

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

RECEIVED

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S.C. Supreme Court

FARDARREL L. HUDGENS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

A P P E N D I X

LANELLE CANTEY DURANT
Appellate Defender

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Attorney General

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ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT (dated March 8, 2011).....	1
APPLICATION FOR POST-CONVICTION RELIEF	16
RETURN	37
POST-CONVICTION RELIEF HEARING TRANSCRIPT (dated December 19, 2012).....	44
EXHIBITS	82
EXHIBIT # 1 – MENTAL STATUS EXAMINATION	83
EXHIBIT # 2 – GREENVILLE POLICE DEPT. SUPPLEMENTAL REPORT	111
ORDER OF DISMISSAL	114
INDICTMENTS AND SENTENCE SHEETS	122

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS

2010-GS-23-1921

2010-GS-23-1933

STATE OF SOUTH CAROLINA,

vs.

TRANSCRIPT OF RECORD

FARDARREL L. HUDGENS,
DEFENDANT

March 8, 2011
Greenville, South Carolina

BEFORE .:

THE HONORABLE D. GARRISON HILL, JUDGE.

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

JENNY L. BARWICK, ESQ.
Assistant Solicitor

DOROTHY A. MANIGAULT, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

THE CLERK: Your Honor, this is case 2010-GS-23-1921, the State v. Fardarrel L. Hudgens, who is indicted for possession of marijuana with intent to distribute. And he is pleading to possession with intent to distribute third offense. And this is true billed, sir.

In the case of 2010-GS-23-1933, Mr. Hudgens is indicted with possession of cocaine base with intent to distribute. And he is pleading to the same, third offense.

Sir, please, raise your right hand.

WHEREUPON,

FARDARREL L. HUDGENS,

after first having been duly sworn, testified as follows:

THE CLERK: And these are both true billed, sir.

THE COURT: Okay. Good morning.

You're Fardarrel L. Hudgens?

DEFENDANT HUDGENS: Yes, sir.

THE COURT: And how old are you, sir?

DEFENDANT HUDGENS: I just turned 35 on

THE COURT: And are you under the influence of any alcohol, drugs, or medication at this time, Mr. Hudgens?

DEFENDANT HUDGENS: No, sir.

THE COURT: Do you have any physical, mental, or emotional condition that might keep you from understanding

1 what's happening here today in court, sir?

2 DEFENDANT HUDGENS: I have a mental condition.

3 THE COURT: Okay. What --

4 MS. MANIGAULT: Mental. He did take medication this
5 morning.

6 THE COURT: Do you have any question about his
7 competency here today?

8 MS. MANIGAULT: No, sir.

9 THE COURT: Do you have any trouble processing
10 information or making decisions?

11 DEFENDANT HUDGENS: No, sir.

12 THE COURT: Well, if at any time I say something, or
13 anyone says something, or something happens that you don't
14 understand, if you'll just stop -- raise your hand and
15 we'll stop the proceedings and make sure that you are able
16 to understand what's happening before we go any further.

17 Do you understand that, sir?

18 DEFENDANT HUDGENS: Yes, sir.

19 THE COURT: And if you need to talk to Ms. Manigault
20 at any time, do the same thing.

21 DEFENDANT HUDGENS: (Defendant Hudgens nodded.)

22 THE COURT: Do you understand the elements of the
23 crime the State would have to prove beyond a reasonable
24 doubt to convict you of both of these charges?

25 DEFENDANT HUDGENS: Yes, sir.

1 THE COURT: And I'm going to ask the Solicitor to
2 state the minimum and maximum sentences for these
3 offenses.

4 MS. BARWICK: Yes, sir, Your Honor.

5 As far as the possession with intent to distribute
6 crack cocaine third offense, that carries between 15 and
7 30 years and/or a fine of zero to \$50,000. This is under
8 the old statute before the new statute came into effect,
9 Your Honor, on June 2nd, 2010.

10 As far as the PWID marijuana third offense, that
11 carries five to 20 years and/or zero to \$20,000. Neither
12 one of those are suspendable.

13 MS. MANIGAULT: Your Honor, I'm going to ask you if
14 you'll consider sentencing him under the new law.

15 THE COURT: What is the new range?

16 MS. BARWICK: The new law for PWID crack cocaine
17 third offense is 10 to 30 years with the same fine.

18 If Your Honor could hold on one second, I'll go and
19 look it up for marijuana.

20 THE COURT: All right.

21 MS. BARWICK: And, Your Honor, of course, the State
22 would object to that. Because once somebody doesn't
23 accept responsibility right away for what they did and
24 they wait until the eve of trial, then we believe that
25 they should not receive any benefits, including the

1 benefit of the new law since the new law, specifically,
2 states it doesn't come into effect until June 2nd.

3 THE COURT: Okay.

4 MS. BARWICK: PWID marijuana, under the new law,
5 third offense is still five to 20 years and/or not more
6 than \$20,000.

7 THE COURT: Thank you.

8 Mr. Hudgens, do you understand that these offenses
9 carry minimum and maximum sentences, and do you understand
10 what those are?

11 DEFENDANT HUDGENS: Yes, sir.

12 THE COURT: And do you understand further that the
13 possession with intent to distribute crack third offense
14 is a serious offense under South Carolina law, and under
15 the two strikes and three strikes law?

16 DEFENDANT HUDGENS: Yes, sir.

17 THE COURT: Have you had enough time to talk to
18 Ms. Manigault about the consequences of pleading guilty to
19 a serious offense?

20 DEFENDANT HUDGENS: Yes, sir.

21 THE COURT: And do you understand that if I accept
22 your plea on this that it will be a strike on your record,
23 and if you were ever convicted again of a serious or most
24 serious offense, you could be facing a sentence of life
25 without any possibility or hope of parole?

1 Do you understand that?

2 DEFENDANT HUDGENS: Yes, sir.

3 THE COURT: And, knowing that, do you still want to
4 plead guilty?

5 DEFENDANT HUDGENS: Yes, sir.

6 THE COURT: All right. And are you pleading guilty
7 because you are guilty, sir?

8 DEFENDANT HUDGENS: Yes, sir.

9 THE COURT: Has anyone threatened you or put any
10 pressure on you to get you to come to court today and
11 enter your plea?

12 DEFENDANT HUDGENS: No, sir.

13 THE COURT: Are you doing so of your own free choice
14 and will?

15 DEFENDANT HUDGENS: Yes, sir.

16 THE COURT: Do you understand you have a right to a
17 jury trial?

18 DEFENDANT HUDGENS: Yes, sir.

19 THE COURT: Do you understand, at a jury trial, you'd
20 be presumed innocent? You wouldn't have to prove you were
21 not guilty. You wouldn't have to prove anything, because
22 the burden of proof would be on the State. And you could
23 only be convicted if all 12 jurors agreed that the State
24 had proven each and every element of the crime beyond a
25 reasonable doubt.

1 Do you understand that, sir?

2 DEFENDANT HUDGENS: Yes, sir.

3 THE COURT: And, at your trial, you could see and
4 hear the witnesses. You could confront the evidence
5 against you. You could have Ms. Manigault assist you in
6 cross-examining the witnesses, and challenging the State's
7 case, and presenting your own case. And you could use the
8 subpoena power of the Court to bring witnesses in to
9 testify.

10 Do you understand that, sir?

11 DEFENDANT HUDGENS: Yes, sir.

12 THE COURT: And do you understand that if you do
13 plead guilty, you give up any right you have to challenge
14 or contest any searches that might have been made in your
15 case, or any statement you gave to law enforcement, or any
16 testing that was done or should have been done?

17 DEFENDANT HUDGENS: Yes, sir.

18 THE COURT: And do you understand you have the
19 absolute right to remain silent at your trial? And, if
20 you chose to remain silent, the Court would tell the jury
21 that the Constitution guarantees you that right, and they
22 cannot hold it against you in any way for claiming it or
23 take it into account whatsoever in determining whether you
24 were guilty or not guilty.

25 Do you understand that, Mr. Hudgens?

1 DEFENDANT HUDGENS: Yes, sir.

2 THE COURT: Understanding all of those rights and
3 understanding you must give them up in order to plead
4 guilty, do you still want to plead guilty, sir?

5 DEFENDANT HUDGENS: Yes, sir.

6 THE COURT: Have you understood all of my questions?

7 DEFENDANT HUDGENS: Yes, sir.

8 THE COURT: All right. Thank you for your attention.

9 Listen carefully. Ms. Barwick is going to set forth
10 the facts of the case. I'm going to ask you if you agree
11 with her version.

12 MS. BARWICK: Thank you, Your Honor.

13 On January 5th of 2010, in Greenville County, the
14 Defendant was driving on Laurens Road when Officer Johnson
15 noticed that his tags looked suspicious. There was
16 writing on it that was not normal of a paper tag on a car.
17 So the officer pulled him over.

18 Once the officer pulled him over, the officer asked
19 for his driver's license, bill of sale, and proof of
20 insurance. The Defendant didn't have any of those things.
21 He, also, lied about his identity. He said he was someone
22 other than who he is.

23 At that point in time, the officer asked the
24 Defendant to step out of the vehicle. He was going to
25 write him a ticket for not having proof of insurance and

1 was going to have the vehicle towed, because if it didn't
2 have insurance, you couldn't drive it on the roadway. The
3 officer looked in the car to do an inventory search and
4 immediately recognized a plastic baggy sticking out from
5 behind the face plate of the radio. He took it out. And
6 it had seven individually packaged baggies of marijuana
7 within one larger plastic baggy. That did test positive
8 for 13.87 grams of marijuana.

9 Your Honor, at this point, the Defendant was placed
10 into handcuffs. In the center console, the officers found
11 crack cocaine, eight different rocks of crack cocaine
12 testing positive as .72 grams of crack cocaine.

13 At this point, a search incident to arrest was done
14 of the Defendant's person. The officer found a digital
15 scale in his left front -- it might -- I'm sorry, Your
16 Honor -- yes, in his left front pocket, along with \$200 in
17 cash. In the trunk of the vehicle, the officers found a
18 box of sandwich baggies that are, typically, used to
19 package these drugs for sale.

20 Your Honor, once he got to the law enforcement
21 center, through matching his fingerprints, it was
22 discovered that he did give the wrong identity. He's
23 already pled guilty -- I'm sorry. He was found at a --
24 guilty at a bench trial down in lower court for not having
25 insurance, for giving false information, for driving under

1 suspension, and for the drug paraphernalia.

2 Those are the facts, Your Honor. He has a prior
3 record.

4 THE COURT: Okay. What is that?

5 MS. BARWICK: 1993, CDV; 1994, failure to comply,
6 resisting arrest; 1995, ABHAN, burglary second, public
7 disorderly, resisting arrest, possession of crack cocaine.
8 If I'm going too fast, Your Honor, I'm sorry. 1996,
9 possession with intent to distribute imitation crack
10 cocaine, false information to police, possession of drug
11 paraphernalia, loitering to congregate in drug activity,
12 failure to comply, probation violation; 1999, criminal
13 conspiracy; 2001, simple assault and battery; 2002, parole
14 revocation; 2003, possession of crack times two; 2004,
15 hindering officers, loitering to engage in drug activity,
16 resisting arrest; 2005, distribution of crack cocaine,
17 criminal domestic violence; 2009, possession of drug
18 paraphernalia, public disorderly, interfering with police
19 officers, DUI, DUS, possession of a hypodermic needle;
20 2010, failure to maintain proof of insurance -- that's
21 with this charge, Your Honor -- giving false information
22 to police officers once with this charge and once with
23 another charge, so two counts of that, DUS; 2011, he had a
24 shoplifting. He, also, has pending charges with this
25 office and with the Spartanburg office.

1 THE COURT: All right. Mr. Hudgens, is that what
2 happened, sir?

3 DEFENDANT HUDGENS: Yes, sir.

4 THE COURT: Okay. I find there's a factual basis for
5 the plea. It's been entered into freely and voluntarily
6 with the assistance of a skilled lawyer.

7 Yes, ma'am.

8 MS. MANIGAULT: May it please the Court, Your Honor.

9 I'm seriously asking the Court to consider sentencing
10 him under the new law. As the Court is aware, the new law
11 was passed because of the disparity in punishment of
12 individuals of color and, otherwise, with previous drug
13 offenses.

14 Your Honor, he is 35 years old. He just got married
15 in February. His wife is present in the courtroom with
16 another member of the family. He, in 2008, was diagnosed
17 by Dr. Karl Bodtorf with a psychotic disorder,
18 polysubstance dependence, schizophrenia, schizoid actavis
19 disorder, and has been on medication since that time. We
20 have a copy, if the Court is interested in looking at it.
21 But he has been under medical care -- mental counseling
22 and medication from that point on.

23 I know the Court has heard his record. His record is
24 not a good record. He has been on disability since 2008,
25 and before for his mental condition. He was living with

1 his sister here in Greenville County. He has three
2 children, ages 16, 11, and --

3 (Pause.)

4 MS. MANIGAULT: Between ages two and three that live
5 with their mother. He was paying child support, Your
6 Honor.

7 He's asking the Court if you would consider a
8 sentence under the new law, which allows, I believe, a
9 suspended sentence.

10 MS. BARWICK: Your Honor, under the new law, it only
11 allows for a suspended sentence if the two priors were
12 possession only. Since, in 2005, he had a distribution of
13 crack cocaine, he is not eligible for a suspended
14 sentence.

15 MS. MANIGAULT: Otherwise, Your Honor, he's asking
16 the Court if you would consider home incarceration if the
17 suspended sentence cannot be considered. So we're asking
18 the Court for your mercy in this case.

19 THE COURT: Thank you.

20 Anything you'd like to tell me, Mr. Hudgens?

21 DEFENDANT HUDGENS: Like Ms. Manigault was saying, I
22 have changed. And I've got a wife and kids. My momma,
23 she is here, so. And the things I used to do -- now,
24 since I got married, what I used to do, I don't do it no
25 more. So I'm just trying to better myself for my wife and

1 my momma.

2 THE COURT: Okay. Well, I'm going to give you the
3 benefit of the new law. But I can't overlook your prior
4 record, sir.

5 The sentence of the Court is 10 years on case
6 2010-GS-23-1933. Credit for time served.

7 And on case 2010-GS-23-1921, it's 10 years
8 concurrent.

9 Okay. Good luck to you, sir.

10 *****END OF TRANSCRIPT OF RECORD*****
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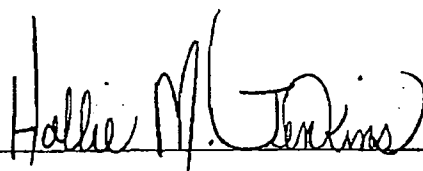
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 8th day of March, 2011.

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

July 5, 2011



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of GREENVILLE)

FARDHARREL L. HUDGENS)

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

#250464)

v.)

GREENVILLE COUNTY,)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

2011-CP-23- 2551

INSTRUCTIONS B READ CAREFULLY

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

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

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

1. Place of detention SOUTH CAROLINA DEPT. OF CORR.; KIRKLAND CORR. INST. 4344 BROAD RIVER RD, Columbia SC 29210
2. Name and location of Court which imposed sentence GREENVILLE CO. GENERAL SESSIONS, 305 E. NORTH ST., GREENVILLE, SC 29601
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2010GS2301933 Poss. w/INT. to DIST. CRACK 3RD

- (b) 2010G 301921 POSS. w/INT. to D. MARIJUANA 3rd
- (c) _____

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

- (a) 3-8-11 - 10 YEARS - NON VIOLENT 44-53-0375(B)(3)
- (b) 3-8-11 - 10 YEARS - NON VIOLENT 44-53-0370(B)(2)
- (c) _____

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty 3-8-11 X 2 ✓
- (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?

NO

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

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

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

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

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

(c) the date of each such result:

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

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

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

9. If you answered Ano@ to (7), state your reasons for not so appealing:

- (a) I WAS UNAWARE OF MY APPEAL RIGHTS.

- 11 (A) THE APPLICANT SUBMITS TO THIS HONORABLE
11 (B) COURT THAT HIS PLEA OF GUILTY WAS NOT
FREELY AND VOLUNTARY. HE FURTHER SUBMITS
HIS ATTORNEY FAILED TO PROVIDE JUST AND
PROPER REPRESENTATION IN THIS MATTER,
VIOLATING HIS RIGHT TO A FAIR + IMPARTIAL
HEARING IN THAT HE WAS UNDER THE IN-
FLUENCE OF MIND-ALTERING PSYCHOTROPIC
MEDICINE SEREQUEL. THE APPLICANT IS
DIAGNOSED AS A PARANOID SCHITZOPHRENIC
AND HAS TO TAKE MEDICINE ON A DAILY
BASIS. HE HAS BEEN FOUND UNABLE TO
STAND TRIAL PRIOR. HE HAS BEEN MENTALLY
DISABLED SINCE 2002.
FURTHER, HE SUBMITS HIS ATTORNEY FAILED
TO INVESTIGATE THE FACTS OF HIS CASE AND
ONLY ACCOMPLISHED TO GET HIM TO OFFER A
PLEA OF GUILT, BEING COERCED WHILE UNDER
THE DURESS OF PSYCHOTROPIC MEDICATIONS, HE
FURTHER SUBMITS OVER A SPAN OF A YEAR
HE SPOKE WITH HIS ATTORNEE ONLY TWICE
AND FOR ONLY 5 MINUTES EACH TIME.
THERE IS NO PRACTICAL WAY A DEFENSE OF
HIS CHARGES COULD HAVE BEEN FORMULATED IN
THIS TIME.
FURTHER, THE DEFENDANT STATES HAD HE KNOWN
HIS ATTORNEY WOULD NOT HAVE INVESTIGATED
THE FACTS OF HIS CASE MORE THOROUGHLY, HE
WOULD HAVE RETAINED NEW COUNSEL.

FOR THE REASONS STATED HEREIN THIS APPLICATION FOR POST-CONVICTION RELIEF, THE APPLICANT PRAYS THIS HONORABLE COURT WILL ASSIGN COMPETENT LEGAL REPRESENTATION FOR THIS APPEAL, AND THAT AN EVIDENTIARY HEARING BE CONVENED TO DETERMINE CERTAIN FACTS OF MATERIAL ISSUE.

FINALLY, THE APPLICANT ASKS THAT THIS COURT GRANT WHATEVER RELIEF AS IT MAY SO DEEM JUST AND PROPER IN THIS CASE.

(b) I WAS UNAWARE OF MY APPEAL RIGHTS.

(c) _____

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

(a) INEFFECTIVE ASST. OF COUNSEL - SEE ATTACHMENT

(b) INEFFECTIVE ASST. OF COUNSEL - SEE ATTACHMENT

(c) _____

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

(a) SEE ATTACHMENT

(b) SEE ATTACHMENT

(c) _____

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

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

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

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

(d) any other petitions, motions or applications in this or any other Court? NO

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

(a) the specific nature thereof:

i. N/A

ii. N/A

iii. N/A

iv. N/A

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

i. N/A

ii. N/A

iii. N/A

iv. _____ N/A

(c) the disposition thereof:

i. _____ N/A

ii. _____ N/A

iii. _____ N/A

iv. _____ N/A

(d) the date of each such disposition:

i. _____ N/A

ii. _____ N/A

iii. _____ N/A

iv. _____ N/A

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

i. _____ N/A

ii. _____ N/A

iii. _____ N/A

iv. _____ N/A

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

NO

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

(a) which grounds have been presented:

i. _____ N/A

ii. _____ N/A

iii. _____ N/A

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

i. _____ N/A

ii. _____ N/A

iii. _____ N/A

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

- (a) INEFFECTIVE COUNSEL - I WAS UNAWARE OF APPEAL RIGHTS.
 (b) INEFFECTIVE COUNSEL - I WAS UNAWARE OF APPEAL RIGHTS.
 (c) _____

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

- (a) your arraignment and plea? YES
 (b) your trial, if any? _____
 (c) your sentencing? YES
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

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

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

- i. DOROTHY MAMIGANT, 101 CHURCH ST,
GREENVILLE, SOUTH CAROLINA 29607

- ii. _____

 iii. _____

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

- i. PLEA + SENTENCING

 ii. _____

 iii. _____

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

THAT AN EVIDENTIARY HEARING BE CONVENED
AND THAT THE COURT GRANT A LESSER SENTENCE
WHICH IT WOULD DEEM JUST AND PROPER.

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

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of RICHLAND)

VERIFICATION

I, FARDARREL HUDGENS #250464, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

s/ Fardarrel Hudgens

SWORN to and subscribed before me this 5th
 day of April, 2011.

[Signature] (L.S.)
 Notary Public

My Commission Expires
 October 8, 2014

My Commission Expires: _____

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

I, FARDARREL HUDGENS #250464, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

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

S/ Far- Darrel Hudgens
Applicant

SWORN or affirmed to and subscribed before me this
5th day of April, 2011.

[Signature]
Notary Public

My Commission Expires: My Commission Expires
October 8, 2014

APRIL 4, 2011

GREENVILLE CO. CLERK OF COURT
305 E. NORTH ST.
GREENVILLE SC 29601

RE: POST-CONVICTION RELIEF FILING

DEAR CLERK:

PLEASE BE KIND ENOUGH TO FILE THE ENCLOSED
POST-CONVICTION RELIEF APPLICATION FOR ME AND FOR-
WARD A COPY TO THE ATTORNEY GENERAL'S OFFICE
SO THAT I MAY BE ASSIGNED LEGAL REPRESENTATION
IN THIS MATTER.

I LOOK FORWARD TO HEARING FROM YOU.

SINCERELY YOURS,

s/ Jar-Parrel Hudgens

FARDARREL HUDGINS #250464
KIRKLAND CORR INST. FI-A203
4344 BROAD RIVER RD.
COLUMBIA SOUTH CAROLINA
29210

/ph

26 - State of South Carolina
County of Greenville
FADARRELL L. HUDGENS,
Petitioner.
Vs.
State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT.
C/A NO. 2011-CP-23-2551
PURSUANT TO RULE 68, S.C.B.C.P.
"OFFER OF JUDGEMENT."

ENTERED COMPUTER

CLERK OF COURT
JAN 10 2012
NO. 10-11

Now Come the ABOVE REFERENCED Petitioner Moving
through this Honorable Court, Pro-se, to respectfully Move
this Court to an offer of judgement and would show the
following:

Briefing of Case.

The Above Referenced is Contending with the state of
South Carolina through the evidence on Record that dis-
closes Petitioner is in Fact A Mental Patient, or other-
wise diagnosed as "PARANOID SCHIZOPHRENIC". In his
case the Record discloses the Court erred by not all-
owing inquiry into the Applicant Mental Record, or
Mental Competency to stand trial, and the mere fact
that Plaintiff's counsel was constitutionally In-
effective by absolute failure to contact, interview,
or retrieve relevant documents to support the
fact that a Competency Hearing should have been
ordered and given.

Judgement Offered

HOWEVER, the Plaintiff FADARRELL L. HUDGENS submits
that this constitutional Err done unto him by the
Court, and his counsel defn's Harmless because
it violated his right to due process of law and
his right to a fair trial. Petitioner is exer-

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SCANNED

citing his right to offer a judgment under the first term of Rule 68(a) of the S.C.R.C.P. which he believes would satisfy both the Plaintiff and Respondent from having to conduct a New trial, but in the alternative would release the Petitioner from Prison. Petitioner offers:

1.) That Petitioner would undergo mental treatment once he's released on a weekly or monthly basis, which ever is possible or proper for a period deemed proper by the Court.

2.) The Petitioner also will agree to Probation (without supervision fees) for a period deemed proper by the Court, but Automatic termination when treatment sessions are completed.

3.) Finally, the Petitioner would agree on Record to waive all rights in any civil action to recover damages, compensation, etc.; against the dignity of the State of South Carolina for the injury suffered.

As provided in the Rule, the Respondent shall respond within twenty days, or file a subsequent offer, offering a judgment which supersedes the amount offered, or the offer shall be considered rejected.

Respectfully Submitted,
Farrell L. Hudgens.
 Evans Corr. Inst. FSC
 610 Hwy 9 West
 Bennettsville, S.C. 29518.

cc: Alan Wilson, Esq.
 Honorable, Judge Allen.

