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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Darlington County

Honorable George M. McFaddin, Circuit Court Judge

ANGELO HAM,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000550

APPENDIX

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
PLAINTIFF’S EXHIBITS NOS. 3-7 (PHOTOGRAPHS).**

1 heard the son. We're not hearing the prosecutor. I
2 think way beyond the pale of this area.

3 MR. REDMOND: Your Honor, it's in the record. I
4 cross-examined him on that very issue. If I could
5 move on, Your Honor, on that.

6 THE COURT: Go ahead.

7 MR. REDMOND: So -- but back to what I was saying
8 about Mr. Griggs, Mr. Griggs again, who had a role in
9 that community, he was opened to the community and it
10 was a big loss for the community when he was killed
11 in the way that he was which, obviously, the
12 circumstances are taken into account. There are a
13 couple of pertinent facts because -- and I apologize,
14 I actually meant to give a fuller background. We've
15 heard some of it as we've gone through proceeding.
16 There are a couple of things I do want to highlight
17 that are a part of the record as it relates to how
18 this transpired. And one of which -- and it's in the
19 transcript from the time of the plea and in the
20 sentencing, I believe. But the way this unraveled so
21 fast because they were caught that night, and the
22 reason they will caught so fast is because I think it
23 was James Robinson was an employee that was there
24 that saw them and I think Rick alluded to them, that
25 saw the vehicle both Ham and the vehicle. And that

1 becomes important because he actually recognized him.
2 He didn't know his first name, but he referred to
3 Angelo as Ham. And he saw them hanging around the
4 area, basically, casing the joint, "until the store
5 closed" because Mr. Robinson was there helping close.
6 He observed them. I think he said one was at the
7 telephone pole and one, and other were in the car. He
8 recognized the defendant. He called him by name. So
9 that's where we started looking for the defendant.
10 The car became important because the car that he
11 described as and I think this was what Rick alluded
12 to as well, was, belonged to Anthony Robinson.
13 Anthony Robinson had been involved in shooting, I
14 think it was a girlfriend or someone the night
15 before, and he was trying to get out of town. So part
16 of this robbery was to try to get Mr. Robinson out of
17 town. But then what happens afterwards - 'cause I
18 like to tell juries when I'm trying cases sometimes
19 you don't just look at the incident, you look at what
20 happened before, during, and after - so afterwards
21 what happens, do they go their separate ways? No.
22 They actually go to the Hartsville Motel. That's
23 where -- that's where they were ultimately caught. And
24 in the Hartsville Motel they were found in the room
25 with the \$1,620 that Rick had alluded to and with

1 marijuana. So they were actually hanging out after,
2 this is after they had killed Mr. Griggs. You see the
3 picture of how he was left and afterward they just
4 chillin out smoking weed and splitting the money.
5 Again, these are factors that the court absolutely is
6 entitled to take into account. And as I read the case
7 law on this, it's not all of the factors have to be
8 presented to the court, but the court has full
9 discretion as it relates to what weight, if any, to
10 attach to any of those factors and ultimately decide
11 on it. The only thing we have to do is make sure that
12 we've covered these factors. So I want to briefly do
13 that and tie in with what's been put into evidence.
14 First, as it relates to the age, that's been
15 discussed at nauseam. The age of the defendant at the
16 time of this incident and how his impetuosity, his
17 immaturity may factor into it. The waiver evaluation
18 has been introduced into evidence. It's one of the
19 reasons why I wanted to introduce that into evidence
20 because it does help check those boxes that Miller
21 has indicated that we should look at. Specifically,
22 on pages 17, 15 to 17 in the transcript it was
23 discussed by Mr. Andersen and then today we heard
24 testimony from the Pastor and the defendant, himself.
25 So we've at least covered the issue of age. Do I

1 think that that is the dispositive issue on this?
2 Absolutely, not. But it has been addressed pursuant
3 to the standards under Miller.

4 Then we move to the family and home environment.
5 That was also discussed in those same portions of the
6 transcript. And again, you've heard from the Pastor
7 and the defendant today on those particular issues
8 as it relates to the family. Do I think that that's
9 dispositive of how this case should ultimately be
10 decided on sentencing? No. But again that box has
11 been checked pursuant to Miller vs. Alabama.

12 Then we go to the circumstances of the offense.
13 Well, I'm gonna skip for a second. Number four, is
14 the inconsistencies associated with youth. That is
15 addressed on the, in the transcript of the sentencing
16 by Mr. Anderson and it's also been addressed as it
17 relates to - and I would say addressed as it relates
18 to the Pastor and the waiver evaluation, obviously,
19 talks about the issues involving youth.

20 But the two that I really want to highlight under
21 the circumstances of the offense and the possibility
22 for rehabilitation because in the State's mind that
23 is where this issue falls in terms. The circumstances
24 you've heard at nauseam through the course, from the
25 transcript and through the course of the hearing, but

1 just to highlight. In the transcript, in the
2 cross-examination with the pictures, the autopsy
3 report, the court has a full understanding of just
4 how horrific an incident this was and the defendant's
5 role in that incident. And I will address that as it
6 relates to his, well, acceptance of responsibility in
7 a little while. But one of the things about this, I'm
8 not gonna discuss the circumstances of the incident
9 in it's gory detail because we've already done that.
10 I will just incorporate by reference everything
11 that's in the transcript, and the autopsy report,
12 and with what was discussed earlier as it relates to
13 the fact and in the autopsy report it would clearly
14 indicate that he was trying to shield himself as he
15 was being shot, Mr. Griggs was. One of the things
16 that is noticeably absent either in the transcripts
17 or in this hearing today, is duress. There's nothing,
18 nothing indicating that this defendant acted under
19 duress. They talk about peer pressure and things of
20 that nature, but the record, and today and back then,
21 is devoid of any, any reference to him acting under
22 duress. I think that is extremely important as it
23 relates to the sentence this young man should
24 receive.

25 Finally, the possibility for rehabilitation. Like

1 I said these two things -- and I'm just gonna be
2 brutally honest and direct, I think the sentence was
3 appropriate, is given back in 2007 and part of it
4 falls on these last two factors: the circumstances
5 and the possibility for rehabilitation. Because as I
6 indicated page 10 of the waiver, specifically given
7 the negative factors, you could almost juxtapose that
8 against what happened in his sentencing as it relates
9 to why he would not be a good candidate for
10 rehabilitation. The fact that he didn't accept
11 responsibility. He showed no remorse. In fact, even
12 tried to backtrack. Those are things alluded to in
13 the waiver evaluation prior that was done 3 years
14 before he was sentenced. Those very negative factors.
15 And when he got into court on 14th, September of
16 2007, he exhibited exactly what those negative
17 factors called for. No change in his demeanor. No
18 change -- no showing of remorse. In fact, tried to
19 backtrack trying to say that no, we, you know, we
20 were so high who can say that we killed anybody. I
21 mean, you should see the transcript as it relates to
22 how he was trying, how he was trying to backtrack on
23 this.

24 But then we come to today and, you know, when --
25 well, let me before I do that let me, let me do one

1 more thing. The DJJ record, I almost forgot about
2 that. The DJ record -- the DJJ record and I think
3 I've referenced broken glass analogy which is a
4 controversy analogy, I get it or philosophy, I get
5 that, but here we do have a situation where he went
6 from property crimes to crimes of violence. Because
7 had Mr. Griggs not had -- had he survived this
8 robbery, the fact is this defendant willingly,
9 voluntarily got himself involved in an armed robbery.
10 Armed being the key thing. You know, we can disagree
11 on the circumstances around what he knew and he
12 didn't know but, the fact of the matter was, he
13 willingly got involved in an armed robbery to a --
14 and here's the thing and Rick actually hit them from
15 a common sense standpoint, he, the reason he opened
16 the door, we assert and the defendant acknowledge, in
17 part was because he knew the defendant. So to think
18 that he's gone rob him and leave him alive to be able
19 to identify him is probably, you know, just put it
20 like this that probably is a fool's error to think
21 that one did not have anything to do with the other.
22 So just from a common sense standpoint, why would he
23 be left alive when he knows -- and even Dennis
24 Hunter, even though he didn't go in the store, Dennis
25 Hunter also acknowledged the fact that the knew the

1 defendant and if I recall correctly, Anthony
2 Robinson, he also said he'd been there a few times,
3 not as often as the defendant and Hunter, but he had
4 also -- all three of them had been to this store. The
5 reason I bring that up is because on what planet do
6 we think that they would have been, without being
7 masked because again, we know from James Robinson
8 that they were not masked up. He recognized Angelo,
9 the defendant, he recognized him. So to think that
10 Mr. Griggs was going to be left alive once they enter
11 that store, I would argue would be an exercise in
12 futility from a common sense standpoint.

13 But the last thing I'll say Your Honor, is that
14 during his cross-examination -- and this is the thing
15 I was somewhat flabbergasted about because it's been
16 17 and a half years, it's been 14 and a half years
17 since the defendant was sentenced.

18 There was discussion and Rick brought this up, there
19 was a discussion, I guess he, you know, acknowledged
20 and apologized to the family or whatnot, but that's
21 14 and a half years too late. At the time that he was
22 sentenced that was not even a discussion that came up
23 during that time. But if you step back even with
24 that, he's still trying to minimize even today at his
25 re-sentencing because where voluntary manslaughter

1 came up, I don't know. But when I heard that honestly
2 was flabbergasted. Because when you talk about
3 remorse and acceptance of responsibility that is, I
4 would argue, right in the wheelhouse of whether or
5 not a person could be rehabilitated. Fourteen and a
6 half years later and he can't accept responsibility
7 for what this was. I had to walk him through why this
8 hand of one, hand of all, things of that nature. But
9 to sit here and say, well, I should have been
10 sentenced to voluntary manslaughter. Nah, Your Honor,
11 I would say that goes directly at the heart of what
12 we're discussing as to why this defendant was
13 properly sentenced the first time and why I would
14 submit today has changed nothing that, in fact, this
15 defendant is and should be sentenced to life as he
16 originally was by Judge Milling of 14, September of
17 2007.

18 I'm sure I've left something out Your Honor but,
19 obviously, you got the transcript and you have heard
20 everything and I would submit and request that you
21 sentence the defendant -- I beg the court's
22 indulgence.

23 (Whereupon, the attorney takes a moment)

24 MR. REDMOND: And so, Your Honor -- so with all
25 that said Your Honor, I would just ask that you, as I

1 indicated, that the sentence remain in place. It was
2 the appropriate sentence then. It was appropriate --
3 it's the appropriate sentence now and it will be the
4 appropriate sentence at the end of this defendant's
5 life.

6 Thank you.

7 THE COURT: Anything else, Mr. Gilliard?

8 MR. GILLIARD: Yes, Your Honor, I just need to
9 make one or two comments about the prosecution's
10 presentation. In a discussion between manslaughter
11 and murder and accomplice liability, we listened to
12 the testimony from the defendant as to how far he'd
13 gone in school. You are asking him as a layperson to
14 decide the fine points of the law between
15 manslaughter and murder and whether or not when he
16 went in to rob someone did you intend your co-
17 defendant to empty a gun, I, I just ask the court to
18 consider that is something that's probably beyond
19 what the defendant, himself, was considering. And I
20 would suggest to the court that there's some law
21 students that risk the fine points that the
22 prosecution is bringing up between those two areas.

