like to point out to you that I think are eyebrow raising.
13 I think that Mr. Parker's [sic] representation in effect
14 violated this defendant's 14th Amendment, 5th Amendment,
15 and 6th Amendment rights, because I think it fell far short
16 of what is required of a lawyer.

17 And -- and from this standpoint, you know, when you
18 say, "Did a defendant intelligently enter his plea?"
19 There's something behind the scene that happens before
20 everybody steps this way. And what happens beside --
21 behind the scene that makes this defendant enter an
22 intelligent plea is that the lawyer has to make sure that
23 the defendant understands the facets, the evidence in the
24 case and the law. Then that puts that man or woman in a
25 position that they can do what? They can step to you,
26 Judge; and enter that plea intelligently, because they know

1 everything. They know what they're doing.

2 But often times, and I know you've seen it, Judge, the
3 pleas go in sort of a iambic pentameter rhythm: "Yes, yes,
4 yes, yes, yes. I do, I do, I do."

5 And that doesn't cut it, really, you know. That's not
6 what the law contemplates.

7 And certainly, Judge, I -- I think you have to have
8 some concern. First of all, the plea was a plea that
9 encompassed the charges in Bamberg. That's part of the
10 plea agreement. And obviously it falls far short when the
11 lawyer down in Bamberg was never discharged from the case.
12 You know, the way you get discharged from a case is not
13 that you give it to another lawyer and he take over. You -
14 --

15 THE COURT: Let me ask you this question. I am
16 intrigued by that. I really am. And let me just ask this
17 question of you about that -- and just -- and for the --
18 just for this moment -- just for this moment I want to
19 isolate the Bamberg and the Orangeburg. And assume for the
20 purposes of my question, because I want to isolate that
21 issue, that the -- and that Mr. Gleaton agreed to plead --
22 wanted to plead to the charges that were in Orangeburg.

23 MR. PRIDE: Uh-huh.

24 THE COURT: And the -- and -- and negotiated 40-year
25 sentence just -- on the very serious -- very serious
26 charges that were in Orangeburg. And the solicitor says,

1 "I'll do a global -- I'll do a global deal."

2 At that point -- at that point does the lawyer stop
3 and say, "Even though I'm gonna rap up assault and battery
4 with intent to kill and burg first for you, I'm not going
5 to handle those charges. I'm gonna leave you hanging out
6 for those sentences, because I don't represent you over
7 there"?

8 I mean, that's -- and -- and I under -- that's my
9 concern about that argument. Because I think that if a
10 lawyer can rap those up -- we got to talk about Orangeburg
11 and that's why I'm separating it that way. But it seems to
12 me that prejudice would be impossible to show even if you
13 could show -- even if you could show that there's a
14 deficient performance on behalf of counsel, because he
15 ought not stick his nose where his or her nose doesn't
16 belong.

17 However, I think that the prejudice prong would be
18 impossible to show if -- if -- if -- and it -- and -- and --
19 - if Orangeburg was a plea on all fours.

20 MR. PRIDE: Uh-huh.

21 THE COURT: So, I think we're left with Orangeburg,
22 because of the prejudice prong, even if it was deficient.
23 I'm not so sure that the other wouldn't be true.

24 In other words, I think if the solicitor offered to
25 rap those and you said, no, oomph. I think that would be --
26 - I mean, that would be prejudicial. That would be

1 prejudicial, I think.

2 So, that's -- that's sort of where I am about Bamberg.
3 I'm with you completely about -- about the representation
4 prong. But -- but not the prejudice prong, which really I
5 think throws us into Orangeburg and what happened in
6 Orangeburg is what I think. Because obviously if
7 Orangeburg is a problem, I think Bamberg's a problem. Do
8 you know what I mean?

9 MR. PRIDE: Uh-huh.

10 THE COURT: In other words -- in other words, if there
11 was a lack of consent and a lack of knowing and intelligent
12 plea in Orangeburg, clearly it's -- it's exacerbated in
13 Bamberg because of the -- the lack of representation. See
14 what I'm saying? I think that Bamberg goes as does
15 Orangeburg. If that makes sense. Yeah.

16 MR. PRIDE: Well, the one thing that overrides the
17 prejudice --

18 THE COURT: Uh-huh. Yes.

19 MR. PRIDE: -- is the contention of the defendants
20 innocense. You know, here's a man ---

21 THE COURT: Uh-huh. Yes.

22 MR. PRIDE: --- yeah, who has said from ad infinitum,
23 "I didn't do it. You know, I didn't give a statement to
24 the police. I didn't implicate anybody. I'm just flat out
25 innocent."

26 And the truth of the matter, Judge, it might sound

1 like a good deal for the defendant, it might sound like
2 it's a good deal for the solicitor, it might sound like
3 it's a good deal for the judge, but it's sure not a good
4 deal for that defense lawyer.

5 Because quite frankly, I don't do it. If I don't
6 represent you, you're not gonna package, because when you
7 package that's when I get caught with post-conviction.
8 That's exactly. And you open me up to that.

9 And I hate these -- I don't like these kinds of
10 proceedings. I don't like to come to them. I take it
11 almost personally when somebody charges. I can't help it.
12 I'm thin skinned, I guess.

13 But the -- my point is this, Judge, you just got to --
14 you know, I think -- I guess I'm old fashioned, too. If
15 you take over my case, I'm gonna send an order to the
16 Court, first of all, to be relieved. That's what the
17 public defender does. And if the lawyer in Orangeburg
18 that's gonna take over the case in Bamberg -- he sends a
19 notice of appearance. That way you're -- I mean, you're
20 straight across the board.

21 You can't get hung up when you do it the right way.
22 And that's part of what -- what -- of what happened in
23 this, you know. And maybe that's judicial, you know,
24 convenience, but ...

25 And -- and also, Judge, when it comes to Judge
26 Williams, you know, I -- I was just thinking, Judge, I

1 can't think of a judge on the bench that's thin skinned and
2 can't take an inquiry about whether or not you might have a
3 bias or a prejudice in a case. Especially since Bubba's
4 dead and Rodney has retired.

5 (Courtroom laughter.)

6 MR. PRIDE: I can't think of but one that I wouldn't -
7 - that I wouldn't ask today, because I just -- I -- maybe I
8 shouldn't have said that.

9 But -- but anyhow, Judge, I think it's appropriate to
10 say, "Wait a minute, Judge, are you sure you want to hear
11 this one now?" I wouldn't have any compunctions about
12 saying, "Judge, how close are you? How do you know them?"

13 You know, I just think that -- that you need to make
14 that kind of inquiry when the judge comes out like Judge
15 Williams does in this case. I think he stepped too far.
16 And I think he -- when he stepped that far, that put an
17 obligation on the lawyer to vet him. And -- and -- and --
18 and not challenge him, but vet him respectfully, and ask
19 him. And I think judges will tell you straight up, you
20 know.

21 Judge, I tell you, who wants to -- to be in a case and
22 be uncomfortable? Who wants to be in a case and be called
23 unfair? I don't know anybody sitting that wants to do
24 that. And when you -- when you bring it out so that you
25 can clear the air, they'll do that.

26 And that's what's wrong with this case. And that's

1 how I see it, Judge. And I just think that the kind of
2 plea, unfortunately, that went down in this case -- there's
3 no question about the fact that this boy never saw his
4 discovery material for Orangeburg.

5 THE COURT: Let me ask you this question: Was -- was
6 that the negotiation, it was a cap, is your understanding
7 it was a cap of 40?

8 MR. PRIDE: It was a cap, which meant ---

9 THE COURT: Okay.

10 MR. PRIDE: --- that he could have got 10. You see
11 what I'm saying?

12 THE COURT: Uh-huh. I do.

13 MR. PRIDE: And that -- that -- and that's why I asked
14 about, did you back away from it, because -- and didn't
15 raise it, because it was a cap and you figured that he was
16 gonna get the 40.

17 Well, you know, he had a chance of getting -- and --
18 and if you read the transcript, he -- he tried to get less.
19 He spoke up for one time to the Court, you know, it's, "Why
20 are you treating all of us just alike," you know.

21 And there seem to be some disparity in sentencing.
22 But that's not an issue before you. I mean, it's really
23 not.

24 But that's what I hang my hat on.

25 THE COURT: Uh-huh.

26 MR. PRIDE: Thank you.

1 THE COURT: Thank you. Thank you so much. Yes,
2 ma'am.

3 MS. WILLIAMS: I don't -- some of these arguments I
4 kind of preparing them, so I don't have case law to cite to
5 you. But with Judge Williams, I don't think there's any
6 evidence of any real relationship other than they were in
7 the same town and he knew who they were. And I think in
8 Norway you -- it's pretty much you would know who they were
9 no matter who you were.

10 There's no inquiry made and there's no -- been no
11 showing of what would have happened had an inquiry been
12 made. You've got to make a showing here of bias and
13 prejudice.

14 And I think when you start looking at what effect did
15 this have, I mean, Mr. Palmer said it, I look at criminal
16 cases all day. This is some of the worst actions you're
17 going to see defendants charged with. The fact that this
18 young man only got 40 years is actually somewhat amazing
19 under the circumstances of it.

20 So, I don't think that Judge Williams exercised any --
21 there's no -- any evidence that he had some type of bias or
22 prejudice against these people or that he -- you know, no
23 relationship that affected his judgment was proven here
24 today or what would have happened if further inquiry had
25 been made.

26 I don't think the plea offer would have changed. I'm

1 not sure that he would have done any better.

2 I think not only did this defendant have evidence in
3 his possession, but he also had the benefit of seeing two -
4 - his two co-defendants who were gonna testify against him,
5 which a lot of people don't have before they plead guilty.
6 And yeah, he maintained his innocence for a long time until
7 the day of this plea. And that's a pretty important time
8 to say whether your innocent or guilty. And he went ahead
9 and did it there.

10 And with reference to Bamberg, it's -- you know,
11 Bamberg's solicitor's there. I never heard of a Bamberg
12 public defender until we got here. And just don't -- you
13 know, we don't even know his name now. So, I'm not sure
14 what the role was there. But you know, to show that that
15 was a violation, I think, is falling a little short.

16 THE COURT: Let me ask you this question and I don't
17 know. I'm looking through the -- the -- the information.
18 But in his colloquy, Judge Williams says -- this is what he
19 says (as read): "I know your families. I know some of you
20 personally, individually. I know both of your families. I
21 can't imagine what you're going through and what you're
22 going to continue to go through. But please know that my
23 heart goes out to you, my prayers go out to you. And tell
24 Vance and Ms. Polite that I send them my best wishes and
25 I'll keep them in my prayers, please."

26 Who -- who is -- do you know who he's -- is he

1 referring to any of these victims specially?

2 MR. PRIDE: Those were the victims.

3 THE COURT: Is Vance ---

4 MS. WILLIAMS: Vance -- Vance and Ms. -- Mr. and Mrs.

5 Polite were the victims.

6 MR. PRIDE: Victims.

7 MS. WILLIAMS: They were the elderly couple that were

8 ---

9 THE COURT: Okay.

10 MS. WILLIAMS: --- beaten and shot in Norway.

11 THE COURT: Okay.

12 MS. WILLIAMS: Uh-huh.

13 THE COURT: I understand. Okay.

14 MS. WILLIAMS: And they did not come to this
15 particular hearing. I believe it was their son or another
16 family member that appeared on their behalf ---

17 THE COURT: Okay.

18 MS. WILLIAMS: --- at that time.

19 THE COURT: Okay.

20 MS. WILLIAMS: And I -- I don't -- I don't have the
21 law in front of me. I've researched this issue on another
22 PCR in this same set of ---

23 THE COURT: Yes.

24 MS. WILLIAMS: So, I don't have it in front of me to
25 give you ---

26 THE COURT: Oh, I understand ---

1 MS. WILLIAMS: --- nothing more on that -- that part.

2 THE COURT: --- completely. Which is why I'm gonna
3 ask y'all for proposed orders. So, if you'd be so kind and
4 you all figure out how much time you need for the
5 submittal.

6 I know both of you -- I know you're getting ready to
7 go. Yeah. And I know you're busy, busy, busy.

8 MR. PRIDE: Yeah, Judge, I had surgery. And I was out
9 like -- I had a rotator cuff fixed and I was out for like
10 six weeks. And I'm back now ---

11 THE COURT: I let -- you know what I do? I let my
12 lawyers decide that. You just tell me ---

13 MR. PRIDE: Okay. Thank you.

14 THE COURT: --- just -- and then -- and you know, just
15 send it to me.

16 MR. PRIDE: Okay.

17 THE COURT: And I know you're leaving in July, so you
18 ---

19 MS. WILLIAMS: I'm leaving the last week of June.
20 I'll be out next week.

21 THE COURT: Well, that's why you brought Mr. Corney
22 with you.

23 MS. WILLIAMS: I'll be out -- I'll be gone at the end
24 of June. So, I can submit something to you before I leave
25 hopefully.

26 THE COURT: You want me to wait a little longer for

1 you, 45/60 days?

2 MR. PRIDE: Sixty days.

3 MS. WILLIAMS: Or I can even let Rob submit it. He's
4 been here.

5 MR. PRIDE: Yeah.

6 THE COURT: That would be fine.

7 MS. WILLIAMS: And he knows what happened today.

8 THE COURT: What -- what if we say 60 days ---

9 MS. WILLIAMS: We'll just ---

10 THE COURT: --- I'll mark it?

11 MS. WILLIAMS: --- lets email and pick a date ---

12 MR. PRIDE: Yeah.

13 MS. WILLIAMS: --- and we'll let her know what the
14 date is.

15 MR. PRIDE: That's fine.

16 THE COURT: Oh, don't -- better than that ---

17 MR. PRIDE: Ms. Williams and I work well together.

18 THE COURT: --- let Ryan know.

19 MS. WILLIAMS: All right.

20 THE COURT: That's even better.

21 MS. WILLIAMS: We'll let Ryan know.

22 THE COURT: Let Ryan know.

23 MR. PRIDE: Okay.

24 THE COURT: That's better than letting me know. I'll
25 forget. That would be wonderful.

26 MR. PRIDE: I'll get Ryan's email address.

1 THE COURT: You ready for it? Dgoodsteinlc for
2 "lawclerk."

3 MR. PRIDE: All right.

4 THE COURT: I like that one. All right. Thank you.

5 MR. PALMER: Thank you, Your Honor.

6 THE COURT: Thank you. Thank you all. Thank you for
7 your patience with me today. I hope no -- I hope
8 everybody's blood sugar is okay.