State of South Carolina
County of Greenville
Jadarrrell L. Hudgens,
Petitioner.

Vs.
State of South Carolina,
Respondent.

In The Court of Common Pleas
Thirteenth Judicial Circuit.
C/A NO. 2011-CP-23-2551

Proof of Service

FILED - COURT OF
COMMON PLEAS
GREENVILLE, CO
JUN 17 2011
AM 11:28
ENTERED COMPUTER

I certify that I have served the Original Copy of the
Petitioner's Motion for "Order of Judgement" with
Proof of Service by depositing it in the United States
Mail, Postage Prepaid, ON JUNE 17, 2011 addressed to
Office of the Clerk, P.O. Box 1, Greenville, South
Carolina 29601. Copies was also sent to the
addresses below:

Office of the Attorney General
Alan Wilson, Esq.
P.O. Box 11549
Columbia, South Carolina 29211

The Honorable Judge Allen.
P.O. Box
Greenville, South Carolina

Jadarrrell L. Hudgens,
Evans Corr. Inst. ESC,
610 Hwy A West
Barnettville, SC 29512

PCR 29
6/28/11

OFFICE OF THE CLERK
THIRTEENTH JUDICIAL CIRCUIT
P.O. BOX
GREENVILLE, S.C. 29

RE: C/A NO. 2011-CP-23-2551 - HUDGENS VS STATE
RESPONSE TO RULE 68(a) (OFFER OF JUDGEMENT)

FILED
JUN 28 2011
CLERK OF COURT
CO. SC.
AM 10:49

DEAR CLERK,

ENCLOSED FOR FILING IS A ORIGINAL COPY OF MOTION
TO "OFFER OF JUDGEMENT", WITH PROOF OF SERVICE IN
REFERENCE TO THE ABOVE REFERENCE CASE TO BE FILED
THROUGH YOUR OFFICE. PLEASE FORWARD A COPY TO THE
SENTENCING JUDGE, THE HONORABLE JUDGE ALLEN.
THANK YOU IN ADVANCE FOR YOUR ASSISTANCE IN THIS
VERY IMPORTANT MATTER.

Respectfully,

FADARRELL L. HUDGENS
(signature)

1/30.

May - 2011

PCJ
pendin

FORDHRELL L HUDGENS #250464
EVANS C.I. / FSC-213
610 Highway 9 West
BENNETTSVILLE, S.C. 29512

ENTERED COMPUTER

THE HONORABLE PAUL B. WICKENSIMER
CLERK OF COURT FOR GREENVILLE COUNTY
305 East North Street
GREENVILLE, S.C. 29601

FILED CLERK OF COURT
GREENVILLE, S.C.
JUN - 2 4 11

RE: Filing of MOTION TO AMEND APPLICANT'S Post-Conviction
Relief Application Case No. 2011-CP-23-2551

DEAR CLERK WICKENSIMER:

Truly, I write you with the VERY Utmost Respect and the Absolute Highest
Regards, prayerfully hoping that you'll PLEASE honor this above-REFERENCED request.

ENCLOSED please find the Original and One (1) Copy of my Motion To Amend
Applicant's Post-Conviction Relief Application along with the VERIFICATION of
the same sworn to and Notarized.

My Original Post-Conviction Relief Application was Filed with the CLERK'S
OFFICE ON APRIL 14TH 2011 and your OFFICE Forwarded a Copy of the same to the
ATTORNEY GENERAL'S to Determine whether a hearing shall be scheduled and my being
assigned an attorney if a hearing is determined.

As of Today I have yet to hear from the AG'S OFFICE and am Respectfully
asking you to please File my Motion to Amend Applicant's Post-Conviction Relief
Application with your OFFICE keeping the ORIGINAL with the VERIFICATION AND SENDING
me the Checkin Stamp Copy of the same.

I would also Respectfully ASK you to PLEASE FORWARD A Copy of my Motion
to Amend Applicant's Post-Conviction Relief Application to THE ATTORNEY GEN-
ERAL'S OFFICE.

Thanking you in advance for your Kind Assistance and Courtesy in this matter
may the ETERNAL LOVE, JOY, COMFORT, AND PEACE OF GOD IN CHRIST BLESS you AND yours
Always

6/2/11

AD

Sincerely

James Daniel Hudgens

SCANNED

At Office +

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

FADARRELL L. HUDGENS #250464

APPLICANT,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

IN THE COURT OF COMMON PLEAS

13th JUDICIAL CIRCUIT

CASE NO. 2011-CP-23-2551

MOTION TO AMEND APPLICANT'S

POST-CONVICTION RELIEF

APPLICATION

COMES NOW before this Honorable Court Applicant acting as Pro-se, Fadarrell L. Hudgens #250464 Respectfully submitting the Following Amendment's to Applicant's Original Post-Conviction Relief Application Filed on April 14th 2011.

* TRIAL COURT ERRED PREMATURELY BY NOT ALLOWING AN INQUIRY INTO THE APPLICANT'S MENTAL COMPETENCY TO STAND TRIAL. *

1) The Procedures to be Followed when a Defendant Competency is called into question on the grounds of Mental disorder or developmental disability is ~~that~~ the Court shall allow a Psychiatrist or licensed Psychologist and any other expert the Court may deem appropriate to examine. ~~That~~ Trial Court Judge as a Matter of Record was Made aware by the Applicant's Counsel that Applicant was diagnosed by a Psychiatrist as a * PARANOID SCHIZOPHRENIC * and that Applicant was previously Found unable to stand trial For a different offense and has been Mentally disabled since 2002. The Trial Court was also Informed that the Applicant was being Administered Psychotropic Medications. A defendant can not be Found Capable of assisting his defense and thus able to stand Trial. IF he is unable because of Mental illness to Give Rational Consideration—

to all alternates that was faced with The Trial Court Judge should of allowed the Applicant to be given a competency hearing as a relief caution because of the information presented to the Honorable court. In defining competency A defendant must be able to not only understand the nature and consequences of the proceedings against him but he must also be able to assist in his defense.

INEFFECTIVE ASSISTANCE OF COUNSEL

1) Counsel was constitutionally ineffective and unduly prejudiced Applicant in violation of the South Carolina Constitution Amendment Article I § 14 and the United States Constitution Amendment VI in the following particulars:

A) Through Counsel's complete failure to contact, interview, or retrieve relevant documents from potential defense witnesses to support the fact that Applicant should of been given a competency hearing due to a mental illness. Trial Counsel had no vital reason for not contacting these witnesses as soon as practically possible. Applicant Trial Counsel had prior information that Applicant previously was not able to stand trial due to a mental disorder. Applicant asserts that on this premise alone, his trial Counsel should of contacted, interviewed, or retrieved relevant documents from all agencies that had information about Applicant's mental illness. Applicant submits that South Carolina Supreme Court has held Counsel to be ineffective through the failure to investigate and subpoena vital defense witnesses MARTINEZ V. STATE, 503 S.E.2d 113 (1991) in this instance the witnesses could of supported the fact that the Applicant was unable because of his mental illness to stand trial. This Court should find Counsel ineffective because of the complete failure of Counsel to contact the defense witnesses at all.

B) Trial Counsel Failed to properly investigate the states Evidence against the Applicant. Applicant submits that this trial counsel never got a SLED (South Carolina Law Enforcement Division Report) As to the Authenticity and the Amount of the Alleged Marijuana and crack cocaine that the Applicant was supposedly in Possession of. Applicant would also submit that his trial counsel never reviewed a "Chain of custody" of the Evidence in question to see whether there was a break in the chain. Adequate Pretrial Investigation and Preparation is Essential to properly represent a criminal defendant. Counsel's Failure to investigate these possible lines of defense was ineffective. See Cabbs v. State, — S.C. —, 408 S.E.2d 223 (1991)

Had Applicant been mentally capable of knowing of such a defense he would not have Plead guilty and would have insisted ~~on~~ to trial.

C) Trial Counsel Failed to act with Reasonable Diligence and Promptness in representing me. My counsel as a matter of convenience coerced me into Pleading guilty while Applicant was under the influence of Psychotropic Medications. Applicant asserts that over the span of one (1) year that he only spoke with Applicant's Attorney twice and for only five (5) minutes each time. A Lawyer should pursue a matter on behalf of a client despite opposition or personal inconvenience to the Lawyer and should take whatever Lawful and Ethical Measures Required to Prove their clients innocence.

* GUILTY PLEA WAS NOT KNOWING, VOLUNTARY AND INTELLIGENT *

A) Applicant submits that his guilty Plea was not Entered Knowing, voluntary, and intelligently through counsel's pervasive ineffectiveness. Applicant has shown that counsel's conduct was outside the wide range of professionally assistance, was objectively unreasonable.

and ineffective. Strickland v. Washington 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d 674 (1984)

The Longstanding test for determining the validity of a guilty plea is whether the plea represents a voluntary and intelligent choice among the alternative course of action open to the defendant.

Gustine v. State, 325 S.C. 123, 480 S.E. 2d 444 (1997); North Carolina v. Alford 400 U.S. 25, 31, 91 S.Ct. 160, 164, 27 L.Ed. 2d 162 (1970); see also Boykin v. Alabama 395 U.S. 238, 242, 89 S.Ct. 1709, 1711, 23 L.Ed. 2d. 274 (1969) A defendant who pleads guilty upon the advice of counsel may only attack the voluntary and intelligent character of the guilty plea by showing the advice he received from counsel was not within the range of competence demanded of attorneys in criminal cases. Richardson v. State, 310 S.C. 360, 426 S.E. 2d 795 (1993)

The test for determining the validity of a guilty plea based on ineffectiveness of counsel is whether counsel's advice was within the range of competence ~~to~~ demanded of attorneys in criminal cases. ~~And whether~~ there is a reasonable probability that but for counsel's errors, the defendant would not have pleaded guilty and would have insisted on going to trial. Carter v. State, 329 S.C. 255, 495 S.E. 2d. 773 (1990); Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 266, 88 L.Ed. 2d. 203 (1985)

Applicant submits that counsel was constitutionally ineffective and that he was prejudiced to the extent that his plea of guilty was not knowing, voluntary, and intelligent through counsel's failure to investigate possible lines of defenses that existed and through counsel's complete failure to advise applicant of the relevant law as it applied to applicant's case and those possible defenses.

Counsel's complete failure to advise applicant of the law as applied

to the Facts of his case Fell below an objective standard of Reasonableness and was therefore ineffective. Applicant did not Possessed the Required understanding of the Law in Relation to the Facts of his case as Required by McCarthy v. United States 394 U.S. 459-466. 89 S.Ct. 1166. 22 L.Ed 412 (1969) Applicant Further submits that his admission of guilt does not render Now Prejudicial his allegation that counsel was ineffective Cradock v. State _____ SC _____ 491 S.E 2d 251 (1997) Even if individual acts and Omissions of Counsel are not so serious as to merit a Finding of Prejudice to Applicant And Applicant asserts that they are. their cumulative Effect is substantial enough to support a Finding of Prejudice to Applicant thus warranting Relief. Applicant asserts that in this Particular case the Prevalent ineffective conduct of Counsel should not require a showing of Prejudice, that Prejudice should be Presumed. Frett v. State, SC _____ 378 SE 2d 249 (1988)

Respectfully Submitted by _____
 Fardnarek L. Hudgens
 #250464
 Evans C.Z./F
 610 Highway 9 West
 Bennettsville, S.C. 29512

36. STATE OF SOUTH CAROLINA
County of MARLBORO

VERIFICATION

I, FADARRELL L. HUDGENS # 250464, BEING duly sworn upon my oath, depose and say that I HAVE SUBSCRIBED the foregoing Motion to Amend Applicant's Post-Conviction Relief Application; that I know the contents thereof; that it includes EVERY ground known to me for vacating, setting aside, or correcting the conviction and sentence attacked in this Application of Motioning to Amend Applicant's PCR Application; and that the matters and allegations therein set forth are true.

by: Daniel Hudgens

SWORN TO AND SUBSCRIBED BEFORE ME

this 25 OF MAY 2011

Janella Duggan Macaulay
NOTARY PUBLIC OF SOUTH CAROLINA

My Commission Expires: August 18, 2018

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
JUN 2 2011

2011 JUN -2 A 11:19

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Fardarrel L. Hudgens,¹)
S.C.D.C. No. 250464,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
C.A. No. 2011-CP-23-2551

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RETURN

2011 JUL - 6 PM 1:41
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CLERK OF COURT
GREENVILLE

In response to the post-conviction relief application filed April 14, 2011 and amended June 2, 2011, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the December 2010 term of General Sessions for possession with intent to distribute (PWID) marijuana (2010-GS-23-1921) and PWID cocaine base (2010-GS-23-1933). Dorothy A. Manigault, Esquire represented the Applicant.

On March 8, 2011, the Applicant pled guilty. The Honorable D. Garrison Hill sentenced the Applicant to concurrent terms of ten (10) years for PWID marijuana, third offense and ten (10) years for PWID crack cocaine, third offense. The Applicant did not appeal.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject convictions and the Applicant's records from the South Carolina Department of Corrections. The plea transcript will be forwarded upon receipt.

¹ The South Carolina Department of Corrections lists the Applicant's name as Darrell Lorenzo Hudgens.

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II.

In his application for post-conviction relief the Applicant alleges he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel.
 - a. Failed to properly investigate the facts of the case.
 - b. Met with the Applicant twice prior to trial.
 - c. Failed to allow "an inquiry into the Applicant's mental competency to stand trial."
2. Involuntary guilty plea.
 - a. The Applicant was under the influence of "mind-altering psychotropic medicine Serequel" at time plea was entered.
 - b. The Applicant "is diagnosed as a paranoid schizophrenic and has to take medicine on a daily basis. He has been found unable to stand trial prior. He has been mentally disabled since 2002."

In a "Motion to Amend Applicant's Post-Conviction Relief Application" dated May 25, 2011, the Applicant makes the following allegations:

1. Trial court error.
2. Ineffective assistance of counsel.
3. Involuntary guilty plea.

III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

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 on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). 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).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

The Applicant's assertion that his guilty plea was involuntary is without merit. In post-

conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). An Applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the Applicant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (citations omitted). An Applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the range of competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985); Bennett v. State, 371 S.C. 198, 204, 638 S.E.2d 673, 675 (2006).

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. See Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969). In Boykin, the United States Supreme Court held that before a court can accept a guilty plea, a criminal defendant must be advised of the constitutional rights he is waiving. Id. at 243, 89 S. Ct. at 1712. Specifically, the accused must be aware of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Id. Moreover, a criminal defendant entering a guilty plea "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." Pittman v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999) (citation omitted). A criminal defendant's knowing and voluntary waiver of statutory or constitutional rights in a

guilty plea "must be established by a complete record, and may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000).

When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing. Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000) (citing Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984)).

The Respondent submits 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 that is not conclusively refuted by the record. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. at 265, 305 S.E.2d at 248 (1983).

V.

The Respondent denies each allegation not expressly admitted, qualified or explained.

VI.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held and counsel appointed to represent the Applicant.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

KAREN C. RATIGAN
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for Respondent

June 27, 2011

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

FARDARREL L. HUDGENS, 250464

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

2011-CP-23-2551

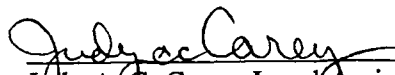
AFFIDAVIT OF SERVICE BY MAIL

2011 JUN -6 PM 1:41
 RECEIVED
 CLERK OF COURT
 GREENVILLE, SC

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:

**Fardarrel L. Hudgens, 250464
 Evans Correctional Institution
 Post Office Box 2951202
 Bennettsville SC 29512**

DATED this 27th day of June, 2011.


 Judy A. C. Carey, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

FARDARREL L. HUDGENS,)

APPLICANT,)

-VS-)

STATE OF SOUTH CAROLINA,)

RESPONDENT.)

2011-CP-23-02551

TRANSCRIPT OF RECORD

DECEMBER 19, 2012
GREENVILLE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE EDWARD W. MILLER

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

ATTORNEY FOR APPLICANT:

SCARLET B. MOORE, ESQUIRE

ATTORNEY FOR RESPONDENT:

KAREN C. RATIGAN
ASSISTANT ATTORNEY GENERAL

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

INDEX

<u>WITNESS</u>	<u>PAGE NO.</u>
FARDARREL HUDGENS	
DIRECT BY MS. MOORE -----	4
CROSS BY MS. RATIGAN -----	16
REDIRECT BY MS. MOORE -----	18
DOROTHY MANIGAULT	
DIRECT BY MS. MOORE -----	19
CROSS BY MS. RATIGAN -----	32
CERTIFICATE OF REPORTER -----	38

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
P-1	Mental Health History & SCDC Records	----- 23	26
P-2	Police Incident Report & Supplemental report	----- 37	37



9 On March 8th of 2011 he pled guilty before Judge Hill,
10 received concurrent sentences of ten years for PWID
11 marijuana, third offense, and ten years for PWID crack
12 cocaine, third offense. He did not file an appeal. And the
13 State's ready to proceed.

15 MS. MOORE: Yes. Thank you, Your Honor. May it please
16 the Court. I'm Scarlet Moore here on behalf of Mr. Hudgens.
17 I'm prepared to go forward. My first witness will be Mr.
18 Hudgens.

20 MS. MOORE: Thank you.

23 **MADAME CLERK:** Thank you. You may be seated. Please
24 state your full name for the record.

25 **MR. HUDGENS:** Fardarrel Lorenzo Hudgens.

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

5

1 Direct Examination by Ms. Moore:

2 Q. And, Mr. Hudgens, you are here today because you have
3 filed an application for post conviction relief, is that
4 correct?

5 A. Yes, ma'am.

6 Q. Okay. Can you please tell the Court what are the
7 errors that you have alleged in your post conviction relief
8 application?

9 A. Um, ineffective assistance of counsel.

10 Q. Okay. Have you alleged anything else in regard to your
11 guilty plea?

12 (Pause)

13 A. Um, ...

14 Q. Well, let me -- let me ask you this. Have you also
15 raised issues in regard to your mental -- mental capacity to
16 actually enter a guilty plea when you did so in this case?

17 A. Yes, ma'am.

18 Q. Okay. Now, during your plea negotiations who were you
19 represented by?

20 A. Dorothy Manigault.

21 Q. Okay. And was Ms. Manigault retained or was she
22 appointed to represent you?

23 A. She was obtained.

24 Q. Okay. Now, prior to entering your plea in this case
25 how many times did you meet with Dorothy Manigault?

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

6

1 A. Twice.

2 Q. Twice? And do you -- can you tell -- can you tell the
3 Court -- do you know approximately what the dates that you
4 met with Ms. Manigault were?

5 A. Um, no, ma'am.

6 Q. Can you tell the Court approximately how close a period
7 in time prior to your plea agreement was entered for the
8 record did you meet with Ms. Manigault?

9 A. No, ma'am.

10 Q. You don't remember? Okay. Now, let's talk about the
11 times that you met with Ms. Manigault. The first time you
12 met with Ms. Manigault do you recall approximately how long
13 you met with Ms. Manigault?

14 A. Five minutes.

15 Q. You think you met with her about five minutes?

16 A. (Affirmative nod).

17 Q. Okay. And during those five minutes what did you
18 discuss with Ms. Manigault?

19 A. I told Ms. Dorothy Manigault that I got stopped by the
20 police, um, with a dealer tag and, um, and that they found
21 drugs in the car. And she told me -- and she said, what's
22 happening? And I said he found drugs. And she asked me
23 what was the drugs. I told her it was marijuana and crack
24 cocaine.

25 Q. Okay. Did -- what kind of questions did she ask you

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

7

1 during that first minute -- during that first meeting that
2 you say lasted five minutes?

3 A. Um, she, um, she asked me what -- she asked me what
4 happened. And, um, I told her, um, they found drugs. And
5 -- and, yeah, I said they found drugs. And she said, um,
6 well, she said, you know that you have, um, other charges?
7 I told her, um, I told her, yeah. And, um, and I -- she
8 told me what the charges was. She told me what the charges
9 was and, um, and that, um, that she, um, was going to get
10 them charges took care of first and then we going to see
11 what we're going to do about the drug charges.

12 Q. Okay. Let's go back. You're saying that when you met
13 with Ms. Manigault and you say that you retained her, what
14 -- specifically what charges did you retain Dorothy
15 Manigault to represent you on?

16 A. On drug charges.

17 Q. On drug charges?

18 A. Yes, ma'am.

19 Q. And there were two drug charges that were pending
20 against ---

21 A. Two ---

22 Q. --- you?

23 A. Two drug charges.

24 Q. Okay.

25 A. Yeah.

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

8

1 Q. Now, separate from those charges, you've testified in
2 regard to other charges that were pending against you, is
3 that correct?

4 A. Yes, ma'am.

5 Q. What were those charges that were ---

6 A. Failure ---

7 Q. --- pending?

8 A. --- to stop for a blue light, and DUI, and a gun
9 charge.

10 Q. Okay. And so since -- have those -- have those other
11 charges also been dealt with?

12 A. Yes, ma'am.

13 Q. As we stand today?

14 A. Yes, ma'am.

15 Q. Okay. All right. Now, during that first meeting with
16 Ms. Manigault did she -- did she give you any information
17 about any possible plea deals that had been reached with the
18 State?

19 A. No, ma'am.

20 Q. Okay. Not at that first meeting?

21 A. No.

22 Q. Okay. Is there anything else that she told you or you
23 discussed at that first meeting that you say lasted five
24 minutes?

25 A. No, ma'am.

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

9

1 Q. There was nothing else that was discussed?

2 A. No.

3 Q. Okay. And you say you met with her a second time, is
4 that correct?

5 A. Yes, ma'am.

6 Q. Okay. Tell the Court what happened at that second
7 meeting.

8 A. At the second meeting she just said that, um, that we
9 -- she got a court date and stuff. And, um, and, um, and
10 she -- she said we had a court date. And, um, she was
11 saying, um, that they, um, they was going to try to work out
12 something.

13 Q. Okay. And so the second meeting, did Ms. Manigault
14 give you any specific information about a possible plea
15 agreement that she had reached with the solicitor?

16 A. Um, no, ma'am.

17 Q. So she did not give you any specifics about any
18 sentencing recommendations or negotiations that she had
19 entered into with the solicitor? Is that your testimony?

20 A. No. No, ma'am.

21 Q. Okay. Approximately how long did that second meeting
22 last?

23 A. About five, five to ten minutes.

24 Q. So five to ten minutes, ---

25 A. Yes, ma'am.

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

10

1 Q. --- the second meeting? Okay. I just want to be
2 explicitly clear, your testimony is that you only met with
3 Ms. Manigault on those two occasions, ---

4 A. Yeah.

5 Q. --- is that correct? Okay. All right. Now, at some
6 point during Ms. Manigault's representation of you did you
7 provide for Ms. Manigault information regarding your mental
8 health history?

9 A. Yes, ma'am.

10 Q. Okay. And can you tell the Court what -- how did you
11 provide that information to her? Was it in a letter? Did
12 you tell her about it in person?

13 A. Well, um, I gave her, um, I gave her -- I gave her some
14 documents to show that I had mental, um, a mental condition.

15 Q. Okay. And do you recall what those documents were that
16 you gave Ms. Manigault?

17 A. From, um, from mental health, South Carolina Mental
18 Health.

19 Q. Okay. Were they -- were they records of mental health
20 or were they a psychological evaluation or what -- what were
21 they?

22 A. Records from mental health, um, mental health.

23 Q. Okay. Have you ever -- have you ever received a
24 psychological evaluation?

25 A. Yes, ma'am.

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

11

1 Q. Okay. Do you -- do you recall when that was?

2 A. Um, '98.

3 Q. '98?

4 A. Yeah, '98.

5 Q. Are you sure it wasn't 2008?

6 A. '98 -- yeah, something like that.

7 Q. Okay.

8 A. 2008.

9 Q. Okay. Did you provide Ms. Manigault a copy of your
10 psychological evaluation that you -- that you had done in
11 2008?

12 A. Yes, ma'am.

13 Q. You did?

14 A. Yes, ma'am.

15 Q. Okay. And just to be clear, do you recall if you told
16 her about that or handed it to her in person or did you mail
17 it to her?

