

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM PICKENS COUNTY

G. Edward Welmaker, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

MICHAEL WRIGHT,

APPELLANT

APPELLATE CASE NO. 2012-212455

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RECORD ON APPEAL

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SC Court of Appeals

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STATE OF SOUTH CAROLINA  
COUNTY OF PICKENS

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, )  
 )  
 PLAINTIFF, )  
 )  
 -VS- )  
 )  
 MICHAEL ALLEN WRIGHT, )  
 )  
 DEFENDANT. )  
 \_\_\_\_\_ )

2012-GS-39-00327

JUNE 25, 2012

TRANSCRIPT OF RECORD

BEFORE:

THE HONORABLE G. EDWARD WELMAKER, JUDGE

APPEARANCES:

BAKER CLEVELAND, ESQUIRE  
ATTORNEY FOR THE STATE

STEVEN ALEXANDER, ESQUIRE  
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS  
CIRCUIT COURT REPORTER

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EXHIBITS

(NONE)

1

June 25, 2012

2

(WHEREUPON, court convened at approximately 11:23

1 a.m. with all parties present and the following  
2 proceedings were had.)

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

4 MR. ALEXANDER: Thank you, Your Honor. I  
5 represent Michael Wright, who's before you. He's on the  
6 trial docket. I believe he's next up. He's scheduled  
7 for tomorrow, but I believe the plan is to pick his jury  
8 today and try it whenever Your Honor sets it today or  
9 tomorrow. I've indicated this to him and he had  
10 previously indicated to me when I met with him at the  
11 jail Friday that he wanted to plead guilty to this, but  
12 now he's telling me that he wants me to be relieved.  
13 And I will turn it over to Mr. Wright.

14 THE COURT: Mr. Wright, are you going to  
15 represent yourself?

16 DEFENDANT: No, sir. I'd like to have time to  
17 obtain some counsel.

18 THE COURT: How long has it been? You were  
19 arrested in -- June 17th, last year?

20 DEFENDANT: Yes, sir.

21 THE COURT: You've been in jail ever since?

22 DEFENDANT: No, sir.

23 THE COURT: You've been out?

24 DEFENDANT: Yeah.

25 THE COURT: So how many lawyers have you  
26 talked to?

1                   DEFENDANT: A couple. But I was appointed Mr.  
2 Alexander. I thought that ---

3                   THE COURT: How long has Mr. Alexander been  
4 representing you?

5                   MR. ALEXANDER: June of last year, Your Honor.  
6 June of 2011.

7                   THE COURT: Have you talked to lawyers after  
8 he started representing you?

9                   DEFENDANT: I talked to a few, yes, sir.

10                  THE COURT: All right. What's the --- what's  
11 your need for a new lawyer?

12                  DEFENDANT: I just don't feel like, I mean, if  
13 this is going to trial that we've had adequate time to  
14 discuss the case and everything. We've only met twice.

15                  THE COURT: Well, how much -- if the trial  
16 starts tomorrow, you don't think you'll have time to get  
17 all the information you need to Mr. Alexander today to  
18 take care of this? If you need to, we can wait till  
19 Wednesday to try it, if you need more time to  
20 investigate or whatever you need.

21                  DEFENDANT: I would really like to be  
22 appointed another lawyer, if that's at all possible.

23                  THE COURT: Based on what you've told me, I  
24 don't see it's possible. I mean, if you want to  
25 represent yourself, you certainly can. This case is  
26 down to try tomorrow. Of course, we can pick our jury

1 today. We've got them downstairs waiting on us now --

2 -

3 DEFENDANT: Yes, sir.

4 THE COURT: --- to select a jury or we can  
5 pick our jury in the morning, either way. But based on  
6 the law as I understand it, you've had a lawyer for a  
7 year now. You're making a motion on the eve of trial,  
8 without any real reasons that I've heard. So I deny  
9 your motion.

10 Again, you have every right to represent yourself.  
11 I certainly wouldn't recommend that. If you want to  
12 have some of your family hire a lawyer today, I'll be  
13 glad to listen to him or her tomorrow and they can  
14 certainly work with Mr. Alexander on the case. I'm  
15 denying your motion.

16 (WHEREUPON, Court reconvened at approximately  
17 11:29 a.m. for Mr. Wright to enter a guilty  
18 plea.)