23 Thank you, Your Honor.

24 THE COURT: Mr. Redmond?

25 MR. REDMOND: Briefly. Just real briefly. I didn't

1 bring up manslaughter. He brought it up.

2 That's all I'd say, Your Honor.

3 THE COURT: Okay. All right. Counsel and, ladies
4 and gentlemen that are here, I'm going to take a
5 break right now. I'mma ask that it's 11:45, y'all
6 return in 1 o'clock. I need to, obviously, go back
7 and, you know, give it a lot of thought for
8 consideration. I've had a chance to read transcripts
9 and everything at that time, but I want to bring all
10 my thoughts together so we'll reconvene at 1 o'clock.

11 MR. REDMOND: Thank you, Your Honor.

12 (Whereupon, the court takes a lunch recess)

13 THE COURT: All right. Counsel, Mr. Ham, families
14 of the victim, ladies and gentlemen, I have a
15 difficult decision to make this afternoon. This is
16 one of the hardest kind of matters we have to deal
17 with, obviously, and on top of that I have to look at
18 a man who's in his 30's now, but consider what took
19 place when he was 15, 16 years-old. So I'm not
20 looking at a juvenile here in person, but I've got to
21 consider and what that juvenile's circumstances were
22 at the time this crime was committed, at the time he
23 was, he pled guilty, at the time he was sentenced. So
24 bear with me as I go through a few factors that I
25 have to consider under the law that was passed, under

1 the case that we know is Aiken v. Byers which is
2 based on the Miller case out of Alabama.

3 Our Court has determined that certain factors
4 have to be considered before a juvenile can be
5 sentenced to life without parole. And that case
6 weren't retro actively meaning that Mr. Ham got a
7 chance to present that information to me to see if it
8 was appropriate or inappropriate to sentence him to
9 life without parole.

10 The factors that we had to deal with and you
11 heard the attorneys, excuse me, talk about them, but
12 they, they start out with number one: It says, "the
13 chronological age of the offender and the Hallmark
14 features of youth including immaturity and
15 impetuosity and failure to appreciate the risks and
16 consequences." That's just one of five factors that I
17 have to consider. I mean, when looking at those
18 factors, you know, the Department of Juvenile Justice
19 when they did their evaluation back when he was 15
20 years-old, 16, I think it was at the time he was
21 actually evaluated, you know, they said he, he was
22 not mature. Said he did not meet expected level of a
23 16 year-old at that time. But that's just one factor
24 and one thing they said. And in looking at this
25 matter as I pointed out, it's states though, "that

1 you have to consider the failure to appreciate the
2 risk and consequences of his actions." In my opinion,
3 if anybody should ever have understood the risk
4 involved in going in with an armed robbery, forget
5 about the murder, but to go in there and commit an
6 armed robbery, anybody who was thinking about doing
7 that after they had been charged 14 times in the
8 juvenile court. He knew what the risk were in
9 committing a crime because he was sentenced to the
10 Marine Institute. Given an indeterminate sentence.
11 Put on probation. Fourteen times, if I counted
12 correctly. Fourteen! I mean, if you don't learn
13 something after 14 times you're not ever gonna learn
14 it. He knew what he was doing that night. He knew
15 that there were risk involved in committing an armed
16 robbery. He knew that if he got caught and was
17 arrested he was gonna go to jail or at least, have to
18 go to court and let the court determined whether or
19 not he was guilty. So I cannot believe that he did
20 not understand or appreciate the risk and
21 consequences involved. He had to have. Common sense
22 tells you that after his experience with the law. DJJ
23 may have have found him to be immature but some of
24 that immaturity is gone after you've been arrested 14
25 times.

1 I want to talk about one of the factors I have to
2 consider is, "the family in home environment that
3 surrounded the offender." From what we've heard from
4 Preacher Daniel and from DJJ in their report, he
5 didn't have the best home life. I'm think anybody
6 that has reviewed everything would agree with that.
7 There again, that's just one factor out of five that
8 I have to take into consideration. You know, he did
9 well when he was in the home of the foster people so
10 he knew how to act. He knew how to behave when he
11 was in the right environment. You know, there's a lot
12 of people in this world who came from terrible
13 situations has been successful in life. They don't
14 let that be an excuse for them that I had a bad home.
15 I had a bad step daddy. I had a mama who used drugs
16 and drank and did stuff. You know, if you listen to
17 his mama, if you've had a chance to read her comments
18 in the report, though, she certainly won't admit
19 herself that she's that bad of a person. She tried to
20 provide a home. Talked about, you know, how he was
21 when he was younger. How he was really good when he
22 was young and in elementary school and at that
23 particular age. But I'll give him that, I'll give
24 him that he came from a bad home. Anybody who has
25 been in foster care and, you know, I can't imagine

1 having to stay in foster care, being put there, and
2 brought back out, so I'll give him, I'll give him a
3 factor that he came from a bad home, you know.

4 Then they want me to talk about under the law
5 the, "circumstances of the homicide offense including
6 the extent of the offender's participation in the
7 conduct and how famillal and peer pressures may have
8 affected him." Well, we've gone over this matter at
9 nauseam. We know how horrific this homicide was. This
10 is as bad as anyone I've ever had to deal with or
11 right up there in the top five, I'll put it anyway,
12 that I've had to deal with. The way they came in and
13 shot this man like a dog and he had done nothing to
14 them, but good and was trying to be a good man to
15 them. Trying to accommodate them and they took
16 advantage on him. And they knew they were taking
17 advantage. It's clear. There's no doubt the
18 participation factor with Mr. Ham. I mean, he's the
19 man that went to the door and he admitted that. I've
20 read the transcript. And when they went through the
21 guilty plea they set all this out about who went to
22 the door and whatnot. He admitted it. Judge Milling
23 said, you know, do you agree that these facts that
24 have been presented? Yes, sir, I do, you know. So now
25 he wants to come back and change it. Well, he

1 actually wanted to change it at the time of
2 sentencing, but I'll assress that in a few minutes.
3 But he was definitely a participant, one of the very
4 main participants in this particular situation. You
5 know, they talk about peer pressure and famillial
6 pressuere but there's was no famillial press in this.
7 His mama or step daddy didn't pressure him in any
8 way. You know, if they want to argue that maybe Mr.
9 Robinson, I believe that was his name, you know,
10 intimidated him because he had a gun. You know, they
11 discussed this matter. You know, this was a
12 conspiracy case too at one point in time. That means
13 they all three got together and talked about it and
14 planned what they were gone do. You know, you can
15 back out at any point in time. You know, but they
16 knew, particularly, Mr. Ham knew that Mr. Griggs was
17 such a good man, I'll let him -- he'll let us in, you
18 know, whatever, I don't care if it's 10:30 whatever
19 time of night it is, he knows me. You know, I've been
20 in this store a lot and he's good about letting
21 people in after hours. He was familiar with that. I
22 don't find in this particular case that there really
23 was peer pressure to the extent that he committed
24 this crime totally because of peer pressure. He knew
25 what he was doing. He knew exactly what he was doing.

1 All three of them knew exactly what they were doing
2 in this particular case.

3 Now, we have to look at the "incompetencies
4 associated with youth." And they give some examples:
5 the offender's inability to deal with police officers
6 or prosecutors including on a plea agreement or the
7 offender's incapacity to assist his own attorneys.
8 But I'll take it maybe in reversed order. I mean, he
9 clearly assisted his attorneys and he had one of the
10 best attorneys in this area in Hank Anderson, God
11 rest his soul. But, you know, but he wanted complain
12 about him towards the end. But he was clear from the
13 plea. If you read the transcript there was no problem
14 with assisting his attorney. There's nothing in any
15 indication from DJJ evaluation reports that he wasn't
16 able to assist. There was no competency evaluation
17 that said he couldn't assist his attorney to trial,
18 so that, that, that knocks that out. And they want to
19 talk about incapacities. Well, there was no real
20 showing to me of any incapacities of him at that
21 particular age. As a matter of fact, quoting DJJ's
22 report, "Angelo demonstrated intellectual capacity".
23 That's back when he was 15 or 16. They addressed
24 right out on point for us. Well, you know, looking at
25 his mother's comments and whatnot and backing over

1 it, going back over the report, you know, she talks
2 about how he was an AB student in elementary school,
3 you know. He didn't have any incapacities. He might
4 want me to think he did or Judge Milling think he did
5 back whenever he was sentenced, but I don't find any
6 real showing of incapacity here. He's got enough
7 capacity now and he has the same capacity now as he
8 had then to try to minimize his involvement in this
9 case and his participation in this case.

10 And I also point out one place in the DJJ report
11 that addresses capacity to me -- strike that. I'll
12 address that when I talk about rehabilitation. Judge
13 Milling at the time of the sentencing and whatnot he
14 certainly found that Mr. Ham was capable. He didn't
15 see anything wrong with him. And he saw him when he
16 was that actual age of 15 or 16, whatever we -- well,
17 it guess he was a little bit older that by the time
18 he came in front of Judge Milling. But he wasn't
19 concerned -- had he been so he would have set aside
20 the matter. He wouldn't have accepted the plea. I
21 mean, that's just another factor that I have to
22 consider and I think about when I consider his
23 incapacities or incompetencies which in this case,
24 you know, I guess all youth, I don't guess, I guess
25 all youth have so incapacities. But in this

1 particular case, they don't rise to the point that he
2 should be excused for what he did on this particular
3 night. No indication that he ever had a problem
4 dealing with his attorney or law enforcement when
5 they were involved or, you know, the prosecutor maybe
6 when the prosecutor and defense lawyers met with him,
7 no indication if that anywhere in any record. So I
8 just don't find that factor four weighs in his favor.

9 And then we look at number five, "a possibility
10 of rehabilitation." Well, I'm looking at a report
11 from DJJ closer in time, obviously, to the time he
12 was sentenced originally. "Angelo had a long history
13 of infractions and persons with such patterns,
14 especially if escalated are more difficult to
15 rehabilitate." Mr Redmond pointed that out in his
16 argument. Well, things certainly escalated. I mean,
17 they escalated from the very first one through 14
18 different offenses until they did the big one. The
19 murder and the armed robbery. They go on to say,
20 "persons who are guilty but who do not admit their
21 wrongdoing are less likely to rehabilitate very
22 well." Well, you know, he admitted it on his guilty
23 plea. But if you go back and look at your transcript
24 at the sentencing and Judge Milling was concerned
25 about this, he started recanting like crazy.

1 Complaining about his lawyer. One of the best ones in
2 the PD in saying, I -- we were doped up. We were
3 this. We were that. You know, don't know whether it
4 was us in store, you know. Total denial at that point
5 in time. And even today, even today he tries to argue
6 that, and again, goes to the minimization, that what
7 he did was manslaughter. Well, and reason -- and they
8 talk about he doesn't know the intricacies of the law
9 and this and that. Sure he doesn't. You know, like
10 you said some lawyers don't. Law students don't and
11 some lawyers don't understand it either. But he knows
12 that manslaughter is a lesser offense than murder
13 and most anybody would know that, in general. And
14 he's trying to say, you know, what I did was less
15 than murder. So I ought not to have to get the
16 sentence that I've already been given 'cause I wasn't
17 that bad. I didn't do that much. But, you know, we've
18 got the recantation earlier. We've got the
19 minimization now, it continues 17 and a half years
20 later. DJJ's concern about rehabilitation. In Judge
21 Milling's comment about no remorse was shown. Now,
22 he's come in here today and apologize to the family,
23 17 and a half years too late. I guess if I'd been
24 imprisoned for all this time too I might, I'd be
25 trying to do anything to keep from going back or to

1 get out sooner. You can't blame a man for trying, I
2 guess, but it falls on deaf ears with me.