18 A. I handed it to her in person.

19 Q. In person, okay. Did Ms. Manigault discuss with you
20 the contents of your psychological evaluation when you
21 presented it to her?

22 A. No, ma'am.

23 Q. Okay. What did Ms. Manigault tell you in regard to
24 your mental health status? What was her -- did she give you
25 any opinions about the information that you ---

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

12

1 A. No, ma'am.

2 Q. Okay. Well, Mr. Hudgens, you also allege in this case
3 that Ms. Manigault failed to advise you of any possible
4 defenses in this matter. Did Ms. Manigault ever inform you
5 of any possible defenses to your charges?

6 A. No, ma'am.

7 Q. Okay. Now, the facts -- the facts of your case, as I
8 believe you've testified, was -- stemmed from a traffic
9 stop. That ---

10 A. Yes, ma'am.

11 Q. --- was your testimony. Okay. Did Ms. Manigault --
12 did you and Ms. Manigault ever discuss any issues regarding
13 the search and seizure that took place in this case?

14 A. No, ma'am.

15 Q. Okay. Now, at that second meeting what did Ms.
16 Manigault tell you about any offer that had been made in
17 this case?

18 A. She didn't -- she didn't discuss with me no offer.

19 Q. Okay. So to be clear, you pled guilty in this matter,
20 is that correct?

21 A. (Affirmative nod).

22 Q. Okay. And when you pled guilty was it your
23 understanding that there would be any sentencing
24 recommendation from the State? What was your understanding
25 when you stood and pled guilty?

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

13

1 A. Well, Dorothy Manigault, she told me, um, she told me,
2 um, I'm -- she going to try to get me, um, house arrest.

3 Q. Okay.

4 A. And, um, ---

5 Q. Okay.

6 A. Yeah, she going to try to get me house arrest. So I
7 guess she went on. And then she found out that -- that, um,
8 that I couldn't get house arrest. And so -- and she, Ms.
9 Manigault, she -- she didn't tell me that, um, that my
10 sentence -- that, um, that my sentence was suspendable.

11 Q. Okay. So she said that your sentence was suspendable
12 ---

13 A. Was not suspendable.

14 Q. It was not suspendable.

15 A. Yeah, she didn't -- she didn't tell me none of that.

16 Q. Okay. So I just -- I want to make sure that I'm clear
17 about what she said. What did -- prior to entering your
18 guilty plea did Ms. Manigault tell you that your sentence
19 was suspendable?

20 A. No.

21 Q. She did not?

22 A. (Negative nod).

23 Q. Okay. And did she -- did she advise you that you would
24 be eligible for house arrest prior to you pleading guilty in
25 this matter?

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

14

1 A. Yes.

2 Q. She did tell you that? Okay. And I believe at the
3 plea the trial transcript does reflect that -- the issue --
4 Ms. Manigault did, in fact, request house arrest for you, is
5 that correct?

6 A. Yeah.

7 Q. But the judge denied that?

8 A. Yeah.

9 Q. Okay.

10 **MS. MOORE:** I beg your indulgence, Your Honor.

11 (Pause)

12 Q. During the time that you met with Ms. Manigault on
13 those two occasions did you ever discuss the possibility of
14 Ms. Manigault filing any pretrial motions on your behalf?

15 A. No, ma'am.

16 Q. So there was no discussion about any motion ---

17 A. No pretrial motion.

18 Q. Okay. Did you and Ms. Manigault ever talk about 4th
19 amendment rights?

20 A. No, ma'am.

21 Q. Okay. Have you independently done research in regard
22 to the fourth amendment while you've been incarcerated?

23 A. Yes, ma'am.

24 Q. Okay. Do you recall, Mr. Hudgens, the second time that
25 you met with Ms. Manigault? When, I mean, was that the day

FARDARREL HUDGENS - DIRECT EXAMINATION BY MS. MOORE:

15

1 of your plea? Was that a week prior to your plea? Do you
2 recall when you met with Ms. Manigault that second time?

3 A. I don't recall.

4 Q. You just don't recall?

5 A. (Negative nod).

6 Q. Okay. Do you recall entering the guilty plea in this
7 matter?

8 A. No, ma'am.

9 Q. You don't -- you don't have any recollection of it?

10 A. No, ma'am.

11 Q. Okay. Mr. Hudgens, let me ask you, since you've been
12 incarcerated with the Department of Corrections have you
13 continued with mental health treatment?

14 A. Yes, ma'am.

15 Q. Okay. Are you currently on any drugs as you sit here
16 today? Are you taking any drugs?

17 A. I haven't took none today.

18 Q. You haven't taken any today?

19 A. (Negative nod).

20 Q. Have you been prescribed any medications?

21 A. Yes, ma'am.

22 Q. What have you been prescribed?

23 A. Um, what's the name? Noravantz (phonetics), I think
24 it's Noravantz.

25 Q. Okay. And was that prescribed specifically to address

FARDARREL HUDGENS - CROSS EXAMINATION BY MS. RATIGAN

16

1 any mental health issues?

2 A. Mental health issues.

3 Q. Okay. At the time that you entered the guilty plea in
4 this matter were you taking any type of drugs that were
5 prescribed in regard to your mental health history?

6 A. Yes, ma'am.

7 Q. What were you taking on that day?

8 A. Seroquel.

9 Q. Seroquel? Okay. Did you discuss with Ms. Manigault
10 the fact that you were taking Seroquel?

11 A. Yes, ma'am.

12 Q. And, I believe, it was -- it was announced for the
13 record as well in this case. Do ---

14 A. Yes, ma'am.

15 Q. --- you recall that? Okay.

16 MS. MOORE: Your Honor, I have no further questions of
17 this witness.

18 THE COURT: All right.

19 MS. MOORE: Thank you.

20 **Cross Examination by Ms. Ratigan:**

21 Q. Just a few quick questions, Mr. Hudgens. Did you ever
22 review the State's evidence with Ms. Manigault?

23 A. No, ma'am.

24 Q. But you had told her your version of what had happened
25 that day when you got pulled over?

FARDARREL HUDGENS - CROSS EXAMINATION BY MS. RATIGAN

17

1 A. Um, no, ma'am.

2 Q. You -- but I thought you told her that the cops pulled
3 you over and you told her all about what happened that day?

4 A. Oh, yeah. Yes, ma'am.

5 Q. Okay.

6 A. Yes, ma'am, Yes, ma'am.

7 Q. Okay. And your testimony is that Ms. Manigault never
8 discussed any kind of a plea offer with you?

9 A. No, ma'am.

10 Q. Okay. Did you know when you went to plead guilty that
11 day there was no kind of plea offer?

12 A. No, ma'am.

13 Q. So what did you think was going to happen that day? If
14 she had never discussed a plea offer with you, what did you
15 think was going to happen at the courthouse that day?

16 A. Um, I guess, um, I don't -- I don't know what had
17 happened 'cause, um, I was up on psychotropic medication.
18 And, um, I didn't know what was going on at the time.

19 Q. Okay. Had Ms. Manigault explained to you the kind of
20 sentences you could get on these charges? Like the maximum
21 sentence you could get on the charges, what you were facing?
22 Had she told you any of that?

23 A. Um, yes, ma'am.

24 Q. Okay. And you told Judge Hill that day that you were
25 taking your medications, but that you could understand your

FARDARREL HUDGENS - REDIRECT EXAMINATION BY MS. MOORE

18

1 decisions. Do you remember telling him that?

2 A. Um, I don't recall, but ...

3 Q. But your testimony today is you don't remember much of
4 anything about the plea hearing?

5 A. No, ma'am.

6 **MS. RATIGAN:** That's all I have, Your Honor.

7 **THE COURT:** Any redirect?

8 **MS. MOORE:** Just briefly.

9 **Redirect Examination by Ms. Moore:**

10 Q. Mr. Hudgens, when did you have an opportunity to review
11 the State's evidence against you in this case?

12 A. Um, when I had a opportunity?

13 Q. Yes. When did you have an opportunity to review the
14 State's evidence against you in this case?

15 A. Um, only time I had a opportunity to review it, when I
16 was incarcerated.

17 Q. Okay. So after the fact, ---

18 A. After the fact.

19 Q. --- is that your testimony?

20 A. Yeah.

21 Q. Okay.

22 **MS. MOORE:** No further questions, Your Honor.

23 **THE COURT:** Were you in jail when you pled guilty?

24 A. No. I was on the street.

25 **THE COURT:** You were on the street? Okay.

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

19

1 A. Yes, sir.

2 **THE COURT:** All right. Thanks. That's all. That's
3 all. Thanks.

4 **MS. MOORE:** I beg a brief indulgence, Your Honor.

5 **THE COURT:** All right.

6 **MS. MOORE:** Thank you.

7 (Pause)

8 **MS. MOORE:** Thank you. Judge, I would call Dorothy
9 Manigault to the stand.

10 **THE COURT:** Okay.

11 **Dorothy Manigault,** duly
12 affirms to tell the truth and testifies as follows:

13 **MADAME CLERK:** Please state your full name for the
14 record.

15 **MS. MANIGAULT:** Dorothy Manigault.

16 **MS. MOORE:** May it please the Court.

17 **THE COURT:** Uh-huh (affirmative).

18 **MS. MOORE:** Thank you.

19 **Direct Examination by Ms. Moore:**

20 Q. Ms. Manigault, you were retained to represent Mr.
21 Fardarrel Hudgens in regards to the drug charges, is that
22 correct?

23 A. That's correct.

24 Q. Okay. Do you recall the day that you were retained by
25 Mr. Hudgens?

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

20

1 A. It was in April of 2010.

2 Q. Okay. So approximately a year prior to his entry of a
3 guilty plea, is that correct?

4 A. Yes. He came in a couple of times, but I think he
5 finally retained me on April the 20th of 2010.

6 Q. Okay. And prior to Mr. Hudgens entering his guilty
7 plea do you recall how many times you met with Mr. Hudgens?

8 A. I met with Mr. Hudgens several times. I met with him
9 on April the 20th of 2010, April the 26th of 2010. I met
10 with him in June of 2010. I met with him July 2nd, 2010. I
11 met with him in August and September of 2010. I met with
12 him January of 2011, February of 2011. I think it was
13 February 21st, February 28th, and March 3rd of 2011.

14 Q. Okay. And do you recall -- where did these -- where
15 did these meetings take place?

16 A. We had four meetings at the office, four or five. And
17 we had meetings at the courthouse because he was bond-carded
18 in for the plea court.

19 Q. Okay. And do you recall how long these meetings lasted
20 with Mr. Hudgens, approximately?

21 A. The April 20th meeting lasted probably anywhere from
22 thirty to forty-five minutes. The other meetings were short
23 in duration. The July 2nd meeting lasted a good bit because
24 we had received the discovery from the Solicitor's Office
25 and went over the discovery.

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

21

1 I provided him a copy of the new sentencing guidelines.

2 And we discussed what he wanted to do. And I gave him a
3 copy of the discovery, gave him a copy of the plea offer and
4 gave him a copy of the sentencing guidelines.

5 Q. And that was on July 2nd, on or about July 2nd?

6 A. July 2nd, 2010.

7 Q. And so what was -- what was the plea offer in this
8 matter?

9 A. The plea offer initially came from Katrina Salisbury,
10 was a plea on the drug charges, possession with intent to
11 distribute marijuana. She would allow him to do a second
12 offense, which would have been up to ten years and
13 possession of cocaine base, third offense, which would have
14 been up to ten years.

15 Q. Okay. And there was no sentencing recommendation, is
16 that correct?

17 A. The State had no recommendation because of his previous
18 criminal history. He had about four or five previous drug
19 convictions.

20 Q. Yes, ma'am. Now, you heard Mr. Hudgens testify about
21 providing you with information regarding his mental health
22 history?

23 A. Yes.

24 Q. Okay. Yes, ma'am. Did he -- did he, in fact, provide
25 that information to you?

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

22

1 A. Yes, he did.

2 Q. Okay. And did you review it?

3 A. Yes, I did.

4 Q. Did you get a copy of Dr. Bodtorf's psychological
5 evaluation that occurred on April 17th, 2008?

6 A. Yes, I did.

7 Q. Okay. The fact -- did Mr. Hudgens -- and just for the
8 purposes of your review of this record, did you note that
9 Dr. Bodtorf gave Mr. Hudgens any diagnoses?

10 A. Yes.

11 Q. And what was that?

12 A. The diagnosis according to the April 23rd, 2008
13 evaluation was psychotic disorder, polysubstance dependence
14 and reported remission, schizophrenia undifferentiated and
15 schizoid effective disorder.

16 Q. Did you follow up with Dr. Bodtorf in regard to Mr.
17 Hudgens' mental health history or capacity to enter a guilty
18 plea?

19 A. No, I did not. This evaluation was done for Voc Rehab.
20 He was applying for disability. And throughout the report
21 the doctor said that he was functional, that -- so, no, I
22 did not follow up.

23 Q. Okay. And did you -- did you follow up with any mental
24 health care providers in regard to the drug that he was
25 taking, Seroquel, at the time of the guilty plea?

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

23

1 A. No, I did not.

2 Q. Okay.

3 (Whereupon Plaintiff's exhibit 1 was marked for
4 identification)

5 MS. MOORE: May I approach the witness, Your Honor?

6 THE COURT: At your own peril.

7 MS. MOORE: Yes, sir. That's my understanding, yes,
8 sir, in a very, very good way.

9 Q. Ms. Manigault, I'm going to show you what's been marked
10 as Plaintiff's exhibit 1.

11 MS. MOORE: And I have shown this exhibit to the
12 Attorney General, Your Honor.

13 A. Okay. All right.

14 Q. Okay. Does any of that information that I have given
15 to you in Plaintiff's exhibit 1 look familiar to you? Well,
16 let me strike that. Have you -- any of the information that
17 is contained in Plaintiff's exhibit 1, have you seen that
18 mental health history before?

19 A. I was provided the first six pages by Mr. Hudgens. I
20 have not seen the balance after the first six pages.

21 Q. Okay. And so the first six pages are, in fact, Dr.
22 Bodtorf's ---

23 A. Evaluation.

24 Q. --- evaluation?

25 A. Correct.

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

24

1 Q. Okay. And the exhibit -- the remaining of the pages,
2 you have not ever seen that?

3 A. I've never seen those.

4 Q. Okay.

5 MS. MOORE: Judge, I would ask that Plaintiff's exhibit
6 be introduced into evidence at this time. It's for the --
7 for the purposes of establishing that Ms. Manigault did see
8 Dr. Bodtorf's evaluation, but did not see the additional
9 information.

10 MS. RATIGAN: Your Honor, I have no problem with the
11 actual evaluation coming in. Obviously, that was something
12 provided Ms. Manigault. However, I'd argue the rest of it
13 appears to be SCDC records that haven't been authenticated.

14 And, furthermore, I believe the date on those records
15 is September of 2011 and Mr. Hudgens pled in March 2011. So
16 we would argue they wouldn't have been in existence at the
17 time of Ms. Manigault's representation.

18 MS. MOORE: Your Honor, ---

19 MS. RATIGAN: In this particular form.

20 MS. MOORE: This is a -- what I've presented Ms.
21 Manigault is a mental health history summary which has
22 entries dating back to 2003; Your Honor. And so that's why
23 I wanted Ms. Manigault to take a look at these documents to
24 see if there was any information that she had been provided
25 prior to the plea.

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

25

1 **THE COURT:** Well, is it -- what are you telling me?

2 **MS. MOORE:** Well, it's ---

3 **THE COURT:** Which one is it? Is it SCDC reports
4 subsequent to his incarceration or is it some preexisting
5 stuff?

6 **MS. MOORE:** Your Honor, I think it's a little bit of
7 both. It is a report from SCDC in regard to his medical
8 summary, but it does have entries that are dated back to
9 2003, Your Honor, in regard to his treatment.

10 **THE COURT:** SCDC records?

11 **MS. MOORE:** Yes, Your Honor.

12 **THE COURT:** And who are they -- who prepared them?

13 **MS. MOORE:** It was a document that was provided to me
14 by my client, Your Honor. It's a printout of the medical
15 summary of his treatment while at the Department of
16 Corrections.

17 **THE COURT:** Does it contain diagnoses and things like
18 that or what is it?

19 **MS. MOORE:** It just is records. It's very cursory
20 records of the dates of treatment and the purposes for
21 treatment, Your Honor. But, again, it's not -- it is not a
22 medical record, Your Honor. It is a summary. I wanted to
23 ---

24 **THE COURT:** Let it in for what it's worth.

25 **MS. MOORE:** Yes, sir. Thank you, Your Honor.

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

26

1 **THE COURT:** All right.

2 **MS. MOORE:** Thank you, Judge.

3 (Whereupon Plaintiff's exhibit 1 was admitted into
4 evidence)

5 Q. During your representation of Mr. Hudgens, Ms.
6 Manigault, did you discuss with him any issues stemming from
7 the initial stop of his automobile?

8 A. Yes, I did.

9 Q. Okay. And do you recall -- when did you discuss that
10 with him?

11 A. We discussed it when he first came in, my notes from
12 April 20th, 2010. And again in July 2010 we went over the
13 discovery material.

14 Q. Okay. And did you discuss any possible defenses that
15 you may be able to present to the Court in regard to the
16 stop in this case?

17 A. What we discussed was -- when he first came in, what
18 happened, his version. And then when we received the
19 discovery, the police report, incident report, I learned
20 that he did not have a driver's license, did not have car
21 insurance, had what the police perceived to be fake paper
22 tags, fake dealer tags. So we discussed all of that.

23 And his main interest was not going to trial because he
24 was still on parole for a drug violation. His main interest
25 was trying to stay out of jail and making sure that his case

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

27

1 was not called before November of 2010 when his -- when he
2 was off parole.

3 Q. Okay.

4 A. So his initial approach to me was he wanted a guilty
5 plea, he wanted a negotiated plea, he did not want to go to
6 trial because he didn't want to take the chance.

7 Q. Okay. And then he ended up pleading guilty in March
8 2011?

9 A. He ended up pleading guilty March 8th, 2011. We were
10 on the trial docket. He pled off of the trial docket.

11 Q. Okay. And so March 8th, 2011 would he -- if you had,
12 in fact, proceeded to a trial would he have, in fact, been
13 at risk of violating his parole at that point?

14 A. According to him, no. He was supposed to have been off
15 in November, off of parole in November.

16 Q. Okay.

17 A. But we didn't have a choice. I mean, if our case was
18 put on the docket and we were called for trial, we had to go
19 to trial. But even in February and March 3rd he did not
20 want -- he did not want a trial.

21 Q. Did you ever discuss with him that the possibility of
22 filing a motion to suppress to try to get rid of the
23 contents of the stop?

24 A. We discussed that. He was stopped, no driver's
25 license, no insurance. You have the report that you have

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

28

1 read.

2 Q. Yes, ma'am.

3 A. There was no defense. There was no driver's license,
4 license was suspended. So he was arrested legally. And the
5 search of the vehicle was an inventory search, which
6 revealed the drugs.

7 Q. Okay. So your testimony today is that you didn't have
8 any question that what officers did in this case was proper,
9 is that right?

10 A. I had no questions that what they did was improper.

11 Q. Okay.

12 A. What they -- go ahead.

13 Q. I think we're saying the same thing ---

14 A. Yes.

15 Q. --- in different ways. Yes, ma'am.

16 **THE COURT:** Are you saying they violated his rights or
17 didn't violate them?

18 A. Did not.

19 **THE COURT:** Okay. Thank you.

20 Q. Did you do any research about inventory searches prior
21 to -- and give Mr. Hudgens information about your research
22 about inventory searches?

23 A. We talked about it. I did not give him any research
24 that I had done.

25 Q. Okay.

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

29

1 A. I'd done research in previous cases, but not
2 necessarily in his, maybe.

3 Q. Okay. And do you recall -- what was that conversation
4 like? Do you recall the date of that conversation in regard
5 to your research of inventory searches?

6 A. We had thorough discussions on the July 2nd when he
7 came into the office about what he wanted to do, how we were
8 going to proceed.

9 Q. But ---

10 A. He questioned me about the search. We went over the
11 police report. He did not have his driver's license. It
12 was a legitimate arrest. His license was suspended. The
13 inventory of the vehicle, to me, was legitimate.

14 Q. Okay. Yes, ma'am. And just the last question I have
15 on that is did you -- did you research any statutes that
16 would have, in fact, given the officers authority to conduct
17 an inventory search on the basis of Mr. Hudgens' facts?

18 A. No.

19 Q. Okay. And just to be clear, once you learned of Mr.
20 Hudgens' fairly extensive mental health history did you
21 follow up with any providers, or any physicians, or any
22 counselors, or anybody who may have treated Mr. Hudgens in
23 the past for mental health history?

24 A. I learned of Mr. Hudgens' mental health history, not
25 fairly extensive, he gave me a report dated April 23rd,

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

30

1 2008, which was an evaluation by Dr. Bodtorf. And he told
2 me he was on medication.

3 He was very functional. He appeared for court every
4 plea court date, which was more than six or seven times.
5 And his thing was I do not want to go to court, I do not
6 want to plea, I'm still on parole, just put this off.

7 I would tell him that we're going to lose this plea
8 offer because that's where he wanted me to ask for HIP, home
9 incarceration, zero to ten, which would -- the court may
10 have considered it, but may not have done it because of his
11 extensive record.

12 Once we lost this plea offer at the end of 2010 -- it
13 was extended by the Solicitor's Office. We lost it at the
14 end of 2010. In January of 2011 I received an email from
15 the solicitor to say that the case is going to go on the
16 trial docket in March. So I notified my client of that.

17 His story was the same, I don't want to take a chance
18 because of my record, okay. So he asked me to ask the
19 solicitor to reopen this plea offer, which is zero to ten on
20 both drug charges. They refused. The case was transferred
21 from Katrina to another solicitor.

22 Q. Ms. Manigault, did you have communication with Mr.
23 Hudgens in regard to -- to how his sentence might be
24 calculated in the Department of Corrections?

25 A. No.

DOROTHY MANIGAULT - DIRECT EXAMINATION BY MS. MOORE

31

1 Q. So you had no discussion ---

2 A. No, I never discuss how a sentence is going to be
3 calculated.

4 Q. Okay. Do you recall specifically how you advised Mr.
5 Hudgens about the possibility of ten years on each count?
6 Do you recall how you advised him about that?

7 A. Okay. That was the plea offer. Once the plea offer
8 lapsed, Mr. Hudgens was then facing ten to twenty and
9 fifteen minimum if he was sentenced under the proper
10 statute.

11 However, I asked, if you see in the transcript, I asked
12 the judge to sentence him that he would get the benefit so
13 we could ask for the ten years. I asked for a minimum
14 sentence. Yes, I asked for the home incarceration because
15 my client kept insisting that I ask for it. So I put it on
16 the record, yes.

17 Q. Yes, ma'am. Okay.

18 A. But once we got to trial, on the trial docket, all
19 offers were gone. He -- there was no way he could get
20 anything except a minimum of ten or a minimum of fifteen.

21 Q. Yes, ma'am. Okay.

22 MS. MOORE: I beg your indulgence, Your Honor.

23 THE COURT: Yeah.

24 MS. MOORE: Thank you.

25 (Pause)

DOROTHY MANIGAULT - CROSS EXAMINATION BY MS. RATIGAN

32

1 **MS. MOORE:** Thank you, Your Honor. I have no further
2 questions of this witness. Thank you.

3 **THE COURT:** Just so I'm clear, Ms. Manigault, you're
4 telling me that if he was to win this PCR and go back for a
5 new trial, the correct application of the law would require
6 a mandatory sentence of a minimum of fifteen years?

7 A. Yes, sir.

8 **THE COURT:** Okay. I just wanted to make sure everybody
9 understood that. Okay.

10 **Cross Examination by Ms. Ratigan:**

11 Q. And your testimony is that you explained to Mr. Hudgens
12 the minimum and maximum he was facing on all these charges?