19 THE COURT: Mr. Wright, how old are you,  
20 please, sir?

21 DEFENDANT: I'm forty-five.

22 THE COURT: Are you married, sir?

23 DEFENDANT: No, sir.

24 THE COURT: Do you have children?

25 DEFENDANT: I have two daughters in college.

26 THE COURT: Where do they attend college?

1                   DEFENDANT:   Clemson University.

2                   THE COURT:   How far did you go in school, sir?

3                   DEFENDANT:   Tenth grade.

4                   THE COURT:   Where did you attend?

5                   DEFENDANT:   Easley.  I've acquired a GED since  
6 dropping out.

7                   THE COURT:   What kind of work have you done  
8 since you've been out of school?

9                   DEFENDANT:   I actually owned my own business  
10 doing heating and air until the economy took a ... I  
11 bailed out and then I went to work with Pierre Food in  
12 maintenance in Dacusville.

13                  THE COURT:   What was the name of your company?

14                  DEFENDANT:   Wright Brothers Heating and Air  
15 Conditioning.

16                  THE COURT:   Have you ever been treated for  
17 alcohol or drug abuse?

18                  DEFENDANT:   No, sir.

19                  THE COURT:   Have you ever been treated for any  
20 mental health issues?

21                  DEFENDANT:   No, sir.

22                  THE COURT:   Do you have any prescriptive drugs  
23 or alcohol, any kind of substance, in your body today?

24                  DEFENDANT:   No, sir.

25                  THE COURT:   You're aware of why we're here and  
26 what the charge is about?

1                   DEFENDANT: Yes, sir.

2                   THE COURT: This indictment that I've been  
3 presented, Mr. Wright, states that here in Pickens  
4 County on or about February the 10th of last year, you  
5 distributed or dispensed or conspired with others to do  
6 the same, a quantity of methamphetamine and such  
7 distribution not being authorized by law. Are you here  
8 today to plead guilty to that charge?

9                   DEFENDANT: Yes, sir.

10                  THE COURT: Solicitor, be glad to hear about  
11 the facts of the case.

12                  MR. CLEVELAND: Thank you, Your Honor.

13                  This incident happened on February 10th, 2010. The  
14 Defendant, along with a Co-Defendant, a Larry Michael  
15 Couch, sold a quantity of methamphetamine in Pickens  
16 County. I'm going to tell you how the deal happened.

17                  THE COURT: Let me interrupt you just a  
18 minute. You said February the 10th, 2010?

19                  MR. CLEVELAND: 2011. I'm sorry.

20                  THE COURT: 2011. Okay. I just wanted to  
21 make sure the indictment was consistent. All right.

22                  MR. CLEVELAND: That's correct, Your Honor,  
23 2011.

24                  SLED, along with the Pickens County Sheriff's  
25 Office, the Oconee County Sheriff's Office, and the  
26 Easley Police Department, were conducting an undercover

1 drug investigation of the sale of methamphetamine. A  
2 confidential informant had made contact with the Co-  
3 Defendant, Larry Couch, to purchase a quarter ounce of  
4 methamphetamine -- that's seven grams -- for a little  
5 less than six hundred dollars.

6 Mr. Couch came to the hotel room where the deal was  
7 supposed to go down. There was an undercover officer  
8 present. Mr. Couch did not have the drugs with him.  
9 It's captured on video, he said he can get the drugs,  
10 but it's from an individual Michael Wright. Mr. Couch  
11 left.

12 About twenty minutes later, Mr. Couch came back,  
13 along with Mr. Wright. Mr. Wright provided what lab  
14 tests confirmed to be 5.8 grams of methamphetamine. The  
15 undercover officer and informant paid him five hundred  
16 and fifty dollars for the methamphetamine and gave  
17 twenty dollars to the Co-Defendant, Mr. Couch. It can  
18 be heard -- this was, again, on audio and video  
19 surveillance. It can be heard on the tape to see how  
20 they have a discussion about maybe flipping the drugs,  
21 or something of that nature, to which Mr. Wright says,  
22 you need anymore, you just call Boogie, which was the  
23 Co-Defendant's nickname. He said, I'm available 24/7.  
24 They left the hotel room and that was the end of the  
25 transaction, Judge.

26 He does have a prior record. There is no

1 recommendation in this case. It will be the second time  
2 it was on the trial docket.

3 THE COURT: You heard the facts recited by the  
4 Solicitor, Mr. Wright. Are those substantially the  
5 facts to which you're pleading today?