9 And I know y'all are hungry. Y'all just had a little
10 cracker. If y'all need to take a little nourishment, if
11 you need to get something for Mr. Gleaton so he can have a
12 little something, please feel free to help yourselves on
13 the way back. And travel very safely everyone.

14 MR. PRIDE: Thank you, Judge.

15 THE COURT: Thank you so much.

16

17 --- END OF TRANSCRIPT OF RECORD ---

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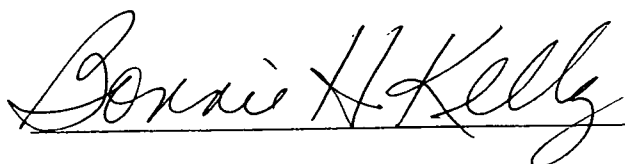
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CERTIFICATE

I, THE UNDERSIGNED BONNIE H. KELLY, OFFICIAL
COURT REPORTER FOR THE FIRST 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 HEARING OF THE CAPTIONED CAUSE,
RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR
ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE 7TH DAY OF
JUNE, 2011.

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



BONNIE H. KELLY,
COURT REPORTER

COLUMBIA, SOUTH CAROLINA

AUGUST 30, 2010

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

) IN THE COURT OF COMMON PLEAS
) FOR THE FIRST JUDICIAL CIRCUIT
)

William Gleaton #326282,

2009-CP-38-0005

) Applicant,
)

) v.
)

ORDER OF DISMISSAL

) State of South Carolina,
)

) Respondent.
)
)

This matter comes before the Court by way of an Application for Post-Conviction Relief filed January 2, 2009. The Respondent made its Return November 2, 2010. An evidentiary hearing into the matter was convened on June 7, 2011, at the Dorchester County Courthouse. The Applicant was present at the hearing and was represented by Hemphill Pride, II, Esquire. The Respondent was represented by Mary S. Williams of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Also testifying were Scott Palmer, Esquire, ("Counsel"); Cynthia Simpkins, the Applicant's sister; and Mary Gleaton, the Applicant's mother. This Court had before it the records of the Orangeburg County Clerk of Court, the guilty plea transcript, and the Applicant's records from the South Carolina Department of Corrections.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Orangeburg County Clerk of Court. The Applicant was indicted by the Orangeburg County Grand Jury for Possession of a Weapon During

ATTEST: TRUE COPY
JIMMY F. LEE
CLERK OF COURT
ORANGEBURG COUNTY

the Commission of Certain Crimes (2007-GS-38-0442), Kidnapping (2007-GS-38-0443), Armed Robbery (2007-GS-38-0444), Pointing and Presenting a Firearm (2007-GS-38-0445), Burglary – First Degree (2007-GS-38-0446), Assault and Battery with Intent to Kill (“ABWIK”) (2007-GS-38-1369), and Burglary – First Degree (2007-GS-38-1370). Applicant was also charged in Bamberg County with Burglary – First Degree (2007-GS-05-0148) and ABWIK (2007-G-05-0149). He was represented by Scott Palmer, Esquire. On January 15, 2008, the Applicant pled guilty before the Honorable James C. Williams, Jr., and sentencing was deferred. On January 23, 2008, Applicant was sentenced to an aggregate term of forty (40) years imprisonment. Applicant did not appeal his guilty plea or sentence.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Involuntary plea.
 - a. “Counsel gave erroneous advice.”
2. Ineffective assistance of counsel.
 - a. “Attached argument.”¹
3. “Sentencing judge should have disqualified himself because of bias, prejudice and conflict of interest.”
 - a. “Grounds to support my allegations are contained in the transcript from the sentencing hearing.”

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

¹ No argument is attached to the application as received from the Clerk of Court.

of facts and conclusions of law as required pursuant to S.C. Code Ann. 17-27-80.

Ineffective Assistance of Counsel/Involuntary Guilty Plea

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRPC). 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 v. State, 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, supra. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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, 386 S.E.2d at 625 (citing Strickland, supra). 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. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of

trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland).

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).

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

An Applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

Plea Entered to Dispose of Charges from Orangeburg and Bamberg

Applicant alleges counsel provided ineffective assistance in allowing Applicant to enter a plea to dispose of charges in both Orangeburg and Bamberg counties when

Counsel had only been appointed to represent Applicant on Orangeburg charges.

At the PCR hearing, Counsel testified that although he had been appointed to represent Applicant only on charges arising out of Orangeburg County, he became aware of the additional charges Applicant was facing in Bamberg County "pretty quickly" after undertaking representation of Applicant. Counsel entered into plea negotiations with the State on Applicant's behalf where the State offered to *nolle prosequere* the kidnapping charge in exchange for a plea with a forty (40) year cap sentence. Counsel articulated that although the offer by the state was for a recommended forty (40) year cap, during the plea hearing Judge Williams made it very clear to Applicant that if he took the plea, the Court would impose the full forty (40) year sentence. Counsel stated he was comfortable representing Applicant on the charges from both Orangeburg and Bamberg at the plea because, although he was appointed to represent Applicant only on the Orangeburg charges, he had all relevant incident reports and co-defendant statements from both sets of charges and felt that he was fully informed and prepared to go forward on all charges. Further, Counsel testified that he met with Applicant several times in the jail and several more times at the courthouse where he and Applicant discussed Applicant's Constitutional rights, reviewed potential sentences, reviewed all co-defendant and witness statements, reviewed police lineups and the physical evidence such as the weapons recovered. Counsel testified that he made full preparations for his representation of Applicant prior to the plea hearing, including filing a discovery motion in Orangeburg and reviewing all discovery materials with Applicant and even spoke with several of the co-defendant's attorneys regarding the details and circumstances of the crimes Applicant was charged for.

both in Orangeburg and Bamberg. Counsel then articulated that he didn't believe Applicant had many options outside of pleading guilty and believed that had Applicant proceeded to a trial, "a life sentence was very likely."

Based on the testimony presented at trial, I find that Applicant has failed to prove counsel was ineffective in this regard. Counsel advised Applicant of all relevant issues regarding the charges Applicant was facing and Applicant clearly understood that he was entering a plea to dispose of charges from both Orangeburg and Bamberg counties. Further, Applicant was given sufficient information and advice from competent counsel to make an intelligent and voluntary decision on whether to enter this plea on all charges, which Applicant ultimately made the decision to do. Applicant has further failed to demonstrate what negative consequence he suffered as a result of Counsel's representation. The plea, resolving all cases at once, was clearly beneficial to Applicant. Based on Counsel's credible testimony, he clearly was prepared to represent Applicant on all pending charges, including those out of Bamberg County. Therefore, Applicant has failed to make a showing that the outcome of the proceeding would have been any different had his allegation been true and for that reason has failed to prove prejudice as a result of any alleged deficiency.

Failure to Move for Recusal of Plea Judge

The Applicant also submits that counsel provided ineffective assistance and his pleas were rendered involuntary as a result of counsel's failure to move for Judge Williams to recuse himself from hearing the plea because of his familiarity with the victims. In this regard, I find that Applicant has failed to make the necessary showing of bias on the part of

the trial court to have warranted a reason for counsel to make such a motion. Counsel testified that he ^{had} ~~has~~ a lot of confidence in Judge Williams, and although he was aware that the judge lives in the local area where the crimes occurred, Counsel believed there was no prejudice towards the Applicant based on the judge's statements to the victims' families on the record. Applicant's sentence, in light of the severity of his crimes, does not in itself evidence any particular prejudice. Moreover, the sentence cap was agreed upon prior to the plea, and Applicant understood the sentencing consequences of his plea. At no point in the plea colloquy did Applicant mention his supposed concern over Judge Williams taking the plea, but rather, Applicant told the judge that he wished to plead guilty at that time.

Based on the record and the facts adduced at the PCR hearing, this Court finds Applicant's allegation of ineffective assistance of counsel to be without merit. Counsel reviewed all relevant issues with Applicant including the charges he was facing, the facts giving rise to the charges, the allegations in the indictments, the elements of the offenses, potential sentences he was facing and all relevant evidence against Applicant. Additionally, counsel gave Applicant all the information and advice to make an intelligent and voluntary decision about whether to enter this plea. Based on the foregoing, this Court finds that Applicant's guilty plea was entered knowingly and voluntarily after being fully and adequately advised by competent counsel acting within the range of competence demanded of attorneys in criminal cases.

Therefore, because Applicant has failed to carry his burden of proof in this action, the application for post-conviction relief must be denied and dismissed with prejudice.

Other Allegations

No other allegations were raised at the PCR hearing. Therefore, any additional allegations are deemed waived because no evidence was presented.

CONCLUSION

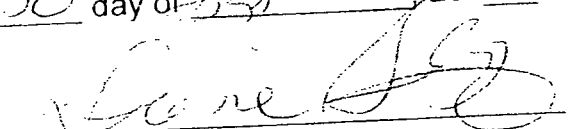
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

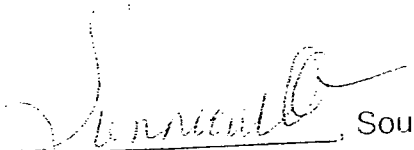
This Court advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review. His attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely 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 30 day of Sept, 2002 2011


THE HONORABLE DIANE GOODSTEIN
Presiding Judge
First Judicial Circuit


_____, South Carolina.

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG) 15 IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

WILLIAM ANTONIO GLEATON,)
Applicant,)
v)
STATE OF SOUTH CAROLINA,)
Respondent.)

**APPLICANT'S MOTION TO ALTER
OR
AMEND JUDGMENT
ENTERED OCTOBER 7, 2011**

COMES NOW Applicant William Antonio Gleaton, pursuant to Rule 59 of the South Carolina Rules of Civil Procedure, hereby moves this Court to alter or amend its judgment of October 7, 2011, showing the Court the following:

PROCEDURAL BACKGROUND

Applicant was arrested and charged in 2006 in Orangeburg and Bamberg Counties; and was incarcerated thereafter. William Gleaton was appointed a separate public defender in each County. Plea counsel represented Applicant at the plea hearing held on January 15-16, 2008; and, at the sentencing hearing held on January 23, 2008, before the Honorable James C. Williams, Presiding Judge over the Court of General Sessions in Orangeburg County, in the matter of *State of South Carolina v. Gleaton, Staley, Gleaton, Johnson and Derricott*. (Defendants were the Applicant and 4 other defendants, one of whom bears the same surname and is a distant relative of the Applicant).

On January 2, 2009, Applicant William Gleaton, *pro se*, filed an Application for Post-Conviction Relief. The Application for Post-Conviction Relief was timely filed and verified by the Applicant. The Application alleges that Applicant's guilty plea was involuntary; that the judge was biased, prejudiced and had conflicts of interest; and, that Plea Counsel provided ineffective

ATTEST: TRUE COPY

Winnie B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

providing erroneous advice, failing to give advice, and in failing to timely appeal and to advise of rights to appeal. (Application for PCR).

At the hearing on the PCR Application on June 7, 2011, the Applicant appeared in person and by his current counsel, Hemphill P. Pride II, Esq. Also present were counsel for Respondent State of South Carolina ["the Respondent"], Assistant Attorney Generals Mary S. Williams and Rob Corney. Witnesses who appeared and gave testimony were the Applicant's mother, Ms. Mary Pearl Gleaton ["Mrs. Gleaton"]; the Applicant's sister, Ms. Cynthia Simpkins ["Ms. Simpkins"]; and, Applicant's former attorney, Mr. Scott Palmer ["Plea Counsel"], appointed for the Orangeburg County charges only. The witnesses testified as to the adequacy of Applicant's former counsel's investigation, preparation and representation of Applicant with regard to a plea agreement and the hearings on that plea, and the sentencing in Applicant's convictions for multiple felonies.

On October 7, 2011, the Order of Dismissal was entered by the Clerk's Office. That Order should be altered or amended to grant William Gleaton's Application for Post-Conviction Relief for the reasons set forth below.

ARGUMENT AND CITATION OF AUTHORITY

I. Introduction

Based on the transcript of Applicant's plea and sentencing hearings, dated December 15-16, and 23, 2008, and the testimony of Applicant at the PCR hearing on June 7, 2011, the evidence conclusively showed that counsel's representation fell below the objective standard of reasonableness; and, that there is a reasonable probability that, but for the errors of plea counsel, Applicant would not have pled guilty, but would have insisted on going to trial. The following errors and omissions were committed by Applicant's Orangeburg plea counsel:

(1) Plea counsel failed to timely confer and advise Applicant of the material evidence against him;

(2) Plea counsel failed to timely challenge a deficient photo array from which Applicant was identified;

(3) Plea counsel failed to timely obtain discovery and other file materials for the Bamberg County felony charges;

(4) Plea counsel failed to timely investigate, develop and confer with Applicant about exculpatory evidence appearing in the State's file and/or of which Applicant advised Plea Counsel;

(5) Plea counsel failed to competently advise Applicant about the merits of a guilty plea as opposed to a trial;

(6) Plea counsel coerced Applicant into pleading guilty;

(7) Plea counsel failed to inquire into the plea and sentencing Judge's expressed personal relationships with the victims and their families and possible bias;

(8) Plea counsel failed to develop and present mitigating evidence to the court; and,

(9) Plea counsel failed to correct the Solicitor's errors in reciting Applicant's criminal history to the court at the plea and sentencing hearing.

II. Criminal Defendants have a right to effective assistance of legal counsel under the Sixth Amendment

As a Defendant in the criminal proceedings described herein, Applicant had the right to the effective assistance of counsel guaranteed by the Sixth Amendment to the United States Constitution. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Applicant may receive post-conviction relief if he proves by a preponderance of the evidence that he received ineffective assistance of counsel. Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). He must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the [proceeding] cannot be

relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 104 S. **297**

Ct. 2052, 2064 (1984). The Strickland Court elaborated:

Representation of a criminal defendant entails certain basic duties. Counsel's function is to assist the defendant, and hence counsel owes the client a duty of loyalty, a duty to avoid conflicts of interest. From counsel's function as assistant to the defendant derive the overarching duty to **advocate the defendant's cause** and the more particular duties to **consult with the defendant** on important decisions and to **keep the defendant informed of important developments** in the course of the prosecution. Counsel also has a duty to bring to bear such skill and knowledge as will render the trial a reliable adversarial testing process.

These basic duties neither exhaustively define the obligations of counsel nor form a checklist for judicial evaluation of attorney performance. **In any case presenting an ineffectiveness claim, the performance inquiry must be whether counsel's assistance was reasonable considering all the circumstances.**

Strickland, supra, 466 U.S. at 688, 104 S. Ct. at 2065; (citations omitted) (emphasis added).