13 A. Yes, I did.

14 Q. And you conveyed that plea offer to him in July of
15 2010?

16 A. Yes, I did. I gave him a copy of it.

17 Q. Okay. And the State extended it at least through the
18 end of the year, was that your testimony?

19 A. That's correct.

20 Q. And did you explain to him the risks and advantages of
21 accepting the plea offer versus not?

22 A. Yes.

23 Q. And there was never a second plea offer, just this one?

24 A. No second plea offer.

25 Q. And you were aware that Mr. Hudgens was taking various

DOROTHY MANIGAULT - CROSS EXAMINATION BY MS. RATIGAN

33

1 psychiatric medications?

2 A. Yes.

3 Q. Was he able to, in your opinion, participate in your
4 discussions about the case?

5 A. Very well. He was very -- he was very alert, conscious
6 of what he was going -- the discussion. Anybody that can
7 keep telling you that I'm on parole until November, please
8 don't -- keep me out of court until after that.

9 Q. So he asked lots of questions about the case?

10 A. He asked questions, he gave directions on what he
11 wanted me to do.

12 Q. Did you ever have any kind of red flags in these
13 discussions about his competency?

14 A. None.

15 Q. On the day of the plea did you have any concerns about
16 whether he understood what was going on that day?

17 A. I had no concerns.

18 Q. Did he ever tell you during the course of the plea, I
19 don't understand why I'm here, I don't understand what's
20 going on?

21 A. No, he didn't.

22 Q. At the time that he pled guilty it was going to be
23 straight-up, no recommendations ---

24 A. That's correct.

25 Q. And you had explained that to him?

DOROTHY MANIGAULT - CROSS EXAMINATION BY MS. RATIGAN

34

1 A. Yes, I did. I explained that his plea offer, you know,
2 actually had already expired long ago. And the solicitor
3 kept extending it because I asked her if she could wait
4 until he got off of parole after November. And they
5 extended it to the end of the year. So the plea offer
6 expired at the end of 2010. And I told him then that we
7 were back to the original of what the sentences would be.

8 Q. And did you ever promise him that he would receive
9 house arrest or just you would ask for it?

10 A. That I would ask for it. And I told him that the
11 likelihood of him getting it was nil.

12 MS. RATIGAN: That's all I have, Your Honor.

13 THE COURT: So he was -- he was going to be on parole
14 until November of 2010?

15 A. Yes, sir.

16 THE COURT: And if he'd pled guilty and been revoked,
17 his sentence would have -- that sentence would have expired
18 in November of 2010? Is that right? Do I understand that
19 ---

20 A. That's what I was led to believe.

21 THE COURT: And so he -- and he just didn't want to ---

22 A. He did not want to come to court for a plea or anything
23 until after November of 2010.

24 THE COURT: He just wanted to put it off.

25 A. He wanted to put it off. And he came to court every

DOROTHY MANIGAULT - CROSS EXAMINATION BY MS. RATIGAN

35

1 time. And he brought his wife. And sometimes he brought
2 family members with him. I think he told me he got married
3 February of that year and he wanted to try to stay out on
4 house arrest to, you know, be with his wife and -- because
5 he had changed his life.

6 So -- but, no, he was -- he came to court every time.
7 And every time we had the discussion here at the courthouse,
8 I don't want to go to court.

9 **THE COURT:** He just wanted to put it off for as long as
10 he could.

11 A. That's -- yes, sir.

12 **THE COURT:** He didn't want to pay that front price.

13 A. Yes, sir.

14 **THE COURT:** Costs more expensive to wait. Didn't it?

15 A. Yes, sir. I explained that once your name gets on the
16 trial docket there are no further negotiations.

17 **THE COURT:** Okay. Y'all got any other questions for
18 her?

19 **MS. MOORE:** No, Your Honor.

20 **MS. RATIGAN:** No, Your Honor.

21 **THE COURT:** It's a great opportunity. Thank you. You
22 can step down. Okay. Anything else?

23 **MS. MOORE:** No, Your Honor.

24 **THE COURT:** Any from the State?

25 **MS. RATIGAN:** No, Your Honor. We'd rest on the record

1 and Ms. Manigault's testimony.

2 **THE COURT:** Okay. Mr. Hudgens, I'm just going to tell
3 you right now I'm going to deny your petition, okay. I
4 mean, I could hold off and say I'm going to take it under
5 advisement and think about it and not tell you face to face,
6 but I'd rather tell you face to face.

7 I don't think you've met your burden of proof. You
8 have not shown that her representation fell below an
9 objective standard of reasonableness. And you certainly
10 weren't prejudiced by her representation. So -- and that's
11 the test to succeed in a post conviction relief hearing.

12 So I am going to deny your petition. I'll ask the
13 State to prepare an order. And they will share it with us
14 and ---

15 **MR. HUDGENS:** Your Honor, ---

16 **THE COURT:** --- take care of it.

17 **MR. HUDGENS:** --- can I file, um, can I file these, my,
18 um, paper with the court reporter?

19 **THE COURT:** File what?

20 **MR. HUDGENS:** The, um, my, um, police report.

21 **THE COURT:** The police report?

22 **MR. HUDGENS:** Yeah.

23 **MS. RATIGAN:** Incident and supplementals.

24 **MR. HUDGENS:** Incident and ...

25 **THE COURT:** What for?

1 **MR. HUDGENS:** For appellate review.

2 **THE COURT:** Appellate review?

3 **MR. HUDGENS:** Appellate review.

4 THE COURT: Well, you got any objection to that?

5 MS. RATIGAN: I have no objection, Your Honor. That's
6 part of the -- what Ms. Manigault would have had anyway.

7 **THE COURT:** Yeah. These are the things that Ms.
8 Manigault gave you, is that right?

9 MR. HUDGENS: Yeah.

10 **THE COURT:** Okay. All right. You can put them in the
11 record. That's great. Make them Plaintiff's exhibit number
12 2.

13 (Whereupon Plaintiff's exhibit 2 was marked and
14 admitted into evidence)

15 **MS. MOORE:** Thank you, Your Honor.

16 **THE COURT:** All right. Good luck to you. You've got a
17 very attractive family, Mr. Hudgens.

18 MR. HUDGENS: Thank you.

19 (Hearing Ended at 11:12 am)

20 (End of Requested Transcript of Record)

1

2.

10

12

13

14

15

COURT OF COMMON PLEAS AND GENERAL SESSIONS

EXHIBIT RECORD AND RECEIPT FORM

PLAINTIFF

Jamarrel Hudgens

DEFENDANT

Statt

CASE NO.

2011-CP-23-2551

DATE _____

12	19	12
----	----	----

DATE ENDED

12 19 12

ATTORNEY

Scarlet Moske

ATTORNEY

Karen Katigau

JUDGE

Miller

COURT REPORTER

Susan Hudgins

PLAINTIFF'S/STATE'S EXHIBITS

ID

EV

[illegible]

DEFENDANT'S EXHIBITS

IC

EV

[illegible]

Susan Hudgins
COURT REPORTER

COURT REPORTER

Jan White
CLERK OF COURT

CLERK OF COURT

PAGE

OF

DATE _____

12-19-12



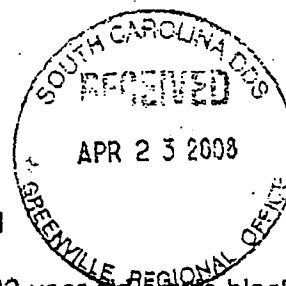
KARL R. BODTORG, PSY.D.
302 WEST MAIN STREET
TAYLORS, SOUTH CAROLINA 29687

CLAIMANT: Fardarrel L. Hudgens

SSN:

DISABILITY EXAMINER: Laurie A. Hearne

DATE OF EXAMINATION: April 17, 2008



MENTAL STATUS EXAMINATION

REASON FOR REFERRAL: Fardarrel L. Hudgens is a 32-year-old single black male who was referred to this office for a mental status examination via the South Carolina Department of Vocational Rehabilitation/Disability Determination Services. This assessment was requested to determine Mr. Hudgens' overall mental status as it relates to his ability to obtain and maintain substantial gainful activity.

BEHAVIORAL OBSERVATIONS: Fardarrel was found to be dressed casually in a white T-shirt, red shirt, blue jeans, and sneakers. He wears a black winter jacket. He has a mustache. He has very short black hair and brown colored eyes. He stands somewhere between 5 feet 6 inches and 5 feet 8 inches tall and weighs 160 pounds. He was adequately groomed. Fardarrel is right hand dominant. His speech, vision, and hearing would appear to be within normal limits. His gross motor and fine motor skills were age and task appropriate though his general activity level seemed a little slowed/lethargic. He did appear to experience some degree of difficulty in understanding some of the questions posed on this date. It was not necessary for the undersigned to repeat himself from time to time. Attitude and motivation seemed a little indifferent. Concentration was variable. No bizarre behaviors were evidenced. It is believed that his performance was optimal and that the results reflect his current level of functioning. Mr. Hudgens was reserved in his interactions with the undersigned and did not seem to provide a great deal of detail about himself and/or circumstances.

Fardarrel had difficulties providing much in way of information as to the location of this office. He did know that it was in South Carolina. He was asked for what town it might be and he seemed to not really understand the word town. He eventually came up with Greenville, but did not know that it was in Taylors. Fardarrel was able to provide the correct date, but missed the day of the week. He was able to provide his date of birth and age. He identified the current

TDN:

70F11

FARDARREL L. HUDGENS

PAGE 2

president as Clinton and did not know the most recent past president. He was asked who might be next and he replies "Clinton." When asked what he meant by that he replies "female." He was able to repeat a sentence provided orally, read and obey a written command, and write a sentence of his own choosing. "He told me he won't juest." He was able to copy a geometric figure. Fardarrel was able to spell his last name, both forwards and backwards. He could not do serial seven calculations. When asked to subtract 7 from 100, he replies 107, 100, 107, and 100. He was unable to remember any of the three objects after distraction task. There was, perhaps, some mild dysphoria here though his affect was genuinely quite flat. He reports having auditory and visual hallucinations. On his application for service form, he states his reason for previous treatment as being "I hear voies and I see unrial thangs." He does not possess a driver's license and has never had one. He was brought to the office today by a cousin.

BACKGROUND INFORMATION: Mr. Hudgens begins the clinical interview today by responding to some questions about his referral to this office. He relates that he is here at the request of "disability." He gives the impression that he was on disability in the past beginning in 2001 "for a couple of years." When asked why this might have ended, he talks about an incarceration. He was questioned about why he might have applied for disability back then and he replies "the same things...I was hearing voices...and seeing people...". His difficulties in this regard began when they said "that I killed this man." This dates back to the late 1990s. He denies having killed this individual. He mentions that "they tried this and he got shot...my lawyer got me to plead guilty...". It was evidently a first degree murder charge that was dropped to manslaughter. Fardarrel relates that he was given three years probation, but later was violated probation and "got sent down the road." He indicated that the reason for this was "CDV." According to his report, he went to prison for about 3-4 years and came home in the later part of 2007. According to Mr. Hudgens "I still have problems hearing this man." This occurs when he attempts to sleep and also occurs during the day. He relates that "he says...I know I killed him and he wants justice." He knew of this individual, but according to his report did not know him personally. Mr. Hudgens was asked about his mood on this particular date, and he replies that "I feel alright." He states that he does experience mood swings associated with hearing "voices of this man...and I'll say something crazy...I would be seeing visions of him...".

Mr. Hudgens indicates that he is involved in treatment services at the present time through the Greenville Community Mental Health Center. He applied for services there upon coming out of prison and has been seen a couple of times. According to his report, no medication has been prescribed. He did have some counseling/treatment while in prison. He saw a counselor there. These also

80F11

FARDARREL L. HUDGENS

PAGE 3

indicates that they were going to start giving him medication, although that did not actually occur. He states that he was sent to Bull Street in Columbia after the allegations of the shooting, for the purposes of assessment. He denies ever having been involved in mental health services prior to the murder charge. Mr. Hudgens was questioned about his appetite and he relates that "I try to eat." He mentions having dropped about 20 pounds in the past few years. He states that he has difficulty sleeping as a result of hearing voices and will "be pacing the floor." He estimates getting only about two hours of sleep at night. He was asked about his ability to concentrate and he notes that "I would be trying to stay focused...I hear his voice...during the day...". He was asked about his energy level and he relates that "I might have a little...I would be walking...around the block...". He denies ever having attempted to take his life. He denies any suicidal thoughts.

Mr. Hudgens indicates that he is from Gray Court and lived there to about age 17. He was raised by his grandmother. They moved to Greenville when he was about 17. He describes her as "okay...kind of strict...". He indicates that his biological parents have never really been around. He does not have any siblings. Fardarrel is not aware of any mental health problems in the family. In school, he relates that he did "okay...I kind of like school...". He reports having finished the eleventh grade. When asked why he might have dropped out, he reports that he was "hanging around the wrong people...a party kind of crowd...". He acknowledged having had a handful of suspensions, but was never expelled from school.

Mr. Hudgens is not employed at this particular point in time. He has tried to do some part time work through temporary service since having come out of prison. The most that he has worked however has only been "a couple of days." He reports having had two past jobs. He worked at a plastic company for about a year. He worked at a car wash about six months.

Fardarrel acknowledges having consumed alcohol in his high school days. He was asked about use of alcohol now, and he replies that he does do this "sometimes...because I'm having problems with voices...". He was asked how often he might drink and he replies "when I can get it." He acknowledges having used marijuana in high school. He states that he does not use it now and has not used it since being out of prison. He denies past use of drugs like cocaine or methamphetamines. Fardarrel acknowledges the murder charge and mentions that it was dropped to manslaughter. He states that he has had about 10 CDV charges from girls and other people. He states that he has one drug charge possession of marijuana that dates back to 2003. He states that he has been to prison on three occasions. The information revealed here is not entirely

FARDARREL L. HUDGENS

PAGE 4

consistent with what was found in the mental health records. He reported to them use of drugs such as cocaine and reports having been charged with possession of cocaine versus possession of marijuana. There is the sense of underreporting on his part with respect to this issue.

Mr. Hudgens indicates that he is single and has never been married. He is presently living with his grandmother in the Greenville area. He states that she is about 60 years of age. He has a son of 14 and a son of 6, who do not reside with him.

Mr. Hudgens was asked about his ability to take care of his basic needs and he relates that "I do okay with that." He was asked how often he might take a shower and he notes "once a week." He was questioned about his activities through the day and he notes that he does do quite a bit of walking. He will lie down. He will look at TV. He was asked about helping out his grandmother around the house, and he has a rather blank expression on his face and gives the impression of doing very little. He does not shop. He was asked about hobbies or activities of pleasure and he mentions that "I go out walking...around the block...". He was also asked about his ability to get along with others and he notes that "I don't really...not so good...". He gives the impression that the voices get in the way of his interactions. He does not see friends "too often." He denies any particular activities or social events other than "walking."

Fardarrel is not taking any medication at this time. He believes that he has taken a "little white pill" while in prison for a short time, but could not recall its name. He thought it might have been "Zoloft."

CONCLUSIONS: Fardarrel L. Hudgens is a 32-year-old single black male who was referred to this office for mental status examination via the South Carolina Department of Vocational Rehabilitation/Disability Determination Services. This assessment was requested to determine Fardarrel's overall mental status as it relates to his ability to obtain and maintain substantial gainful activity.

This gentleman arrived some 20 minutes early for his appointment on this date having been brought to the office by a cousin. He was reserved in his interactions with the undersigned and did not provide much in the way of details about himself and the circumstances. He was a bit of indifference with respect to his attitude. Mood was dysphoric and affect was decidedly flat. He reports auditory and visual hallucinations that seem to develop after allegations that he murdered an individual back in the late 1990s. According to his report, he pled guilty to manslaughter and was given probation. He was later violated and went

90F11

FARDARREL L. HUDGENS

PAGE 5

to prison for a few years. He also gives the impression that he had been on disability for a time in the past, but this ended with his incarceration.

This gentleman is involved in treatment services through the local community mental health center, since his release from prison. He has been seen on a couple of occasions, but not yet given a diagnosis nor medications. He denies ongoing mental health services in the past though he was seen at Bull Street on at least one occasion related to the same charges. He is not taking any psychotropic medications.

Mr. Hudgens acknowledges past use of alcohol and drugs though there were some obvious inconsistencies here in comparison to the information presented to mental health. For example, he denies use of cocaine with the undersigned, but admits this in an interview at mental health.

He appears able to take care of his basic needs. There are some questions as to how well he would recognize and avoid physical danger. He could, perhaps, be at risk for injury/accidents in some work environment as a result of inattention. There is question as to whether he would be a good candidate for managing financial affairs both from an ability level and a judgment level. Any benefits that might be awarded should perhaps be managed by a significant other/family member. He would appear to have moderate limitations with respect to independent functioning, moderate to perhaps moderate/severe limitations with respect to memory/concentration, and moderate to perhaps moderately severe limitations with respect to social functioning.

DSM-IV DIAGNOSTIC IMPRESSIONS:

Axis I 298.9, Psychotic disorder,
 304.80, Polysubstance dependence (In a reported remission).
 Rule out 295.90, Schizophrenia undifferentiated.
 Rule out 295.70, Schizoaffective disorder.

RETURN RECORDS BY FAX TO SCDDS AT (866) 868-7952

Request To: KARL R BODTORG PSYD
302 W MAIN ST
TAYLORS SC 29687

Date: 04/23/08

Re: FARDARREL L HUDGENS
Ref. No: H05378
DOB:

KARL R BODTORG PSYD

Enclosed are two copies of your report concerning the above-named individual. Please sign one copy and return within 7 days. Also, please review the report for inaccuracies and be certain the examination date is included.

To ensure expedited payments, please fax the signed copy of your report and your authorization with this cover letter as the first page. The fax number is listed above. If you are unable to fax, please send the signed report and authorization in the envelope provided; understand there may be payment delays.

MAIL INSTRUCTIONS

Insert this page into the window envelope with the address showing. **THIS PAGE MUST BE ON TOP OF YOUR REPORT.**

- Mail report to address in box at right
- If you are sending reports on more than one person in the same envelope, place this page for each individual on top of his/her records.

The authorization issued by the Disability Determination Services is NULL and VOID unless your completed invoice and signed report are received within 45 days from the date services were rendered. Your cooperation is appreciated.

Sincerely,



Laurie A. Hearn, Disability Examiner



RQID: 0049144573H0527801 SITE: S87 DR: S
SSN: ***** DOCTYPE: 0002 RF: D CS: 587

THIS PAGE MUST BE ON TOP OF YOUR REPORT.

BMC/467
TDN: 0049144573
DMA: Y L32C (2/07)

Claim No. H05278

SSA
S87 SC DDS GREENVILLE
P.O. BOX 8706
LONDON, KY 40742-9915

DCI880D
MINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

CDC# 25 0464 HUDGENS, DARREL LORENZO

PAGE 1

- * ENCOUNTER: 99 MENTAL HEALTH CLINIC 09/28/11 12:02 EVANS COMP
CCC NOTE: MEDICATION MANAGEMENT GROUP NOTE:
I/M DID NOT PARTICIPATE IN SESSION 3 OF GROUP. HIS NAME WILL REMAIN ON THE
ROSTER FOR FOLLOW UP.
SIGNED OFF ON 09/28/11 @ 12:03 BY IRIS K HAM, HUMAN SERVICES COORD I
- * ENCOUNTER: 98 MENTAL HEALTH CLINIC 09/28/11 12:01 EVANS COMP
CCC NOTE: MEDICATION MANAGEMENT GROUP NOTE FOR 9/21/11.
I/M PARTICIPATED IN SESSION 2 OF GROUP. HE WAS NOTED TO BE ALERT AND ORIENT
ED.
A: NO PSYCHOSIS NOTED.
P: CONTINUED PARTICIPATION.
SIGNED OFF ON 09/28/11 @ 12:02 BY IRIS K HAM, HUMAN SERVICES COORD I
- ** ENCOUNTER: 97 MENTAL HEALTH CLINIC 09/14/11 14:04 EVANS COMP
CCC NOTE: MEDICATION MANAGMENT GROUP NOTE:
I/M DID NOT REPORT FOR SESSION 1 OF GROUP DUE TO HAVING A GED TEST. HIS ABS
ENCE IS EXCUSED AND HIS NAME WILL REMAIN ON THE ROSTER FOR FOLLOW UP.
SIGNED OFF ON 09/14/11 @ 14:05 BY IRIS K HAM, HUMAN SERVICES COORD I
- ** ENCOUNTER: 96 LAB CLINIC 09/09/11 7:50 EVANS COMP
LABWORK RETURNED WITH NORMAL RESULTS
SIGNED OFF ON 09/09/11 @ 7:50 BY KELLEY M MORTON, REGISTERED NURSE I
- ** ENCOUNTER: 95 LAB CLINIC 09/08/11 7:37 EVANS COMP
LIPID PANEL AND FBS SENT TO KCI
SIGNED OFF ON 09/08/11 @ 7:37 BY JODI C CUTCHIN, LICENSED PRACTICAL NURSE
- ** ENCOUNTER: 94 MENTAL HEALTH CLINIC 09/06/11 9:07 EVANS COMP
S: NOTED IMPROVEMENT AFTER RISPERDAL WAS INCREASED. THERE WAS A DECREASE IN
AH AND AN IMPROVEMENT IN SLEEP. HE DOES NOT WANT A FURTHER INCREASE, AT TH
IS TIME.
O: FLAT AFFECT. GOOD SPEECH AND ACTIVITY LEVEL.
A: SCHIZ., H/O ALC. ABUSE.
P: SAME RXS.
LABS: FBS AND LIPID PROFILE.
SIGNED OFF ON 09/06/11 @ 9:09 BY ROBERT M POILETMAN, PSYCHIATRIST
LAB REFERRAL COMPLETED AND PLACED IN LAB BOX.
SIGNED OFF ON 09/06/11 @ 9:28 BY JODI C CUTCHIN, LICENSED PRACTICAL NURSE
- ** ENCOUNTER: 93 MENTAL HEALTH CLINIC 08/11/11 13:27 EVANS COMP
CCC NOTE: IND. SESSION NOTE.
D: I/M WAS SEEN FOR ROUTINE FOLLOW ALONG. HE DENIED ANY ACUTE DISTRESS. HE
NOTED THAT WAS CONCERNED THAT HE IS STILL GETTING 2MG OF RISPERDAL WHEN
THE DR. CHANGED IT TO 4MG. CCC CHECKED WITH ECI PHARMACY WHO REPORTED TH
AT THE CORRECT SCRIPT AND ORDER WERE NOW IN THE PHARMACY (4MG). THE I/M
WAS ADVISED. HE NOTED THAT HE CONTINUES TO HERE VOICES WITH THE MEDICATI
ON. HE WAS ADVISED THAT AFTER A CERTAIN AGE AND WITH SEVERAL MED. STOPS
IT IS HARDER TO EXTINGUISH HALLUCINATIONS, BUT COPING SKILLS AND MEDS SH
OULD HELP HIM COPE. HE APPEARED OPEN. HE WAS COUNSELLED ON COPING SKILLS

MDCI880D
OMINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 250464 HUDGENS, DARREL LORENZO

PAGE 2

AND INSIGHT. HE APPEARED OPEN. HE WAS NOTED TO BE ORIENTED AND ALERT X 3
. HIS HYGIENE AND GROOMING WERE WNL. I/M DENIED S/H IDEATIONS, PROBLEMS
WITH PEERS OR CONCENTRATION. HE NOTED THAT HALLUCINATIONS ARE MOST ACTIV
E AT NIGHT, BUT NOT EVERY NIGHT.

A: CLINICAL IMPRESSION: SCHIZOPHRENIA, H/O ALCOHOL ABUSE. GAF: 75. I/M DID
NOT APPEAR TO BE A DANGER TO HIMSELF OR OTHERS. HIS MOOD AND AFFECT WERE
WNL.

P: F/U IND. SESSION IN 90 DAYS.

MICHELLE FOX, CCCIV

SIGNED OFF ON 08/11/11 @ 13:33 BY MICHELLE D FOX, HUMAN SERVICES COORD I

** ENCOUNTER: 92 MENTAL HEALTH CLINIC 06/28/11 12:35 EVANS COMP
S: CONTINUES TO HAVE AH, WITH A RECENT INCREASE IN THE AM. DENIED MED SIDE
EFFECTS. HE PACES, BUT HE SAID HE DOES THAT BECAUSE IT HELPS THE AH (RATH
ER THAN BEING FROM AKATHISIA).