3 You know, there's another factor that nobody has
4 talked about today, number six, "without question,
5 the judge may still determine that life without
6 parole is the appropriate sentence. In some of these
7 cases in light of other aggravating circumstances."
8 So our Legislature as deemed it appropriate for
9 juveniles to receive life without parole sentences.
10 Until they change it those offices or judges can deal
11 with that.

12 All right, Mr. Ham, would you stand up please,
13 sir? The United States Supreme Court and the Supreme
14 Court of South Carolina has provided you with an
15 opportunity to be re-sentenced under their cases
16 Miller v. Alabama and Aiken vs. Byers here in South
17 Carolina. And I have looked at the various factors
18 which I have discussed. I've covered each one of them
19 here. And when I look over everything and consider
20 all the various factors that I have to at a hearing
21 of this nature, I am satisfied that the original
22 sentence of Judge Milling was appropriate. And in re-
23 sentencing you now at this particular time the
24 offense of murder of Mr. Griggs, I sentence you to
25 life without parole. That's the ruling of the court.

1 Thank you.

2 MR. REDMOND: Thank you, Your Honor.

3 THE COURT: Thank you, sir.

4 MR. REDMOND: Thank you.

5 MR. GILLIARD: Thank you.

6 (Conclusion of Hearing Held on March 3, 2022

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CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit for Chesterfield County, South Carolina, on the 3rd day of March, 2022.

That said proceedings are transcribed to the best of my ability from the audio recording and supporting information.

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

s/ Lisa S. Carter

Lisa Carter

Circuit Court Reporter

June 24, 2023

NEWBERRY PATHOLOGICAL ASSOCIATES, PA. NECROPSY REPORT: FA04-557
185 Executive Drive, P. O. Box 839
Newberry, S. C. 29108
Phone: (803) 276-0201
1-888-446-9898
Fax : (803) 276-0208

NAME: RICHARD GRIGGS
TYPE OF Autopsy: COMPLETE



AGE: 70 RACE: WHITE SEX: MALE DOB: [REDACTED] 34

PROSECTOR(S): JANICE E. ROSS, M.D. COUNTY: DARLINGTON

INJURED on 09-09-04 at 10:00 PM DIED on 09-09-04 at 10:00 PM

AUTOPSIED on 09-10-04 at 8:30 AM

FINAL NECROPSY DIAGNOSIS

1. FATAL, PENETRATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#1) OF THE HEAD WHICH LACERATES THE BRAIN
2. NONFATAL, PENETRATING, SUPERFICIAL, DISTANT, SMALL CALIBER GUNSHOT WOUND (#2) OF THE HEAD
3. POTENTIALLY FATAL, PENETRATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#3) OF THE HEAD WHICH LACERATES THE TONGUE AND MAY HAVE CAUSED CONCUSSION OF THE CERVICAL SPINAL CORD
4. POTENTIALLY FATAL, PENETRATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#4) OF THE CHEST WHICH PERFORATES THE UPPER LOBE OF THE LEFT LUNG CONTRIBUTING TO A LEFT HEMOTHORAX OF 1000 CC
5. POTENTIALLY FATAL, PENETRATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#5) OF THE CHEST WHICH PERFORATES THE UPPER LOBE OF THE LEFT LUNG CONTRIBUTING TO A LEFT HEMOTHORAX OF 1000 CC
6. NONFATAL, PERFORATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#6) OF THE RIGHT ARM

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

FA04-557

Report by: J. E. Ross, M.D.

7. NONFATAL, PERFORATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#7) OF THE LEFT ARM
8. NONFATAL, PERFORATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#8) OF THE LEFT HAND
9. NONFATAL, PENETRATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#9) OF THE BACK, SUPERFICIAL
10. NONFATAL, PERFORATING, DISTANT, SMALL CALIBER GUNSHOT WOUND (#10) OF THE HEAD, SUPERFICIAL

COMMENT: PERFORATING GSW's #6, #7 AND #8 MAY HAVE RE-ENTERED THE HEAD (GSW's #1, #2, and #3) GIVING A TOTAL OF SEVEN GUNSHOT WOUNDS

MANNER OF DEATH: HOMICIDE

PROBABLE CAUSE AND MECHANISM OF DEATH

INTERVAL

LACERATION OF THE BRAIN

MINUTES

DUE TO: GUNSHOT WOUND OF THE HEAD

MINUTES

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

CASE HISTORY

This white male was a victim of shooting on 09-09-04 at approximately 10:00 PM at his grocery store, Griggs' Grocery Store in Hartsville, South Carolina. There appeared to be a robbery. He was found lying on the floor face up behind the counter.

The body was brought to this prosector for autopsy.

EXTERNAL DESCRIPTION: The body is received clothed in a shortsleeved, partially unbuttoned blue shirt and a pair of blue zipped and buttoned shorts. On the shorts is a brown buckled belt. He has on a pair of white underwear, a pair of white socks and a pair of loafer style black shoes. A pair of wire rim glasses is present on his head absent the right lens which is found underneath him. This right lens has been partially fragmented. He has on a yellow metal necklace, a "Benrus?" watch, a yellow metal band ring on his left ring finger, a yellow metal ring with clear stones on his left 5th finger, a yellow metal ring with small clear stones on his right ring finger. In his pants pocket is a money clip with thirty-four one dollar bills, one ten dollar bill, eleven twenty dollar bills and three one hundred dollar bills. There is also a key chain with a remote control and one key and six separate keys. There is an elevator type key present also. He has four nickels, two dimes and nine quarters in his pocket. He measures 67 inches in height and weighs approximately 200 pounds. His hair is brown with slight graying. A toupee is adherent to the topical scalp. Natural topical balding is present. The eyes are blue. No conjunctival petechiae are present. The teeth are natural and in fair repair. A slight brown and gray mustache is present. There is an entrance gunshot wound at the lateral edge of the right eye and just anterior to the right ear pinna which will be further described. Underneath the right eye is a slightly semi-circular abrasion consistent with being made by the rim of the glasses. There is also an entrance gunshot wound at the right lateral edge of the lip.

Examination of the neck is unremarkable.

Examination of the chest shows an entrance gunshot wound in the right and left anterior chest which will be further described.

Examination of the upper extremities shows a perforating gunshot wound through the right wrist which will be further described and a laceration / abrasion with avulsed skin on the medial aspect of the right thumb. There is a perforating gunshot wound through the left wrist and through the left ring finger which will be further described.

Examination of the lower extremities shows a slight abrasion over the left knee.

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John B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

FA04-557

Report by: J. E. Ross, M.D.

Examination of the back shows an entrance gunshot wound in the right mid back which will be further described. In the left mid back are two obliquely oriented scratch abrasions. The genitalia are those of an adult male.

GUNSHOT WOUNDS: These gunshot wounds are arbitrarily numbered and do not reflect the order in which they occurred.

GSW#1- GSW#1 is located in the head just lateral to the right eye. It is irregular in shape and measures .25 inches in width with a length of .3 inches. It is located 4.5 inches below the top of the head and 3.75 inches to the right of midline. No gunshot residue nor tattooing is present. This bullet path continues backwards to enter the skull through the right temporal bone. It then lacerates the right temporal cerebrum and is found free in the subdural space. Just medial to this gunshot wound is a second circular wound of the skin which does not penetrate bone and may represent a portion of another bullet which did not penetrate. The bullet is photographed and sealed for evidence.

GSW#2- GSW#2 is located anteriorly to the right ear pinna 5 inches below the top of the head and 5.25 inches to the right of midline. It is irregular in shape and measures .5 inches in length with a width of .38 inches. This bullet continues through the ear pinna and reenters the posterior ear pinna to continue beneath the scalp after lacerating the portion of the skin just behind the ear pinna. The bullet is found beneath the scalp in the right parietal area. It is photographed and documented for evidence. There is no gunshot residue nor tattooing around the entrance wound.

GSW#3- GSW#3 is located in the head and includes the lateral edge of the right lower lip. It is located 7 inches below the top of the head and 1 ¼ inches to the right of midline. It is irregular in shape and measures .25 inches in width with a length of .4 inches. This bullet path continues backward and to the left to lacerate the right edge of the tongue and ends up in the vertebral body of cervical vertebrae #3. It is photographed and documented for evidence. There is no gunshot residue nor tattooing around the entrance wound. The underlying spinal cord does not appear injured.

GSW#4- GSW#4 is located in the chest 12.5 inches below the top of the head and 6 inches to the right of midline. It is slightly oval and has a length of .35 inches and a width of .3 inches. It continues to the left and slightly backward to perforate the manubrium of the sternum at the level between ribs #1 and #2. It then continues to perforate the upper lobe of the left lung and exits the chest cavity between ribs #2 and #3 posteriorly. It is found beneath the skin of the back, photographed and documented for evidence. The entrance wound has no gunshot residue nor tattooing around it.

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*Scott B. Suggs*CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

DISSECTION: The usual Y-shaped incision is made. The panniculus of the chest and abdomen show no further contusions. The abdominal cavity contains no excessive fluid. The left chest contains 1000 cc of blood and blood clot. The right chest cavity contains no excessive fluid. The pericardial sac contains no excessive fluid.

The structures of the anterior maintain symmetry. The hyoid bone is intact. The trachea and larynx are patent. There is a perforation of the right lateral edge of the tongue.

DESCRIPTION OF INTERNAL ORGANS

THYROID: The thyroid weighs 24 grams. It maintains symmetry of its reddish-brown firm parenchyma.

HEART: The heart weighs 362 grams. The coronary arteries are widely patent. The myocardium is reddish-brown and firm. The valves are grossly unremarkable.

LUNGS: The right lung weighs 400 grams. The left lung weighs 308 grams. The upper lobe of the left lung shows two perforations surrounded by hemorrhage. The arterial trees and tracheobronchial trees are otherwise patent. The parenchyma is pinkish-gray and soft.

LIVER: The liver weighs 1705 grams. Its capsule is smooth and glistening. Sections show purplish-gray parenchyma.

GALLBLADDER AND DUCTS: Without significant pathology.

SPLEEN: The spleen weighs 225 grams. Its capsule is smooth and glistening. Sections show purplish-red parenchyma.

PANCREAS: The pancreas weighs 250 grams. It maintains its usual yellowish-tan nodular parenchyma.

ADRENALS: The adrenal glands are unremarkable.

KIDNEYS: The right kidney weighs 150 grams. Its capsule is smooth and glistening. A .5 cm cyst is present subcortically. Otherwise the cortical medullary ratios are normal. The left kidney weighs 162 grams. Its capsule strips with ease to reveal a 1 cm in an otherwise unremarkable parenchyma.