6 DEFENDANT: Basically, Your Honor. I would  
7 like the Court to know that I did not personally have  
8 the drugs on me. I went to a location and picked them  
9 up and carried them to the motel room. I am guilty,  
10 Your Honor. But I did not personally have the drugs on  
11 me.

12 THE COURT: Do you understand, Mr. Wright, by  
13 pleading guilty to the charge, you're giving up your  
14 right to have a trial by a jury.

15 DEFENDANT: Yes, sir. I understand.

16 THE COURT: A jury could be empaneled and the  
17 State of South Carolina would have the full burden of  
18 proof to prove your guilt beyond a reasonable doubt.

19 DEFENDANT: I understand.

20 THE COURT: In a trial you would have a right  
21 to examine witnesses under oath. You would have a right  
22 to challenge the evidence that's presented. You would  
23 have a right to call witnesses in your own behalf if you  
24 wanted to put up a defense. But obviously, you would be  
25 presumed innocent throughout the entire proceedings.  
26 You wouldn't have to say anything at all. By pleading

1 guilty, you've giving up all these rights, plus others  
2 that you may enjoy under our Constitution. Do you want  
3 to give these rights up?

4 DEFENDANT: Yes, sir.

5 THE COURT: Do you want to plead guilty?

6 DEFENDANT: Yes, sir.

7 THE COURT: Now, Mr. Alexander is your court  
8 appointed attorney. Are you satisfied with his  
9 services?

10 DEFENDANT: Yes, sir.

11 THE COURT: Have you understood the  
12 discussions you've had with him?

13 DEFENDANT: Yes, sir.

14 THE COURT: Is there anything that you've  
15 asked him to do to represent you that he has not done?

16 DEFENDANT: No, sir.

17 THE COURT: Are you completely satisfied with  
18 his services?

19 DEFENDANT: Yes, sir.

20 THE COURT: Has anybody threatened you, Mr.  
21 Wright, to get you to plead guilty today?

22 DEFENDANT: No, sir.

23 THE COURT: Has anybody promised you anything  
24 by way of reward or otherwise to get you to plead  
25 guilty?

26 DEFENDANT: No, sir.

1 THE COURT: Do you understand that by pleading  
2 to this offense you could be sentenced up to fifteen  
3 years in jail?

4 DEFENDANT: Yes, sir.

5 THE COURT: Are you pleading guilty of your  
6 own free will?

7 DEFENDANT: Yes, sir.

8 THE COURT: Are you doing so, as you've  
9 stated, because you are guilty?

10 DEFENDANT: Yes, sir.

11 THE COURT: Have you understood the questions  
12 I've asked?

13 DEFENDANT: Yes, sir.

14 THE COURT: Have you been truthful in your  
15 answers to me?

16 DEFENDANT: Yes, sir.

17 THE COURT: The law gives you a right, if you  
18 meet our Appellate Court rules, to appeal this  
19 proceeding within ten days, and if you can't afford an  
20 attorney, one could be appointed for you. Do you  
21 understand that?

22 DEFENDANT: Yes, sir.

23 THE COURT: I find there is a substantial  
24 factual basis for the plea, that it has been freely,  
25 voluntarily, knowingly and intelligently made by Mr.  
26 Wright, with the advice of competent legal counsel with

1     whom he has expressed his satisfaction. I will accept  
2     your plea.

3             Mr. Alexander, I'll be glad to hear from you or Mr.  
4     Wright, or anyone else that would like to address me.

5             MR. ALEXANDER: Thank you, Your Honor. I  
6     believe you heard Mr. Wright's particulars already; his  
7     age and employment. And I believe, and the Solicitor  
8     can correct me, as far as drug priors, he may have a few  
9     or one or two, but nothing of this significance. And I  
10    believe they all involved marijuana ---

11            DEFENDANT: Yes, sir.

12            MR. ALEXANDER: --- as opposed to meth; and  
13    they're older charges. We would ask Your Honor to  
14    consider some type of suspended sentence, probation and  
15    house arrest, Your Honor. He stated he is employed. He  
16    could afford the house arrest if Your Honor was inclined  
17    to do that. His Co-Defendant in this case, Larry Couch,  
18    also pled off the trial docket a few terms ago and to my  
19    memory got thirty months active. Anyway, I don't know  
20    what his overall sentence was.