O: GOOD SPEECH, AFFECT AND ACTIVITY LEVEL.

A: SCHIZ., H/O ALC. ABUSE.

P: INCREASE RISPERDAL.

LABS: FBS AND LIPID PROFILE.

P> RISPERDAL 4MG

SIG:1 PO HS

SIG:

START DATE: 06/28/11 TOTAL DAYS: 180

MD: POILETMAN, ROBERT M

SIGNED OFF ON 06/28/11 @ 12:39 BY ROBERT M POILETMAN, PSYCHIATRIST

NOTED 6/28/11

LAB REFERRAL FORWARDED

SIGNED OFF ON 06/28/11 @ 14:43 BY TARA WARREN, REGISTERED NURSE I

** ENCOUNTER: 91 MENTAL HEALTH CLINIC 05/31/11 16:09 EVANS COMP
CCC NOTE: NO SHOW NOTE.
I/M DID NOT SHOW FOR F/U WITH MEDICATIONS MONITORING. THOUGH HE WAS SENT AN
OTR AND PLACED ON THE INSTITUTIONAL OUTCOUNT ROSTER. HE WILL BE RESCHEDULED

MICHELLE FOX, CCCIV

SIGNED OFF ON 05/31/11 @ 16:10 BY MICHELLE D FOX, HUMAN SERVICES COORD I

** ENCOUNTER: 90 MENTAL HEALTH CLINIC 05/18/11 13:45 EVANS COMP
CCC NOTE: TX TEAM MEETING NOTE.

I/M WAS PRESENTED TO TEAM FOR PROGRAM APPROPRIATENESS AND TX PLAN. I/G WITH
MH L4 MEDCLASS. APPROVED. TEAM CONSISTED OF FOX/ CCC, JENKINS/ MED. RECORDS
, STOKES/ LPN, JOHNSON/ MED. TECH AND HAM/ CCC. UPDATE DUE 11/17/11.

MICHELLE FOX, CCCIV

SIGNED OFF ON 05/18/11 @ 13:48 BY MICHELLE D FOX, HUMAN SERVICES COORD I

** ENCOUNTER: 89 MENTAL HEALTH CLINIC 05/17/11 15:50 EVANS COMP
CCC NOTE: ASSESSMENT NOTE.

D: I/M WAS SEEN IN F/U TO A REFERRAL FROM MEDICAL. I/M REPORTED THAT HE IS
A 35 YEAR OLD MARRIED MALE FROM GREENVILLE. HE NOTED THAT HE COMPLETED
THE 11TH GRADE BUT DOES NOT HAVE HIS GED. I/M IS SCHEDULED TO MAX OUT 3/

MDCI880D
OMINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 250464

HUDGENS, DARREL LORENZO

PAGE 3

29/20. HE SAID THAT HE IS CONCERNED THAT HIS MAX OUT IS TOO FAR AWAY. HE WAS ADVISED TO F/U WITH CLASSIFICATION. I/M REPORTED THAT HIS MH SERVICES STARTED IN 2002 WHILE IN THE COMMUNITY. I/M REPORTED THAT HE STARTED HEARING THE VOICE OF HIS ALLEGED VICTIM ASKING FOR JUSTICE. HE NOTED THAT THE VOICE IS STILL PRESENT THOUGH HE IS COMPLIANT WITH HIS RISPERDAL. I/M REPORTED THAT THE VOICE IS PRESENT DURING THE DAY, BUT MAINLY WHEN HE IS ABOUT TO LIE DOWN. HE NOTED THAT HE PACES TO COUNTER THE VOICES, NOW. IN THE COMMUNITY HE DRANK ALCOHOL (4X WEEK). HE NOTED THAT HE COLLECTED SSI BEFORE HIS INCARCERATION WITH HIS SISTER AS PAYEE. I/M REPORTED THAT HE WAS IN SPECIAL EDUCATION CLASSES IN SCHOOL BECAUSE HE HAD A HARD TIME UNDERSTANDING THIS COURSE WORK. HE DENIED S/H IDEATIONS. HIS SPEECH WAS COHERENT AND HE USED GOOD EYE CONTACT. HE DID NOT APPEAR TO BE DELUSIONAL AND NO PSYCHOMOTOR ABNORMALITIES WERE NOTED. I/M WAS ADVISED OF THE TIME FRAMES AND SERVICES AVAILABLE AT THE OPMH LEVEL. HE APPEARED TO UNDERSTAND.

A: NO PSYCHOSIS NOTED. CLINICAL IMPRESSION: R/O SCHIZOPHRENIA. GAF: 70. I/M DID NOT APPEAR TO BE A DANGER TO HIMSELF OR OTHERS. HIS MOOD AND AFFECT WERE WNL.

P: F/U IND. SESSION 90 DAYS. I/M WILL BE REFERRED TO PSYCH CLINIC AND TX TEAM.

MICHELLE FOX, CCCIV

SIGNED OFF ON 05/17/11 @ 16:06 BY MICHELLE D FOX, HUMAN SERVICES COORD I

** ENCOUNTER: 88 MENTAL HEALTH CLINIC 04/27/11 15:14 KIRKLAND COMP
35 YO BM SERVING 10 YRS FOR CRACK DIST. I/M HAS BEEN OFF PSYCH MEDS SINCE HE WENT TO COURT 3/18/11. CURRENTLY, "NOT SO GOOD". C/O POOR SLEEP AND HEARING VOICES. OTHERWISE, NOT DEPRESSED, ENERGY IS OK AND -S/H. PAST PSYCH: FOLLOWED AT G-VILLE MH. DX WITH SCHIZO (RECORDS REQUESTED) AND TX'D WITH SEROQUEL. DENIES PROBLEMS WITH DRUGS/ALCOHOL - IN SPITE OF HIS CRIME. I/M WAS NOT TREATED WHEN AT SCDC IN 2007 BUT DID C/O VOICES.

MEDICAL: HEALTHY

O: ALERT, CLAM, LARGE SCAR ON CHEST, COOPERATIVE, MOOD: BLUNTED, NOT OVERTLY PSYCHOTIC OR MANIC. NO SIGN OF MOVEMENT DOS, AIMS = ZERO.

A: R/O SCHIZO

WILL START ANTIPSYCHOTIC

P: RISPERDAL 2MG QHS

DRAW BLOOD - CHEM 18

F/U 3 MOS- SOONER IF PROBLEMS

RISPERDAL 2MG

SIG: TAKE ONE QHS

SIG:

START DATE: 04/27/11 TOTAL DAYS: 180

MD: HIGGINS, EDMUND -

SIGNED OFF ON 04/27/11 @ 15:18 BY EDMUND S HIGGINS, PSYCHIATRIST
MAR UPDATED, LAB REQUESTED

SIGNED OFF ON 04/28/11 @ 17:07 BY MYLENE ANTONIO, UNCLASSIFIED

** ENCOUNTER: 87 BLOOD PRESSURE CLINIC 04/01/11 16:00 KIRKLAND COMP
B/P = 140/ 80 PULSE = 86 WEIGHT = 180
SIGNED OFF ON 04/19/11 @ 16:00 BY LAURA B HANFORD, MEDICAL ASSISTANT TECH I

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

CDC# 250464

HUDGENS, DARREL LORENZO

PAGE 4

- * ENCOUNTER: 86 BLOOD PRESSURE CLINI 03/25/11 9:44 KIRKLAND COMP
B/P = 126/ 80 PULSE = 73 WEIGHT = 180
SIGNED OFF ON 03/25/11 @ 9:44 BY YOLANDA D GILL, MEDICAL ASSISTANT TECH I
- * ENCOUNTER: 85 BLOOD PRESSURE CLINI 03/18/11 11:58 KIRKLAND COMP
B/P = 130/ 80 PULSE = 61 WEIGHT = 181
BP-PR-WT WAS CHECKED BY NURSE BRIONES.
BP 130/80 MMHG; PER NURSE BRIONES, INMATE HAS NO COMPLAINT AT THIS TIME.
SIGNED OFF ON 03/18/11 @ 12:00 BY MARITES J TOLENTINO, UNCLASSIFIED
SIGNED OFF ON 03/21/11 @ 7:29 BY THOMAS A MOORE JR, PHYSICIAN II
- ** ENCOUNTER: 84 MENTAL HEALTH CLINIC 03/18/11 8:58 KIRKLAND COMP
D:LATE NOT FROM 3/17/11: INFORMATION IN THIS ASSESSMENT WS GVE BY INMATE: HE
IS A 35YO MARRIED AA MALE FROM GREENVILLE, SC SERVING 10YRS FOR CRACK POS. TH
IS IS HIS 3RD INCARCERATION. STOP SCH IN THE 11TH GRADE, NO GED.
*WK HX: SSI SINCE 2001 BASED ON MENTAL COND.
*DRUG HX: CIGARETTES, BEER 6PK/DAY, HE DENIED HAVING DRINKING PROBLEM, A&OD TX:
COMPLETED 6MOS ATU IN SCDC IN 2008.
*MENTAL HEALTH HX: IN 2001, WS INPT IN HOSP ON BULL ST IN COLUMBIA, SC FOR 6WK
S, BEING EVAL AFTER BEING CHARGED IN A MURDER CASE, HE SAID HE WAS FOUND GUIL
TY OF INVOL MANSL AND SERVED 3YRS. IN 2009 STARTED GOING TO GREENVILLE MH, HX
OF HALLUCINATIONS, RX WITH SEROQUEL, HIS DOSE WS 3/8/11. HE SAID HE HEARD VOI
CES A COUPLE OF DAYS AGO. PRESENTLY, HE DENIES SI, HI AND A/V/H. HE SAID, "I FEE
L OK". SLEEP/APPETITE FAIR, HEARING FAIR AND VISION GOOD.
*MEDICAL HX: NKA, NO HX OF BROKEN BONES OR HEAD INJURY. HAS SCARS ON CHEST CHE
AT FROM CAR WRECK AGE 17YO.
A: I/M WAS ORIENTED WITH NO OVERT SIGNS OF PSY FEATURES. SPEECH WAS CLEAR AND
GOAL DIRECTED. AFFECT WNL. DIAG: R/O PSYCHOSIS NOS, R/O ALCOHOL DEP
P: REF TO PSY CLINIC, L-4, MH-4, SUB ABUSE TX, UNDERSIGN HAD I/M TO SIGN RELEASE
OF MEDICAL/MH RECORDS AND FAX TO GREENVILLE MH FOR ADDITIONAL INFORM
SIGNED OFF ON 03/18/11 @ 9:17 BY CLYDE HOLLIDAY, HUMAN SERVICES COORD I
- ** ENCOUNTER: 83 LAB CLINIC 03/16/11 8:11 KIRKLAND COMP
RPR, HIV DONE
SIGNED OFF ON 03/16/11 @ 8:11 BY YOLANDA D GILL, MEDICAL ASSISTANT TECH I
- ** ENCOUNTER: 82 MENTAL HEALTH CLINIC 03/16/11 17:45 KIRKLAND COMP
FOUND OPEN, WILL CLOSE
SIGNED OFF ON 03/16/11 @ 17:45 BY MYLENE ANTONIO, UNCLASSIFIED
- ** ENCOUNTER: 81 MENTAL HEALTH CLINIC 03/15/11 17:23 KIRKLAND COMP
THIS I/M NEEDS TO BE EVALUATED D/T HX OF ANXIETY. I/M STS HE WAS TAKING
SEROQUEL AT HOME FOR ANXIETY
SIGNED OFF ON 03/15/11 @ 17:24 BY MONIQUE N SPAIN, LICENSED PRACTICAL NURSE
SIGNED OFF ON 03/16/11 @ 8:31 BY RENEE L WILLIAMS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 80 MENTAL HEALTH CLINIC 03/15/11 17:45 KIRKLAND COMP
FOUND OPEN, WILL CLOSE
SIGNED OFF ON 03/16/11 @ 17:45 BY MYLENE ANTONIO, UNCLASSIFIED

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SCDC HEALTH SERVICES: MEDICAL SUMMARY09/29/11
C010275

SCDC# 25 0464 HUDGENS, DARREL LORENZO

PAGE 5

** ENCOUNTER: 79 PHYSICAL EXAM 03/15/11 17:21 KIRKLAND COMP
SCDC#: 00250464 HUDGENS, DARREL LORENZO
POB: GREENVILLE, SC UNITED STATES DOB:
AGE: 35 RACE: BLACK SEX: M MARITAL STATUS: M
COMMITTING COUNTY: GREENVILLE MAXOUT: 08/21/19 DORM: F5C0213B
SS#:

IN EMERGENCY NOTIFY: KIMBERLY HUDGENS
RELATIONSHIP: WIFE
ADDRESS:

GREENVILLE, SC 29605 GREENVILLE

FAMILY PHYSICIAN: DENIES

FAMILY HISTORY OF THE FOLLOWING ALIMENTS:-----
HYPERTENSION

PATIENT ALLERGY HISTORY-----
DENIES ADDED ON 04/12/05
NKA ADDED ON 03/15/11

PATIENT MEDICAL HISTORY-----
CHILDHOOD DISEASES:.....
ALL

SURGERY:.....
DENIES

FRACTURES:.....
DENIES

GUNSHOT WOUNDS:.....
DENIES

STAB WOUNDS:.....
DENIES

PATIENT HAS A HISTORY OF-----
ALCOHOL
HTN
MENTAL HEALTH HISTORY
SMOKER

CURR MED/DENTAL/MENTAL HX:-----

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

CDC# 250464

HUDGENS, DARREL LORENZO

PAGE 6

ANXIETY

CURRENT MEDICATIONS:-----
DENIES

GENERAL APPEARANCE:-----
EVIDENCE OF TRAUMA

BEHAVIOR:-----
ALERT-PERS/PLACE/TIME
COOPERATIVE

COMMENTS:-----
I/M STS "I WAS TAKING SERQUEL ON THE STREETS FOR ANXIETY"

VITALS:-----
HEIGHT: 5 FT 8 IN WEIGHT: 172 TEMP: 098.1 PULSE: 58
BP: 150/ 81 RESP: 20
VISION SCREEN WITHOUT GLASSES: R:20/ 0 L:20/ 0
WITH GLASSES: R:20/ 0 L:20/ 0

VACCINES:-----
PPD GIVEN

SIGNED OFF ON 03/15/11 AT 17:23 BY MONIQUE N SPAIN, LICENSED PRACTICAL NURSE

PHYSICAL ABNORMALITIES:-----
NO ABNORMALITIES

CURRENT MEDICAL CONDITIONS:-----

PHYSICANS COMMENTS:-----
NO ABNORMALITIES
ROS: AS ABOVE, INMATE DOES WISH TO BE TREATED FOR ANXIETY
PMH; NO H/O HTN
NML PE X ELEVATED BP

PHYSICANS ORDERS:-----
CCC CONSULT
BP CHECK Q WEEKLY FOR THREE WEEKS
SIGNED OFF ON 03/16/11 AT 07:50 BY THOMAS A MOORE JR, PHYSICIAN II

NURSES RESPONSE:-----
CCC ALREADY CONSULTED, OTR SENT
SIGNED OFF ON 03/16/11 AT 17:44 BY MYLENE ANTONIO, UNCLASSIFIED

** ENCOUNTER: 78 PPD 03/15/11 10:34 KIRKLAND COMP
S> PPD OMM
O> TEMP=000.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
SIGNED OFF ON 03/18/11 @ 11:02 BY TONAH K KAYLOR, LICENSED PRACTICAL NURSE

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 250464

HUDGENS, DARREL LORENZO

PAGE 7

- ** ENCOUNTER: 77 MENTAL HEALTH CLINIC 12/31/07 11:16 GREENVILLE CO COMP
CCC: ADDENDUM TO ENC #76.
DENIED. INSTRUCTED I/M TO FOLLOW UP WITH MEDICAL STAFF AT SUMTER-LEE
DETENTION CENTER REGRADING HIS COMPLAINT.
A: I/M ENDORSING AUDITORY HALLUCINATIONS, POOR SLEEP & APPETITE. NO
BIZARRE BEHAVIORS. DID NOT EXIBIET ANY BEHAVIORS WHICH WOULD INDICATE
HIM BEING A DANGER TO SELF AND/OR OTHERS.
P: TELEPHONE CALL MADE TO SUMTER-LEE DETENTION CTR. LEFT MESSAGE FOR
VALORIE OXENDINE #803-436-2309 REGARDING I/M'S COMPLAINT AND NEED FOR
FOLLOW UP. I/M SCHEDULED TO BE RELEASED FROM PRISON TODAY.
J.MCFADDEN HSCI
SIGNED OFF ON 12/31/07 @ 11:21 BY JAKE W MCFADDEN, HUMAN SERVICES COORD I
- ** ENCOUNTER: 76 MENTAL HEALTH CLINIC 12/31/07 9:15 LEE COMP
CLOSED DUE TO INMATES RELEASE ON 12/31/07
CCC: DISCHARGE NOTE.
D: I/M SEEN IN HOLDING CELL PRIOR TO HIS RELEASE TODAY. APPEARANCE & SELF
CARE WNL. HE DESCRIBED HIMSELF AS FEELING "ALRIGHT". HE SAYS HE'S STILL
"HEARING VOICES" DAILY. HE SAYS THE VOICE IS OF A DECEASED PERSON. HE
SAYS THE VOICE TELLS HIM "I KNOW YOU DIDN'T KILL ME & I'M NOT GOING TO
REST UNTIL I GET JUSTICE". HE SAYS THE VOICES ARE EFFECTING HIS ABILITY
TO SLEEP AND EAT. HE DENIED OTHER HALLUCINATIONS. S/H IDEATIONS WERE
- ** ENCOUNTER: 75 MENTAL HEALTH CLINIC 12/31/07 9:13 SUMTER CO COMP
CCC: LATE ENTRY (12-20-07). I/M NOT SEEN IN PSYCH CLINIC DUE TO
PSYCHIATRIST BEING ON SICK LEAVE. WILL NOT BE ABLE TO RESCHEDULE PRIOR TO
I/M BEING RELEASED ON 12-31-07.
J.MCFADDEN HSCI
SIGNED OFF ON 12/31/07 @ 9:15 BY JAKE W MCFADDEN, HUMAN SERVICES COORD I
- ** ENCOUNTER: 74 MENTAL HEALTH CLINIC 11/30/07 14:52 LEE COMP
CCC: 30 DAY L/U EVAL.
D: I/M SEEN IN CELL IN SMU. APPEARANCE & SELF CARE WNL. SEEMED A BIT
ANXIOUS. HE C/O "HEARING VOICES". SAYS THIS HAS BEEN OCCURRING SINCE
2004 BUT THIS IS THE FIRST HE'S MENTION ANYTHING SINCE COMING TO
PRISON. HE SAYS THE VOICES COME & GO AND ARE OF A DECEASED PERSON WHOM
HE DID NOT KILL. HE SAYS HE WAS SEING A DOCTOR PRIOR TO COMING TO
PRISON FOR "MENTAL ILLNESS". HE SAYS THE VOICES ARE "BOTERSOME" AND ARE
EFFECTING HIS "APPETITE, SLEEP & CONCENTRATION". S/H IDEATIONS WERE
DENIED.
A: ENDORSING AUDITORY HALLUCINATIONS.
P: WILL MONITOR PRN AND ATTEMPT TO OBTAIN COMMUNITY MH RECORDS.
J.MCFADDEN HSCI
SIGNED OFF ON 11/30/07 @ 15:01 BY JAKE W MCFADDEN, HUMAN SERVICES COORD I
- * ENCOUNTER: 73 LAB CLINIC 07/20/07 7:32 LEE COMP
CHEM 18 ENC 71 WNL
SIGNED OFF ON 07/20/07 @ 7:33 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 250464 HUDGENS, DARREL LORENZO

PAGE 8

** ENCOUNTER: 72 LAB CLINIC 07/19/07 8:56 LEE COMP
COLLECTED CHEM 18 ENC 71
SIGNED OFF ON 07/19/07 @ 8:56 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 71 FOLLOW-UP SICK CALL 07/12/07 10:17 LEE COMP
MED RENEWAL REQUEST

?> METOPROLOL 50MG
SIG: TAKE 1/2 TAB TWICE DAILY
SIG:
START DATE: 07/12/07 TOTAL DAYS: 210
MD: HUFF-SIMMOMS, TERRI L.
HYDROCHLOROTHIAZIDE 25MG
SIG: TAKE 1 TAB DAILY
SIG:
START DATE: 07/12/07 TOTAL DAYS: 210
MD: HUFF-SIMMOMS, TERRI L.
NORVASC 10MG
SIG: TAKE 1 TAB DAILY
SIG:
START DATE: 07/12/07 TOTAL DAYS: 210
MD: HUFF-SIMMOMS, TERRI L.
SIGNED OFF ON 07/12/07 @ 10:21 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE
1. CHEM-18
TERRI HUFF, FNP
SIGNED OFF ON 07/12/07 @ 10:25 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
LAB NOTED.
SIGNED OFF ON 07/12/07 @ 11:21 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I
PHARMACY DIRECT NOTIFIED.
SIGNED OFF ON 07/12/07 @ 12:07 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 70 SICK CALL 07/12/07 10:10 LEE COMP
S> "I NEED TO GET MY BLOOD PRESSURE MEDS RENEWED. I THINK I HAVE HEMORRHOIDS
FROM SITTING ON THOSE CHAIRS IN FLORENCE, ATU."
O> TEMP=098.5 PULSE= 78 RESP=20 BP=130/ 70 WEIGHT=172 PPD= 0
SMALL EXTERNAL HEMORRHOIDS NOTED. SCOTT, MAT IN FOR EXAM.
A> HEMMORRIDS
P> 1. SEE S.O. #44.
2. ANUSOL RECTAL SUPPOSITORY INSERTED INTO THE RECTUM AT H.S.
X 7 NIGHTS OR ANUSOL CREAM APPLIED BID X 7 DAYS.
SUPP ISSUED WITH INSTRUCTIONS
3. PORTABLE SITZ BATH TID
OMIT
4. COLACE 100MG. BID PO DAILY X 30 DAYS.
ISSUED WITH INSTRUCTIONS. VERBALIZES UNDERSTANDING OF ALL INSTRUCTIONS.
SIGNED OFF ON 07/12/07 @ 10:17 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE

NOTED
B FOGLE RN
SIGNED OFF ON 07/12/07 @ 17:58 BY BRENDA F FOGLE, REGISTERED NURSE I

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

3CDC# 250464

HUDGENS, DARREL LORENZO

PAGE 9

- ** ENCOUNTER: 69 FOLLOW-UP SICK CALL 06/22/07 10:12 LEE COMP
I/M TO MEDICAL FOR RECHECK OF SPIDER BITE TO RIGHT ELBOW AREA. AREA IS
SWOLLEN, REDENED, AND WARM TO THE TOUCH. NO DRAINAGE NOTED.
1- SEPTRA ONE PO BID X 14 DAYS.
2- RIFAMPIN ONE PO BID X 14 DAYS.
3- ISSUE STARTER PACKS OF ABOVE.
V.O. T. HUFF, FNP/JERI ANDREWS, RN
SMZ/TMP 800/160MG
SIG: TAKE ONE TWICE DAILY.
SIG:
START DATE: 06/22/07 TOTAL DAYS: 11
MD: HUFF-SIMMONS, TERRI L.
RIFAMPIN 300MG
SIG: TAKE ONE TWICE DAILY.
SIG:
START DATE: 06/22/07 TOTAL DAYS: 11
MD: HUFF-SIMMONS, TERRI L.
SIGNED OFF ON 06/22/07 @ 10:14 BY JERI L ANDREWS, UNCLASSIFIED
TERRI HUFF, FNP
SIGNED OFF ON 06/25/07 @ 9:53 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
PHARMACY DIRECT TRANSMIT.
K. MCCASKILL, LPN
SIGNED OFF ON 06/25/07 @ 16:19 BY KATHY M MCCASKILL, LICENSED PRACTICAL NURSE
- ** ENCOUNTER: 68 BLOOD PRESSURE CLINI 06/07/07 11:30 LEE COMP
B/P = 148/ 82 PULSE = 0 WEIGHT = 0
SIGNED OFF ON 06/07/07 @ 11:30 BY RENEE P GEE, UNCLASSIFIED
SIGNED OFF ON 06/08/07 @ 18:18 BY JERI L ANDREWS, UNCLASSIFIED
- ** ENCOUNTER: 67 DENTAL CLINIC 06/04/07 13:38 LEE COMP
IOE, OHI, EXTRACTION #13, VERY DIFFICULT SURGICAL EXT #14, GELFOAM PLACED,
RX AMOXICILLIN 500MG, IBU 800MG, POI BY DR. UBAH, SEE HARD COPY
AMOXICILLIN 500MG
SIG: TAKE ONE TAB TID UNTIL GONE (GIVEN FROM STOCK)
SIG:
START DATE: 06/04/07 TOTAL DAYS: 7
MD: UBAH, JOSEPH C
IBUPROFEN 800MG
SIG: TAKE ONE TAB TID PRN (GIVEN FROM STOCK)
SIG:
START DATE: 06/04/07 TOTAL DAYS: 3
MD: UBAH, JOSEPH C
SIGNED OFF ON 06/04/07 @ 13:40 BY DEBORAH L MCCLARY, MEDICAL ASSISTANT TECH I
SIGNED OFF ON 06/05/07 @ 12:11 BY JOSEPH C UBAH, DENTIST
- ** ENCOUNTER: 66 BLOOD PRESSURE CLINI 05/21/07 11:22 LEE COMP
B/P = 148/ 94 PULSE = 0 WEIGHT = 0
SIGNED OFF ON 05/21/07 @ 11:22 BY RENEE P GEE, UNCLASSIFIED
SIGNED OFF ON 05/21/07 @ 19:20 BY KATHY M MCCASKILL, LICENSED PRACTICAL NURSE

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 250464 HUDGENS, DARREL LORENZO

PAGE 10

- * ENCOUNTER: 65 BLOOD PRESSURE CLINI 05/14/07 12:15 LEE COMP
B/P = 150/100 PULSE = 72 WEIGHT = 0
I/M TO MEDICAL FOR B/P CHECK.***150/100***
SEE ENC # 63
C. HEUSTESS, RN
SIGNED OFF ON 05/14/07 @ 12:20 BY CYNTHIA R HEUSTESS, REGISTERED NURSE I
1. LOPRESSOR 25 MG PO BID ADDED
2. BP CHECK IN 3 WEEKS.
TERRI HUFF, FNP
SIGNED OFF ON 05/16/07 @ 14:10 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
INMATE WILL BE SENT AN OTR WHEN MEDICATION BECOMES AVAILABLE.
OTR SENT FOR INMATE TO COME TO MEDICAL IN THREE WEEKS FOR B/P CHECK/
ON JUNE 6TH AT 11AM.
MFRAZIER/LPN
SIGNED OFF ON 05/16/07 @ 14:44 BY MARY B FRAZIER, UNCLASSIFIED
- ** ENCOUNTER: 64 BLOOD PRESSURE CLINI 04/30/07 12:21 LEE COMP
B/P = 148/90 PULSE = 0 WEIGHT = 0
SIGNED OFF ON 04/30/07 @ 12:22 BY RENEE P GEE, UNCLASSIFIED
SIGNED OFF ON 04/30/07 @ 13:42 BY KATHY M MCCASKILL, LICENSED PRACTICAL NURSE
- ** ENCOUNTER: 63 BLOOD PRESSURE CLINI 04/15/07 16:10 LEE COMP
B/P = 164/120 PULSE = 60 WEIGHT = 176
I/M AMBULATORY TO MEDICAL FOR B/P CLINIC.
B/P: 164/120 P: 60 WT: 176
S: I/M STATES HE HAS HAD BLURRED VISION AT TIMES SINCE NOT TAKING NORVASC 10
MG ABOUT 3 WEEKS AGO AND DID NOT KNOW HOW TO GET ANYMORE. HE STATES HE DID
NOT ASK ANYONE HOW. HE STATES HE IS COMPLIANT WITH HIS HTCZ AND TAKES IT
QD.
O: A&OX3, SKIN W&D, COLOR WNL.
LABS: MOST RECENT CBC WAS DONE ON 11-08-06
MOST RECENT CHEM-18 WAS DONE 07-13-07
P: MS. HUFF, FNP NOTIFIED PER TELEPHONE OF I/MS HTN AND BEING SYMPTOMATIC.
T.O. TO GIVE CLONIDINE .2MG PO NOW, WAIT 30 MIN AND TAKE B/P AGAIN.
B/P TAKEN 30 MIN LATER = 158/100. WILL GET HIS MEDICATIONS REFILLED ASAP.
WILL RECHECK B/P ON 04-20-07. OTR SENT.
SIGNED OFF ON 04/18/07 @ 17:27 BY CYNTHIA R HEUSTESS, REGISTERED NURSE I
1. PLEASE OBTAIN REFILL OF NORVASC
2. BP CHECK IN 2 WEEKS THEN WEEKLY X 3
TERRI HUFF, FNP
SIGNED OFF ON 04/19/07 @ 8:38 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
REORDERED INMATE'S BLOOD PRESSURE (NORVASC) MEDICATION.
SIGNED OFF ON 04/20/07 @ :56 BY MARCUS A PRATT, LICENSED PRACTICAL NURSE
OTR ISSUED FOR BP CH IN 2 WKS.
SIGNED OFF ON 04/20/07 @ 15:46 BY ROSETTE L SINGLETON, REGISTERED NURSE II
- ** ENCOUNTER: 62 PPD 03/19/07 16:08 ALLENDALE COMP
A> SCREENING-PULMONARY TB
0-MM
SIGNED OFF ON 03/20/07 @ 16:08 BY BARBARA SYMISTER, LICENSED PRACTICAL NURS

4DCI880D
3MINMDCASOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY09/29/11
C010275

3CDC# 250464 HUDGENS, DARREL LORENZO

PAGE 11

** ENCOUNTER: 61 LAB CLINIC 11/08/06 9:10 ALLENDALE COMP
CBC DRAWN. SENT TO KCI LAB THIS A.M.
SIGNED OFF ON 11/08/06 @ 9:10 BY CARLA R THOMAS-DAVIS, MEDICAL ASSISTANT TEC
ALL WNL
THOMAS EBYRNE MD
SIGNED OFF ON 11/09/06 @ 18:07 BY THOMAS E BYRNE, PHYSICIAN II

** ENCOUNTER: 60 SICK CALL 11/03/06 8:27 ALLENDALE COMP
S> "I HA A REALLY BAD TOOTH ACHE, I HAD IT SINCE WEDNESDAY"
O> TEMP=097.6 PULSE= 57 RESP=16 BP=150/ 86 WEIGHT=180 PPD= 0
LEFT UPPER TOOTH WITH LARGE CAVITY.
A> DENTAL PAIN
P> 1. SEE S.O. #46.
2. IBUPROFEN 400 MG. PO TID PRN UNTIL THE PATIENT CAN BE
EVALUATED BY THE DENTAL CLINIC.
3. REFER TO THE DESIGNATED DENTAL CLINIC FOR EVALUATION ASAP.
4. CONSULT WITH MD/DENTIST, IF SWELLING IS PRESENT AND DUE TO
TRAUMA OR SUSPECTED DENTAL ABSCESS.
PLEASE ISSUE MOTRIN AND LEAVE OPEN TO DENTAL*****
SIGNED OFF ON 11/03/06 @ 8:31 BY LORETTA M LAWTON, REGISTERED NURSE I
MOTRIN ISSUED
SIGNED OFF ON 11/03/06 @ 8:40 BY MELVIN SCHROCK, REGISTERED NURSE I
SIGNED OFF ON 11/03/06 @ 9:49 BY CARLA R THOMAS-DAVIS, MEDICAL ASSISTANT TEC

** ENCOUNTER: 59 LAB CLINIC 08/23/06 9:38 ALLENDALE COMP
NEEDS CBC NOVEMBER 2006
THOMAS E BYRNE MD
SIGNED OFF ON 08/23/06 @ 9:39 BY THOMAS E BYRNE, PHYSICIAN II
SIGNED OFF ON 08/23/06 @ 10:45 BY CARLA R THOMAS-DAVIS, MEDICAL ASSISTANT TEC

** ENCOUNTER: 58 DOCTOR'S CLINIC 08/23/06 9:24 ALLENDALE COMP
S> FU TO HYPERTENTION
O> TEMP=000.0 PULSE= 66 RESP= 0 BP=154/ 87 WEIGHT=178 PPD= 0
SIGNED OFF ON 08/23/06 @ 9:26 BY MYRA MANUEL, MEDICAL ASSISTANT TECH I
OUT OF HCTZ
PLAN WILL CANCEL AND REORDER
WENT OVER HBG 12.2 HX OF LABILE HBG WAS 13.3 9/03
THOMAS EBYRNE DM
SIGNED OFF ON 08/23/06 @ 9:38 BY THOMAS E BYRNE, PHYSICIAN II
SIGNED OFF ON 08/23/06 @ 9:48 BY LORETTA M LAWTON, REGISTERED NURSE I

** ENCOUNTER: 57 DOCTOR'S CLINIC 08/15/06 11:21 ALLENDALE COMP
NO SHOW MD APPT F.U BP
THOMAS E BYRN EMD
SIGNED OFF ON 08/15/06 @ 11:21 BY THOMAS E BYRNE, PHYSICIAN II

** ENCOUNTER: 56 SECURITY INIT 08/06/06 5:13 ALLENDALE COMP
S> SECURITY BROUGHT TO CLINIC AFTER ALTERCATION. DENIES INJURY. STATES HE REOR
DERED HIS NORVASC ABOUT 5 DAYS AGO AND IT HASN'T COME IN YET.

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

CDC# 250464 HUDGENS, DARREL LORENZO

PAGE 12

> TEMP=098.2 PULSE= 86 RESP=18 BP=178/102 WEIGHT= 0 PPD= 0
NO INJURIES NOTED. HEART RRR. NOTED ELEVATED B/P. UNABLE TO VERIFY MEDS
HAVE BEEN ORDERED.

> DEFERRED.

> NO TX INDICATED FOR ALTERCATION.
NORVASC ORDERED FROM PHARM.

SIGNED OFF ON 08/06/06 @ 5:18 BY TINA G THAMES, LICENSED PRACTICAL NURSE
NOTED.

SIGNED OFF ON 08/06/06 @ 9:53 BY TENEANE R FOSTER, UNCLASSIFIED

* ENCOUNTER: 55 BLOOD PRESSURE CLINI 08/03/06 9:55 ALLENDALE COMP
B/P = 140/ 84 PULSE = 63 WEIGHT = 180
B/P 140/84 PULSE 63 WEIGHT 180

S: SEEN IN B/P CLINIC. ADMITS NOT TAKING B/P MEDS AS ORDERED-RAN OUT OF MED
S. WILL REORDER. STRONGLY ADVISED TO REORDER IN TIME TO RECEIVE BEFORE CURR
ENT SUPPLY RUNS OUT.

O: ALERT AND ORIENTED X3, SKIN WARM AND DRY AND COLOR GOOD.

A: NAD

P: CONT IN B/P CLINIC Q6M AND PRN. REVIEWED AND DISCUSSED FACTORS CONTRIBUT
ING TO HYPERTENSION, IMPORTANCE OF COMPLIANCE W/MED, DIET AND EXERCISE. ALL
QUESTIONS ANSWERED, VERBALIZED UNDERSTANDING AND INTENT TO COMPLY.

SIGNED OFF ON 08/03/06 @ 9:59 BY CHRISTINE MCFADDEN, LICENSED PRACTICAL NU
THOMAS E BYRNE MD

SIGNED OFF ON 08/07/06 @ 10:19 BY THOMAS E BYRNE, PHYSICIAN II

** ENCOUNTER: 54 LAB CLINIC 07/13/06 8:53 ALLENDALE COMP
CBC, CHEM-18 DRAWN. SENT TO KCI LAB THIS A.M.
SIGNED OFF ON 07/13/06 @ 8:53 BY CARLA R THOMAS-DAVIS, MEDICAL ASSISTANT TEC
CHEM18 WNL

CBC HBG 12.2 PREVIOUS 12/8

THOAMS E BYRNE MD

SIGNED OFF ON 07/17/06 @ 16:18 BY THOMAS E BYRNE, PHYSICIAN II

PLAN MD APPT

THOAMS E BYRNE MD

SIGNED OFF ON 07/28/06 @ 7:53 BY THOMAS E BYRNE, PHYSICIAN II

** ENCOUNTER: 53 LAB CLINIC 06/28/06 11:48 ALLENDALE COMP
NO SHOW LABS.
SIGNED OFF ON 06/28/06 @ 11:48 BY CARLA R THOMAS-DAVIS, MEDICAL ASSISTANT TEC
PLEASE RESCHEDULE
THOMAS E BYRNE MD

SIGNED OFF ON 06/30/06 @ 14:08 BY THOMAS E BYRNE, PHYSICIAN II

SIGNED OFF ON 07/05/06 @ 7:57 BY CARLA R THOMAS-DAVIS, MEDICAL ASSISTANT TEC

** ENCOUNTER: 52 LAB CLINIC 06/15/06 10:16 ALLENDALE COMP
NEEDS CBC AND CHEM18
THOAMS E BYRNE DM
SIGNED OFF ON 06/15/06 @ 10:16 BY THOMAS E BYRNE, PHYSICIAN II
SIGNED OFF ON 06/15/06 @ 13:44 BY CARLA R THOMAS-DAVIS, MEDICAL ASSISTANT TEC

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SCDC HEALTH SERVICES: MEDICAL SUMMARY09/29/11
C010275

CDC# 250464

HUDGENS, DARREL LORENZO

PAGE 13

* ENCOUNTER: 51 DOCTOR'S CLINIC 06/15/06 10:08 ALLENDALE COMP
> TEMP=097.3 PULSE= 74 RESP=18 BP=154/ 90 WEIGHT=177 PPD= 0
SIGNED OFF ON 06/15/06 @ 10:10 BY MAYELLA B SAXON, MEDICAL ASSISTANT TECH I
NEW IANMTE ON HCTZ AND NORVAC
QUIT OF NORVASC
PLAN REORDER
LASR HBG 12.8 6/05
PLAN LABS ORDERED
THOMAS E BYRNE MD
SIGNED OFF ON 06/15/06 @ 10:16 BY THOMAS E BYRNE, PHYSICIAN II
SIGNED OFF ON 06/15/06 @ 12:59 BY SHERRIANNE BELL, REGISTERED NURSE I

* ENCOUNTER: 50 DOCTOR'S CLINIC 06/12/06 11:55 ALLENDALE COMP
NO SHOW MFD APPT
NERW INAMTE ON HTN MEDS
THOMAS E BYRNE MD
SIGNED OFF ON 06/12/06 @ 11:56 BY THOMAS E BYRNE, PHYSICIAN II

* ENCOUNTER: 49 NARRATIVE 06/05/06 18:32 ALLENDALE COMP
> "I HAVE HIGH BLOOD PRESSURE. I HAVE A SCAR ON MY CHEST FROM A CAR WRECK."
> TEMP=000.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
MEDS: HYDROCHLOROTHIAZIDE; NORVASC
> NEW ARRIVAL FROM MANNING
> MEDICAL HANDOUT ISSUED
SIGNED OFF ON 06/05/06 @ 18:34 BY MAYELLA B SAXON, MEDICAL ASSISTANT TECH I
THOMAS E BYRNE MD
SIGNED OFF ON 06/06/06 @ 21:15 BY THOMAS E BYRNE, PHYSICIAN II

** ENCOUNTER: 48 FOLLOW-UP SICK CALL 05/17/06 13:45 MANNING COMP
HAS BEEN NON COMPLIANT WITH BLOOD PRESSURE MEDICATION STS. THAT HE WILL
TAKE HIS MEDICATION. 130/94 P. 64
SIGNED OFF ON 05/17/06 @ 13:47 BY LINDA K LEWIS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 47 PPD 05/01/06 11:32 MANNING COMP
PPD 0 MM
SIGNED OFF ON 05/01/06 @ 11:33 BY LINDA K LEWIS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 46 BLOOD PRESSURE CLINI 04/12/06 10:54 MANNING COMP
B/P = 112/ 88 PULSE = 66 WEIGHT = 180
IN FOR HYPERTENSION COMPLAINT WITH MEDICATION, NOT ON A DIET, WALKS FOR EX
ERCISE, NON SMOKER
SIGNED OFF ON 04/12/06 @ 10:54 BY LINDA K LEWIS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 45 INSIDE APPOINTMENT 12/29/05 8:19 MANNING COMP
REQUESTING MEDICATION RENEWAL MAX OUT 1/08.
NORVASC 10MG
SIG: TAKE 1 TABLET DAILY X 6 MONTHS
SIG:
START DATE: 12/29/05 TOTAL DAYS: 180
MD: SAMPSON, DONALD -

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

CDC# 250464 HUDGENS, DARREL LORENZO

PAGE 14

SIGNED OFF ON 12/29/05 @ 8:21 BY TOAY J HOUGHTON, LICENSED PRACTICAL NURSE
SIGNED OFF ON 01/02/06 @ 8:57 BY JAMIL A EL-SHAMI, NURSE PRACTITIONER III
ABOVE MEDICATION ORDERED FROM THE PHARMACY.
SIGNED OFF ON 01/03/06 @ 10:06 BY TOAY J HOUGHTON, LICENSED PRACTICAL NURSE

- * ENCOUNTER: 44 BLOOD PRESSURE CLINI 12/17/05 11:16 MANNING COMP
B/P = 0/ 0 PULSE = 0 WEIGHT = 0
REQUEST RENEWAL OF MEDICATION. MAXOUT: 1/4/08
HYDROCHLOROTHIAZIDE 25MG
SIG: TAKE ONE TABLET DAILY.
SIG:
START DATE: 12/25/05 TOTAL DAYS: 180
MD: SAMPSON, DONALD -
SIGNED OFF ON 12/17/05 @ 11:17 BY ANNE M ENGLAND, REGISTERED NURSE I
RENEW HCTZ
SIGNED OFF ON 12/19/05 @ 14:20 BY DONALD R SAMPSON, PHYSICIAN II
SIGNED OFF ON 12/19/05 @ 14:41 BY DORIS M JACQUES, REGISTERED NURSE II
- ** ENCOUNTER: 43 BLOOD PRESSURE CLINI 12/06/05 14:44 MANNING COMP
B/P = 150/ 92 PULSE = 0 WEIGHT = 0
OTR SENT FOR BP CHECK IN 1 WK
SHERRY CADE RN
SIGNED OFF ON 12/06/05 @ 14:45 BY SHERRY W CADE, UNCLASSIFIED
SIGNED OFF ON 12/07/05 @ 16:06 BY DONALD R SAMPSON, PHYSICIAN II
- ** ENCOUNTER: 42 BLOOD PRESSURE CLINI 12/06/05 14:43 MANNING COMP
B/P = 150/ 92 PULSE = 0 WEIGHT = 0
OTR SENT FOR RECHECK BP 1 WK
SHERRY CADE RN
SIGNED OFF ON 12/06/05 @ 14:44 BY SHERRY W CADE, UNCLASSIFIED
- ** ENCOUNTER: 41 BLOOD PRESSURE CLINI 10/12/05 10:31 MANNING COMP
B/P = 140/ 90 PULSE = 64 WEIGHT = 175
IN FOR HYPERTENSION CLINIC, COMPLAINT WITH MEDICATION, NOT ON A DIET NON
SMOKER, WALKS FOR EXERCISE, WILL RECHECK BLOOD PRESSURE NEXT WEEK, STS. WAS
NERVOUS TODAY.
SIGNED OFF ON 10/12/05 @ 10:34 BY LINDA K LEWIS, LICENSED PRACTICAL NURSE
- ** ENCOUNTER: 40 BLOOD PRESSURE CLINI 07/10/05 8:39 MANNING COMP
B/P = 0/ 0 PULSE = 0 WEIGHT = 0
MEDICATION RENEWAL REQUEST. MAX OUT 01-04-08.
INMATE OUT OF MEDICATION.
NO REFILL ON RX, PER PHARMACY.
EXPIRATION DATE, 08-03-05.
HYDROCHLOROTHIAZIDE 25MG
SIG: TAKE ONE TABLET EACH DAY.
SIG:
START DATE: 07/10/05 TOTAL DAYS: 168
MD: SAMPSON, DONALD -
SIGNED OFF ON 07/10/05 @ 8:43 BY LONNIE E PEPPERS, LICENSED PRACTICAL NURSE

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SCDC HEALTH SERVICES: MEDICAL SUMMARY09/29/11
C010275

DC# 250464 HUDGENS, DARREL LORENZO

PAGE 15

RENEW HCTZ AS ABOVE

SIGNED OFF ON 07/14/05 @ 10:16 BY DONALD R SAMPSON, PHYSICIAN II

NOTED MEDICATION ORDER TO PILL ROOM NURSE

SIGNED OFF ON 07/14/05 @ 14:11 BY LINDA K LEWIS, LICENSED PRACTICAL NURSE

- * ENCOUNTER: 39 LAB CLINIC 06/29/05 8:32 MANNING COMP
BLOOD COLLECTED FOR CBC, CHEM-18 AND SENT TO KCI LAB.
SIGNED OFF ON 06/29/05 @ 8:32 BY DORIS M JACQUES, REGISTERED NURSE II
- * ENCOUNTER: 38 DOCTOR'S CLINIC 06/28/05 9:17 MANNING COMP
S-29Y/O ASKING FOR REMOVAL OF MED CLASS RESTRIC. STS HE TOOK ALL OF DOXY
FOR STD. ADMITS TO TAKING HCTZ AND NORVASC FOR HTN. ADVISED THAT MED CLASS
RESTRIC. WERE APPLIED AT KCI R&E FOR HTN. DENIES SMOKING. BELIEVES BP IS
CONTROLLED.
O-146/90, 58, 18, 97.6--NURSE JACQUES
NAD. A&O. BP READINGS REVIEWED W/PT.
A-HTN, SUBOPTIMAL CONTROL
P-INCRE NORVASC TO 10MG QD; D/C 5MG DOSE OF NORVASC
NORVASC 10MG
SIG: 1 PO QD
SIG:
START DATE: 06/28/05 TOTAL DAYS: 180
MD: SAMPSON, DONALD -
CONT. HCTZ 25MG QD
DRAW FASTING SMA 18, CBC THIS WEEK
AFTER 1 WK, RECORD BP ONCE/WK X 3WKS
ADVISED TO DECRE SALT/FATTY FOODS
MED CLASS REVISED; PT. UNDERSTDS TX PLAN
RTC PRN
SIGNED OFF ON 06/28/05 @ 9:23 BY DONALD R SAMPSON, PHYSICIAN II
ABOVE LABS SCHEDULED FOR 6/29/05 AND SLIPS AND OTR MADE OUT.
OTR SENT FOR WEEKLY B/P CHECKS X 3 WEEKS.
MED. CLASS. REVISED.
SIGNED OFF ON 06/28/05 @ 11:17 BY TOAY J HOUGHTON, LICENSED PRACTICAL NURSE
- ** ENCOUNTER: 37 FOLLOW-UP SICK CALL 06/03/05 10:28 MANNING COMP
I HAVE FINISHED MY DOXYCYCLINE AND I WANT TO SEE ABOUT GETTING A MED CLASS
CHANGE. BLOOD PRESSURE MEDICATION ORDERED YESTERDAY.
CALLED PHARMACY ABOUT BP MEDICATION. WILL BE SENT TODAY.
APPT. MADE WITH MD.
SIGNED OFF ON 06/03/05 @ 10:33 BY PATRICIA R KENNERLEY, LICENSED PRACTICAL NU
- ** ENCOUNTER: 36 BLOOD PRESSURE CLINI 05/22/05 11:30 MANNING COMP
B/P = 118/ 70 PULSE = 68 WEIGHT = 161
SIGNED OFF ON 05/22/05 @ 11:30 BY LONNIE E PEPPERS, LICENSED PRACTICAL NURSE
- ** ENCOUNTER: 35 BLOOD PRESSURE CLINI 05/18/05 14:41 MANNING COMP
B/P = 140/ 96 PULSE = 64 WEIGHT = 164
SIGNED OFF ON 05/18/05 @ 14:41 BY PATRICIA R KENNERLEY, LICENSED PRACTICAL NU
SIGNED OFF ON 05/19/05 @ 13:14 BY DONALD R SAMPSON, PHYSICIAN II