In examining the effectiveness of his counsel's assistance in Applicant's guilty plea and related issues, it is proper to consider the guilty plea transcript as well as the evidence presented at the PCR hearing. Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007). "In the context of a guilty plea, the court must determine whether 1) counsel's advice was within the range of competence demanded of attorneys in criminal cases, i.e. **was counsel's performance deficient**; and, 2) if there is a reasonable probability that, **but for counsel's errors, the defendant would not have pled guilty.**" Smith v. State, 369 S.C. 135, 138, 631 S.E.2d 260, 261 (2006) (emphasis added) (citing Hill v. Lockhart, 474 U.S. 52, 56–58, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985)). "The defendant's undisputed testimony that he would not have pled guilty to the charges but for trial counsel's advice is sufficient to prove that defendant would not have pled guilty." Id. at 138, 631 S.E.2d 260, 631 S.E.2d at 261.

Plea counsel's representation was deficient in failing to develop, consider and present mitigating evidence of Applicant's innocence; in failing to be adequately prepared for the plea and sentencing hearings; in coercing Applicant to enter into a guilty plea; and, failing to take

appropriate measures in response to the Judge's expression of bias and prejudice against Applicant.

III. Mitigating Evidence

The record reflects that there is no dispute that exculpatory and/or mitigating evidence existed in the form of a victim's statement in the prosecution's file, to the effect that Applicant attempted to stop the crimes in general, and/or specifically attempted to prevent a brutal sexual assault (June 7, 2011 Transcript, pp 30-31; Exhibit 2). However, Plea Counsel failed to develop and confer with Applicant about it and to present this evidence to the court at sentencing; and, further, that without developing this evidence, Plea Counsel was unable to opine and reasonably advise Applicant whether Applicant should proceed to trial. With regard to this witness statement, Plea Counsel testified at the PCR hearing that "it's really hard to figure out what that—what all it means." (June 7, 2011 Transcript, p 32).

There is no dispute that exculpatory and/or mitigating evidence existed in the form of the Applicant's statements to Plea Counsel (June 7, 2011 Transcript, p 43) that Applicant had discharged a weapon unintentionally, as a result of a struggle. Rather, Plea Counsel failed to develop this evidence and to confer with Applicant about it, such that Plea Counsel was unable to opine and reasonably advise Applicant as to the effects of this evidence at trial, or, conversely, whether Applicant should plead guilty.

At the sentencing hearing, Plea Counsel made only a passing and vague comment on Applicant's behalf that *"[t]here's some evidence that Applicant tried to stop of [sic] these crimes, especially with regard to the criminal sexual conduct. With regard to the shooting of Mr. Polite, as unfortunate and tragic as that is, there is some evidence that it was the result of a struggle and perhaps not intentional."* (December 15-16 and 23, 2008 Transcript, p 107, lines 12-17) This was immediately followed by Plea Counsel's statement that *"Now, with regard to William*

Gleaton, Your Honor, these are some of the most serious crimes that can be committed, as you've already pointed out, and you would think that anybody capable of this would be a cold blooded person incapable of remorse." (June 7, 2011 Transcript, p 107, lines 19-22).

IV. Investigation and Preparedness at Plea and Sentencing Hearings

The record reflects that it is undisputed that, at the plea and sentencing hearings, Plea Counsel advised Applicant to plead guilty to the Bamberg County charges without having obtained or viewed discovery. Furthermore, plea counsel's representation was deficient in the following manner:

(a) Plea counsel testified that it did not occur to him to move to suppress the photo array victim identification of Applicant (Exhibit 1) in which Applicant's photograph is the only visible and clear image. (June 7, 2011 Transcript, pp 16-17)

(b) Plea counsel testified to some reluctance to represent Applicant: *"I was never comfortable with this case, sir. . . . This was a bad, bad case."* (June 7, 2011 Transcript, p 24) Similarly, Ms. Simpkins testified that Plea Counsel said, just prior to the plea hearing, that *"he didn't want this case, you know. It's a touchy case."* (June 7, 2011 Transcript p 54))

(c) Plea counsel testified that he went forward with the Orangeburg County guilty plea, to Bamberg County felony charges, even though he had not received discovery in the Bamberg matter, because he had obtained information from counsel for the four co-Defendants (June 7, 2011 Transcript, pp 24-25), indicating that he relied upon this information even though Plea Counsel knew that all of these co-Defendants intended to testify against Applicant. (June 7, 2011 Transcript, pp 35; 38-39)

(d) Applicant, his sister and his mother testified that they had difficulty convincing Plea Counsel to visit Applicant in jail in order to advise Applicant and to obtain Applicant's

assistance in his defense (June 7, 2011 Transcript, pp 48-49, 61, 62-63); Applicant testified that he was incarcerated from his December 20, 2006 arrest forward, but that Plea Counsel did not meet with him until March 7 of the following year (2007), on which date he met with Applicant for ten or fifteen minutes prior to his preliminary hearing. (June 7, 2011 Transcript, p 70-71) Further, at the March 7, 2007 meeting, Plea Counsel did not bring any file documents; and, did not inform Applicant of any co-Defendants' statements implicating Applicant. (June 7, 2011 Transcript, pp 70-72) And, Plea Counsel corroborated the statement that he did not have the file at the first meeting with Applicant. (June 7, 2011 Transcript, p 103)

(e) Applicant and his sister testified that they informed Plea Counsel of their belief that Judge Williams had close ties to the community where the crimes occurred, and, a close relationship with one or more of the victims and/or their families. (June 7, 2011 Transcript, pp 51-52).; and, Plea Counsel testified that, prior to the plea hearing, he knew that Judge Williams lived "*essentially in the area where most of [the crimes] took place.*" (June 7, 2011 Transcript, p 38)

(f) Applicant testified that Plea Counsel never informed him that the co-Defendants had made statements against him or were offering to testify against him. (June 7, 2011 Transcript, pp 71-72, 73, 74, 75); that Plea Counsel never showed him any of the co-Defendants' statements (June 7, 2011 Transcript, pp 72); and, that he did not know that the co-Defendants intended to testify against him until he heard their guilty pleas (December 15, 2008 – thirteen months post-arrest). (June 7, 2011 Transcript, pp 72, 75, 76, 77-78)

(g) Applicant expressed surprise when he testified at the PCR hearing that he never knew, prior to that June 7, 2011 hearing before this Court, that any victim had identified him. (June 7, 2011 Transcript p 91)

(h) Applicant presented evidence at the PCR hearing, that he had no prior felony convictions at the time of the guilty plea and sentencing, but that his brother had been convicted using Applicant's identity (June 7, 2011 Transcript pp 95-102); and, Applicant's current counsel represented to the Court that he had reviewed Applicant's criminal history and had found no prior convictions (June 7, 2011 Transcript pp 5; 99-102). However, at the sentencing hearing, Solicitor Pascoe represented to Judge Williams that Applicant had prior convictions for assault and battery; second degree burglary; and possession of crack cocaine. No objection or correction of this mis-statement as to Applicant's record was ever made by Plea Counsel; and, it is unclear whether Plea Counsel was ever aware that Applicant had no felony criminal record. (December 15-16 and 23, 2008 Transcript, p 98)

V. Coercion

The record further shows that Plea Counsel exercised improper pressure to coerce Applicant to plead guilty, based on the following facts:

(a) Applicant, his sister, and his mother, testified that Applicant had maintained his innocence for the entire time between his arrest (December 20, 2006) and his guilty plea; and again insisted on his innocence to Plea Counsel just prior to the plea hearing. (December 15-16, 2008). (June 7, 2011 Transcript pp 51-52, 54, 65, 82)

(b) Applicant testified that his first meeting with Plea Counsel lasted 10 to 15 minutes and his second meeting with Plea Counsel was immediately before the plea hearing, at which time Plea Counsel told him about the plea offer. (June 7, 2011 Transcript, p 71) Applicant and Ms. Simpkins testified that, after they witnessed the first two co-Defendants plead guilty, Plea Counsel advised them that the co-Defendants were going

to testify against Applicant who, again, stated his innocence and that he did not want to plead guilty. (June 7, 2011 Transcript, pp 54, 75)

(c) Ms. Simpkins and Applicant testified that, after a heated exchange between the family and Plea Counsel as to whether to accept the guilty plea offer, Plea Counsel left Applicant to sit alone, without counsel, in the Courtroom as the proceedings reconvened; and, did not stand with him at the beginning of the plea hearing. (June 7, 2011 Transcript pp 54-55, 76) Plea counsel corroborated this to some degree in his own testimony. *"They didn't know what to do. And I didn't tell them . . . I left the room."* (June 7, 2011 Transcript pp 105)

(d) Applicant testified that, after the Co-Defendants pled guilty, Plea Counsel attempted to convince Applicant to plead guilty using the phrase *"hands of one/hands of all,"* and, in reference to Applicant's presence during the crimes: *"mere presence [during the crimes] – with them saying that I was there with them, would have made me guilty . . . subject to get a life sentence . . . I felt like I had no other choice but to take the plea, because he – gave me no . . . alternate option."* (June 7, 2011 Transcript pp 77-79; 82; 83; 85; 90-91; 94)

(e) Applicant testified before this Court, repeatedly, on direct and under cross-examination, that the only reason he pled guilty was that Plea Counsel convinced him he had no meaningful choice. (June 7, 2011 Transcript pp 81-82) He testified that Plea Counsel led him to believe that there were no choices but a guilty plea or a life sentence; and, Plea Counsel intimated that if Applicant did not plead guilty, Plea Counsel would not make his best efforts to defend him at trial; and, this occurred during the interim between Applicant's witnessing of the first two co-Defendants' guilty pleas and Applicant's own plea hearing; and, at that time, Applicant was still maintaining his innocence and unconvinced that he should plead guilty, until Plea Counsel *"talked me into taking the*

plea. . . . it ain't the fact about seeing those two. It was that – the advice that I received My lawyer, he led me to think that there was no other choice. . . .” (June 7, 2011 Transcript pp 81-83; 85; 91) Mrs. Gleaton also paraphrased Plea Counsel's advice as *“Well, everybody else plead [sic] you know, in other words you may as well plead too, because you know, I'm – I know you didn't think I was going to get you off.”* (June 7, 2011 Transcript p 64)

VI. Judicial Bias

The plea and sentencing Judges were the same, Honorable James C. Williams, Presiding Judge, and he explicitly described his personal feelings of sympathy and his relationships with the victims and their families at the sentencing hearing. However, Plea Counsel failed to challenge or make any inquiry as to the Judge's bias or lack of impartiality. Plea Counsel admitted at the PCR hearing that he knew, before the guilty plea and sentencing hearings, that the Judge lived in “essentially the same area” or community where the crimes occurred, but did not investigate any potential bias at that time.

Applicant presented substantial evidence of Judge Williams' actual judicial bias in favor of the victims and/or their families, or his lack of impartiality toward Applicant, when the Judge accepted his guilty plea and, later, sentenced him. The record of the sentencing hearing and of the PCR hearing reflect, and it is undisputed, that Judge Williams described having an ongoing personal relationship with the victims and their families, at the conclusion of the plea hearing, after Applicant had entered his guilty plea. Judge Williams addressed the victims present: *“I know your families. I know some of you personally, individually. I know both of your families. I can't imagine what you're going through and what you're going to continue to go through. But please know that my heart goes out to you, my prayers go out to you. And tell Vance and Ms. Polite that*

I send them my best wishes and I'll keep them in my prayers, please." (December 15-16 and 23, 2008 Transcript, p 143)

Plea counsel failed to perform prior investigation into Judge Williams' potential bias, which he knew or should have known to exist on the basis of Plea Counsel's knowledge that the Judge lived in the vicinity of the crimes; he raised no objection, nor any inquiry, nor did he make any attempt to withdraw Applicant's guilty plea at the time of the Judge's statement.

CONCLUSION

Plea Counsel failed to obtain discovery or other materials in the Bamberg County charges; failed to investigate, develop and confer with Applicant about mitigating and exculpatory evidence; failed to advise and confer with Applicant as to material evidence to be offered against him; and, that he failed to move to suppress a prejudicial photo array from which a victim identified Applicant. If Plea Counsel had these discovery materials, and fully developed mitigating and other evidence, he could have effectively cross examined relevant witnesses for suppression of the photo array. And, in general, he could have evaluated the strength of Applicant's case and advised him to proceed to trial. Our Supreme Court recently held similar failures, prior to a guilty plea, to be deficient. See, Kolle v. State, 386 S.C. 578, 591, 690 S.E.2d 73, 80 (2010) (finding these deficiencies to have prejudiced the outcome because there was "a reasonable probability this [evidence] would have influenced the trial judge's decision regarding the existence of exigent circumstances, i.e., affected the outcome of the suppression motion . . . and, in turn, his decision to plead guilty . . .")

The explanation Plea Counsel offered for proceeding to the plea and sentencing stages on the Bamberg County charges, for which he did not possess discovery, was that he felt "comfortable" in proceeding with incident reports and the statements of the four co-defendants who were planning to testify against the Applicant. Plea counsel further explained in testimony at the

PCR hearing that it did not occur to him to move to suppress the photo array victim identification of Applicant in which Applicant's photograph is the only visible and clear image. No explanation was offered for why Plea Counsel did not investigate, develop and confer with Applicant about the mitigating evidence prior to advising Applicant about the plea offer, nor his failure to develop and present that evidence to the court at sentencing. And, Plea Counsel's only stated reason for failing to inquire into the Judge's possible bias was that he did not think it was necessary to do so, after the Judge expressed his personal feelings and relationships with the victims and their families at the sentencing hearing. Plea counsel believed there was no injury to the Applicant, because the Judge could not exceed the maximum sentence of 40 years, stated in the plea agreement.

Our Supreme Court recently reiterated "strategic choices made by counsel after an incomplete investigation are reasonable only to the extent that reasonable professional judgment supports the limitations on the investigation." McKnight v. State, 378 S.C. 33, 45, 661 S.E.2d 354, 360 (S.C. 2008) (internal quotation marks omitted); (quoting Von Dohlen v. State, 360 S.C. 598, 607, 602 S.E.2d 738, 743 (2004); and, Wiggins v. Smith, 539 U.S. 510, 533, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003)).

In Wiggins, the United States Supreme Court found the defendant's attorneys were ineffective in failing to expand their investigation beyond cursory reports, in order to present compelling mitigating evidence on the defendant's behalf during the penalty phase of the trial. Wiggins, 539 U.S. at 535, 123 S.Ct. at 2542, 156 L.Ed.2d at 493. A criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State. McKnight, 378 S.C. at 46, 661 S.E.2d at 360.