21            MR. CLEVELAND: His overall sentence was ten  
22    years suspended to three years, Judge. Mr. Couch pled  
23    pro se. He actually had his attorney removed and came  
24    up for trial and had not retained one yet. And the  
25    Judge basically, for lack of better terms, didn't think  
26    he knew exactly what he was doing, so he basically asked

1 me what the original plea negotiation was. That offer  
2 had expired for Mr. Couch and the State was asking for  
3 more time on that. But the Judge, Judge Maddox, at that  
4 time, since he was without an attorney, essentially gave  
5 him the benefit of that plea negotiation.

6           Regarding Mr. -- I will note that Mr. Couch did not  
7 have any drug priors. Mr. Wright -- and I've actually  
8 got Captain Chad Brooks here -- he has a prior record.  
9 It's not significant except for a 1999 conviction for  
10 six counts of distribution of marijuana. Those were  
11 reduced down from trafficking offenses and he served ten  
12 years in the Department of Corrections for -- on those  
13 six counts of distribution of marijuana. And that was  
14 here in Pickens County, Your Honor.

15           Even in light of that, we attempted to move forward  
16 with plea negotiations and it just never did -- it  
17 never materialized. As far as the sentence or anything  
18 goes, Your Honor, I believe Captain Brooks would like to  
19 address the Court briefly.

20           THE COURT: Let me finish with Mr. Alexander.  
21 I don't think ---

22           MR. CLEVELAND: I apologize, Judge.

23           THE COURT: --- he's through, and I certainly  
24 haven't heard from Mr. Wright.

25           MR. CLEVELAND: Talking out of turn. Sorry.

26           MR. ALEXANDER: And I say that about Mr.

1 Couch, the facts certainly were accurate. But as Mr.  
2 Wright stated, and the video I watched substantiated  
3 this, basically the drugs are coming from, it sounded  
4 like a female individual that they refer to multiple  
5 times in the video. And Mr. Couch and Mr. Wright were  
6 basically the middlemen running the drugs to the hotel  
7 room. And he certainly acknowledges his role in that,  
8 Your Honor.

9 The original -- the last plea offer in this case,  
10 and I don't know -- they're not recommending anything --  
11 was twenty-four months, and that included -- he has  
12 another pending charge that's not before Your Honor  
13 today. But it was for twenty-four months active all  
14 inclusive. We would ask Your Honor to at least consider  
15 something along the lines of the plea offer of twenty-  
16 four months or not beyond what the Co-Defendant got in  
17 this case. They're, if nothing else, at least equally  
18 culpable, or Mr. Couch would be even more culpable as he  
19 was the contact and all that.

20 As I stated, he's employed, Your Honor. He's  
21 trying to do right. This happened a year and a half ago  
22 and he's trying to contribute to society. He has two  
23 adult daughters. He's trying to get on with his life,  
24 Your Honor.

25 Do you have anything you want to say, Mr. Wright?

26 DEFENDANT: No, sir. I appreciate your

1 representation, Mr. Alexander. Thank you.

2 THE COURT: All right, Solicitor. What other  
3 prior offenses are there? You told me 1999, six ---

4 MR. CLEVELAND: Six counts of distribution of  
5 marijuana.

6 THE COURT: --- distribution of marijuana.

7 MR. CLEVELAND: He has ---

8 THE COURT: Ten year sentence?

9 MR. CLEVELAND: Ten year sentence. That's  
10 active, Your Honor. Before that he had -- I'll just go  
11 back. '88, DUI; '90, simple possession; '91, DUI, DUS,  
12 open container, false info to police; '92, DUI; and '94,  
13 simple possession of marijuana second offense and a  
14 probation revocation; and then in '99 was the  
15 distribution -- the plea to the six counts of  
16 distribution of marijuana, down from a trafficking  
17 charge; and then in 2010, two separate counts of  
18 criminal domestic violence. They were each pled as  
19 first offenses.

20 THE COURT: When did you get released from the  
21 South Carolina Department of Corrections, Mr. Wright?

22 DEFENDANT: 2007, Your Honor.

23 THE COURT: All right. You said your had an  
24 officer that wanted to address the Court?

25 MR. CLEVELAND: Yes, Your Honor, it's Captain  
26 Chad Brooks.

1 THE COURT: Yes, sir. State your name for the  
2 record, please.

3 MR. BROOKS: It's Chad Brooks.

4 I'm a Captain with special operations, so I oversee  
5 all drug investigations in this county and have for  
6 several years now. Obviously, Mr. Wright went and did a  
7 ten year sentence just a few years ago. He was released  
8 in 2007. Got back out and not only moved back into the  
9 drug world, but moved into the methamphetamine world,  
10 which is, in my opinion, the most serious drug out there  
11 on the street now. We would just ask that you consider  
12 a lengthy sentence due to the fact that he's already  
13 done ten years and obviously hasn't learned from that.  
14 That's what the -- our stance on it, anyway.