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 250464

HUDGENS, DARREL LORENZO

PAGE 16

- ** ENCOUNTER: 34 BLOOD PRESSURE CLINI 05/11/05 9:51 KIRKLAND COMP
B/P = 150/110 PULSE = 84 WEIGHT = 163
B/P CHECK COMPLETE
SIGNED OFF ON 05/11/05 @ 9:51 BY TRACY HOWARD, MEDICAL ASSISTANT TECH I
INMATE BP RECHECKED AN 150/90
SIGNED OFF ON 05/11/05 @ 11:39 BY LESLIE H JACKSON, REGISTERED NURSE I
START I/M ON NORVASC 5 MG PO QD SEE PF5.
B/P CHECKS QOD X 3.
SIGNED OFF ON 05/11/05 @ 14:18 BY JAMIL A EL-SHAMI, NURSE PRACTITIONER III
INMATE FOR TRANSFER. BP CHECKS NOTED ON T-CARD AND TRANSFER SHEET
SIGNED OFF ON 05/16/05 @ 19:29 BY FRANCES C. BRAME, UNCLASSIFIED
- ** ENCOUNTER: 33 BLOOD PRESSURE CLINI 05/09/05 9:50 KIRKLAND COMP
B/P = 146/100 PULSE = 92 WEIGHT = 163
B/P CHECK DONE
SIGNED OFF ON 05/09/05 @ 9:51 BY TRACY HOWARD, MEDICAL ASSISTANT TECH I
- ** ENCOUNTER: 32 BLOOD PRESSURE CLINI 05/06/05 13:50 KIRKLAND COMP
B/P = 140/ 90 PULSE = 80 WEIGHT = 0
SIGNED OFF ON 05/06/05 @ 13:50 BY LESLIE H JACKSON, REGISTERED NURSE I
- ** ENCOUNTER: 31 BLOOD PRESSURE CLINI 05/05/05 10:02 KIRKLAND COMP
B/P = 156/110 PULSE = 68 WEIGHT = 168
B/P CHECK COMPLETE
SIGNED OFF ON 05/05/05 @ 10:02 BY TRACY HOWARD, MEDICAL ASSISTANT TECH I
THIS INMATE LAST BP ITS ELEVATED 150/110.
SIGNED OFF ON 05/05/05 @ 10:05 BY LESLIE H JACKSON, REGISTERED NURSE I
VO PER J.EL SHAMI,NP INCREASE HCTZ TO FULL DOSE OF 25MG QD.
AND BP CHECKS QOD X 3.
SIGNED OFF ON 05/05/05 @ 11:36 BY LESLIE H JACKSON, REGISTERED NURSE I
SIGNED OFF ON 05/05/05 @ 11:37 BY LESLIE H JACKSON, REGISTERED NURSE I
SIGNED OFF ON 05/05/05 @ 14:01 BY JAMIL A EL-SHAMI, NURSE PRACTITIONER III
- ** ENCOUNTER: 30 BLOOD PRESSURE CLINI 05/03/05 9:11 KIRKLAND COMP
B/P = 150/110 PULSE = 52 WEIGHT = 168
B/P CHECK DONE
SIGNED OFF ON 05/03/05 @ 9:11 BY TRACY HOWARD, MEDICAL ASSISTANT TECH I
INMATE BP RECHECKED AN 1 HOUR LATER AFTER LYING DOWN HIS BP IS
120/80
SIGNED OFF ON 05/03/05 @ 10:08 BY LESLIE H JACKSON, REGISTERED NURSE I
B/P CHECKS BY RN MANNULLY QOD X 3.
SIGNED OFF ON 05/04/05 @ 10:48 BY JAMIL A EL-SHAMI, NURSE PRACTITIONER III
NOTED SEE ENC 31. OTR SENT TO THE DORM.
SIGNED OFF ON 05/05/05 @ 11:39 BY LESLIE H JACKSON, REGISTERED NURSE I
- ** ENCOUNTER: 29 STD CLINIC 05/02/05 15:43 KIRKLAND COMP
PER YASIN,DIS,DHEC, PREVIOUS TX COULD NOT BE VERIFIED. THEREFORE
ITS RECOMMENDED INMATE RECIEVE 2.4MU BZP WEEKLY X 3.
SIGNED OFF ON 05/02/05 @ 15:44 BY LESLIE H JACKSON, REGISTERED NURSE I

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SCDC HEALTH SERVICES: MEDICAL SUMMARY09/29/11
C010275

SCDC# 250464 HUDGENS, DARREL LORENZO

PAGE 20

U/A NORMAL

DIET: 2GM NA DIET:THERAPEUTIC DIET PRIVILEGE SHEET SINGED ON 9/29/03

MEDS: TRIAMTERENE / HCTZ 37.5/25MG

A; HTN

P: CONTINUE CURRENT TX PLAN. DISCUSSED MEDS, DOSAGE AND POSSIBLE SIDE EFFECTS. DISCUSSED DISEASE PROCESS. DISCUSSED IMPORTANCE OF PROPER DIET, EXERCISE AND MED COMPLANCE. I/M STATES "I HAVE 45 MORE DAYS THEN I WILL BE RELEASED. INSTRUCTIVE I/M TO GET FAMILY TO MAKE MD APOINTMENT FOR WHEN HE IS RELEASE. I/M VOICES UNSTANDING.

SIGNED OFF ON 10/14/03 @ 11:13 BY MARGARET T SCALES, LICENSED PRACTICAL NURSE
SIGNED OFF ON 10/15/03 @ 6:38 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 19 BLOOD PRESSURE CLINI 10/13/03 12:22 TURBEVILLE COMP
B/P = 130/ 72 PULSE = 64 WEIGHT = 166
SIGNED OFF ON 10/13/03 @ 12:22 BY FAYE G GREEN, REGISTERED NURSE I

** ENCOUNTER: 18 BLOOD PRESSURE CLINI 10/12/03 9:47 TURBEVILLE COMP
B/P = 136/ 96 PULSE = 64 WEIGHT = 165
INMATE TO MEDICAL FOR BP CHECK. B/P 136/96, P64REG. INMATE STATED THAT HE STARTED NEW MED.X 3 DAYS AGO. DISCUSSION WAS GIVEN RE:HTN. ENCOURAGED TO BE COMPLIANT WITH MEDICATION. DIET INSTRUCTIONS WERE REINFORCED. INMATE WAS ENCOURAGED TO FORCE P.O. WATER INTAKE. ISSUED OTR FOR B/P CHECK X 3 DAYS PER MD ORDER. WILL FOLLOW. INMATE VOICED THAT HE UNDERSTOOD THE IMPORTANCE OF BEING COMPLIANT WITH MEDS. AND DIET. W.SHARP LPN.
SIGNED OFF ON 10/12/03 @ 9:52 BY WENDY J SHARP, UNCLASSIFIED
SIGNED OFF ON 10/14/03 @ 9:13 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 17 DOCTOR'S CLINIC 10/09/03 9:09 TURBEVILLE COMP
S> PT SAYS THAT HIS BLOOD PRESSURE IS RUNNING HIGH HE IS TAKING MEDICATION FOR HTN EVERYDAY
O> TEMP=098.1 PULSE= 89 RESP=20 BP=140/100 WEIGHT=164
PT IS ALERT ORIENTED HEENT IS NORMAL LUNGS CLEAR VESICULAR BREATH SOUND NO CREPIATION OR RONCHI HEART S1 S2 AUDIBLE NO MURMUR ABDOMEN SOFT NON TENDER LIVER SPLEEN NOT PALAPABLE. EXT NO ODEMA .

A> 1. HTN

P> TRIAMTERENE/HCTZ 37.5MG/25MG

SIG:1 TAB PO QD

SIG:

START DATE: 10/09/03 TOTAL DAYS: 180

MD: PATEL, NARENDRA -

2. D/C HCTZ.

3. CUT DOWN SALT

4. CHECK HIS BLOOD PRESSURE FOR 3 DAYS

5. HHTN CLINIC NURSE TO FOLLOW THE PT .

SIGNED OFF ON 10/09/03 @ 9:12 BY NARENDRA C PATEL, PHYSICIAN II
MED DIRECT TRANSMIT TO PHARMACY. OTR FOR BP CHECKS. IN HTN CLINIC.
NOTED- V COKER, RN.

SIGNED OFF ON 10/09/03 @ 11:49 BY VICKIE A COKER, REGISTERED NURSE I

* ENCOUNTER: 16 BLOOD PRESSURE CLINI 10/05/03 12:26 TURBEVILLE COMP

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 25 0464 HUDGENS, DARREL LORENZO

PAGE 21

B/P = 140/100 PULSE = 80 WEIGHT = 0
B/P REMAINS ELEVATED PAST STARTING HCTZ.
WILL RESCHEDULE MD APPOINTMENT.

SIGNED OFF ON 10/05/03 @ 12:27 BY JANICE A FRAZIER, REGISTERED NURSE I
SIGNED OFF ON 10/06/03 @ 7:03 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 15 BLOOD PRESSURE CLINI 10/04/03 12:33 TURBEVILLE COMP
B/P = 158/ 90 PULSE = 78 WEIGHT = 167
APICAL PULSE IS BOUNDING.ON HCTZ.
WILL RE-CHECK 10-5-03.
IF REMAINS ELEVATED WILL SCHEDULE MD APPOINTMENT.
SIGNED OFF ON 10/04/03 @ 12:34 BY JANICE A FRAZIER, REGISTERED NURSE I
SIGNED OFF ON 10/06/03 @ 7:02 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 14 DOCTOR'S CLINIC 10/03/03 8:13 TURBEVILLE COMP
S> PT SAYS THAT HE WANTS PHYSICAL EXMINATION DONE SEE SCDC FROM 109 MAY
1989
O> TEMP=097.0 PULSE= 60 RESP=16 BP=128/ 86 WEIGHT=170
SEE FORM 109 MAY 1989.
A> 1 HTN
P> 1.PT TO STOP SMOKING
2 ALL LAB WORK IS NORMAL.
3. HTN EDUCATION GIVEN TO THE PT.
SIGNED OFF ON 10/03/03 @ 8:16 BY NARENDRA C PATEL, PHYSICIAN II
NOTED- V COKER, RN.
SIGNED OFF ON 10/03/03 @ 11:44 BY VICKIE A COKER, REGISTERED NURSE I

** ENCOUNTER: 13 LAB CLINIC 10/02/03 13:49 TURBEVILLE COMP
LATE ENTRY 0612 CBC, SMA-18, U/A COLLECTED PER MD ORDER AND SENT TO KCI LAB
L. WILSON,MAT
SIGNED OFF ON 10/02/03 @ 13:50 BY LISA R WILSON, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 12 BLOOD PRESSURE CLINI 10/02/03 12:50 TURBEVILLE COMP
B/P = 136/ 84 PULSE = 80 WEIGHT = 170
INMATE CAME TO MEDICAL PER OTR FOR 1ST OF THREE BP AFTER STARTING HCTZ.
136/84. P 80. WT 170. STATES EATING OFF THE DIET LINE. INMATE ON
2GM NA DIET. STATES EATING OFF THE DIET LINE. NO COMPLAINTS VOICED.
V COKER, RN.
SIGNED OFF ON 10/02/03 @ 12:54 BY VICKIE A COKER, REGISTERED NURSE I
SIGNED OFF ON 10/03/03 @ 7:27 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 11 DOCTOR'S CLINIC 09/29/03 7:53 TURBEVILLE COMP
S> PT SAYS THAT HE HAS HIGH BLOOD PRESSURE, HE HAD IT ON THE STREET HE WAS
NOT ON ANY MEDICATION , HE HAS FAMILY HISTORY OF HTN
O> TEMP=097.3 PULSE= 84 RESP=16 BP=142/100 WEIGHT=170
PT IS ALERT ORIENTED , HEENT IS NORMAL LUNGS CLEAR VESICULAR BREATH SOUND
NO CREPITATION OR RONCHI HEART S1 S2 AUDIBLE NO MURMUR ABDOMEN SOFT
NON TENDER LIVER SPLEEN NOT PALPABLE EXT NO ODEMA.
A> 1. HTN
P> HYDROCHLOROTHIAZIDE 25MG

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 25 0464 HUDGENS, DARREL LORENZO

PAGE 22

SIG:1 TAB PO QD

SIG:

START DATE: 09/29/03 TOTAL DAYS: 180

MD: PATEL, NARENDRA -

2. CBC SMA 18 U/A

3. 2 GM NA DIET

4 HTN CLINIC NURSE TO FOLLOW THE PT

5. CHECK BLOOD FOR 3 DAYS. IF STILL HIGH REFER TO MD .

SIGNED OFF ON 09/29/03 @ 7:56 BY NARENDRA C PATEL, PHYSICIAN II

MED DIRECT TRANSMIT TO PHARMACY. LABS SCHEDULED. CAFETERIA NOTIFIED BY
CRT RE: DIET. THERAPEUTIC DIET SHEET SIGNED- ON CHART. OTR FOR BP CHECKS.
REFERRAL DONE.

NOTED- V COKER, RN.

SIGNED OFF ON 09/29/03 @ 9:20 BY VICKIE A COKER, REGISTERED NURSE I

** ENCOUNTER: 10 BLOOD PRESSURE CLINI 09/25/03 12:47 TURBEVILLE COMP
B/P = 140/ 90 PULSE = 72 WEIGHT = 171
BP CONT. TO RUN HI MD APPT FOR M.D.
SIGNED OFF ON 09/25/03 @ 12:48 BY JOE W ALTMAN, SR, LICENSED PRACTICAL NURSE
SIGNED OFF ON 09/29/03 @ 7:25 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 9 LAB CLINIC 09/25/03 11:18 TURBEVILLE COMP
LATE ENTRY 0612 CBC, SMA-18, U/A COLLECTED PER MD ORDER AND SENT TO KCI LAB
L. WILSON, MAT
SIGNED OFF ON 09/25/03 @ 11:19 BY LISA R WILSON, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 8 BLOOD PRESSURE CLINI 09/24/03 12:25 TURBEVILLE COMP
B/P = 138/100 PULSE = 84 WEIGHT = 171
BP CK. NO CURRENT MEDS
SIGNED OFF ON 09/24/03 @ 12:26 BY JOE W ALTMAN, SR, LICENSED PRACTICAL NURSE
SIGNED OFF ON 09/25/03 @ 7:13 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 7 BLOOD PRESSURE CLINI 09/23/03 13:26 TURBEVILLE COMP
B/P = 130/ 90 PULSE = 72 WEIGHT = 171
1 OF 3 CKS.
SIGNED OFF ON 09/23/03 @ 13:26 BY JOE W ALTMAN, SR, LICENSED PRACTICAL NURSE
SIGNED OFF ON 09/24/03 @ 6:45 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 6 BLOOD PRESSURE CLINI 09/23/03 12:31 TURBEVILLE COMP
B/P = 150/ 98 PULSE = 0 WEIGHT = 0
SIGNED OFF ON 09/23/03 @ 12:31 BY LISA R WILSON, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 5 SICK CALL 09/23/03 9:14 TURBEVILLE COMP
> I/M/ HERE FOR SICK CALL, WANTS A PHYSICAL DONE.
LAST PHYSICAL WAS DONE 2002. BP HAS BEEN ELEVATED I/M SAYS HE WAS ON BP
MED AT LAST FACILITY.
> TEMP=097.6 PULSE= 74 RESP=16 BP=160/ 98 WEIGHT=171
B/M 27 YEARS OLD AOX3. SKIN WARM AND DRY. AFTER I/M SAT IN WAITING ROOM 1
HR. BP WAS RE -TAKEN 130/94
> DRFER

MDCI880D
OMINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 25 0464 HUDGENS, DARREL LORENZO

PAGE 23

P> MD APPT FOR PHYSICAL

DR. N. PATEL/MARGARET T. SCALES LPN

CBC, SMA12, UA

BP CHECKED TODAY AND X 3 DAYS

SIGNED OFF ON 09/23/03 @ 9:33 BY MARGARET T SCALES, LICENSED PRACTICAL NURSE

SIGNED OFF ON 09/23/03 @ 10:36 BY NARENDRA C PATEL, PHYSICIAN II

** ENCOUNTER: 4 FOLLOW-UP SICK CALL 01/07/03 1:17 TURBEVILLE COMP
PAPERWORK FOR COURT TRANSFER COMPLETED AND SENT TO OPERATIONS.

L.WATSON, R.N.

SIGNED OFF ON 01/07/03 @ 1:18 BY LERA A WATSON, REGISTERED NURSE I

** ENCOUNTER: 3 NARRATIVE 01/06/03 9:13 TURBEVILLE COMP
CONTINUITY OF CARE FORM INITIATED I/M TO COURT 01/07 JR HARBISTON MRP
SIGNED OFF ON 01/06/03 @ 9:13 BY JACQUELINE HARBISTON, RECORDS ANALYST I

** ENCOUNTER: 2 FOLLOW-UP SICK CALL 09/26/02 13:08 TURBEVILLE COMP
STER-STRIPS IN PLACE-NO S/S OF INFECTION WOUND IS DRY.CLEAN.
SIGNED OFF ON 09/26/02 @ 13:09 BY JOE W ALTMAN, SR, LICENSED PRACTICAL NURSE

** ENCOUNTER: 1 EMERGENCY OUTSIDE 09/25/02 17:00 TURBEVILLE COMP

S> I/M TO MEDICAL AFTER CUTTING LT FOREHEAD ON LOCKER

O> TEMP=098.3 PULSE= 62 RESP=18 BP=144/ 94 WEIGHT= 0

WELL DEV WELL NOURISHED BM NAD, AMBULATED TO MEDICAL. HAS APPROX 1 IN BY
1|8 IN VERTICLE WELL APPROXIMATING LACERATION TO OUTER ASPECT OF LEFT EYEBR
OW. NO SWELLING, REDNESS, ECCHYMOSIS OF SOURROUNDING TISSUE. HAS MINIMAL BL
EEDING. SCLERA TO LT EYE WHITE. PERRLA, EOMS INTACT, EYES, NOSE, THROAT CLE
AR. NO OTHER INJURY NOTED. NO LOC

A> LACERATION/ABRASION (INCLUDE LOCATION)

P> 1. SEE S.O. #26.

2. CLEAN WOUND WITH SEPTISOL AND WATER, MAKING SURE THAT DIRT AND FOREIGN
BODIES HAVE BEEN REMOVED.

3. IF STERI-STRIPS ARE NOT NEEDED, APPLY A THIN LAYER OF NEOSPORIN OINTMENT
WITH A LOOSE STERILE BANDAGE, AS NEEDED.

4. CHANGE BANDAGE EVERY 24 HOURS UNTIL HEALING.

FOR WOUNDS REQUIRING STERI-STRIPS:

1. CLEAN IN SAME MANNER AS ABOVE.

2. MAKE SURE EDGES ARE EASILY APPROXIMATED.

3. APPLY TR. OF BENZOIN ON EITHER SIDE OF WOUND.

4. APPLY STERI-STRIPS TO COMPLETELY CLOSE THE LACERATION

5. APPLY A STIRILE DRESSING.

6. CHANGE THE DRESSING IN 24 HOURS AND PRN.

7. REMOVE THE STERI-STRIPS IN 5-7 DAYS.

5. CHECK ON TETANUS IMMUNIZATION STATUS. IF WOUND IS DIRTY (FOREIGN BODY,
RUST, GRAVEL, ETC.) AND NO TETANUS IMMUNIZATION HAS BEEN GIVEN IN THE
LAST 5 YEARS, ADMINISTER TETANUS AND DIPHTHERIA TOXOIDS 0.5CC I.M. AND
DOCUMENT ON SCDC 24-96 PROBLEM LIST.

AREA CLEANED WITH SEPTISOL AND N|S. BENZOIN APPLIED AND 4 STERI STRIPS PLAC
ED OVER LAC. EDGES APPROXIMATED WITHOUT DIFF, LAC INTACT. GAUSE AND LARGE B
ANDAID PLACED, LT LATERAL FOREHEAD. TO LEAVE BANDAGE IN PLACE AND NOT TO GE

DCI880D
MINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

09/29/11
C010275

SCDC# 250464 HUDGENS, DARREL LORENZO

PAGE 24

T WET. OTR FOR RECHECK TOMORROW. VERBALIZED UNDERSTANDING. C KNIGHT LPN
SIGNED OFF ON 09/25/02 @ 17:07 BY CHERE L KNIGHT, LICENSED PRACTICAL NURSE
CHART REVIEW.
SIGNED OFF ON 09/26/02 @ 7:26 BY VICKIE A COKER, REGISTERED NURSE I

***** END OF SICK CALL NOTES *****

AGENCY I.D.
SCO230200

EXHIBIT EV
2
12/19/12 SH

GREENVILLE POLICE DEPARTMENT
SUPPLEMENTAL REPORT

CASE NUMBER
1,0,000,0,0,6,2,6,4

NCIC
INQ. ENT.

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT	☐ STATUS CHANGE ☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL VICTIMS ☐ ADDITIONAL RECOVERED PROPERTY	☐ ADDITIONAL STOLEN PROPERTY ☐ INCIDENT TYPE: Traffic Stop/ Drugs	PATROL DISTRICT: India PAGE 1 OF 1
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I.D. OVERFLOW	NAME (LAST, FIRST, MIDDLE): See Code 5	VICTIM RELATIONSHIP TO SUBJECT: #1 #2 #3	RESIDENT: ☐ RACE: ☐ SEX: ☐ AGE: ☐ D.O.B.: ☐ ETH: ☐	ADDRESS: CITY: STATE: ZIP CODE: PATROL DISTRICT: DAY PHONE: EVENING PHONE:
	HEIGHT: WEIGHT: HAIR: EYES: FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.:			
	☐ VICTIM NO. EXPLAIN: VISIBLE INJURY: ☐ YES ☐ NO ☐ COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES	☐ VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK ☐ DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK	☐ TWO-WAN VEHICLE ☐ DETECTIVE/SPL. AGENT. ☐ ALONE ☐ ONE-WAN VEHICLE ☐ OTHER ☐ ASSISTED	
	☐ SUBJECT NO. USING ALCOHOL: ☐ NO ☐ YES ☐ UNK ☐ USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK	☐ ARRESTED ON CURRENT OFFENSE ☐ CLEARED BY ARREST ON PRIOR OFFENSE		
	ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO			
	JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY			

On 01/05/2010 at 2122 Hrs I responded to the Old Time Pottery parking lot to back up Officer Johnson. Officer Johnson advised that the subject didn't have any insurance and he was a Felony with a violent history. At that time Officer Johnson asked the subject to step out of the vehicle. Officer Johnson performed a Terry Frisk on the subject for weapons. I informed the subject that his car was going to be towed and we were going to do a inventory of the vehicle and is there anything that we need to know about (weapons, drugs). He advised that there was nothing in the vehicle. Officer Johnson searched the vehicle and found a plastic baggy sticking out from the radio area. At that time Officer Johnson advised me to detain the subject. I placed the subject in handcuffs and asked him what was behind the radio. At first he wouldn't say but then he advised that there was marijuana behind the radio. Officer Johnson pulled a clear plastic baggy from behind the radio and placed it on the roof. I then placed the subject in Officer Johnson patrol car. I then searched the vehicle and found a white plastic baggy with a beige rock like substance known as Crack Cocaine in the baggy. There were several pieces. I informed Officer Johnson of the finding and handed the substance over to Officer Johnson. Duty was notified and responded and towed the vehicle.