Here, an adequate investigation would have allowed Plea Counsel to present to the sentencing court, crucial facts about the Applicant's attempts to prevent or stop the crimes for

which he was about to be sentenced. Plea Counsel's "decision not to investigate thus must be directly assessed for reasonableness in all the circumstances. " Wiggins, 539 U.S. at 533, 123 S.Ct. at 2541, 156 L.Ed.2d at 492 (quoting Strickland, *supra*); Mcknight v. State, 378 S.C. 33, 45, 661 S.E.2d 354, 360 (S.C. 2008); Von Dohlen v. State, 360 S.C. 598, 607, 602 S.E.2d 738, 743 (2004); Wiggins v. Smith, 539 U.S. 510, 533, 123 S.Ct. 2527, 156 L.Ed.2d 471 (2003); Kolle v. State, 386 S.C. 578, 591, 690 S.E.2d 73, 80 (2010).

Applicant also had the right to a fair and impartial tribunal. Mallett v. Mallett, 323 S.C. 141, 147, 473 S.E.2d 804, 808 (Ct.App.1996) "It is axiomatic that the expectation of a fair and impartial tribunal is a basic tenet of all cherished notions of due process embodied in the United States Constitution." Id. "A fair trial in a fair tribunal is a basic requirement of due process." In re Murchison, 349 U.S. 133, 136, 75 S.Ct. 623, 625, 99 L.Ed. 942 (1955); see also Ward v. Village of Monroeville, 409 U.S. 57, 93 S.Ct. 80, 34 L.Ed.2d 267 (1972). The entitlement to an impartial tribunal applies to the sentencing phase of a criminal proceeding as well as to the guilt phase. See Witherspoon v. Illinois, 391 U.S. 510, 518, 88 S.Ct. 1770, 1775, 20 L.Ed.2d 776 (1968). Due process demands more than that the sentencer actually be impartial; rather, " 'justice must satisfy the appearance of justice.' " In re Murchison, 349 U.S., at 136, 75 S.Ct., at 625, quoting Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 13, 99 L.Ed. 11 (1954).

In this case, Applicant testified before this Court repeatedly, on direct and under cross-examination, that the only reason he pled guilty was that Plea Counsel convinced him he had no meaningful choice. And, Applicant, Plea Counsel, his sister and mother testified that he maintained his innocence at all times. The court must determine whether Plea Counsel's advice was deficient assistance. If it was, the above-referenced testimony establishes the second prong of the Smith and Lockhart test, above. "[I]n order to satisfy the "prejudice" requirement, the defendant must show that there is a reasonable probability that, but for counsel's errors, he

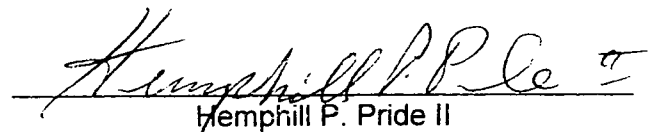
would not have pleaded guilty and would have insisted on going to trial." Lockhart, 474 U.S. at 59, 106 S.Ct. at 370.

A guilty plea must be an informed and intelligent decision. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). A guilty plea is valid if it represents a voluntary and intelligent choice among alternatives available to a defendant. Id. Plea counsel's deficient assistance prejudiced Applicant, because there is a reasonable probability that, but for counsel's errors, Applicant would not have pled guilty; and his advice undermined the proper functioning of the adversarial process. As a result, the plea hearing and the sentencing hearing cannot be relied upon as having produced a just result. Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064 (1984); Kolle v. State, 386 S.C. 578, 591, 690 S.E.2d 73, 80 (2010).

As a result of the deprivation of Applicant's constitutional rights, as guaranteed by the Fifth and Sixth Amendments to the United States Constitution, to counsel and to an impartial tribunal at the plea phase and sentencing phase as to the Orangeburg and Bamberg County charges, his convictions on those charges were wrongful and must be overturned.

Respectfully submitted:

**Law Office
of
HEMPHILL P. PRIDE II, LLC**



Hemphill P. Pride II
Post Office Box 4529
Columbia, South Carolina 29240-4529
(803) 256-8015
e-mail address hppride@bellsouth.net

ATTORNEY FOR APPLICANT

October 28, 2011.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

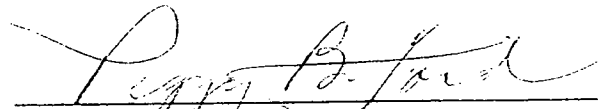
CERTIFICATE OF SERVICE

I, the undersigned employee of the Law Office of Hemphill P. Pride II, LLC, do hereby certify that all counsel and/or parties in this action were served with a copy of the pleading(s) herein below specified by mailing a copy of the same by United States mail, postage prepaid, to the following address(es):

PLEADINGS: Applicant's Motion to Alter or Amend Judgment Entered October 7, 2011

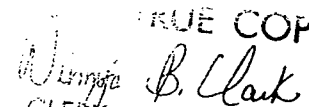
PARTY: Honorable Diane S. Goodstein
 Presiding Judge
 Court of Common Pleas for the First Judicial Circuit
 Post Office Box 234
 St. George, South Carolina 29477

Robert D. Corney, Esq.
 Assistant Attorney General
 OFFICE OF THE STATE ATTORNEY GENERAL
 Post Office Box 11549
 Columbia, South Carolina 29211


 Peggy B. Ford

Columbia, South Carolina

October 28, 2011.

TRUE COPY

 Winger B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

FILED
 NOV 7 2011
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

2011 NOV -7 PM 12:16

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

WILLIAM ANTONIO GLEATON,)
Applicant,)

v)

STATE OF SOUTH CAROLINA,)
Respondent.)

**APPLICANT'S ADDENDUM
TO
MOTION TO ALTER OR AMEND
JUDGMENT ENTERED OCTOBER 7, 2011**

2011 NOV-10 PM 12:32

COMES NOW Applicant William Antonio Gleaton, pursuant to Rule 60(a) of South Carolina Rules of Civil Procedure, and submit the following addendum to Applicant's Motion to Alter or Amend Judgment Entered October 7, 2011, filed with the honorable Court on October 28, 2011.

The Court's Lack of Jurisdiction

At the plea hearing held on January 15-16, 2008, the Court did not have jurisdiction of the Applicant's plea in that the Honorable James C. Williams was presiding over the Court of General Sessions in Orangeburg County—the First Judicial Circuit—and the criminal offenses for which the Applicant was entering a plea occurred in Bamberg County—the Second Judicial Circuit. The First and Second Judicial Circuits are no concurrent and, therefore, Judge Williams did not have powers and duties appertaining to a Circuit Judge of the Second Judicial Circuit.

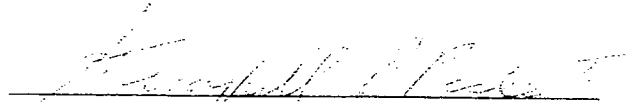
In order for Judge Williams to have been vested with jurisdiction to hear and dispose of a general sessions matter for Bamberg County, it would have been necessary for him to obtain an Order from the Supreme Court of South Carolina pursuant to the provisions

ATTEST: TRUE COPY
Winnys B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

of Article V, Section 4 of the Constitution of South Carolina Therefore, in that Judge Williams failed to do so, the proceedings in the First Judicial Circuit were void *ab initio*.

Respectfully submitted,

**Law Office
of
HEMPHILL P. PRIDE II, LLC**



Hemphill P. Pride II
Post Office Box 4529
Columbia, South Carolina 29240-4529
(803) 256-8015
e-mail address hppride@bellsouth.net

ATTORNEY FOR APPLICANT

November 09, 2011.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

CERTIFICATE OF SERVICE

I, the undersigned employee of the Law Office of Hemphill P. Pride II, LLC, do hereby certify that all counsel and/or parties in this action were served with a copy of the pleading(s) herein below specified by mailing a copy of the same by United States mail, postage prepaid, to the following address(es):

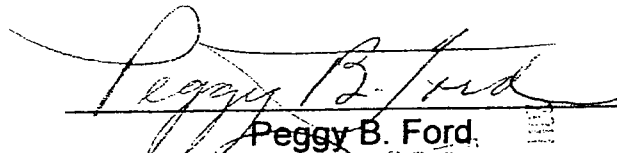
PLEADINGS: Applicant's Addendum to Motion to Alter or Amend
 Judgment Entered October 7, 2011

PARTIES: Honorable Diane S. Goodstein
 Presiding Judge
 Court of Common Pleas for the First Judicial Circuit
 Post Office Box 234
 St. George, South Carolina 29477
 Fax No. (843) 832-0389

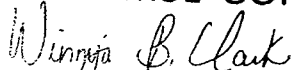
Robert D. Corney, Esq.
 Assistant Attorney General
 OFFICE OF THE STATE ATTORNEY GENERAL
 Post Office Box 11549
 Columbia, South Carolina 29211
 Fax No. (803) 253-6283

Columbia, South Carolina

November 9, 2011.


 Peggy B. Ford
 NOV 10 PM 12:32
 CLERK OF COURT
 RICHLAND COUNTY, SC

ATTEST: TRUE COPY


 CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

William A. Gleaton, #326282

Applicant.

vs.

State of South Carolina

Respondent

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT
CASE No. 2009-CP-38-0005

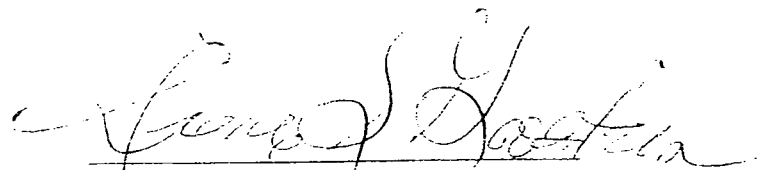
**ORDER DENYING MOTION TO
ALTER OR AMEND JUDGMENT**

This matter is before the Court by way of the Applicant's Motion to Alter or Amend Judgment brought forth pursuant to South Carolina Rules of Civil Procedure 59(e). Because the Applicant's Motion does not raise any novel issues for the Court's consideration, the Applicant's Motion to Alter or Amend Judgment is denied.

determined pursuant to current authority
It is further ~~ordered~~ that this Court has jurisdiction to determine this Post Conviction

Relief Application.

AND IT IS SO ORDERED.



Judge Diane S. Goodstein
First Judicial Circuit

January 16 2012

ATTEST: TRUE COPY

Wingie B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

2012 JAN 19 PM 2:42

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG
STATE VS.

WILLIAM A. GLEATON

AKA: _____
Race: B Sex: M Age: 26
DOB: 8/10/1981 SS#: _____
Address: _____
City, State, Zi: SPRINGFIELD SC
DL# _____ SID# SC01232700

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# _____
2007 GS- 05. - 148
A/W#: J400413
Date of Offense 12/18/2006
S.C. Code §: 16-11-311(A)(3)
CDR Code #: 0101719

SENTENCE SHEET

FILED
BAMBERG COUNTY
JAN 25 AM 10:33

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

TO: Burglary 1st - 15 years to life

in violation of § 16-11-311(A)(3) 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:

[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 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____ ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ 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	\$ <u>100.00</u>
§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	\$ <u>25.00</u>
§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)		\$ <u>3.75</u>
TOTAL		\$ <u>128.75</u>

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: _____

Marion S. Edgemon Jr
Clerk of Court/Deputy Clerk
Court Reporter: Harry Dot Walker

plea accepted, sentence deferred 150 days
[Signature]
JAN 23, 2008
[Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

INDICTMENT

At a Court of General Sessions, convened on June 4, 2007 the Grand Jurors of Bamberg County present upon their oath:

BURGLARY IN THE FIRST DEGREE

That WILLIAM A. GLEATON did, with others, in Bamberg County on or about December 18, 2006, willfully and unlawfully enter the dwelling of Demion McDonald without consent and with the intent to commit a crime therein. Defendant did enter in the nighttime and was armed with a deadly weapon, all in violation of §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.


BARBARA R. MORGAN, SOLICITOR

For

DOCKET NO. 2007-GS-05-148

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

JUNE 4, TERM 2007

THE STATE
vs.

WILLIAM A. GLEATON

Indictment for
BURGLARY IN THE FIRST DEGREE

SC Code: 16-11-311(A)(3)
CDR Code: 079
Class FEL-EXM(V)

WITNESSES

Darnell - S.L.E.D.

ARREST WARRANT NUMBER

J400413

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: May 31, 2007

VERDICT

Foreperson of Petit Jury
Date:

ARREST WARRANT
J400413
STATE OF SOUTH CAROLINA
[X] County/ [] Municipality of
BAMBERG

THE STATE
against
GLEATON, WILLIAM ANTONIO
Address: ROAD
SPRINGFIELD, SC 29146
Phone: SSN: Height: 507 Weight: 180
Sex: M Race: B DL #: 8/10/1981 Agency OR#: SCLED0000
DOB: Prosecuting Agency: SLED
Prosecuting Officer: S/A GEORGE W. DARNELL
Offense: BURGLARY 1ST DEGREE
Offense Code: G79
Code/Ordinance Sec. 16-11-311

This warrant is CERTIFIED FOR SERVICE in the
[] County/ [] Municipality of
is to be arrested and brought before me to be
dealt with according to law.
Signature of Judge (L.S.)
Date

RETURN
A copy of this arrest warrant was delivered to
defendant GLEATON, WILLIAM ANTONIO
on 1/4/07
Signature of Constable/Law Enforcement Officer
Darnell R. Darnell

RETURN WARRANT TO:
R.C. THREATT
POB 187, 2873 MAIN HWY
BAMBERG, SC 290030000

STATE OF SOUTH CAROLINA)
[X] County/ [] Municipality of)
BAMBERG)
Personally appeared before me the affiant)
being duly sworn deposes and says that defendant)
did within this county and state on DEC 18, 2006)
State of South Carolina (or ordinance of [X] County/ [] Municipality of)
BAMBERG)
who
S/A GEORGE W. DARNELL
GLEATON, WILLIAM ANTONIO
violate the criminal laws of the
State of South Carolina (or ordinance of [X] County/ [] Municipality of)
BAMBERG)

DESCRIPTION OF OFFENSE:
BURGLARY 1ST DEGREE
16-11-311
I further state that there is probable cause to believe that the defendant named above did commit the
crime set forth and that probable cause is based on the following facts:
THAT THE DEFENDANT ALONG WITH CO-DEFENDANTS DID COMMIT THE OFFENSE OF BURGLARY 1ST
DEGREE IN THAT ON THE ABOVE DATE AT APPROXIMATELY 10:45PM, HE DID WILFULLY, FORCEFULLY
AND UNLAWFULLY ENTER THE RESIDENCE OF DEMON ONEIL MCDONALD, LOCATED AT 37 SAWDUST
STREET, DENMARK, S.C. WHILE ARMED WITH A GUN. THIS ENTRY WAS MADE WITHOUT THE OWNERS
CONSENT AND WITH INTENT TO COMMIT A CRIME THEREIN. FACTS TO ESTABLISH THE AFORESAID ARE
STATEMENTS FROM CO-DEFENDANTS. ALL THIS DONE AGAINST THE FORM OF THE STATUTE AND PEACE
AND DIGNITY OF THE STATE OF SOUTH CAROLINA.