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DESCRIPTION OF INTERNAL ORGANS, Continued:

URETERS, URINARY BLADDER AND PROSTATE GLAND: Without significant pathology. The bladder contains 130 cc of clear yellow fluid.

GI TRACT: Unremarkable. The stomach contains 200 cc of brown liquid.

MUSCULOSKELETAL SYSTEM: Without significant pathology.

CENTRAL NERVOUS SYSTEM: The scalp is reflected. No further contusions are seen. The calvarium is removed as is the brain. The brain weighs 1225 grams and shows laceration of the right temporal lobe. There is generally subarachnoid hemorrhage. The dura is stripped to show an entrance gunshot wound in the right temporal bone from gunshot wound previously designated #1.

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Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

FA04-557

Report by: J. E. Ross, M.D.

CASE SUMMARY

This autopsy was done upon the request of and after due authorization by the Darlington County Coroner in the Newberry County Memorial Hospital Morgue on 09/10/04 at approximately 8:30 AM.

Autopsy findings include a total of ten (10) gunshot wounds, three of which are perforating. There is one fatal, penetrating gunshot wound of the head which lacerates the brain. There are two potentially fatal penetrating gunshot wounds of the chest which lacerates the left upper lobe of the left lung. There is a gunshot wound of the head through the right lip which is potentially fatal and causes laceration of the tongue and possible concussion of the cervical spinal cord. There are perforating wounds of the right and left lower arms and the left hand. There is a superficial wound of the back and a superficial wound to the back of the head. The gunshot wounds to the chest caused a left hemothorax of 1000 cc of blood and blood clot.

Sections of all organs demonstrates the before mentioned findings. Specimens are drawn for toxicological analysis.

This opinion is rendered in the absence of a toxicological analysis. If a positive analysis is submitted to this prosector, an amended opinion may be necessary.

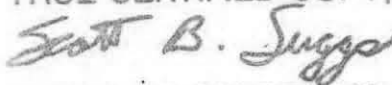
It is therefore the opinion of this prosector after review of the history and autopsy findings on this victim that the cause of death is laceration of the brain due to gunshot wound of the head. The manner of death is homicide.



Janice E. Ross, M.D.
Forensic Pathologist



JER:ajg
09-13-04

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CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.



232590

HAM, ANGELO BERNARD

2/11/2022 11:13:21 AM

Alias: HAM County: Darlington County
Physical Address: [REDACTED] | SOCIETY HILL | SC | 29593
Race: Black Sex: Male Medicaid # [REDACTED] Home Phone: [REDACTED]
Age: 33 DOB: [REDACTED]/1988 DOB Verified: Yes
Schooling: 01/01/2006 | Darlington Special Private School | Attending Day School | Grade: 10th

Contacts

Father: SMITH, ROBERT
Physical Address: [REDACTED] DARLINGTON, SC 29540
Mother: HAM, PATRICIA
Physical Address: [REDACTED] SOCIETY HILL, SC 29593

DJJ Personnel**Juvenile's Traits**

021 - Registry Required No DNA Test Complete Yes On Sep 30 2002
019 - DNA Test Required Yes

Legal History

Referral Date	Description	Source/Action By
09/10/2004	09/09/2004 Robbery: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon 09/10/2004 - Recommended Waiver to Circuit Court/General Sessions - Solicitor 4th Circuit 09/14/2004 - Waived to Circuit Court/General Sessions -- Spruill, James A	Darlington County SD
	09/09/2004 Murder: Murder 09/10/2004 - Recommended Waiver to Circuit Court/General Sessions - Solicitor 4th Circuit 09/14/2004 - Waived to Circuit Court/General Sessions -- Spruill, James A	Darlington County SD
	09/09/2004 Weapons: Poss. weapon during violent crime, if not also sentenced to life without parole or death 09/10/2004 - Recommended Waiver to Circuit Court/General Sessions - Solicitor 4th Circuit 09/14/2004 - Waived to Circuit Court/General Sessions -- Spruill, James A	Darlington County SD
08/27/2004	08/27/2004 Shoplifting: Shoplifting, value up to \$1,000 09/10/2004 - Prosecute - Solicitor 4th Circuit 09/14/2004 - Waived to Circuit Court/General Sessions -- Spruill, James A	Hartsville PD
	08/27/2004 Shoplifting: Shoplifting, value up to \$1,000 09/10/2004 - Prosecute - Solicitor 4th Circuit 09/14/2004 - Waived to Circuit Court/General Sessions -- Spruill, James A	Hartsville PD
07/12/2004	07/12/2004 Aftercare Order (Parole) 08/17/2005 - Unconditional Release From Parole -- Juvenile Parole Board	Juvenile Parole Board
09/24/2002	09/24/2002 Indeterminate Sentence Order 07/12/2004 - Conditional Release from DJJ Institution (Parole) -- Juvenile Parole Board	Murdock Jr, Jamie L

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DARLINGTON COUNTY, S.C.

04/29/2002	04/24/2002 Vehicle: Damaging or tampering with a vehicle 05/21/2002 -- Prosecute -- Solicitor 4th Circuit 06/04/2002 -- Continued Scheduling -- Murdock Jr, Jamie L 07/30/2002 -- Continued Scheduling -- Henderson, Roger E 09/24/2002 -- Indeterminate Sentence -- Murdock Jr, Jamie L	Darlington County SD
	04/24/2002 Malicious: Malicious Injury to tree, house; trespass upon real prop., value \$1,000 or less 05/21/2002 -- Prosecute -- Solicitor 4th Circuit 06/04/2002 -- Continued Scheduling -- Murdock Jr, Jamie L 07/30/2002 -- Continued Scheduling -- Henderson, Roger E 09/24/2002 -- Indeterminate Sentence -- Murdock Jr, Jamie L	Darlington County SD
12/11/2001	12/11/2001 Probation Order 07/12/2004 -- Probation Requirement Ended -- Court Judge (Unknown)	Murdock Jr, Jamie L
10/18/2001	10/18/2001 Vehicle: Use of Car w/o Owner Consent w/intent to commit a crime (Grand Larceny Auto) 10/19/2001 -- Prosecute -- Solicitor 4th Circuit 10/22/2001 -- Evaluation (Secure) -- Murdock Jr, Jamie L 11/27/2001 -- Continued Scheduling -- Spruill, James A 12/11/2001 -- Probation -- Murdock Jr, Jamie L -- Suspended Commitment To DJJ Institution -- Murdock Jr, Jamie L -- Referred To Marine Institute Program -- Murdock Jr, Jamie L	Darlington County SD
	10/18/2001 Vehicle: Use of Car w/o Owner Consent w/intent to commit a crime (Grand Larceny Auto) 10/19/2001 -- Prosecute -- Solicitor 4th Circuit 11/27/2001 -- Dismissed -- Spruill, James A	Darlington County SD
	10/18/2001 Vehicle: Use of Car w/o Owner Consent w/intent to commit a crime (Grand Larceny Auto) 10/19/2001 -- Prosecute -- Solicitor 4th Circuit 11/27/2001 -- Dismissed -- Spruill, James A	Darlington County SD
	10/13/2001 Vehicle: Use of Car w/o Owner Consent w/intent to commit a crime (Grand Larceny Auto) 10/19/2001 -- Prosecute -- Solicitor 4th Circuit	Darlington County SD
	08/16/2001 Burglary: Burglary (Non-Violent) - Second degree 12/11/2001 -- Probation -- Murdock Jr, Jamie L -- Suspended Commitment To DJJ Institution -- Murdock Jr, Jamie L -- Referred To Marine Institute Program -- Murdock Jr, Jamie L	Darlington County SD
	08/16/2001 Burglary: Burglary (After June 20, 1985) - First degree 10/19/2001 -- Prosecute -- Solicitor 4th Circuit 10/22/2001 -- Continued Scheduling -- Murdock Jr, Jamie L 11/27/2001 -- Continued Scheduling -- Spruill, James A	Darlington County SD
	08/16/2001 Malicious: Malicious Injury to Animals, Personal Prop. (value \$1,001-\$4,999) 10/19/2001 -- Prosecute -- Solicitor 4th Circuit -- Nolle Prossed -- Solicitor 4th Circuit 10/22/2001 -- Continued Scheduling -- Murdock Jr, Jamie L 11/27/2001 -- Continued Scheduling -- Spruill, James A	Darlington County SD

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10/09/2001	10/09/2001 Probation Order 07/12/2004 -- Probation Requirement Ended -- Court Judge (Unknown)	Henderson, Roger E
09/06/2001	09/01/2001 Domestic:Criminal Domestic Violence - 1st/2nd offense 09/06/2001 -- Prosecute -- Solicitor 4th Circuit 10/09/2001 -- Probation -- Henderson, Roger E -- Suspended Commitment To An Evaluation Center -- Henderson, Roger E -- Other Special Conditions -- Henderson, Roger E	Hartsville PD
	08/31/2001 Status:Incorrigible, Ungovernable, Beyond the Control of Parents 09/06/2001 -- Prosecute -- Solicitor 4th Circuit 10/09/2001 -- Probation -- Henderson, Roger E -- Suspended Commitment To An Evaluation Center -- Henderson, Roger E -- Other Special Conditions -- Henderson, Roger E	Hartsville PD
	08/16/2001 Burglary:Burglary (After June 20, 1985) - First degree 09/06/2001 -- Prosecute -- Solicitor 4th Circuit 10/09/2001 -- Continued Scheduling -- Henderson, Roger E 09/14/2004 -- Waived to Circuit Court/General Sessions -- Spruill, James	Hartsville PD
	A 08/16/2001 Malicious:Malicious Injury to Animals, Personal Prop.(value \$1,001-\$4,999) 09/06/2001 -- Prosecute -- Solicitor 4th Circuit 10/09/2001 -- Continued Scheduling -- Henderson, Roger E 09/14/2004 -- Waived to Circuit Court/General Sessions -- Spruill, James	Hartsville PD
	A 07/17/2001 Vehicle:Use of Car w/o Owner Consent w/intent to commit a crime (Grand Larceny Auto) 09/06/2001 -- Prosecute -- Solicitor 4th Circuit 10/09/2001 -- Probation -- Henderson, Roger E -- Suspended Commitment To An Evaluation Center -- Henderson, Roger E -- Other Special Conditions -- Henderson, Roger E	Hartsville PD
10/24/2000	10/05/2000 Disorderly:Public disorderly conduct 03/20/2001 -- Pre-Trial Diversion -- Solicitor 4th Circuit	Darlington PD
	08/22/2000 Assault:Simple common law assault, no battery 03/20/2001 -- Pre-Trial Diversion -- Solicitor 4th Circuit	Darlington PD
08/13/1999	08/13/1999 Case Closure -- Reason closed (other)	
07/21/1999	07/18/1999 Larceny:Grand Larceny(over \$1,000, less than \$5,000) 08/13/1999 -- Divert To Arbitration -- Solicitor 4th Circuit	Darlington County SD

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DARLINGTON COUNTY, S.C.