PROPERTY	TYPE: 10	STOLEN: ☐	DAMAGED: ☐	BURNED: ☐	RECOVERED: ☐	SEIZED: ☐	TOTAL VALUE:
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ADMIN	SUBJECT IDENTIFIED: ☒ YES ☐ NO	SUBJECT LOCATED: ☒ YES ☐ NO	☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST					
	REPORTING OFFICER(S) STAR #: T Calhoun *626	DATE: 01-05-2010	UNIT NO.: 121	APPROVING OFFICER: (OFFICER)	DATE: 01-06-10	UNIT NO.: 101

CRIME ANALYSIS SLED RECORDS DETECTIVES ROLL CALL

AC 1/8/10

AGENCY I.D.
SCO230200

GREENVILLE POLICE DEPARTMENT
SUPPLEMENTAL REPORT

CASE NUMBER 101000006264
NCIC INQ. ENT.

☒ ORIGINAL REPORT ☐ STATUS CHANGE ☐ ADDITIONAL VICTIM ☐ ADDITIONAL STOLEN PROPERTY
☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: PWITD Crack Cocaine 3rd and above
PATROL DISTRICT: Hector PAGE 2 OF 2 PAGES

I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ ARREST ☐ MISSING ☐ JAIL

NAME (LAST, FIRST, MIDDLE) _____ VICTIM RELATIONSHIP TO SUBJECT: _____
ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____ PATROL DISTRICT _____ DAY PHONE _____ EVENING PHONE _____
HEIGHT _____ WEIGHT _____ HAIR _____ EYES _____ FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. _____
☐ VICTIM NO. _____ VISIBLE INJURY: ☐ YES ☐ NO COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK DRUGS: ☐ NO ☐ YES TYPE: _____
☐ SUBJECT NO. _____ USING ALCOHOL: ☐ NO ☐ YES ☐ UNK USING DRUGS: ☐ NO ☐ YES TYPE: _____
ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: _____ ☐ SEMI-AUTO ☐ FULL-AUTO ☐ LMK
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY ☒ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY

The above subject was then arrested.

While conducting an inventory of the above vehicle I observed a clear plastic bag showing between the radio face-plate and the dashboard. I pulled on the dashboard trim and it was removed revealing a clear plastic bag containing (7) individually packaged clear plastic bags of a green leafy substance which I determined through my training and experience to be Marijuana.

Further inspection of the vehicle revealed a white plastic bag containing approx. Eight beige rock like substances which field tested positive for cocaine base. The Crack Cocaine was retrieved by officer T Calhoun. Also in the trunk of the above vehicle a box of Glad sandwich bags were found.

Search incident to arrest revealed a black scale in the above subject's left front pants pocket and approx. \$200 in cash.

The above subject was placed in my patrol vehicle with cuffs double locked and transported to detention.

I then responded to the City Judge's Office and the subject was charged with the following:
PWITD Crack Cocaine 3rd and above M-381762
PWITD Marijuana M-381763
Operating Uninsured 94166FB
The subject was issued a warning 094022-N for the tag on the vehicle

The subject was placed into detention.

All evidence in the case was turned into Property and Evidence

The above vehicle was towed by duty wrecker Mike's Body Shop.

PROPERTY	TYPE						TOTAL VALUE
	STOLEN						
	DAMAGED						
	BURNED						
	RECOVERED						
	SEIZED						17.9g
ADMIN	SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE ☐ ADMIN. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18
	☒ YES ☐ NO	☒ YES ☐ NO	☐ UNFOUNDED		☒ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ VICTIM/DECEASED COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST						
	REPORTING OFFICER(S) BY STAR #	DATE	UNIT NO.	APPROVING OFFICER		DATE	UNIT NO.
	CC JOHNSON *619	1/5/10	118				

☐ YES ☐ NO (OFFICER)

AGENCY I.D. OFFENSE CLASS DAY GREENVILLE POLICE DEPARTMENT CASE NUMBER NCIC ENTRY
 300230206 25A 35B 902 990 INCIDENT REPORT 100000006264

EVENT	INCIDENT TYPE		OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM																																																																												
	PWITD Crack Cocaine 3rd and above		YES ☒ NO ☐	YES ☐ NO ☒	13 Highway/Road/Alley		☐ CORPORAL																																																																												
	PWITD Marijuana / Poss Drug Paraphernalia 1st		YES ☒ NO ☐	YES ☐ NO ☒	13 Highway/Road/Alley		☐ BUSINESS																																																																												
	Operating Uninsured 1st		YES ☒ NO ☐	YES ☐ NO ☒	13 Highway/Road/Alley		☐ FINANCIAL INST.																																																																												
VICTIM	INCIDENT LOCATION (BUSINESS, HOME, RAIL YARD, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						DP CODE																																																																												
	Laurens Rd @ Woodruff Rd						29607																																																																												
	INCIDENT DATE	TIME	TO	DATE	TIME	TIME ARRIVED	PATROL DISTRICT																																																																												
	1/5/10	2109				2109	0000 Hector																																																																												
SUBJECT	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE																																																																												
	GPD Unit 118		ST Stranger		J	B	M																																																																												
	ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT																																																																													
	Greenville		SC	29601	Fox																																																																														
VEHICLE	VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE																																																																												
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NARRATIVE	VISIBLE INJURY (YES ☐ NO ☒ EXPLAIN -)																																																																																		
	COMPLAINANT OF ANY NON-VISIBLE INJURY YES ☐ NO ☒																																																																																		
	VICTIM (NO, 1) USING ALCOHOL YES ☐ NO ☒ DRUGS: YES ☐ NO ☒ UNK. TYPE																																																																																		
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	Paper				2G1WX12X9T9259269																																																																														
	YEAR	MAKE	MODEL	STYLE	COLOR																																																																														
	96	Chevy	Monte Carlo	2S	Green																																																																														
On the above date and time while on patrol at the above location I observed the above vehicle driving on Laurens RD bearing a dealer tag with showing an expiration date (1/16/10) written in small numbers on the top portion of the tag, the tag also had the year and make of the vehicle written on the side. The writing on the tag was not normal dealer practice so I initiated a traffic stop on the vehicle. I then approached the driver who was the above subject and asked him for his Driver's License, Insurance, and his bill of sale for the vehicle. The above subject advised me that he didn't have a bill of sale nor insurance for the vehicle.																																																																																			
<table border="1"> <tr> <td colspan="2">Gang Related Activity?</td> <td>Unk</td> <td colspan="2">JURISDICTION OF THEFT</td> <td colspan="2">JURISDICTION OF RECOVERY</td> </tr> <tr> <td>TYPE</td> <td>10 Drugs/Narcotics</td> <td>10 Drugs/Narcotics</td> <td colspan="2"></td> <td colspan="2">TOTAL VALUE</td> </tr> <tr> <td>STOLEN</td> <td></td> <td></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td>DAMAGED</td> <td></td> <td></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td>BURNED</td> <td></td> <td></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td>RECOVERED</td> <td></td> <td></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td>SEIZED</td> <td>16.7 g</td> <td>1.2 g</td> <td colspan="2"></td> <td colspan="2">17.9g</td> </tr> </table>								Gang Related Activity?		Unk	JURISDICTION OF THEFT		JURISDICTION OF RECOVERY		TYPE	10 Drugs/Narcotics	10 Drugs/Narcotics			TOTAL VALUE		STOLEN							DAMAGED							BURNED							RECOVERED							SEIZED	16.7 g	1.2 g			17.9g																												
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CRIME ANALYSIS

PIO RECORDS

DETECTIVES

ROLL CALL

AC 1/8/10

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Fardarrel L. Hudgens,¹)
S.C.D.C. No. 250464,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
C.A. No. 2011-CP-23-2551

ORDER OF DISMISSAL

FILED CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKLENSMEYER
2013 JAN 22 P 1:32

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 14, 2011. The Respondent made its return on June 27, 2011. An evidentiary hearing into the matter was convened on December 19, 2012 at the Greenville County Courthouse. The Applicant was present at the hearing and represented by Scarlet B. Moore, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's plea counsel, Dorothy A. Manigault, Esquire. The Court had before it the transcript of the guilty plea hearing, the records of the Greenville County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections (SCDC), the application for post-conviction relief, and the Respondent's return.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to

¹ This Court notes the South Carolina Department of Corrections lists the Applicant's name as Darrell Lorenzo Hudgens.

1
Em

orders of commitment from the Greenville County Clerk of Court. The Applicant was indicted at the December 2010 term of the Greenville County Grand Jury for possession with intent to distribute (PWID) marijuana (2010-GS-23-1921) and PWID cocaine base (2010-GS-23-1933). Dorothy A. Manigault, Esquire represented the Applicant.

On March 8, 2011, the Applicant pled guilty. The Honorable D. Garrison Hill sentenced the Applicant to concurrent terms of ten (10) years for PWID marijuana, third offense and ten (10) years for PWID crack cocaine, third offense. The Applicant did not appeal.

ALLEGATIONS

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

1. Ineffective assistance of counsel.
 - a. Failed to properly investigate the facts of the case.
 - b. Met with the Applicant twice prior to trial.
 - c. Failed to allow "an inquiry into the Applicant's mental competency to stand trial."
2. Involuntary guilty plea.
 - a. The Applicant was under the influence of "mind-altering psychotropic medicine Serequel" at time plea was entered.
 - b. The Applicant "is diagnosed as a paranoid schizophrenic and has to take medicine on a daily basis. He has been found unable to stand trial prior. He has been mentally disabled since 2002."

In a pro se "Motion to Amend Applicant's Post-Conviction Relief Application" dated May 25, 2011, the Applicant makes the following allegations:

1. Trial court error.
2. Ineffective assistance of counsel.
3. Involuntary guilty plea.

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 and arguments presented at the PCR hearing. This Court has further had the

opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel/Involuntary Guilty Plea

The Applicant alleges his guilty plea was involuntary and that 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).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 243-44, 89 S. Ct. 1709, 1712 (1969); Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). When determining issues relating to guilty pleas, the court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the post-conviction relief hearing.

Anderson v. State, 342 S.C. 54, 57, 535 S.E.2d 649, 657 (2000).

The Applicant stated he only had two meeting with plea counsel and that each meeting was less than ten minutes long. The Applicant stated they did not review the evidence but he did tell plea counsel his version of events. The Applicant stated plea counsel told him of the potential sentences he could receive but that they never discussed possible defenses. The Applicant stated plea counsel did not discuss either filing pre-trial motions or a potential Fourth Amendment issue. The Applicant stated plea counsel never discussed a plea offer with him. The Applicant stated he provided plea counsel with information about his mental health history. The Applicant stated he was taking medication and does not remember the plea hearing.

Plea counsel testified she had at least nine meetings with the Applicant. Plea counsel testified she filed discovery motions, received those materials, and reviewed the evidence with the Applicant. Plea counsel testified they also reviewed the Applicant's version of events. Plea counsel testified they discussed the vehicle stop and the possibility of a motion to suppress. Plea counsel testified the stop and subsequent arrest and inventory search were lawful and she reviewed this with the Applicant. Plea counsel testified she conveyed the State's plea offer – to reduce the charges to second offenses – to the Applicant on July 2, 2010 and explained its risks and advantages. Plea counsel testified the Applicant rejected this offer. Plea counsel testified she was aware of the Applicant's mental health issues and that he was taking medication. Plea counsel testified she reviewed the Applicant's medical records (including a 2008 evaluation and the medical records from SCDC) but did not have any concerns about his competency. Plea counsel testified the Applicant participated fully in their discussions (both asking questions and giving directions) and never indicated he did not understand.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the

Applicant has failed to meet his burden of proof. This Court finds the Applicant's testimony is not credible, while also finding plea counsel's testimony is credible. This Court further finds plea counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in her representation.

The Applicant admitted to the plea judge both that he was guilty and that the facts recited by the solicitor were true. (Plea transcript, p.7; p.12). The Applicant also told the plea judge that he understood the trial rights he was waiving in pleading guilty and had not been coerced in any way. (Plea transcript, pp.7-9).

This Court finds the Applicant failed to meet his burden of proving plea counsel did not properly meet with him to discuss and review his case. This Court notes plea counsel had her file during her testimony and counted notations from at least nine meetings with the Applicant. Plea counsel also had notations in her file to corroborate her testimony that she reviewed the discovery materials with the Applicant and gave him a copy. This Court finds plea counsel is the more credible witness. Further, the Applicant has failed to articulate how the outcome of his case would have been different if he had more time to discuss the case with plea counsel. See, e.g., Skeen v. State, 325 S.C. 210, 481 S.E.2d 129 (1997) (holding applicant not entitled to relief where no evidence presented at PCR hearing to show how additional preparation would have had any possible effect on the result at trial).

This Court finds the Applicant failed to meet his burden of proving plea counsel did not properly discuss potential pre-trial motions. Plea counsel testified they discussed the vehicle stop, the Applicant's subsequent arrest, and the inventory search that followed. Plea counsel testified there was no basis to file a motion to suppress based on the facts of the case. This Court finds plea counsel's testimony is credible. Regardless, the Applicant has failed to demonstrate

any legal basis for plea counsel to have challenged the stop and seizure in his case and how such a challenge would have affected the outcome of his case. See id.

This Court finds the Applicant failed to meet his burden of proving plea counsel did not convey a plea offer to him. Plea counsel testified that, according to the notes in her file, she met with the Applicant on July 2, 2010 and discussed the plea offer. Plea counsel testified they discussed the advantages and disadvantages of the offer but that the Applicant chose to reject it. This Court finds plea counsel's testimony is more credible and that she fulfilled her obligations to convey and discuss the plea offer with her client. See Davie v. State, 381 S.C. 601, 675 S.E.2d 416 (2009) (holding counsel's failure to convey the State's plea offer to defendant constituted deficient performance).

This Court finds the Applicant failed to meet his burden of proving plea counsel should have better investigated his mental health history. Plea counsel testified she was aware of the Applicant's mental health history, had reviewed some of those records, and knew he was taking medication. Plea counsel testified that, based on all of this information and her discussions with the Applicant, there were no "red flags" in her opinion and she had no concerns about his competency. Plea counsel testified the Applicant was an active participant in their conversations and never indicated he was confused either before or during the guilty plea hearing. This Court finds plea counsel's testimony is credible. This Court notes the Applicant's "mental condition" was referred to at the plea hearing and plea counsel stated she had no concerns about his competency. (Plea transcript, pp.3-4; p.12). Plea counsel noted the Applicant had taken his medication that morning and the Applicant told the plea judge he would talk to counsel if he was confused at any point. (Plea transcript, p.4). This Court finds the Applicant has failed to meet his burden of proving he was not competent to plead guilty, as he has not presented any evidence

to support such a claim. See, e.g., Dempsey v. State, 363 S.C. 365, 370, 610 S.E.2d 812, 815 (2005) (finding that, as the applicant failed to have an expert testify at the evidentiary hearing, "any finding of prejudice is merely speculative"). Similarly, this Court also finds the Applicant has failed to meet his burden of proving a more thorough investigation into his mental health history would have changed the outcome of his case. See, e.g., Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998) (finding the failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result).

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that plea counsel committed either errors or omissions in her representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by plea counsel's performance.

This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. This Court also concludes the Applicant has failed to meet his burden of proving his guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they

7
EC

are hereby denied and dismissed.

CONCLUSION

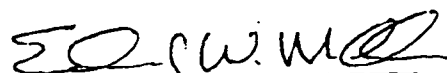
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Furthermore, the Applicant's guilty plea was entered knowingly and voluntarily within the mandates of Boykin. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 10th day of January, 2013.


 Edward W. Miller
 Presiding Judge
 Thirteenth Judicial Circuit

Greenville, South Carolina.

WITNESSES

CH
C. C. Johnson

Greenville Police Department

1/6/2010

ARREST WARRANT NUMBER
M381768

ACTION OF GRAND JURY

TRIP BILL
Ann D. Padgett

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-

KBS

The State of South Carolina 001921

County of Greenville

COURT OF GENERAL SESSIONS

December TERM 2010

3-8-11

THE STATE

VS.

FARDARREL L. HUDGENS

James Donald Hudgens
Does Not Appear
X

0183
-0188

Indictment for

POSSESSION OF MARIJUANA WITH INTENT TO
DISTRIBUTE

VIOLATION § 44-53-0370

RECEIVED

MAR 17 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE

At a Court of General Sessions, convened on
County present upon their oath:

DEC 14 2010

the Grand Jurors of Greenville

That FARDARREL L. HUDGENS did in Greenville County, on or about the 5th day of January 2010, possess with intent to distribute or aid, abet, or conspire to possess with the intent to distribute a quantity of Marijuana, a controlled substance, such possession not having been authorized by law. This is in violation of §44-53-370 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.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE VS.

Fardarrel L Hudgens

AKA:

Race: B Sex: M Age: 35

DOB: SS#:

Address:

City, State, Zip: Greenville, SC 29605

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Possession with intent to distribute marijuana 3rd offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS2301921

A/W#: M381768

Date of Offense: 1/5/2010

S.C. Code § : 44-53-0370(B)(2)

CDR Code #: 0186

SENTENCE SHEET

5-20 years

1/10 or 30-20y

JUB

CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0370(B)(2) of the S.C. Code of Laws, bearing CDR Code # 0188

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEYS:

Barwick, Jenny

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years ☐ 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ 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	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/ Deputy Clerk

Paul B. Wickham

Court Reporter:

H. Jenkins

SCCA/217 (06/2010)

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: _____

☐ Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2138

Sentence Date: 3-8-11

ARREST WARRANT

M-381768

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of

Greenville

THE STATE

Against

Fardarel L Hudgens

10-6264

Address:

Greenville, SC 29605-

Phone: _____ SSN _____

Sex: M Race: B Height: 5 11 Weight: 175

DL State: SC DL #: 01 Agency OR #: SC0230200

DOB: _____

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: C C Johnson - 0619

Offense: Drugs / Manuf, poss. of other sub. in Sch. I, II, III

or Flunitrazepam or analogue, w.i.l.d. - 1st offense

Offense Code: 0186

Code/Ordinance Sec: 44-53-0370(b)(2)

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 the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Fardarel L. Hudgens

on 1-6-10

Signature of Court/Clerk Enforcement Officer

RETURN WARRANT TO:

City Of Greenville

426 North Main Street

P O Box 488

Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant C C Johnson

being duly sworn deposes and says that defendant Fardarel L Hudgens

did within the county and state on or about 01/05/2010

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Greenville

in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manuf, poss. of other sub. in Sch. I, II, III or Flunitrazepam or analogue, w.i.l.d. - 1st 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:

APPLANT STATES THAT ON 1-5-10 DURING A ROUTINE TRAFFIC STOP THE ACCUSED, FARDAREL L HUDGENS, WAS FOUND TO BE IN CONSTRUCTIVE POSSESSION OF EIGHT BEIGE ROCK-LIKE SUBSTANCE WHICH FIELD TEST POSITIVE AS CRACK COCAINE BASE. THE ACCUSED WAS IN CONSTRUCTIVE POSSESSION OF SEVEN BAGS OF A GREEN LEAFY SUBSTANCE WHICH APPLANT DETERMINED THROUGH HIS TRAINING AND EXPERIENCE TO BE MARIJUANA. INCIDENT OCCURRED AT THE INTERSECTION OF LAURENS ROAD AND WOODRUFF ROAD WITHIN THE CITY LIMITS OF GREENVILLE, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ ☒ Municipality of

Greenville

Affiant's Address 4 MCGEE STREET

GREENVILLE 29601-

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 or about 1/5/2010

did violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☒ Municipality of Greenville

as set forth below.

DESCRIPTION OF OFFENSE: Drugs / Manuf, poss. of other sub. in Sch. I, II, III or Flunitrazepam or analogue, w.i.l.d. - 1st 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 01/05/2010

Signature of Judge

Judge's Address 426 North Main Street

Greenville, SC 29601-

Judge's Telephone (864) 667-2405

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

WITNESSES

C. C. Johnson

Greenville Police Department

1/6/2010

ARREST WARRANT NUMBER

M381767

ACTION OF GRAND JURY

True Bill

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-23-

KBS

The State of South Carolina

County of Greenville

001933

COURT OF GENERAL SESSIONS

December

TERM 2010

3-8-11

THE STATE

VS.

FARDARREL L. HUDGENS

for Fardarrel Hudgens

Indictment for

✓ 3039

POSSESSION OF COCAINE BASE WITH INTENT
TO DISTRIBUTE

VIOLATION § 44-53-0375

RECEIVED

MAR 17 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF COCAINE BASE WITH INTENT TO
DISTRIBUTE

At a Court of General Sessions, convened on

DEC 14 2010

the Grand Jurors of Greenville

County present upon their oath:

That FARDARREL L. HUDGENS did in Greenville County, on or about the 5th day of January 2010, possess with intent to distribute or aid, abet, or conspire to possess with the intent to distribute a quantity of Cocaine Base (Crack Cocaine), a controlled substance, such possession not having been authorized by law. This is in violation of §44-53-375 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.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.
Fardarel L. Hudgens

AKA:

Race: B Sex: M Age: 35DOB: SS#Address: 1City, State, Zip: Greenville, SC 29605DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Possession with intent to distribute crack cocaine 3rd offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS2301933A/W#: M381767Date of Offense: 1/5/2010S.C. Code §: 44-53-0375(B)(3)CDR Code #: 3039

SENTENCE SHEET

15-30 yrs
4 for \$0-50k

LB
☒ CONVICTED OF or ☒ PLEADS

in violation of § 44-53-0375(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3039

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

ATTEST:

Barwick, Jenny76128 SC Bar#J. Famed DefendantDorothy Manigault Attorney for Defendant3615 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/year 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/ Deputy Clerk Paul B. WickensCourt Reporter: H. Jenkins

SCCA/217 (06/2010)

Presiding Judge Man / inJudge Code: 2138Sentence Date: 3-8-11

☐ Condition Discharge, § 44-53-450(C) requires
\$350 bc paid to the Clerk prior to case disposition
☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

ARREST WARRANT

M-381767

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of

Greenville

THE STATE

against

Fardarrel L Hudgens

Address:

Greenville, SC 29605-

Phone:

Sex:

M

Race:

B

Height:

5

Weight:

175

DL State:

SC

DL #:

Agency ORI #:

SC0230200

Prosecuting Agency:

Greenville Police Department

Prosecuting Officer:

C C Johnson - 0619

Offense:

Drugs / Manufacture, distribution, etc. of

methamphetamine or cocaine base, 3rd

Offense Code:

3039

Coded Offense Sec:

44-53-0375(B)(3)

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 the law.

(U.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Fardarrel L Hudgens
on 5-6-10 1-6-10 CP

Signature of District Attorney / Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 4188
Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Personally appeared before me the affiant C C Johnsonbeing duly sworn deposes and says that defendant Fardarrel L Hudgensdid within this county and state on or about 01/05/2010

State of South Carolina (or ordinance of

☐ County/☒ Municipality of

Greenville

where the criminal laws of the

in the following particulars:

DESCRIPTION OF OFFENSE

Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 3rd

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:AFFIANT STATES THAT ON 1-5-10 DURING A ROUTINE TRAFFIC STOP THE ACCUSED, FARDARREL L HUDGENS,
WAS FOUND TO BE IN CONSTRUCTIVE POSSESSION OF EIGHT BEIGE ROCK-LIKE SUBSTANCE WHICH FIELD
TEST POSITIVE AS CRACK COCAINE BASE. THE ACCUSED WAS IN CONSTRUCTIVE POSSESSION OF SEVEN BAGS
OF A GREEN LEAFY SUBSTANCE WHICH AFFIANT DETERMINED THROUGH HIS TRAINING AND EXPERIENCE TO
BE MARIJUANA. INCIDENT OCCURRED AT THE INTERSECTION OF LAURENS ROAD AND WOODRUFF ROAD
WITHIN THE CITY LIMITS OF GREENVILLE, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Greenville

Affiant's Address

4 MOORE STREET
GREENVILLE 29601-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/5/2010defendant Fardarrel L Hudgensdid violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of Greenville) as set forth below:DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 3rdHaving 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 meon 01/05/2010

Judge's Address

Judge's Telephone

Issuing Court:

Judge Code: 6499

(U.S.)

Judge's Address

Judge's Telephone

Issuing Court:

Judge Code: 6499

Judge's Address

Judge's Telephone

Issuing Court:

Judge Code: 6499

Judge's Address

Judge's Telephone

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