Signature of Affiant
George W. Darnell
STATE OF SOUTH CAROLINA)
[X] County/ [] Municipality of)
BAMBERG)
Affiant's Address 6435 FAIR STREET
N. CHARLESTON, SC 29406
Affiant's Telephone

ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on DEC 18, 2006 defendant GLEATON, WILLIAM ANTONIO
did violate the criminal laws of the State of South Carolina (or ordinance of
[X] County/ [] Municipality of)
BAMBERG) as set forth below:
DESCRIPTION OF OFFENSE:
BURGLARY 1ST DEGREE
16-11-311

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.
Sworn to and subscribed before me)
on JANUARY 02, 2007)
Judge's Address POB 187, 2873 MAIN HWY
BAMBERG, SC 290030000
Judge's Telephone (803) 245-3016
Issuing Court: [X] Magistrate [] Municipal [] Circuit
Signature of Issuing Judge (L.S.)
Judge Code: 703
R.C. THREATT
ORIGINAL.

BAIL set by

Judge: _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge: _____
on _____
Defense Attorney: _____
Decision: _____

DISPOSITION before

Judge: _____
on _____
by _____
(Indicate jury trial, bench trial, plea, nol. pro., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

Marion S. Edgemong
Clerk of Court/ Deputy Clerk
Court Reporter: Harry Dot Walker

STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

INDICTMENT

At a Court of General Sessions, convened on June 4, 2007 the Grand Jurors of Bamberg County present upon their oath:

ASSAULT AND BATTERY WITH INTENT TO KILL

That WILLIAM A. GLEATON did in Bamberg County on or about December 18, 2006, with malice aforethought commit an assault and battery upon one Demion McDonald with intent to kill the said victim, to wit: Defendant did shoot the victim. All in violation of §16-03-620 of the *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.


BARBARA R. MORGAN, SOLICITOR

For

DOCKET NO. 2007-GS-05-149

WITNESSES

Darnell - S.L.E.D.

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

JUNE 4, TERM 2007

ARREST WARRANT NUMBER

J400414

**THE STATE
vs.**

WILLIAM A. GLEATON

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: May 31, 2007

VERDICT

**Indictment for
ASSAULT AND BATTERY WITH
INTENT TO KILL**

**SC Code: 16-3-620
CDR Code: 014
Class FEL-C(V)**

Foreperson of Petit Jury
Date:

ARREST WARRANT
J400414
STATE OF SOUTH CAROLINA
[X] County/ [] Municipality of
BAMBERG

THE STATE
against

GLEATON, WILLIAM ANTONIO
Address: RIO ROAD
SPRINGFIELD, SC 29146
Phone: SSN:
Sex: M Race: B Height: 5'07" Weight: 190
DL State: DL #: Agency ORI#: SCLED0000
DOB: 8/10/1981
Prosecuting Agency: SLED
Prosecuting Officer: S/A GEORGE W. DARNELL
Offense: ASSAULT & BATTERY WITH INT
Offense Code: G014
Code/Ordinance Sec. 16-3-620

This warrant is CERTIFIED FOR SERVICE in the
[] County/ [] Municipality of

is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date

RETURN

A copy of this arrest warrant was delivered to
defendant GLEATON, WILLIAM ANTONIO
on 1/4/07

Signature of Constable/Law Enforcement Officer
Darnell R. D

RETURN WARRANT TO:

R.C. THREATT
POB 187. 2873 MAIN HWY
BAMBERG, SC 290030000

STATE OF SOUTH CAROLINA)
[X] County/ [] Municipality of)
BAMBERG)
AFFIDAVIT

CASE #: 31-06-0102

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant
being duly sworn deposes and says that defendant
did within this county and state on DEC 18, 2006 violate the criminal laws of the
State of South Carolina (or ordinance of [X] County/ [] Municipality of) BAMBERG)
in the following particulars:

DESCRIPTION OF OFFENSE:
ASSAULT & BATTERY WITH INT
16-3-620

I further state that there is probable cause to believe that the defendant named above did commit the
crime set forth and that probable cause is based on the following facts:

THAT THE DEFENDANT ALONG WITH CO-DEFENDANTS DID COMMIT THE OFFENSE OF ASSAULT AND
BATTERY WITH INTENT TO KILL IN THAT ON THE ABOVE DATE AT APPROXIMATELY 10:45PM. HE DID
WILFULLY AND FELONIOUSLY SHOOT DEMION ONEIL MCDONALD IN THE LEFT SIDE. CAUSING SERIOUS
INJURY TO HIS LEFT ARM. THIS OFFENSE TOOK PLACE AT 37 SAWDUST STREET, DENMARK, S.C. FACTS TO
ESTABLISH THE AFORESAID ARE STATEMENTS FROM CO-DEFENDANT'S. ALL THIS DONE AGAINST THE
FORM OF THE STATUTE AND PEACE AND DIGNITY OF THE STATE OF SOUTH CAROLINA.

Signature of Affiant

George W. Darnell

STATE OF SOUTH CAROLINA)
[X] County/ [] Municipality of)
BAMBERG)
Affiant's Address 6435 FAIN STREET
N. CHARLESTON, SC 29406
Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on DEC 18, 2006 defendant GLEATON, WILLIAM ANTONIO
did violate the criminal laws of the State of South Carolina (or ordinance of
[X] County/ [] Municipality of) BAMBERG) as set forth below:

DESCRIPTION OF OFFENSE:

ASSAULT & BATTERY WITH INT
16-3-620

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me
on JANUARY 02, 2007

Judge's Address POB 187, 2873 MAIN HWY
BAMBERG, SC 290030000
Judge's Telephone (803) 245-3016
Issuing Court: [X] Magistrate [] Municipal [] Court

Signature of Issuing Judge
R.C. THREATT

ORIGINAL

321

BAIL set by

Judge: _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge: _____
on _____
Defense Attorney: _____
Decision: _____

DISPOSITION before

Judge: _____
on _____
by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

DEFENSE OF INDIGENTS ACT
In the Court of General Sessions

State of South Carolina)
County of Bamberg)
Warrant No: _____)

ORDER OF APPOINTMENT OF LEGAL
COUNSEL FOR INDIGENT DEFENDANT

State of South Carolina

White ___ Black ☒ Male ☒ Female ___
Age 25

Vs

William Antonio
Samirio Rd.
Springfield, SC 29146
Defendant

SS #: _____
DOB: 8-10-81
S ☒ M ☐ D ☐ W ☐
Tel. (803) 258-3041

The defendant contends that he is indigent and in need of services of an attorney as contemplated by law.

Therefore, Kent Kirkland, Attorney-at-Law is appointed as counsel for the defendant.

This 3rd day of January, 2016

at 10:30 am/pm

James B. Henby/CJ

Approved _____ Disapproved _____

Resident/Presiding Judge, Second Judicial Circuit

_____ Day of _____, 20____

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg
STATE

VS.

William Antonio Cleaton

AKA:

Race: BSex: M

Age:

DOB: 8-10-81

SS#:

Address:

City, State, Zip:

DL#

SID#

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: POSS. Weapon During Commission Certain crimes
in violation of 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation, ☐ Defendant Waives Presentment to Grand Jury,ATTEST: Kelley K. Burbage W. Austin (defendant initial)
Solicitor DefendantWHEREFORE 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 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$	
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$100.00
\$56-5-2995 (DUI Assessment)	\$100	
\$35.13 (Public Def/Prob)	\$12	
\$73.3, 1B TP (Law Enforce. Funding)	\$500	
\$33.7, 1B TP (Drug Court Surcharge)	\$25	\$25.00
\$50-21-114(BUI Breath Test Fee)	\$100	
\$56-5-2942(J) (Vehicle Assessment)	\$50	
3% to County (if paid in installments)	\$40/ea	
TOTAL	\$	\$3.75
		\$128.75

Marion S. Edgemon
Clerk of Court/ Deputy ClerkCourt Reporter: Harry Dot Walker

SCCA/217 (10/2007)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 07-GS-38-0442AW#: K231015Date of Offense: Dec. 18, 2006S.C. Code §: 16-23-490CDR Code #: 0549

SENTENCE SHEET

☐ Appointed PD or appointed other counsel, \$35.13 TP
☐ Requires \$500 be paid to Clerk during probation.

Plea accepted sentence deferred 1-15-08

PRESIDING JUDGE

Judge Code:

Sentence Date: Jan 23, 2008James Williams

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)

INDICTMENT
 2007GS38-0442

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors
 of Orangeburg County present upon their oath:

**POSSESSION OF A WEAPON DURING THE COMMISSION OF CERTAIN
 CRIMES**

That William Antonio Gleaton, did in Orangeburg County, on or about December 18,
 2006, while committing the violent crime of Burglary 1st, have in his possession and/or
 did visibly display a firearm during the commission of the aforementioned crime and as
 a result violated Section 16-23-490, 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.

Kelley H Burbage
 Kelley H. Burbage SOLICITOR

ARREST WARRANT

K- 231015

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

THE STATE

against

Address: _____

Phone: _____ SSN: _____

Sex: _____ Race: _____ Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI: _____

Prosecuting Agency: _____

Prosecuting Officer: _____

Offense: _____

Code/Ordinance Sec: _____ Offense C:

This Warrant is CERTIFIED FOR SELF

☐ County/ ☐ Municipality of

is to be arrested and brought before

dealt with according to law.

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered

defendant _____

on 12-20-06

Signature of Constable/Law Enforcement

RETURN WARRANT TO:

ARREST WARRANT 06
K-231015 D11426
STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of

THE STATE
against

Address: _____
Phone: _____ SSN: _____
Sex: _____ Race: _____ Height: _____ Weight: _____
DL State: _____ DL#: _____
DOB: _____ Agency ORI#: _____
Prosecuting Agency: _____
Prosecuting Officer: _____
Offense: _____
Code/Ordinance Sec: _____

This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge _____ (L.S.)

Date: _____
RETURN
A copy of this arrest warrant was delivered to
defendant _____ on 12-20-06

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:
JAN DEWITT MA SUPERVISOR - DEPARTMENT
1000 E. BAY STREET
COLUMBIA, SC 29201

AFFIDAVIT

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of

Personally appeared before me the affiant _____ who
being duly sworn deposes and says that defendant _____
did within this county and state on _____ violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:
DESCRIPTION OF OFFENSE: _____

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

WARRANT FOR INVESTIGATION BY THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
GENERATION, BUT VIOLATED SECTION 10-1-10 OF THE
POSSESSION OF A FIREARM DURING THE
INVESTIGATION OF THE
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
APPROPRIATELY AND WITH THE
APPROPRIATELY AND WITH THE
VICTIMS WERE BEATEN WITH WEAPONS ALL
SEXUAL ORIENTATION
ORIENTATION, AND THE SOUTH CAROLINA

Signature of Affiant

DCY

STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of
ORANGEBURG COUNTY

Affiant's Address

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on _____ defendant _____ did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____)

DESCRIPTION OF OFFENSE: _____ as set forth below:
06 DEC 20 06 11:39

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant at the time of his execution, or as soon thereafter as is practicable.
Sworn to and subscribed before me on _____

Signature of Issuing Judge _____ (L.S.)
Judge Code: _____

Judge's Address

Judge's Telephone

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

326

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

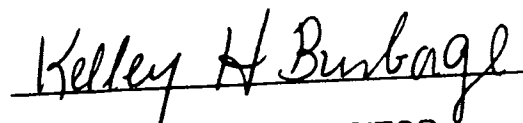
INDICTMENT
2007GS38-0443

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

KIDNAPPING

That William Antonio Gleaton, did in Orangeburg County, on or about December 18, 2006, willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct, or carry away Jennifer Grant and/or Eric Grant, and/or Fleming Briggs, without authority of law. This offense being a violation of Section §16-3-910 of the South Carolina Code of laws, (1976 as amended).

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


Kelley H. Burbage SOLICITOR

ARREST WARRANT

K-231012

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality ofTHE STATE
against

Address:

Phone:

SSN:

Sex: Race: Height: Weight:

DL State: DL#:

DOB: Agency ORI#:

Prosecuting Agency:

Prosecuting Officer:

Offense:

Code/Ordinance Sec: Offense Code:

This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant on 12-20-06

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Signature of Constable/Law Enforcement Officer

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

AFFIDAVIT

Personally appeared before me the affiant
being duly sworn deposes and says that defendant
did within this county and state on violate the criminal laws of theState of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
in the following particulars:

DESCRIPTION OF OFFENSE:

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Affiant's Address

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on defendant
did violate the criminal laws of the State of South Carolina (or ordinance of☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE:

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on

Judge's Address

Judge's Address

Judge's Telephone

Issuing Court:

Signature of Issuing Judge (L.S.)

Judge Code:

☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG
STATE

VS.

William A. Gleaton

AKA: _____

Race: B Sex: mDOB: 8/10/81 SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS
TO: 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 ☐ §17-25-45
(CSC 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:

Kelley H. Burbage
SolicitorW. Gleaton
Defendant[Signature]
Attorney for DefendantWHEREFORE, 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: _____☒ 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	_____
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
\$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	\$ <u>25.00</u>
\$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)		\$ <u>3.75</u>
TOTAL		\$ <u>128.75</u>

Marion S. Edgemon Jr.
Clerk of Court/ Deputy ClerkCourt Reporter: Harry Dot Walker

SCCA/217 (10/2007)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2007-GS-38-0444AW#: K-231017Date of Offense: December 18, 2006S.C. Code §: 16-11-330CDR Code #: 0139

SENTENCE SHEET

☐ Mandatory GPS ☐ §17-25-45
(CSC 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.[Signature]
Attorney for DefendantWHEREFORE, 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: _____☒ 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	_____
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
\$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	\$ <u>25.00</u>
\$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)		\$ <u>3.75</u>
TOTAL		\$ <u>128.75</u>

☐ Appointed PD or appointed other counsel, \$35.13 TP
☐ Requires \$500 be paid to Clerk during probation.plea accepted sentence delayed 1-15-08

PRESIDING JUDGE

Judge Code: _____

Sentence Date: Jan 23, 2008

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

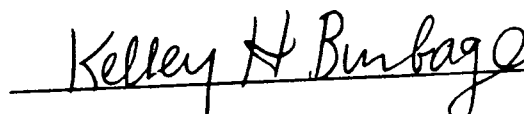
INDICTMENT
2007GS38-0444

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

ARMED ROBBERY

That William Antonio Gleaton, did in Orangeburg County, on or about December 18, 2006, commit robbery by feloniously taking from the person or presence of the victim, Eric Grant, by means of force or intimidation goods or monies of Eric Grant such goods or monies being described as a 1994 Buick Lesabre and/or other personal items, 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 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 Section §16-11-330 of the South Carolina Code of laws, (1976 as amended).