RECEIVED

APR 14 2005

DEPT. OF JUVENILE JUSTICE
DARLINGTON COUNTYSOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
PREADJUDICATORY TRANSFER (WAIVER) EVALUATION

DATE OF REFERRAL	09/14/04	MIS #:	232590
NAME:	Angelo Ham	SEX:	Male
HEIGHT:	5'5"	WEIGHT:	155
DATE OF BIRTH:	██████/88	AGE:	16
DATE OF EVALUATION ORDER:	09/14/2004		
DATES OF EVALUATION:	11/15/04; 11/18/04; 12/8/04;		
DATE OF EVALUATION REPORT:	12/29/04; 03/10/05		
CHARGES & DOCKET NUMBERS:	04-JU-16-235 04-JU-16-234 04-JU-16-233	Possession of a Firearm during commission of a crime Armed Robbery Murder	
FORM 5:		(Attachment 1)	
WAIVER OF RIGHTS FORM(S):		(Attachment 2)	
FAMILY COURT ORDER:		(Attachment 3)	
SOCIAL HISTORY:		(Attachment 4)	

I. REFERRAL STATEMENT

Angelo Ham was a 16-year-old African American male referred for evaluation by the Family Court of Darlington County. This report was prepared as part of the Department of Juvenile Justice Waiver Evaluation to be used by the Evaluation Team to report specific findings to the Court regarding sophistication and maturity of the juvenile, protection of the public, and likelihood of rehabilitation in the juvenile justice system.

At the start of the interview, it was explained to Angelo what information would be requested of him, how it would be used in the transfer (waiver) process, and that the results of this evaluation were not confidential and would be shared with his attorney, the Family Court, and the Solicitor. His Rights and Waiver of Rights were read to him on 11/19/2004, and Angelo indicated that he understood the nature and purpose of the evaluation. He said he had discussed the evaluation briefly with his attorney, and he signed a statement which indicated that he understood his rights and was willing to participate in the evaluation. His responses to the Comprehension of Rights Inventory administered on 11/15/2004, indicated that he understood his rights and was capable of waiving them. He understood that the rulings of State v. [REDACTED] protected the use of this information from any hearing except the hearing held before the Family Court for the

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Scott B. Suggs
 CLERK OF COURT/RMC
 DARLINGTON COUNTY, S.C.

NAME: Angelo Ham
Waiver Hearing Evaluation

MIS# 232590

page 2

purpose of considering waiving/transferring jurisdiction of the present case to the Court of General Sessions.

II. SIGNIFICANT HISTORY

A. Sources Of Information

1. Interviews with Angelo, age 16, Juvenile
2. Interviews with Ham, mother
3. Social Summary prepared by Lynn T. Gehrke, Darlington County DJJ
4. Interview with Lynn T. Gehrke, Darlington DJJ
5. Psychosocial evaluation at Midlands Evaluation Center (12/04/01)
6. Discharge Summary from Georgetown Marine Institute (08/27/02)

B. Prior Court History/Criminal Record

According to the Form 5 (attached), Angelo had an extensive history of contact with DJJ and prior adjudications. His offenses included Grand larceny (1999) which went to Arbitration, Simple Common Law Assault (2000) which was diverted, Grand Larceny of An Automobile (2001), Criminal Domestic Violence (2001), and Incurable (2001) which received a suspended commitment; Burglary 2nd Degree (2001), Grand Larceny Auto (2001), Possession/Conceal Stolen Vehicle (2001), which received a suspended commitment and AMI, Damaging Vehicle (2002), and Malicious Injury to property (2002) for which he was committed to a DJJ institution. The current charges were for Murder, Armed Robbery, and possession of a Weapon During Violent Crime (09/10/2004).

At the time of the referral for the Waiver Evaluation, Angelo was detained at the Juvenile Detention Center, in Columbia, SC.

C. Family Description

Ms. Ham said that she lived with her children, and that she and her extended family did not get along well. One son, now 22 was in prison in NC, and one son, now 17, was starting night school. She said that Angelo did have some contact with his biological father, but never saw him on a consistent basis. She said all 3 sons have the same father.

She indicated that when Angelo did not follow rules at home, she would take away his TV privileges, restrict him to the house, and that "he didn't like that, so he get mad, made a few tears, put a hole in a wall at age 13, but he would eventually do it if I kept telling him."

She said that her former boyfriend, who was abusive to her, was like a father to Angelo. She stated that she went to jail for 18 months when Angelo was 7 to 9 years old, and Angelo stayed with her mother. However, her mother "was old and Angelo just ran wild." She admitted that she had been on crack for several years, and that her boyfriend was a drug dealer. She added that she "never did drugs around the kids, no one knew before jail." She said that during that period of time, Angelo began to think that he could do whatever he wanted to do.

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Ms. Ham said that she completed the 11th grade and was currently unemployed. She said that she last worked as a chef in Society Hill, and had worked there until her mother got sick. Mrs. Ham said that she no longer felt safe living in her home, due to the community reactions to Angelo's current offense, and that she wanted to move. She said "Angelo is safe now but I'm not safe, I'm trying to go...I don't go anywhere, scared, see people near house I never saw before."

Angelo indicated that he lived with his mother, age 38, and his stepfather, also age 38. His mother was reported to be unemployed and his stepfather farmed.

G. Physical Description

Angelo Ham was somewhat shorter than average but presented as a typical adolescent in his mannerisms. Police records indicated he was 5'5" tall, and weighed 155 pounds, but he appeared slightly taller than that. He was neatly dressed in a Detention Center uniform, and he was appropriately groomed. He walked without difficulty, had no apparent problems with vision or hearing, and was not overly fidgety or distracted. He had some markings on his hands/arms that appeared to be crude tattoos.

III. PSYCHOLOGICAL REPORT

Psychological interviews and testing were conducted at the Department of Juvenile Justice Detention Center in Columbia, SC, on 11/15/04; 11/18/04; 12/8/04; His mother was interviewed at the Darlington County DJJ office on 11/18/2004.

A. Sources of Psychological Information

Interviews with Angelo Ham, juvenile
Interview with Ms. Patricia Ann Ham, mother
Comprehension of Rights Inventory
Mental Status Examination
Beck Depression Inventory-II (BDI-II)
Developmental Test of Visual-Motor Integration (VMI)
Jesness Inventory - Revised (JI-R)
Millon Adolescent Clinical Inventory (MACI)
Reynolds Adolescent Depression Scale - 2nd Edition (RADSD-2)
Rotter Incomplete Sentence Blank (RISB)
Substance Abuse Subtle Screening Inventory (SASSI-A2)
Wechsler Adult Intelligence Scale - 3rd Edition (WAIS-III)
Wechsler Individual Achievement Test - II (WIAT-II)

B. Interview Results

Ms. Ham said that Angelo was born 6 weeks premature, and that he stayed in the hospital for more than 2 months, while they were waiting for him gain enough weight, "and that he did not eat good." She said that after he came home, he started growing, and "at age 2, he could do so much...you just show him and he could do it." She reported, that Angelo liked to take things apart and put them together, even "when very young, told him not to...but he was going to try

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it...wanted to know how it worked and had an inquiring mind." She denied that Angelo had experienced any incidents of physical, emotional, or sexual abuse, as victim or perpetrator.

She said that she took him to the mental health center at age 10, after the truck incident (see notes below) for anger management, and that they never told her about ADHD, though she had previously said they told her that he was hyper. She said that he had always been focused on what he was doing and that his memory was very good. Nevertheless, she said she had gotten medications for him, "some type of patch...not recall the name...stopped going when the medicine did not work."

Ms. Ham said that Angelo had not been back with her for very long when the current offense occurred, "just a few months...he had just come back from DJJ after two years." She said that he slept well and ate fine, and that she would tell him to not do certain things, but he would "just go do it anyway." She said that on the day of the current offense, they [boys] had run out of gas, and she gave them \$5, and thought they were going to a football game. At about 11PM, she heard a noise, and thought he was coming home but it was the police looking for him, and "by 2:30AM they had the kids already." She said that she had not seen him since he was taken to the Detention Center, that she was not able to get to Columbia to visit with him, and that her phone was not connected, so she had not talked to him.

Describing the incident in which she stabbed her boyfriend, she said that "I called people before I stabbed him...he was at a girl's house and I told people if you don't want me to kill him you'd better be there, but I stabbed him seven times before they got there." Her description of that event, and some of her past drug activities differed somewhat from the Social Summary prepared by Darlington County DJJ. However, it was noted that she was quite upset while talking to this examiner, especially about her offenses, and about not having seen Angelo in several months.

Her summarizing description of Angelo was that "Angelo knew right from wrong, he just did things anyway."

Angelo said that he was born prematurely, but he did not know how many weeks premature. He denied having any physical problems or limitations, but said that he had staples in his head after a car accident that occurred when he was 11 years old. He said that he took the car when he was out alone, at about 10PM, and found the keys in the car, "don't know whose car...it flipped...I jumped out and ran...got staples in my head." However, during the MEC evaluation (2001) he told the social worker he was mad at his mother, had gotten out of her car, and found the car with keys in it and drove away.

He admitted to having problems at school, especially fighting. He said that happened "any time people mess with me...I don't mess with them if they don't mess with me...I let the first few (comments) go by, then I respond...I handle business." He said that was the same way now at the detention center. "I tell staff, but they keep it up. I'll do business." He added a comment that he had not been any fights at the Detention Center.

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Angelo said that he completed the MHC program/group in 2001, but admitted he had the same attitude and aggression problems now. He said that he had gone to the group and had talked, but did not receive medications, and that he was diagnosed with ADHD.

Angelo said that if he went home to the same neighborhood, "9 times of 10, I do something stupid...I'll do something...asked Mr. Anderson [attorney] to send me to a group home or independent living somewhere new. They (negative peers) influence my head to smoke weed. I want a new environment with new friends." He admitted that if he started using drugs, he got into trouble, and that he needed new role models. He also admitted that he got nervous at times, but he denied any significant depression. He also said that other family members used marijuana, and he seemed to think that had influenced him as well.

Angelo said that he had been to both family counseling at the mental health center, and to drug and alcohol counseling at Rubicon. He said that Rubicon did not help much, and the family did not attend often. He recognized that marijuana did not cause the trouble he had been in, but said that he had had smoked "a lot, up to 11 blunts per day." He said that at one time his mother had him locked up for CDV when he had not done anything, and that "she did that because she wanted me out of the neighborhood."

Angelo said he was in 10th grade in regular classes, and that he made A's and B's with a few C's. He also said he had been at the Georgetown Marine Institute in 2002, for 7 months, and that he completed the program. Angelo also said that he had been to Camp White Pines in 2002. He stated that he had caused a fire "long ago...age 3 or 4 or 5...played with matches.. thought they went out but didn't...burned the whole house." During the MEC evaluation he stated that he and a cousin were playing with matches, and staff indicated that the incident appeared to be due to a lack of supervision, not an intentional act.

Of the current charges, he said that he did not know they were going to commit a crime. He said they "were going to a girl's house, stopped for gas. The boy put a gun to my head and said 'if you don't help me rob him we'll kill you,' so I did, did not want to die." He said that he knocked on the door, "he let us in, I got some soda and zebra cakes... (co-defendant) went to the back of the store, the came up front and started shooting." He said that they had smoked blunts, but he denied that they used alcohol or other drugs. He said the co-defendants were 18 and 19, and one was a "cousin by my step daddy, and the other we just knew him." He said that he did not have a gun in his possession at any time during the robbery. He said "it was not my plan to rob no one...I thought I'd never come to jail again...got with the wrong crowd and get you real messed up"

Angelo indicated that he wanted to tell the victim's family what really happened. Angelo indicated that his attorney was going to get him a copy of the video tape of the incident because the reports that he had received did not fit with his memory of the events.