15 THE COURT: All right. Thank you, Mr. Brooks.

16 MR. BROOKS: Yes, sir.

17 THE COURT: How much time has been served on  
18 this?

19 MR. CLEVELAND: He did eighteen days  
20 originally and twenty-three on the bench warrant. So --  
21 pardon my math. Forty-one days, Your Honor.

22 THE COURT: This is case 2012-GS-39-327. The  
23 sentence of the Court is the Defendant be committed to  
24 the State Department of Corrections for a period of  
25 twelve years, provided, however, upon the service of  
26 fifty-seven months. The balance is suspended. Placed

*The State of South Carolina -vs- Michael Allen Wright (2012-GS-39-00327)*  
*Guilty Plea*

17

1 on probation for three years. Condition to pay the  
2 Public Defender application fee, have substance abuse  
3 counseling as deemed necessary and random alcohol and  
4 drug testing.

5 Wish you the best, Mr. Wright.

6 MR. CLEVELAND: Thank you, Your Honor.

7

8 (END OF REQUESTED TRANSCRIPT OF RECORD)

## 1 CERTIFICATE OF REPORTER

2

3 I, the undersigned, Danette P. Hanks, Official  
4 Court Reporter for the Thirteenth Judicial Circuit of  
5 the State of South Carolina, do hereby certify that the  
6 foregoing is a true, accurate, and complete transcript  
7 of record of all the proceedings had and evidence  
8 introduced in the trial/hearing of the captioned case,  
9 relative to appeal, in the Circuit Court for Pickens  
10 County, South Carolina, on the 25th day of June, 2012.

11 This transcript may contain quoted material. Such  
12 material is reproduced as read by the speaker.

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

15 December 31, 2012

16

17

18

19

20



Circuit Court Reporter

JTB

DOCKET NO. 2012-GS-39-0327  
JBC  
The State of South Carolina  
County of Pickens

COURT OF GENERAL SESSIONS  
APR 17 2012 TERM 2012

THE STATE

vs.

MICHAEL ALLEN WRIGHT

Indictment for

3198

DISTRIBUTION OF METHAMPHETAMINE

VIOLATION § 44-53-0375(b)(1)

WITNESSES

Connie Sonnefeld

SLED

6/17/2011

ARREST WARRANT NUMBER

M386259

ACTION OF GRAND JURY

TRUE BILL

APR 17 2012

Foreperson of Grand Jury

*[Signature]*

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

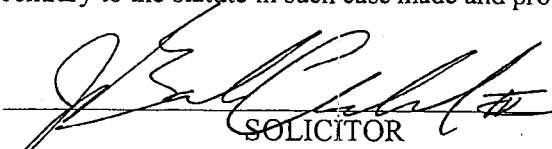
INDICTMENT FOR  
DISTRIBUTION OF METHAMPHETAMINE

At a Court of General Sessions, convened on **APR 17 2012** the Grand Jurors of Pickens

County present upon their oath:

That MICHAEL ALLEN WRIGHT did in Pickens County, on or about the 10th day of February, 2011, distribute, dispense, deliver, or aid abet, or conspire to distribute, dispense or deliver to an undercover operative a quantity of Methamphetamine, a schedule II controlled substance, such distribution not having been authorized by law. This is in violation of § 44-53-375 of the South Carolina Code of Laws (1976) as amended.

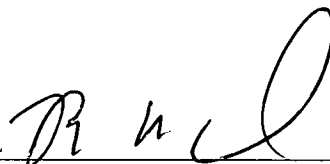
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
SOLICITOR

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

September 13, 2013



Robert M. Dudek  
Chief Appellate Defender

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ATTORNEY FOR APPELLANT

**RECEIVED**  
SEP 13 2013

**SC Court of Appeals**

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

G. Edward Welmaker, Circuit Court Judge

RECEIVED  
SEP 13 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL WRIGHT,

APPELLANT

APPELLATE CASE NO. 2012-212455

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 13th day of September, 2013.

Brandon Hall  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 13th day of September, 2013.

[Signature] (L.S.)  
Notary Public for South Carolina

My Commission Expires: August 21, 2023.