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


Kelley H. Burbage SOLICITOR

ARREST WARRANT

K-231017

STATE OF SOUTH CAROLINA

County/ ☐ Municipality of

THE STATE

against

Address:

Phone:

Sex: Race: Height: SSN: Weight:

DL State: DL#: Agency ORI#:

DOB: Prosecuting Agency:

Prosecuting Officer:

Offense:

Code/Ordinance Sec: Offense Code:

This Warrant is CERTIFIED FOR SERVICE in the
County/ ☐ Municipality ofis to be arrested and brought before me to be
dealt with according to law. The accused

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant on 12-20-04

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

AFFIDAVIT

STATE OF SOUTH CAROLINA
County/ ☐ Municipality ofPersonally appeared before me the affiant
being duly sworn deposes and says that defendant who
did within this county and state on
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of ☐ violate the criminal laws of the
in the following particulars:
DESCRIPTION OF OFFENSE:I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Signature of Affiant

STATE OF SOUTH CAROLINA
County/ ☐ Municipality of

Affiant's Address

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of

DESCRIPTION OF OFFENSE: _____) as set forth below:

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.
Sworn to and subscribed before me on _____)
Judge's Address: _____)
Judge's Telephone: _____)
Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

Signature of Issuing Judge (L.S.)

Judge Code: _____

ORIGINAL

331

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG
STATE

VS.

William Antonio Gleaton

AKA:

Race:

Sex:

DOB:

8-10-81

SS#:

Address:

City, State, Zip:

DL#

SID#

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Pleading and Presenting a Firearmin violation of § 16-23-410of the S.C. Code of Laws, bearing CDR Code # 0122☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury,☐ Negotiated Sentence, ☐ Recommendation by the State,

(defendant initial)

ATTEST:

Kelley H. Rubege vs. Defendant
Solicitor

Defendant

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

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

_____ days/hours Public Service Employment

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211(A)(1) (Conv. Surcharge)	\$	_____
§14-1-211(A)(2) (DUI Surcharge)	\$100	<u>\$100.00</u>
§56-5-2995 (DUI Assessment)	\$100	_____
§35.13 (Public Def/Prob)	\$12	_____
§73.3, 1B TP (Law Enforce. Funding)	\$500	_____
§33.7, 1B TP (Drug Court Surcharge)	\$25	<u>\$25.00</u>
§50-21-114(BUI Breath Test Fee)	\$100	_____
§56-5-2942(J) (Vehicle Assessment)	\$50	_____
3% to County (if paid in installments)	\$40/ea	_____
TOTAL	\$	<u>\$3.75</u>
	\$	<u>\$128.75</u>

Marion S. Edgemon Jr.
Clerk of Court Deputy ClerkCourt Reporter: Harry Dot Walker

SCCA/217 (10/2007)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2007 GS 38 0443AW# K-2310428Date of Offense: December 18, 2006S.C. Code §: 16-23-410CDR Code #: 0122

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-23-410of the S.C. Code of Laws, bearing CDR Code # 0122☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury,☐ Negotiated Sentence, ☐ Recommendation by the State,

(defendant initial)

ATTEST:

Kelley H. Rubege vs. Defendant
Solicitor

Defendant

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

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

_____ days/hours Public Service Employment

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211(A)(1) (Conv. Surcharge)	\$	_____
§14-1-211(A)(2) (DUI Surcharge)	\$100	<u>\$100.00</u>
§56-5-2995 (DUI Assessment)	\$100	_____
§35.13 (Public Def/Prob)	\$12	_____
§73.3, 1B TP (Law Enforce. Funding)	\$500	_____
§33.7, 1B TP (Drug Court Surcharge)	\$25	<u>\$25.00</u>
§50-21-114(BUI Breath Test Fee)	\$100	_____
§56-5-2942(J) (Vehicle Assessment)	\$50	_____
3% to County (if paid in installments)	\$40/ea	_____
TOTAL	\$	<u>\$3.75</u>
	\$	<u>\$128.75</u>

Marion S. Edgemon Jr.
Clerk of Court Deputy ClerkCourt Reporter: Harry Dot Walker

SCCA/217 (10/2007)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2007 GS 38 0443AW# K-2310428Date of Offense: December 18, 2006S.C. Code §: 16-23-410CDR Code #: 0122

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-23-410of the S.C. Code of Laws, bearing CDR Code # 0122☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense,The plea is: ☒ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury,☐ Negotiated Sentence, ☐ Recommendation by the State,

(defendant initial)

ATTEST:

Kelley H. Rubege vs. Defendant
Solicitor

Defendant

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

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

_____ days/hours Public Service Employment

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211(A)(1) (Conv. Surcharge)	\$	_____
§14-1-211(A)(2) (DUI Surcharge)	\$100	<u>\$100.00</u>
§56-5-2995 (DUI Assessment)	\$100	_____
§35.13 (Public Def/Prob)	\$12	_____
§73.3, 1B TP (Law Enforce. Funding)	\$500	_____
§33.7, 1B TP (Drug Court Surcharge)	\$25	<u>\$25.00</u>
§50-21-114(BUI Breath Test Fee)	\$100	_____
§56-5-2942(J) (Vehicle Assessment)	\$50	_____
3% to County (if paid in installments)	\$40/ea	_____
TOTAL	\$	<u>\$3.75</u>
	\$	<u>\$128.75</u>

Marion S. Edgemon Jr.
Clerk of Court Deputy ClerkCourt Reporter: Harry Dot Walker

SCCA/217 (10/2007)

PRESIDING JUDGE

Judge Code:

Sentence Date:

Jan 23, 2008
James W. Walker

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

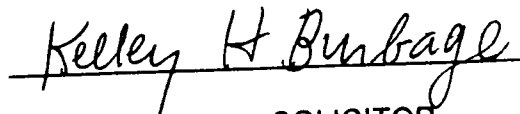
INDICTMENT
2007GS38-0445

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

POINTING AND PRESENTING A FIREARM AT A PERSON

That William Antonio Gleaton, did in Orangeburg County, on or about December 18, 2006, willfully and unlawfully point or present a weapon, to wit: a gun at Fleming Briggs and as a result violated Section 16-23-410, 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.


Kelley H. Burbage SOLICITOR

ARREST WARRANT

K-231028

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

THE STATE

against

06-11458

Address:

Phone:

SSN:

Sex:

Race:

Height:

Weight:

DL State:

DL#:

DOB:

Agency ORI#:

Prosecuting Agency:

Prosecuting Officer:

Offense:

Code/Ordinance Sec:

Offense Code:

This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant on 12-22-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2005
SCCA 618Personally appeared before me the affiant
being duly sworn deposes and says that defendant

who

did within this county and state on _____ violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)

DESCRIPTION OF OFFENSE:

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Affiant's Address

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on _____ defendant _____☐ County/ ☐ Municipality of _____ (or ordinance of _____) as set forth below.

DESCRIPTION OF OFFENSE:

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on _____

Judge's Address

(L.S.)

Signature of Issuing Judge

Judge Code:

Judge's Telephone

Issuing Court:

☐ Magistrate☐ Municipal☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG
STATE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007-GS-38-0446AW#: H-941995Date of Offense: December 18, 2006S.C. Code §: 16-11-311CDR Code #: 0079VS.
William Antonio Gleaton

AKA: _____

Race: B Sex: M Age: _____DOB: 8/10/81 SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Burglary - 1stin violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC 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:

Kelley H. Burbage
SolicitorW. A. Gleaton
Defendant[Signature]
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211(A)(1) (Conv. Surcharge)	\$	_____
§14-1-211(A)(2) (DUI Surcharge)	\$100	<u>\$100.00</u>
§56-5-2995 (DUI Assessment)	\$100	_____
§35.13 (Public Def/Prob)	\$12	_____
§73.3, 1B TP (Law Enforce. Funding)	\$500	_____
§33.7, 1B TP (Drug Court Surcharge)	\$25	<u>\$25.00</u>
§50-21-114(BUI Breath Test Fee)	\$100	_____
§56-5-2942(J) (Vehicle Assessment)	\$50	_____
3% to County (if paid in installments)	\$40/ea	_____
TOTAL	\$	<u>3.75</u>
	\$	<u>138.75</u>

_____ 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.plea accepted, sentence deferred 1/5/08PRESIDING JUDGE [Signature]
0114

Judge Code: _____

Sentence Date: Jan 23, 2008
[Signature]Marion S. Edgemon
Clerk of Court/Deputy ClerkCourt Reporter: Harry Dat Walker

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

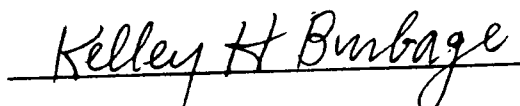
INDICTMENT
2007GS38-0446

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

BURGLARY - 1ST DEGREE (DWELLING)

That William Antonio Gleaton, did in Orangeburg County, on or about December 18, 2006, willfully and unlawfully enter the dwelling of Eric Grant and/or Jennifer Grant, without consent and with the intent to commit a crime therein and that the defendant did enter the dwelling with a weapon and/or at nighttime. This offense being a violation of Section §16-11-0311 of the South Carolina Code of laws, (1976 as amended).

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


Kelley H. Burbage SOLICITOR

ARREST WARRANT

H- 941995

STATE OF SOUTH CAROLINA

County/ Municipality of

THE STATE

against

Address: WILLIAM ANTONIO GUEZARON

Address: JAMARIA ROAD

Address: SC 29116

Phone:

Sex: Race: Height: SSN:

DL State: DL #: Weight: DOB:

Agency ORI#

Prosecuting Agency: INV. ARRESTING OFFICER

Prosecuting Officer: BUREAU-1ST DISTRICT

Offense:

Code/Ordinance Sec. 16-11-1001

Offense Code: 0000

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

is to be arrested and brought before me to be

dealt with according to law.

Signature of Judge

(L.S.)

A copy of this arrest warrant was delivered to

defendant WILLIAM ANTONIO GUEZARON

on

Signature of Constable/Law Enforcement Officer

12/26/06

RETURN WARRANT TO:

JAILMASTER MAGISTRATE 2 ROBINSON

P.O. BOX 9000

CHARLOTTE NC 28216

337

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

AFFIDAVIT

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on

State of South Carolina (or ordinance of County/ Municipality of

in the following particulars: violate the criminal laws of the

DESCRIPTION OF OFFENSE: BURGLARY-1ST DISTRICT

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

BURGLARY-1ST DISTRICT SECTION 16-11-1001 OF THE SOUTH CAROLINA PENAL CODE. WILLIAM A.

GUEZARON DID VIOLATE SECTION 16-11-1001 OF THE SOUTH CAROLINA PENAL CODE. WILLIAM A.

GUEZARON DID VIOLATE SECTION 16-11-1001 OF THE SOUTH CAROLINA PENAL CODE. WILLIAM A.

GUEZARON DID VIOLATE SECTION 16-11-1001 OF THE SOUTH CAROLINA PENAL CODE. WILLIAM A.

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GUEZARON DID VIOLATE SECTION 16-11-1001 OF THE SOUTH CAROLINA PENAL CODE. WILLIAM A.

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG
STATE VS.

WILLIAM A. GLEATON

FILED
BAMBERG COUNTY

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2007-GS-05-149

AKA: _____
Race: R Sex: M Age: 26
DOB: 8/10/1981 SS#: _____
Address: _____
City, State, Zip: SPRINGFIELD
DL# _____ SID# SC01232790

2008 JAN 24

AM# 3500414

Date of Offense: 12/18/2005

S.C. Code §: 16-3-620

Code §: 010114

JAMES P. HICKS
CLERK OF COURT
BAMBERG, SC

SENTENCE SHEET

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

TO: ABATE - 9-20-08
In violation of 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lowd Act) ☐ §17-28-46

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 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: _____ ☒ 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: _____
☐ ssi by SCDPPPS

PTUP

_____ days/hours Public Service Employment

Recipient: _____
*Fine: _____
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§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 \$ 25.00
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
§50-21-114(BUI Breath Test Fee) \$50 \$ _____
§58-8-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ 3.75
TOTAL \$ 138.75

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.

Marion S. Edgemond
Clerk of Court/Deputy Clerk
Court Reporter: Harry Dot Walker

plea accepted, sentence deferred 1-15-08
PRESIDING JUDGE _____
Judge Code: _____
Sentence Date: Jan 15, 2008
James Williams

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG
STATE VS.

WILLIAM A. GLEATON

AKA: _____
Race: B Sex: M Age: 26
DOB: 8/10/1981 SS#: _____
Address: _____
City, State, Zip: SPRINGFIELD, BAMBERG, SC
DL# _____ SID# SC01232700

FILED
BAMBERG COUNTY

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2007-05-148

Date of Offense: 12/18/2006

S.C. Code §: 16-11-311(A)(3)

Case Code #: 0101719

SENTENCE SHEET

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

TO: BAGGARY 157 - 15 YEARS TO LIFE

In violation of § 16-11-311(A)(3) of the S.C. Code of Laws, bearing GDR Code # 0079

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

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

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

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____ ☒ The Defendant is to be given credit for
time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ 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
\$56-6-2895 (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
\$56-6-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$128.75

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.

Marion L. Edgemon Jr
Clerk of Court/Deputy Clerk
Court Reporter: Harry Dot Walker

PRESIDING JUDGE

Judge Code: 10114

Sentence Date: Jan 23, 2008

plea accepted, sentence deferred 1508
[Signature]
[Signature]

DOCKET NO. 2007-GS-05-149

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

JUNE 4, TERM 2007

THE STATE

VS.

WILLIAM A. GLEATON

Indictment for

ASSAULT AND BATTERY WITH
INTENT TO KILL

SC Code: 16-3-620

CDR Code: 014

Class FEL-C(V)

WITNESSES

Darnell - S.L.E.D.