The DJJ file included a discharge summary form the Georgetown Marine Institute (08/27/02) which indicated that he had successfully completed the program, and had accomplished the goals that were set for him. The staff believed that he had done well in the highly structured and closely supervised environment.

C. Behavioral Observations

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Angelo was quiet and reserved when he was first brought to the interview room. He communicated well, understood the reason for the testing and interviews, and understood his rights. He was able to recall a communication from his attorney regarding the evaluation, and as the session progressed, he became calmer, cooperated, and rapport was established and maintained over the three sessions.

D. Mental Status Examination

Angelo was oriented as to time place and person, and he knew the state, city, country, continent, his social security number. He did not seem distracted nor did he appear to have thought intrusions. He was able to concentrate on tasks assigned, and to participate in all aspects of the evaluation. He had no noticeable tics or unusual motor movements, and seemed to give a concerted effort. He expressed remorse for things he had done, and realized the gravity of his current situation.

At the last session, he indicated several times that he wanted to talk to the victim's family to apologize for what he did, and he said he wanted "to tell them what really happened." He seemed genuinely concerned when he said "they probably believe all of us did it...they don't know...I want to tell them the real story."

He adequately explained several proverbs, which indicated he had some verbal abstraction capabilities, and demonstrated social judgment by describing proper social behavior in typical situations. He showed an average range of emotions appropriate to the topic, and was able to recall three words more than 10 minutes after being asked to remember them. There was no evidence of auditory or visual hallucinations, delusions, and he reported normal appetite and sleep. He denied thoughts of suicide or homicide or ideas of reference. He also denied any major traumatic events.

Angelo understood the concept of privileged information, and said he had been told, by his attorney and DJJ staff, about the interviews and testing, and said that he was told to "just tell the truth." He also understood the limits of confidentiality, and was able to explain the principles that were explained to him. Although his vocabulary was somewhat restricted, it seemed typical for a 16 year old with similar cognitive abilities.

He seemed concerned that his mother had to change her plans and spend money to get an attorney for him. At the end of the interviews, he indicated that he had been honest and told the truth throughout the sessions. Angelo said that he slept well, ate well, and had no difficulty with any type physical pain. Angelo said that he was no longer part of gang, although he used to be a gang member, but "they beat me out."

E. Empathy, Remorse, and Responsibility

During the interview, Angelo answered hypothetical questions about victims, and how he felt about being in the Detention Center. As mentioned above, he was able to describe quite accurately the feelings likely to be experienced by victims, and expressed adequate remorse for things he had done, though he denied that he was guilty of the current charges. He said it was

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never acceptable to kill someone, "except in a war, but never on the street." He admitted that he was affected by peer pressure, "if people do it you gotta do it...if friends keep it up you follow them and you do it...you ain't got to but you will."

He seemed to care about his family, and seemed to care about the victim's family as well. Several times, he expressed concern that they did not know what actually happened and said that he wanted to tell them the truth about what happened. He believed that they would believe him since they had known him most of his life. He also believed that he could make sure he did not come back to the Detention Center or to DJJ by doing what he was supposed to do from now on.

Angelo said "they probably think all 3 of us did it...they don't know...I want to tell them the real story...I only told mama and attorney and you [examiner and I want to tell them."

F. Psychological Test Results

The WAIS-III is a standard psychological instrument that measures some of the skills and potentials related to cognitive functions and academic achievement. His scores of the WAIS-III were:

Verbal		Performance		IQ Scores		Range
Information	5	Picture Completion	5	Verbal	79	Borderline
Similarities	5	Coding	12	Performance	91	Average
Arithmetic	9	Picture Arrangement	7	Full Scale	84	Low Average
Vocabulary	6	Block Design	10	Verbal Comprehension	74	
Digit Span	7	Matrix Reasoning	10	Perceptual Organization	89	
Comprehension	7					

Overall, Angelo's scores on the WAIS-III were in the low average range of scores. There were instances of missing easier items and correctly answering harder items, which indicated he may have true abilities at a slightly higher level. His effort seemed consistent and diligent, and the results of the current testing were considered a valid estimate of his current functioning. The difference between his verbal and performance scores indicated that his verbal skills were considerably less well developed than his performance abilities. Such individuals often have deficiencies in their knowledge base, but implement things well, i.e., make bad decisions and then implement them fairly well. This pattern is found frequently in the juvenile delinquent population, especially among those who are easily influenced by others. His scores were very consistent with previous scores on a similar test, though his PIQ had decreased.

The WIAT-II is a standard psychological test that measures school related skills and academic performance. On the WIAT-II, Angelo achieved the following scores:

	Standard Score	Grade Level
Word Reading	81	6:6
Reading Comprehension	66	3:8
Numerical Operations	112	>12.9

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While his mathematics operations score was quite high, his reading scores were far below that of his age group. A comparison of his word reading score and his reading comprehension score indicated that he may outwardly appear to have abilities at one level, yet his true understanding was considerably below that level. This was consistent with the WAIS-III scores reported above. While his grade level was higher than at previous testing, his standard scores were quite similar, i.e., he had progressed from where he had been, but his position relative to his peers remained quite consistent.

The VMI is a measure of visual-motor integration, and his standard score, 91, was commensurate with his performance intellectual score, which indicated no impairment in this area of functioning.

The SASSI-A2 is a self-report measure of symptoms found to be predictive of substance abuse disorders. On the SASSI-A2, Angelo answered the items in an open and honest manner, and seemed to be able to read and understand the items. The overall scores indicated a high probability of abuse and possible dependence. This was consistent with his reported use of substances.

The BDI-II is self-report measure of major symptoms of depression. Angelo's scores indicated a mild level of depression. The RADS-2 is a measure of self-reported depressive symptoms in adolescents, and Angelo's responses did not indicate any major symptoms of depressive mood, anhedonia, negative self-evaluation or somatic complaints. All scores were within the average range of scores.

The MACI is a self-report personality measure that includes measures of personality functioning, expressed concerns, and clinical syndromes. Angelo's score profile was valid, though he may have minimized some personal problems, or not have been completely candid. He answered the items similar to teens who were dependent, leaned on others for guidance, and who often assumed a passive role in relationships. Such persons may have poor judgment and may be easily influenced by negative peers. Failure to follow social norms may also be present. Individuals with such scores were often seen as being unable to "stand on their own" and hyper-conforming. Conduct Disorder was common in individuals with this pattern as was Dependent Personality features.

The JI-R is an inventory measuring some attributes and classifications of personality dimensions in the juvenile delinquent population. While none of his personality scores were out of the average range, one score had clinical significance. His profile indicated he had some attitudes typical of adolescents who behaved in ways that were not socially approved, i.e., socially maladjusted. This would include a tendency to blame others and a negative self-concept. Subtype analysis indicated he was similar to persons who tended to manipulate the world based on a power-control dimension i.e., he would control others or be controlled by those with more influence. Dependent and conforming behavior could be anticipated as his immediate response to the "immediate" power structure, i.e., he might be easily influenced by negative peers.

On the RISB, Angelo completed sentences with popular responses, short phrases, and short sentences, with poor grammar and weak spelling. He expressed remorse for what he did, said

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JOSH B. JUDGE
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he wanted to be back at home, and that people are supposed to do what they are told to do. There were no evidences of thought disorder, loose associations, or mood fluctuations, and few indications of insight typically found in a 16 year-old.

Overall, personality test data were similar to the testing done at MEC in the 2001 Evaluation.

G. SUMMARY

Angelo Ham was a 16-year-old charged with Armed Robbery, Possession of Weapon, and Murder. He was evaluated at the Detention Center, and had communicated with his attorney about the evaluation. He knew that that he had been charged with participation in an armed offense, but said that he had been forced to participate with a threat of being killed. He stated that he had only told his mother, his attorney and this examiner about the true circumstances, but that he wanted to meet with the victim's family and tell them as well. He felt sure that they would believe him since they had known him all of his life.

Angelo had a long history of involvement with DJJ, and previous placements included GMI and Camp White Pines. His mother indicated he had only been home a few months when the current offense occurred. She believed that Angelo knew right from wrong, but had always done what he wanted to do, not what he knew was right. She described many dysfunctional family aspects, including her own incarceration, and said that Angelo had no positive male role models in his life. She felt that Angelo had adjusted well while she worked at the schools and lived in the city, but that he had "run wild" since they moved the country, and while he lived with his grandmother during his mother's incarceration.

Angelo communicated well, was alert and oriented, and showed no signs of major emotional disorder or loss of contact with reality. On both intellectual and achievement tests, Angelo's pattern of scores indicated he may appear to have abilities on one level, but his true ability may be at a considerably lower level. In other words, he may make bad decisions and then, implement them well, especially when influenced by negative peers.

H. RECOMMENDATIONS

Given the family history, no contact with his father, his father-image being his mother's abusive ex-boyfriend, having been out of the home for two years, having been easily influenced by negative peers, his older brother being in jail, another role model being in jail, his mother having been in jail, drug abuse, a long history of contact with DJJ, history of difficulties with anger and ADHD, Angelo would certainly benefit from a more stable environment that would provide structure, directed education, and a positive peer group. Counseling to address misbehavior and undeveloped goals would also be essential to his future success, and psychoeducational assessment to address particular needs and/or develop individualized instruction plans would also be beneficial. A vocational focus would be most helpful with long-range planning.

IV. CONCLUSION

A. Level Of Sophistication and Maturity

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Angelo did not seem to meet the "standard/expected" level of maturity for a 16 year-old. Though he might be described as "having talked a good line" and talked in a mature manner, closer observation of his interactions showed that he was insecure, had a poorly developed self-concept, and was easily manipulated by others. He did know right from wrong in the general sense, but was unable to take a stand against violence, even in the Detention Center setting. He did seem to be genuine in his desire to talk to the victim's family, apparently in hopes that they would forgive him, but he did not admit to the circumstances that Law Enforcement described as his role in the crime. Overall, despite his long criminal record, and despite his efforts at trying to be grown up, he seemed like a child trying to make believe that he was an adult.

B. Likelihood Of Reasonable Rehabilitation

The following positive and negative factors deserve to be considered:

Negative Factors to be considered:

1. Angelo was charged with a serious offense that involved the death of an individual. If he was guilty of that offense, a serious lack of concern for the welfare of others would be present, and such persons are typically regarded as difficult to rehabilitate.
2. Angelo had a long history of infractions, and persons with such patterns, especially if escalated, are often difficult to rehabilitate.
3. Angelo's mother, though well-meaning, did not seem to have been in good control of her children's behaviors, and persons from such families are less likely to be rehabilitated.
4. Angelo maintained that he was innocent of the murder charge because he did not have a role in planning it, and was "forced" to participate. Persons who are guilty but who do not admit their wrongdoing are less likely to rehabilitate very well.
5. Angelo has been easily influenced by others in a negative direction, and has often disregarded rules and regulations to do what his mother called "what he wants to do."