ARREST WARRANT NUMBER

J400414

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: May 21, 2007

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2007-CS-05-148

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

JUNE 4, TERM 2007

THE STATE
vs.

WILLIAM A. GLEATON

Indictment for
BURGLARY IN THE FIRST DEGREE

SC Code: 16-11-311(A)(3)

CDR Code: 079

Class FEL-EXM(V)

WITNESSES

Darnell - S.I.E.D.

ARREST WARRANT NUMBER

J400413

ACTION OF GRAND JURY

True Bill

VERDICT

Foreperson of Grand Jury
Date: May 31, 2007Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

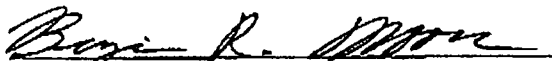
INDICTMENT

At a Court of General Sessions, convened on June 4, 2007 the Grand Jurors of Bamberg County present upon their oath:

BURGLARY IN THE FIRST DEGREE

That WILLIAM A. GLEATON did, with others, in Bamberg County on or about December 18, 2006, willfully and unlawfully enter the dwelling of Demion McDonald without consent and with the intent to commit a crime therein. Defendant did enter in the nighttime and was armed with a deadly weapon, all in violation of §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.


BARBARA R. MORGAN, SOLICITOR

For

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG
STATE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007-GS-38-1369vs.
William Antonio GleanonAW#: K-231057AKA:
Race: B Sex: M Age: _____Date of Offense: December 18, 2006DOB: 8/10/81 SS#: _____S.C. Code §: 16-3-620

Address: _____

CDR Code #: 0014

City, State, Zip: _____

DL# _____ SID# _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Assault and Battery With intent to Killin violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State (defendant initial)ATTEST: Kelley H Burbage Solicitor W. Gleanon Defendant [Signature] Attorney for DefendantWHEREFORE, 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: _____☒ 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.☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	_____
\$14-1-211(A)(1) (Conv. Surcharge)	\$	_____
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$ <u>100.00</u>
\$58-5-2995 (DUI Assessment)	\$100	\$ _____
\$35.13 (Public Def./Prob)	\$12	\$ _____
\$73.3, 1B TP (Law Enforce. Funding)	\$500	\$ _____
\$33.7, 1B TP (Drug Court Surcharge)	\$25	\$ <u>25.00</u>
\$50-21-114(BUI Breath Test Fee)	\$100	\$ _____
\$58-5-2942(J) (Vehicle Assessment)	\$50	\$ _____
3% to County (if paid in installments)	\$40/ea	\$ _____
TOTAL	\$	\$ <u>3.75</u>
	\$	\$ <u>122.75</u>

_____ 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 [Signature]Judge Code: 0114
Sentence Date: Jan 13, 2008Marion L. Edgemon 2
Clerk of Court Deputy ClerkCourt Reporter: Harry Dot Walker

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

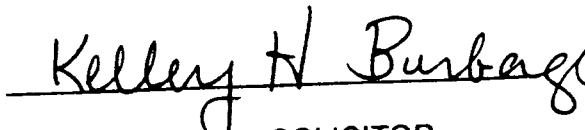
INDICTMENT
2007GS38-1369

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

ASSAULT AND BATTERY WITH INTENT TO KILL

That William Antonio Gleaton, did in Orangeburg County, on or about December 18, 2006, with malice aforethought did commit an assault and battery, upon the victim, Vance Polite, Sr., by means of: shooting the victim with a gun and/or striking the victim with a gun about the head and/or body, with intent to kill the said victim. This offense being a violation of Section §16-3-620 of the South Carolina Code of laws, (1976 as amended).

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


Kelley H. Burbage SOLICITOR

WITNESSES

DOCKET NO. 2007GS38-1369

The State of South Carolina

County of

ORANGEBURG

S/A SHAUN E. HARLEY

Arresting Agency:
SLED

ARREST WARRANT NUMBER

K231057

Arrested: Jan 03, 2007

ACTION OF GRAND JURY

Grand Jury

Foreperson of Grand Jury AUG 08 2007
Date: August 8, 2007

VERDICT

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 or to

Defendant

Witness:

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

THE STATE
vs.

William Antonio Gleaton

Indictment for

ASSAULT AND BATTERY WITH INTENT
TO KILL

SC Code: 16-3-620
CDR Code: 0014
Class: FLE-C(V)

2007 AUG -8 PM 12: 19

RECORD
CLERK
CLERK
CLERK

ARREST WARRANT

K-231057

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of _____

THE STATE

against _____

Address: _____

Phone: _____

SSN: _____

Sex: _____ Race: _____ Height: _____

Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI#: _____

Prosecuting Agency: _____

Prosecuting Officer: _____

Offense: _____

Offense Code: _____

Code/Ordinance Sec: _____

 This Warrant is CERTIFIED FOR SERVICE in the
☒ County/ ☐ Municipality of _____

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge _____ (L.S.)

Date: 1/3/07

RETURN

 A copy of this arrest warrant was delivered to
 defendant on 1/3/07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of _____

AFFIDAVIT

 Personally appeared before me the affiant _____ who
 being duly sworn deposes and says that defendant _____
 did within this county and state on _____ violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)

 in the following particulars:
 DESCRIPTION OF OFFENSE: _____

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

Signature of Affiant

 S/A Shawn E. Hawley
 Affiant's Address: _____
 Affiant's Telephone: _____

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on _____ defendant _____
 did violate the criminal laws of the State of South Carolina (or ordinance of _____) as set forth below:

☐ County/ ☐ Municipality of _____

DESCRIPTION OF OFFENSE: _____

 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
 defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
 the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me _____

JCH

Signature of Issuing Judge _____ (L.S.)

Judge's Address: 221 W 11th St, WAF 1007

Judge's Telephone: _____

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

347

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

BAIL set by

S.A. Daily

1-3-07

Assignment only

Public Safety,

PRELIMINARY HEARING held by

[illegible][illegible]

Leglise Attorney
 1000 10th St. N. Suite 1000 Minneapolis, MN 55403
 Tel: 612-338-1100 Fax: 612-338-1101
 Email: info@leglise.com Website: www.leglise.com

$\mathcal{O}_2$, $\mathcal{N}_2$, $\mathcal{O}_2$

DISPOSITION before

[illegible][illegible]

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																																																																																																																																																												
Population (millions)	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8	10.9	11.0	11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4	28.5	28.6	28.7	28.8	28.9	29.0	29.1	29.2	29.3	29.4	29.5	29.6	29.7	29.8	29.9	30.0	30.1	30.2	30.3	30.4	30.5	30.6	30.7	30.8	30.9	31.0	31.1	31.2	31.3	31.4	31.5	31.6	31.7	31.8	31.9	32.0	32.1	32.2	32.3	32.4	32.5	32.6	32.7	32.8	32.9	33.0	33.1	33.2	33.3	33.4	33.5	33.6	33.7	33.8	33.9	34.0	34.1	34.2	34.3	34.4	34.5	34.6	34.7	34.8	34.9	35.0	35.1

indicate jury trial, bench trial, plea, nol. pros., etc.)

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Sanford

JURORS

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[illegible][illegible]

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG
STATEVS.
William Antonio GleatonAKA: _____
Race: B Sex: m Age: _____DOB: 8/10/81 SS#: _____

Address: _____

City, State, Zip: _____

DL# _____ SID# _____

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Burglary - 1stin violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
(CSC 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: Kelley H. Burbage W. Heck
Solicitor Defendant Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	_____
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>60.00</u>
\$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	\$ <u>25.00</u>
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$ _____
\$50-21-114(BUI Breath Test Fee)	\$50	\$ _____
\$58-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	\$	\$ <u>3.75</u>
TOTAL	\$	\$ <u>128.75</u>

INDICTMENT/CASE# 2007 -GS- 38 - 1370AW#: K-231052Date of Offense: December 18, 2006S.C. Code §: 16-11-311CDR Code #: 0079

SENTENCE SHEET

PRESIDING JUDGE

Judge Code: _____
Sentence Date: Jan 23, 2008Court Reporter: Harry Dot Walker

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

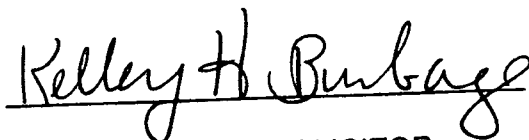
INDICTMENT
2007GS38-1370

At a Court of General Sessions, convened on August 06, 2007 the Grand Jurors of Orangeburg County present upon their oath:

BURGLARY - 1ST DEGREE (DWELLING)

That William Antonio Gleaton, did in Orangeburg County, on or about December 18, 2006, willfully and unlawfully enter the dwelling of Vance Polite, Sr. and/or Anna Bell Polite without consent and with the intent to commit a crime therein and that the defendant did enter the dwelling with a weapon and/or at nighttime. This offense being a violation of Section §16-11-0311 of the South Carolina Code of laws, (1976 as amended).

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


Kelley H. Burbage SOLICITOR

WITNESSES

DOCKET NO. 2007GS38-1370

The State of South Carolina

County of

ORANGEBURG

S/A SHAUN E. HARLEY

Arresting Agency:
SLED

ARREST WARRANT NUMBER

K231052

Arrested: Jan 03, 2007

ACTION OF FRANK J. BALL

*Frank J. Ball*Foreperson of Grand Jury
Date: August 8, 2007

VERDICT

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 or to

Defendant

Witness:

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

AUG -8 PM 12:19

RECORD
CLERK
COURT
CLERK

Indictment for

BURGLARY - 1ST DEGREE
(DWELLING)SC Code: 16-11-0311
CDR Code: 0079
Class: FEL-EXM(V)

ARREST WARRANT

K-231052

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality ofTHE STATE
against

Address: _____

Phone: _____

SSN: _____

Sex: _____

Race: _____

Height: _____

Weight: _____

DL State: _____

DL #: _____

DOB: _____

Agency ORI#: _____

Prosecuting Agency: _____

Prosecuting Officer: _____

Offense: _____

Code/Ordinance Sec: _____

Offense Code: _____

This Warrant is CERTIFIED FOR SERVICE in the
☒ County/ ☐ Municipality of Bamberg
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge

(L.S.)

Date: _____

1/3/07

RETURN

A copy of this arrest warrant was delivered to
 defendant _____
 on _____

George W. Board
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of

AFFIDAVIT

Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 618

Personally appeared before me the affiant _____
 being duly sworn deposes and says that defendant _____
 did within this county and state on _____
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) violate the criminal laws of the
 in the following particulars:

DESCRIPTION OF OFFENSE:

I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

Defendant.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Affiant's Address

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
 on _____ defendant _____
 did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE:

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
 defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
 the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

JL

George W. Board
 Signature of Issuing Judge (L.S.)

Judge's Address 2214 W. 11th Ave

Judge Code: _____

Judge's Telephone _____

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge _____
 on _____
 Type and Amount: _____
 Name of Surety _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defense Attorney _____
 Decision _____

DISPOSITION before

Judge _____
 on _____
 by _____
 (indicate jury trial, bench trial, plea, nol. pros., etc.)

JURORS

WITNESSES

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

CODEFENDANTS

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF ORANGEBURG) CASE NO.: 2007GS38-442-446(K231012)
)
 STATE OF SOUTH CAROLINA,)
)
 -versus-) **REQUEST FOR DISCLOSURE**
)
 WILLIAM ANTONIO GLEATON)
)
Defendant.)

TO: W. SCOTT PALMER, ATTORNEY FOR DEFENDANT

WHEREAS, you as Attorney for the above mentioned Defendant, have requested disclosure of evidence and related information in regard to the above referenced cause of action pursuant to the provisions of **Rule 5, South Carolina Rules of Criminal Procedure**, and

WHEREAS, the State of South Carolina has complied with such request;

YOU WILL PLEASE TAKE NOTICE that the State of South Carolina, pursuant to said, Rule 5, does hereby request for disclosure of evidence and related information and for permission to inspect, copy and photograph such evidence and related information in regard to the above referenced cause of action as follows:

(a) Any books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the Defendant, and which are material to the preparation of said Defendant's defense or are intended for use by the Defendant as evidence in chief at the trial of the above referenced cause of action; and

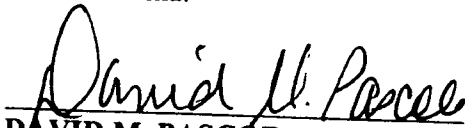
(b) Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are or were made in connection with this particular case within the possession, custody, or control of the Defendant, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the Defendant and which are material to the preparation of the defense or are intended for use by the Defendant as evidence in chief at the trial of the within matter.

(c) Defense of Insanity - As to this defense, the State requests that the Defendant submit written notice of his intent to use the defense of insanity. Such notice should include all of the matters subject to disclosure pursuant to Rule 5 including, but not limited to, the expert witnesses who have interviewed the Defendant, who the Defendant expects to call as witnesses at his trial, the date of the interview and/or examination of the Defendant, and their findings in regard to the Defendant's sanity.

(d) Defense of Alibi - As to this defense, the State requests that the Defendant submit written notice of his intent to offer an alibi defense. Said notice shall include all matters subject to disclosure pursuant to Rule 5, including, but not limited to, the specific place or places the Defendant claims to have been at the time, or around the time, the alleged offense was committed, the names and addresses of witnesses upon whom he intends to rely to establish this defense, and any documents or physical evidence which would support this defense.

Please be advised that this Request for Disclosure also serves as written notice that the State of South Carolina pursuant to Rule 609(b) of the South Carolina Rules of Evidence will seek to impeach the credibility of your client and any defense witnesses by introducing evidence at trial of all criminal convictions including those more than ten years old.

The offenses with which the Defendant is charged in Indictment Number(s), 2007GS38-442-446, occurred on December 18, 2006, in the town of Norway, County of Orangeburg, State of South Carolina.


DAVID M. PASCOE
SOLICITOR
FIRST JUDICIAL CIRCUIT
P.O. BOX 1525
ORANGEBURG, SOUTH CAROLINA 29116
(803) 533-6252

February 26, 2007
Orangeburg, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF ORANGEBURG	)	CASE NO.: 2007GS38-442-446
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
-versus-	)	CERTIFICATE OF SERVICE
	)	
WILLIAM ANTONIO GLEATON	)	
	)	
<u>Defendant.</u>	)	

I, Jennifer Jacques, an employee of David M. Pascoe, Solicitor for the First Judicial Circuit, do hereby certify that on February 26, 2007, I served the REQUEST FOR DISCLOSURE, RULE 5, upon the Defendant, William Antonio Gleaton, by forwarding copy thereof to, W. Scott Palmer, by first class mail by depositing same with the United States Postal Service in an envelope with the correct amount of postage thereon, addressed to:

W. Scott Palmer, Esquire
P.O. Box 722
Santee, SC 29142

SOLICITOR DAVID M. PASCOE

BY:

Jennifer Jacques

IN THE STATE OF South Carolina
In The Supreme Court

APPEAL FROM Orangeburg
Court of General Session

Circuit Court Judge

Williams

Case No.

STATE of South Carolina
vs

William Gleaton

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on 2-5-08
Henry McMaster, Attorney General, by depositing a copy of it
in the United States mail, postage prepaid, on (date), addressed
to him at P. O. Box 11549, Columbia, SC 29211

s/ William A. Gleaton

Sworn to and Subscribed before me
this 5th day of Feb 2008

Notary Public for South Carolina

My Commission Expires on: _____ My Commission Expires November 8, 2017

ATTEST: TRUE COPY

Lawrence

CLERK OF COURT

ORANGEBURG COUNTY, SOUTH CAROLINA

2008 FEB -7 PM 2:09

FILED IN COURT
CLERK OF COURT
ORANGEBURG COUNTY
SOUTH CAROLINA

GENERAL SESSIONS DOCKET REPORT FOR ORANGEBURG COUNTY

REPORT RUN DATE - 12/28/2006

INDICTMENT NUMBER: 2006GS38

DEFENDANT NAME: GLEATON, WILLIAM ANTONIO AKA:

ADDRESS: ? ROAD CITY: SPRINGFIELD STATE: SC ZIP 29146

SOCIAL SECURITY NUMBER: SEX: 1 MALE RACE: 2 BLACK

DATE OF BIRTH: 08/10/1981 DRIVERS LICENSE STATE / NO.: / 9999

MARITAL STATUS:

WARRANT OR TICKET NUMBER: K231012 COUNTS: 01 OFFENSE CODE: 009

NO WARRANT? 0 NAME OF OFFENSE: KIDNAPPING / KI

DATE OF ARREST: 12/20/2006 DATE RECD BY CLERK: 12/28/2006

SUMMARY JUDGE: 694

DISP DATE: 00/00/0000 DISP TYPE: *newly processed*DISP TYPE EXPLANATION: *pled guilty to other charge*

JUDGE CODE/NAME:

COURT REPORTER:

CONVICTION: CTS: 00 OFFENSE: 0000 *****

SENTENCE:

DEFENSE ATTORNEY:

PROSECUTING ATTORNEY:

*Kelley H Burbage**1/24/08*FILED FOR RECORD
JSA W. AMZEL
CLERK OF COURT
ORANGEBURG, SC

2008 JAN 25 PM 2:37

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 08/10/1
OMCOMITA RELEASE DATE SCREEN C048593
SCDC# > 2326282 LOC: LEE
GLEATON, WILLIAM A. SCDC CLASSIFICATION..: VIOLENT
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY..: N
DNA STATUS.....: COMPLETED
GPS REQUIREMENT..: N
PREA DECISION....:
CURRENT SENTENCE: 040-00-000 CONSECUTIVE SENTENCE ..: N
040-00-000 CURRENT SENT START DATE: 12/20/2006
PROJECTED COMPLETION DATES
MAXOUT DATE: 01/20/2043 CURRENT EWC ..: NOT CURRENTLY EARNING EWC
YOA SIX YEAR DATE: / / CURRENT EEC ..: NOT CURRENTLY EARNING EEC
INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000

TOTAL GT DAYS EARNED: 000108 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ..: 000145 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS: 000000 CATEGORY 4 OR 5 OFFENSE
TOTAL EXTRA EARNED CREDITS ..: 000
TOTAL SERVICE TIME EARNED ..: 001326

PFKEYS: S: HISTORY OF DATE CHANGES

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECORD SUMMARY REPORT DATED 08/10/10

C048:

GLEATON, WILLIAM A. FBI # 547524 JBS SID# SC01232790 SCDC # 326282

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ...: LEE CORR INST

SECURITY/CUST.: 3 MINIMUM IN

CURR INCARC SENT...: 40 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: YES

SOCIAL SECURITY #....:

DORM.....: CHE2253T

RACE....: B SEX....: M

PROJ MAXOUT DATE: 01/20/2043

PROJ PAROLE DATE: 00/00/0000

EWC JOB...: NO CURRENT JOB

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 0 EEC LEVEL:

ASSIGNMENT...: GENERAL DETAIL UNFI

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 28 DATE OF BIRTH...: 8/10/81

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE YRS MOS DYS	COUNTY	SENTENCE START	V/NV	CATEGORY
POINTING A FIREARM	5 0 0	ORANGEBURG	12/20/20	6 N	3
ASSLT & BATT W/INTNT KILL	20 0 0	ORANGEBURG	12/20/20	6 U	4
ASSLT & BATT W/INTNT KILL	20 0 0	BAMBERG	12/20/20	6 U	4
ARMED ROBBERY	30 0 0	ORANGEBURG	12/20/20	6 U	4
BURGLARY-1ST DEGREE	40 0 0	ORANGEBURG	12/20/20	6 U	4
BURGLARY-1ST DEGREE	40 0 0	BAMBERG	12/20/20	6 U	4
FIREARMS PROVISION	5 0 0	ORANGEBURG	12/20/20	6 N	3

PRIOR COMMITMENTS OVER 90 DAYS:

NO PRIOR COMMITMENTS OVER 90 DAYS

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES WHILE IN CUSTODY

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

3/ 9/10 REFUSING OR FAILING OBEY	CONVICTED	MAJOR
3/ 9/10 THREATENING TO INFLECT H	CONVICTED	MAJOR
1/ 7/10 POSSESSION OF CONTRABAND	CONVICTED	ADMIN
11/ 6/ 9 POSSESSION OF CONTRABAND	NOT GUILTY	ADMIN
11/ 6/ 9 DISRESPECT	CONVICTED	ADMIN
6/18/ 9 POSSESSION OF CONTRABAND	CONVICTED	ADMIN
1/29/ 9 POSSESSION OF CONTRABAND	DROPPED	CHARG
10/27/ 8 POSSESSION OF CONTRABAND	DROPPED	CHARG
10/27/ 8 UNAUTH I/M ORGAN/PART ST	CONVICTED	ADMIN
7/16/ 8 REFUSING OR FAILING OBEY		OTHER

HISTORY OF MOVEMENTS:

2/26/ 8 LEE	INCARCERATED	ADMINISTRATIVE
1/25/ 8 KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB	START	END	TERMINATION	JOB
DESCRIPTION	DATE	DATE	REASON	LVL
MACHINE OPERATOR	03/13/08	3/ 9/10	PLACED IN ST/SP CUSTODY	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC	START	END	TERMINATION
DESCRIPTION	DATE	DATE	REASON

NO SCHOOL ASSIGNMENTS

***** END OF REPORT *****

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ORANGEBURG
STATEINDICTMENT/CASE# 2007 GS-38-0443VS.
William Antonio GleatonAW#: K-2310128

AKA:

Date of Offense: December 18, 2006

Race: Sex: Age:

S.C. Code §: 16-23-410DOB: 8-10-81 SS#:CDR Code #: 0122

Address:

City, State, Zip:

DL# SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Poisoning and Possessing a Firearmin violation of § 16-23-410 of the S.C. Code of Laws, bearing CDR Code # 0122☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentation to Grand Jury. (defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Kelley H. Rubege vs. Rubege

Solicitor

Defendant

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 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine: \$ _____

Random Drug/Alcohol Testing ☐

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

Fine may be pd. in equal, consecutive weekly/monthly

\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 107.50

pmts. of \$ _____ Beginning _____

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

\$ _____ paid to Public Defender Fund

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

Other: _____

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

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

\$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) \$ 3.75TOTAL \$ 128.75☐ Appointed PD or appointed other counsel, \$35.13 TP☐ Requires \$500 be paid to Clerk during probation.Please accept sentence deferred 1-15-08Marion S. Edgemon Jr.
Clerk of Court Deputy ClerkPRESIDING JUDGE James W. Sullivan 1-15-08Court Reporter: Harry Dot WalkerJudge Code: 0114Sentence Date: Jan 23, 2008

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

363

COUNTY OF ORANGEBURG
STATEINDICTMENT/CASE# 2007-GS-38-1369vs.
William Antonio GleatonAW# K-231057

AKA:

Date of Offense: December 18, 2006Race: B Sex: M Age:S.C. Code §: 16-3-620DOB: 8/10/81 SS#:CDR Code #: 0014

Address:

City, State, Zip:

DL# SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Assault and Battery with intent to Killin violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lowd 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:

Kelley H. Burbage W. Gleaton
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: _____☒ 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

\$ _____

§14-1-206 (Assessments 107.5%)

\$ _____

§14-1-211(A)(1) (Conv. Surcharge)

\$100 \$ 141.00

§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 \$ 25.00

§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)

\$ 3.75

TOTAL

\$ 128.75Random 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:

SCCA/217 (10/2007)

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG
STATE VS.

WILLIAM A. GLEATON

AKA: _____
Race: B Sex: M Age: 26

DOB: 8/10/1981 SS# _____

Address: _____
City, State, Zip: SPRINGFIELD SC

DL# _____ SID# SC01232790

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2007.....GS- 05. - 149.....

A/W#: J400414

Date of Offense: 12/18/2006

S.C. Code §: 16-3-620

CDR Code #: 010114

SENTENCE SHEET

364

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

TO: ABWIK-0-20 YEARS

in violation of 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

☒ 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:

[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 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: _____ ☒ 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	\$128.75

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: _____

Marion S. Edgemond
Clerk of Court/ Deputy Clerk
Court Reporter: Harry Dot Walker

plea accepted sentence deferred 1-15-08
[Signature]
Jan 13, 2008
[Signature]

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

365

COUNTY OF ORANGEBURG
STATEINDICTMENT/CASE# 2007 -GS- 38 - 0444vs.
William A. GleatonAW# K-231017

AKA:

Date of Offense: December 18, 2006Race: B Sex: m Age:S.C. Code §: 16-11-330DOB: 8/10/81 SS#:CDR Code #: 0139

Address:

City, State, Zip:

DL# 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 ☐ §17-25-45(CSC 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:

Keiley H. Burbage W. Gleaton
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: _____☒ 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	_____
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>60.00</u>
\$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	\$ <u>25.00</u>
\$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)		\$ <u>3.75</u>
TOTAL		\$ <u>122.75</u>

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: Jan 23, 2008Marion S. Edgemon Jr.
Clerk of Court/ Deputy ClerkCourt Reporter: Harry Dot Walker

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

366

COUNTY OF ORANGEBURG
STATEINDICTMENT/CASE#: 2007-GS-38-0446vs.
William Antonio GleatonAW#: H-941995

AKA:

Date of Offense: December 18, 2006Race: BSex: M

Age: _____

S.C. Code §: 16-11-311DOB: 8/10/81 SS#: _____CDR Code #: 0079

Address: _____

City, State, Zip: _____

DL# _____

SID# _____

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Burglary - 1stin violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC 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:

Kelley H. Burbage
Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

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

\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

\$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 \$ 25.00

\$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) \$ 3.75TOTAL \$ 128.75Random 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: _____

Marion S. Edgemon II
Clerk of Court/ Deputy ClerkCourt Reporter: Harry Dat Walker

SCCA/217 (10/2007)

Plea accepted, sentence deferred 1-15-08

James W. Walker
0114

Jan 23, 2008
James W. Walker

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

367

COUNTY OF BAMBERG

INDICTMENT/CASE#:

STATE VS.

2007.....GS- 05. - 148.....

WILLIAM A. GLEATON

A/W #: J400413.....

AKA:

Date of Offense: 12/18/2006.....

Race: B..... Sex: M..... Age: 26

S.C. Code §: 16-11-311(A)(3)

DOB: 8/10/1981..... SS#:

CDR Code #: 0101719

Address: SPRINGFIELD..... SC.....

City, State, Zip

DL# SID# SC01232700

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Burglary 1st - 15 years to Lifein violation of § 16-11-311(A)(3) of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS (CSC☐ §17-25-45w/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 of the State.

ATTEST:

R. M. M.
SolicitorW. C. C.
Defendant[Signature]
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years and/or payment of \$_____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____ ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ 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	\$128.75

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.

Marion S. Edgemon Jr
Clerk of Court/ Deputy Clerk

Court Reporter: Harry Dot Walker

PRESIDING JUDGE

Judge Code: _____

Sentence Date: _____

plan accepted, sentence deferred 1-15-08

James C. Wilkins

Jan 23, 2008

James C. Wilkins

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

368

COUNTY OF
STATEOrangeburg

VS.

William Antonio Cleaton

AKA:

Race:

B

Sex:

M

Age:

DOB:

8-10-81

SS#:

Address:

City, State, Zip:

DL#

SID#

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: POSS. Weapon During Commission Certain Crimesin violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)

SENTENCE SHEET

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:

Kelley H. Burlage Defendant W. A. Cleaton Attorney for Defendant
SolicitorWHEREFORE 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 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: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ set by SCDPPPS _____

Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____
Substance Abuse Counseling ☐

*Fine:	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
§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 \$ <u>25.00</u>
§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)	\$ <u>3.75</u>
TOTAL	\$ <u>128.75</u>

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:

SCCA/217 (10/2007)

Marion L. Edgemon Jr.
Clerk of Court/ Deputy ClerkHarry Dot WalkerPlea accepted sentence deferred 1-15-08
Jame C. Willard
Jan 23, 2008
Jame C. Willard

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

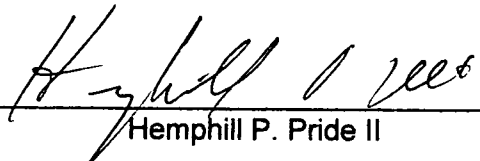
CERTIFICATE OF SERVICE

I, the undersigned counsel, do hereby certify that all counsel and/or parties in the case of *William A. Gleaton, #326282 v. State of South Carolina* (Docket No. 2009-CP-38-0005) were served with a copy of the pleading(s) herein below specified by delivering a copy of the same to the following at the address(es) indicated:

PLEADINGS: Appendix [to Petition for Writ of Certiorari]

PARTIES: Honorable Jeanette Barber
Clerk of Court
SOUTH CAROLINA COURT OF APPEAL
1205 Sumter Street
Columbia, South Carolina 29201

Mary S. Williams, Esq.
Assistant Attorney General
OFFICE OF THE STATE ATTORNEY GENERAL
1000 Assembly Street
Columbia, South Carolina 29201



Hemphill P. Pride II

Columbia, South Carolina

April 25, 2012.