Positive Factors to consider:

1. Angelo demonstrated intellectual capacities to understand and benefit from education, therapy, and rehabilitation programs, in a supervised and highly structured setting (GMI, Camp White Pines, etc.).
2. Angelo was able to sustain both attention and motivation, despite a history of ADHD, and functioned reasonably well when motivated to do so.
3. If Angelo could be helped to make his own decisions rather than be influenced by others, and if he did receive treatment for his impaired self-image, behavioral control and drug use, he would have adequate ability to do better in all areas of functioning.

C. Adequate Protection Of the Public

The offenses with which Angelo was charged were most serious and of a violent nature. If found guilty, these would indicate a serious lack of concern for others, and a general need for caution when considering prospects for protection of the public.

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HARVARD COUNTY S.C.

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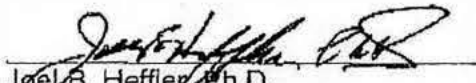
If committed to DJJ for an offense that would be a criminal offense if committed by an adult, SC Code Ann. Section 20-7-7810 states that the juvenile may be committed for an indeterminate period not to exceed his twenty-first birthday. If committed on all offenses by the Family Court, Angelo's guidelines would be 36-54 months. If he was not sooner released by the Juvenile Parole Board, at age seventeen he would be transferred to the SCDC. Upon transfer to SCDC the length of time that SCDC would maintain him in secure custody or under direct supervision (up to the age of twenty-one) would be with the discretion of Juvenile Parole Board. If not sooner released, the length of time he would remain incarcerated with SCDC would be until age twenty-one. During this period the public would be adequately protected from any further antisocial acts committed by Angelo.

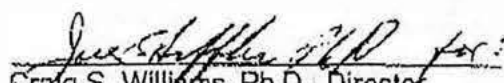
Community supervision of a juvenile who is paroled from DJJ can be provided by DJJ. Community supervision of a juvenile transferred to SCDC can be provided by Adult Probation and Parole until the juveniles twenty-first birthday.

D. Procedures, Services, and Facilities Currently Available To The Juvenile Court Which Would Be Of Benefit To The Juvenile

If adjudicated delinquent by the Family Court and placed on probation, the South Carolina Department of Juvenile Justice can provide until the age of eighteen (Section 20-7-400 (B)) probation, aftercare supervision, psychological consultation, and, when appropriate, short-term placement for juveniles in need of non-secure community-based services.

If adjudicated delinquent by the Family Court and committed to the Department of Juvenile Justice, the Department would provide institutional confinement. If necessary, institutional placements include confinement in a maximum security facility. Within its institutional facilities the Department of Juvenile Justice operates a 12-month continuous educational program for incarcerated juveniles including, if appropriate, a Cities-in-Schools Program. Treatment services potentially available to incarcerated juveniles which could be of benefit to Angelo include individual, group, and family therapy, social skills training, anger control training, drug education, addiction treatment, substance abuse self-help groups, tutorial programs, vocational rehabilitation programs, independent living skills education groups, and psychiatric and medical services.


Joel B. Heffler, Ph.D.
Consultation and Evaluation Services

 for:
Craig S. Williams, Ph.D., Director
Consultation and Evaluation Services

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ATTACHMENT #1 :

FORM 5

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DARLINGTON COUNTY, S.C.

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ATTACHMENT #3:

FAMILY COURT ORDER

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Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF: DARLINGTON

IN THE INTEREST OF:

Angelo Ham

A Minor Under the Age of Seventeen (17) Years

IN THE FAMILY COURT

FOURTH JUDICIAL CIRCUIT

04-JU-16-255, 233, 234

Comes before the Court Sherrie Baugh, Assistant Solicitor, who would respectfully show that:

1. The State is requesting the Petitions be transferred to the Court of General Sessions pursuant to 20-7-7605 and such request in writing is attached to and incorporated in this motion.

2. The defendant, Angelo Ham, born on [REDACTED], 1988, is fifteen (15) years old.

The defendant, Angelo Ham, has been charged with the crimes of Armed Robbery, Murder, and Possession of a Weapon During the Commission of a Violent Crime. The alleged offenses occurred when the defendant was fifteen (15) years old.

3. The Petitions were filed in Family Court on September 14, 2004.

4. There is probable cause to believe the defendant committed the crimes for which he/she is charged.

5. The seriousness of the alleged offenses is of such gravity as to require waiver of the said charges to the Court of General Sessions in the interest of the community.

6. The alleged offenses are of a willful, malicious and dangerous nature.

7. There is sufficient merit to warrant the grand jury returning a true bill in the said offense against the defendant.

8. The prospect for the adequate protection of the public would best be had by the defendant's incarceration in a facility other than those maintained by the South Carolina Department of Juvenile Justice.

9. The offenses for which the defendant is charged are felonies if committed by an adult.

Respectfully Submitted:

Sherrie Baugh

Sherrie Baugh
Assistant Solicitor

Darlington, South Carolina
September 14, 2004

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DEPT. OF JUVENILE
DARLINGTON COUNTY

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ATTACHMENT #4:

SOCIAL HISTORY

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CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

**PREADJUDICATORY WAIVER EVALUATION
SOCIAL HISTORY INFORMATION**

NAME: ANGELO HAM
DOB: [REDACTED]/1988

MIS# 232590
AGE: 16 YEARS, 2 MONTHS

SOURCES OF INFORMATION

Interview with Mother
Interview with Juvenile
Interview with Assistant Principal
School Records
DJJ Form 5
DJJ Client File



FAMILY INFORMATION

Family Description

Angelo Ham is the third child born to the union of Patricia Ham and Robert L. Smith. His siblings include Christopher, age 22 and Anthonio, age 17. Anthonio is a student at a Community College in Winston-Salem, North Carolina. He has no criminal record. Christopher is serving a twelve year sentence for robbery (he has served six years).

Prior to being placed in detention on September 10, 2004, Angelo resided with his mother, Patricia Ham in the New Hopewell Community of Society Hill, South Carolina. Martinie Hunter, Ms. Ham's fiancé, age 38, also lives in the home. Mr. Hunter works at PP&M Contractors. They have been together approximately fourteen years.

The maternal grandmother reportedly has been a significant and positive influence on the family until her death of a stroke and a heart attack in 2003. She was close to all three of the children and kept them for Patricia to work. Patricia lived with her mother until 1996.

Parent's Background

Patricia Ham, Angelo's mother, was born in Darlington County, South Carolina, on [REDACTED], 1966 and is 38 years old. Ms. Ham reports that she was the twelfth child born to her birth mother. Ms. Ham attended Rosenwald High School until the eleventh grade. She then attended Job Corps in Morganville, Kentucky where she received her GED and certification as a chef. Ms. Ham moved to New York to live with her mother for approximately five years. In 1986 she moved back to South Carolina. In 1992-96 she was employed at Hartsville High School as a janitor. She has also worked as a chef at a local restaurant and a taxi cab driver for City Taxi. She is currently unemployed.

TRUE COPY,
Sgt. B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

Ms. Ham receives \$50.00 a month for child support for Angelo and \$30.00 a week for Anthonio. She also receives a partial SSI check in the amount of \$452.00 due to Angelo's father's disability. Ms. Ham is in good health.

Ms. Ham acquired a criminal record in 1996 for Assault and Battery with Intent to Kill. These charges were dropped according to Ms. Ham. The incident involved a domestic dispute between Ms. Ham's boyfriend and another woman. In 2003, Ms. Ham was charged with Driving Under License Suspension. This offense required Ms. Ham to pay a fine.

Angelo's natural father is Mr. Robert L. Smith who resides in Dovesville, South Carolina. They were never married, Ms. Ham reports that until they broke up, Mr. Smith would spend time with Angelo and would also keep in touch with Angelo by phone. Angelo reports he has very little contact with his natural father. He has diabetes, back trouble, and is in poor health. Mr. Smith receives disability in the form of SSI of which Angelo receives \$452.00 a month. Mr. Smith pays child support in the amount of \$50.00 per month. Mr. Smith graduated from Rosenwald High School. He is a veteran of the United States Army.

Ms. Ham lived with Elwood Peterson for about five years. She reports a history of physical abuse. He was employed at Newsome Chevrolet upholstering cars. Ms. Ham states Mr. Peterson took Angelo under his wing and Angelo calls him daddy. They were close until 1996 when domestic violence resulted in charges being filed for Assault with a Deadly Weapon. Mr. Peterson started dating Ms. Ham's sister. Ms. Ham stabbed Mr. Peterson with a steak knife. According to Ms. Ham these charges were later dismissed. Ms. Ham reports Mr. Peterson used to sell drugs and exposed Ms. Ham to crack. She reportedly has been clean for nine years since separating from Mr. Peterson. Angelo states he considers Mr. Peterson his real daddy, as Angelo feels closest to him. Angelo states they had an excellent relationship. According to Angelo, Mr. Peterson bought Angelo the things he needed and Angelo could talk with Mr. Peterson about his problems.

Ms. Ham has lived with Martinie Hunter for the last 14 years. Mr. Hunter is currently unemployed. He does occasional farm work. He is blind in the left eye and is currently trying to get disability. He attended Hartsville High School up to eleventh grade. Ms. Ham states Mr. Hunter has a good relationship with her children. Angelo states sometimes Mr. Hunter makes him angry by things Mr. Hunter says. However, Angelo states he is sweet and Angelo loves him.

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

Health and Economic Practices

Ms. Ham enjoys good health. She receives Medicaid. Ms. Ham considers Dr. Coward of Hartsville their physician. Dr. Griffith provides dental care.

Ms. Ham is currently unemployed. She receives food stamps and assistance from the Department of Social Services (DSS). She receives \$50.00 in child support for Angelo and \$30.00 per week for Anthonio. Angelo receives \$452.00 in disability benefits for Angelo.

Home and Household Practices

Ms. Ham and her children reside in the New Hopewell Community in a rural area of Darlington County at [REDACTED], Society Hill, South Carolina. The neighborhood is sparsely populated and appears to be a safe area. The family lives in a three bedroom home with a living room, kitchen, den, and bathroom. The home is clean with adequate furnishings. The structure is an old wooden home which appears to be in average condition. The yard surrounding the home was clean and well kept.

Child's History

Physical Description

Height: 5'4" Weight: 143 lbs. Eyes: Brown Hair: Black

Court History

Angelo Ham's prior record consists of a Grand Larceny charge July 18, 1999, which was diverted to Arbitration. August 22, 2000, a Simple Assault and Public Disorderly Conduct charges were processed in a pre-trial diversion program. Angelo was previously adjudicated for Grand Larceny of an Automobile on October 9, 2001, and was placed on probation, given a suspended commitment to a DJJ evaluation center, and other productive assignments. On the same date he was adjudicated for Criminal Domestic Violence and Incurability and given the same disposition. On December 11, 2001, Angelo was adjudicated delinquent of Burglary IIA, Grand Larceny of an Automobile, and Possession of a Stolen Vehicle. He was placed under a suspended commitment to DJJ, and on one year probation. Angelo was required to complete the Marine Institute Program. Angelo completed Georgetown Marine Institute. On September 24, 2002, Angelo was adjudicated delinquent of Breaking into an Auto as well as Malicious Injury to Personal Property and sentenced to S. C. Department of Juvenile Justice. Angelo was conditionally released from DJJ on parole July 12, 2004. As of September 14, 2004, he currently has pending charges of Murder, Armed Robbery, and Possession of a Weapon during the Commission of a Violent Crime.

TRUE CERTIFIED COPY,
Scott B. Suggs
 CLERK OF COURT/RMC
 DARLINGTON COUNTY, S.C.

Early Development History

Ms. Ham indicated that Angelo weighted 4lbs. 2 oz. at birth with a premature gestation period of 33 ¼ weeks and complications during birth. Ms. Ham reports she was a high risk patient during the pregnancy due to her inability to gain weight and problems with her blood pressure. At birth Ms. Ham describes that Angelo had a tube from his brain to arteries in his neck because he would not eat or drink. He stayed in the hospital for 2 ½ months. At 2-3 months Angelo began to gain weight and was allowed to go home from the hospital. At home Angelo stopped breathing and was hospitalized for two more weeks. After these initial complications, Ms. Ham reported that Angelo properly reached all other developmental stages as normal.

Physical and Health History

Angelo had the chicken pox as a child. No other childhood diseases were reported. He was circumcised at the age of five. He sustained a head injury in a car accident at age ten which required four staples in his head. Ms. Ham related there has been no problems since the injury. Angelo's current general health is good. There have been no reports of Angelo being the victim of physical or sexual abuse.

Home Adjustment

Ms. Ham reports that Angelo had a sweet personality as a child and she did not have any behavioral problems with him until he became a teenager in the sixth grade. She feels Angelo got with the wrong crowd of boys at school. Angelo's attitude used to be "his way or no way". However, after being released from DJJ in July 2004, Angelo's attitude, behavior, and communication between them at home was much improved. She stated when Angelo was younger, he tended to follow other boys. As a young boy Angelo worked on a farm helping in tobacco fields during the summer. He also had local jobs helping a neighbor rake straw, cut grass, and do landscape work. Saturdays at her house was cleaning day and everyone was expected to help.

Angelo stated he started attending church every Sunday at Mt. Hopewell as a little boy. He enjoyed going there and wishes he had stayed in church. He explained the Arringtons began mentoring him in fifth grade and he was very close to them; even calling them mamma and daddy. Angelo had his own room at their house and stayed with them during summers and school year. He described the Arringtons as always being there for him and buying him things he needed. Angelo described the influences of his peer group as pulling him away from church and contributing to his use of alcohol and marijuana. Angelo stated he got along good with his brothers. He admired Anthonio for staying out of trouble and going to college.

TRUE CERTIFIED COPY,
For B. Suggs
 CLERK OF COURT/RMC
 DARLINGTON COUNTY, S.C.

Recreational Interests/Activities

Angelo enjoyed playing softball with the church when he was younger. He played neighborhood basketball, video games, swimming, and jumping on the trampoline. Currently he enjoys being with his friends. Angelo goals are to be a truck driver, policeman, or go into a branch of the armed services. Ms. Ham just wants Angelo to be the best at what he decides to pursue.

Psychological and Psychiatric Information

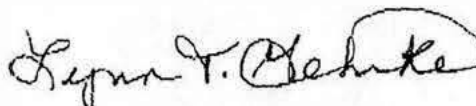
Angelo was referred by the school to Pee Dee Mental Health. Ms. Ham indicated Angelo went to counseling at Pee Dee Mental Health from January 1999 to August 1999 on a weekly basis. Angelo has not received inpatient psychiatric treatment. Angelo denied ever having been prescribed medication in the past.

School Information

Angelo last attended Darlington High School in Darlington, South Carolina and was enrolled in the tenth grade during the 2004 school year. Ms. Ham reported Angelo was an A/B student in elementary school. He had no problems in school until he became a teenager in sixth grade. She indicated he began to get discipline write-ups because he had trouble keeping his hands off of the girls. He had good attendance and passed all grades. In seventh grade Angelo attended Sonovista Alternative School because he was expelled from regular school. Angelo received discipline referrals for fighting, disrupting class, and being disrespectful to teachers that school year. In grade eight, Angelo attended Darlington Jr. High School with improved behavior and very few discipline referrals until his commitment to DJJ September 24, 2002.

Employment History

Angelo indicates he worked on a farm at twelve and thirteen years of age. He also helped doing landscape work.



Lynn T. Gehrke
County Office Manager
Darlington County

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

NAME: Angelo Ham
Waiver Hearing Evaluation

MIS# 232590

page 13

ATTACHMENT #2:

WAIVER OF RIGHTS FORM(S):)

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

Sam Angelo

YOUR RIGHTS

DATE: 11/15/04 TIME: 09:45 AM

This examination has been ordered by the court for the purposes of assisting the court in determining whether your case should be transferred to the Court of General Sessions (Adult Court), and whether for the purposes of criminal prosecution you should be treated as an adult. The interviewer is not interested in, nor will he question you about, the facts of the particular charges against you nor does he wish to be informed of these facts. However, the interviewer will ask you very general goal-directed questions related to similar charges or type of offenses.

BEFORE CONDUCTING THIS INVESTIGATION, YOU MUST UNDERSTAND YOUR RIGHTS:

- (1) You have the right to remain silent;
- (2) Anything you say can and will be used against you in a court of law;
- (3) You have the right to talk to a lawyer before we conduct this examination;
- (4) If you decide to participate in this examination without consulting with your lawyer, you will still have the right to stop participating at any time; and
- (5) You have the right to stop answering my questions at any time until after you talk with your lawyer.

I HAVE READ, OR HAD READ TO ME, THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE.

Signed: *Sam Angelo*

Waiver of Rights

I have read, or had read to me, my rights and I understand what my rights are. I am willing to participate in this examination and answer the questions presented to me. I do not wish at this time to talk to my lawyer. I understand and know what I am doing. No promises, threats, or inducements have been made to me and no pressure or coercion of any kind has been used against me.

SIGNED: *Sam Angelo*

WITNESS: *Scott B. Suggs*

TIME: 09:45 AM 11/15/04

Exhibit 2.11.01

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

RECEIVED**Mar 10 2022****S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions

Roger E. Henderson, Circuit Court Judge

Case No. 2005-GS-16-1969

The State,

Respondent,

v.

Angelo Ham,

Appellant.

NOTICE OF APPEAL

Angelo Ham appeals his re-sentencing in this case. The sentence was imposed by the Honorable Roger E. Henderson on March 3, 2022. The Appellant received written Notice of the entry of the Order on March 8, 2022. The re-sentencing did not properly take into account the juvenility of appellant as ordered by the South Carolina Supreme Court in Byars v. Aiken. The Appellant's juvenile record was improperly used against him. The Court allowed testimony from victim's son which was inappropriate, defamatory, accusatory, prejudicial and inflammatory all to the detriment of Appellant.

March 9, 2022

s/ Robert L. Gailliard

Robert L. Gailliard
SC Bar # 2284

122 Caryota Lane
Summerville, South Carolina 29486
(843) 925-7521

Attorney for Appellant

Other Counsel of Record:

Kernard E. Redmond

Deputy Solicitor

Post Office Box 616

Bennettsville, South Carolina 29512

Attorney for Respondent

AMENDED

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED**Mar 11 2022**

S.C. SUPREME COURT

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions

Roger E. Henderson, Circuit Court Judge

Case No. 2005-GS-16-1969

The State,

Respondent,

v.

Angelo Ham,

Appellant.

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March 9, 2022

s/ Robert L. Gailliard
Robert L. Gailliard
SC Bar # 2284
122 Caryota Lane
Summerville, South Carolina 29486
(843) 925-7521
Attorney for Appellant

Other Counsel of Record:
Kernard E. Redmond
Deputy Solicitor
Post Office Box 616
Bennettsville, South Carolina 29512
Attorney for Respondent



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 24, 2022

Mr. Robert Lee Gailliard, Esquire
122 Caryota Lane
Summerville SC 29486

Re: The State v. Angelo Ham
Appellate Case No. 2022-000280

Dear Counsel:

Upon reviewing your Notice of Appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Hammons, deputy".

CLERK

cc: Kernard Edward Redmond, Esquire
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

RECEIVED

MAR 30 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions

Roger E. Henderson, Circuit Court Judge

Case No. 2005-GS-16-1969/Appellate Case No. 2022-
000280

The State,

Respondent,

v.

Angelo Ham,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on State of South Carolina Darlington County Solicitor by depositing a copy of it in the United States Mail, postage prepaid, on March 28, 2022, addressed to attorney of record, Kernard E. Redmond, Deputy Solicitor, Post Office Box 616, Bennettsville, South Carolina 29512.

March 28, 2022

s/Robert L. Gailliard

SC Bar # 2284

122 Caryota Lane

Summerville SC

29486

Robert L. Gailliard

SC Bar # 2284

122 Caryota Lane

Summerville, SC 29486

(843) 925-7521

Attorney for Appellant

The South Carolina Court of Appeals

The State, Respondent,

v.

Angelo Ham, Appellant.

Appellate Case No. 2022-000280

ORDER

This appeal arises out of a resentencing order pursuant to *Aiken v. Byars*, 410 S.C. 534, 756 S.E.2d 572 (2014). The notice of appeal indicates sentencing occurred on March 3, 2022, and counsel received written notice of entry of the order on appeal on March 8, 2022. The proof of service for the notice of appeal shows service on March 28, 2022. Accordingly, this appeal is dismissed. *See State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) ("[I]n the absence of a timely served notice of appeal, this court has no jurisdiction."); Rule 203(b)(2) (stating in appeals from the Court of General Sessions, a notice of appeal shall be served on all respondents after imposition of the sentence or within ten days after receipt of written notice of entry of the order or judgment). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

 _____, C.J.
FOR THE COURT

Columbia, South Carolina

cc:

Robert Lee Gailliard, Esquire
Kernard Edward Redmond, Esquire
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Melody J. Brown, Esquire

FILED
Apr 06 2022



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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FAX: (803) 734-1839
www.sccourts.org

April 28, 2022

The Honorable Scott B. Suggs
1 Public Square
Room 404
Darlington SC 29532-3213

REMITTITUR

Re: The State v. Angelo Ham
Lower Court Case No. 2005GS1601969
Appellate Case No. 2022-000280

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen

CLERK

Enclosure

cc: Robert Lee Gailliard, Esquire
Kernard Edward Redmond, Esquire
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire

STATE OF SOUTH CAROLINA)

IN THE COURT OF APPEALS

STATE)

APPELLATE CASE NO: 2022-000280

Respondent,)

MOTION TO RECALL REMITTER

VS.)

ANGELO HAM)

Appellant,)

RECEIVED**Apr 28 2022**

SC Court of Appeals

NOW COMES, the attorney for the Appellant moving before this Court for an Order Recalling the Remitter in the within action on the following grounds:

- 1.) A Notice of Appeal was timely filed in this matter.
- 2.) The Proof of Service was NOT filed with the Notice of Appeal by inadvertence.
- 3.) The Court of Appeals issued its deficiency letter advising that the Proof of Service had to be filed within ten days.
- 4.) Proof of Service was filed within ten days.
- 5.) The Proof of Service was filed in lieu of a Motion to Re-instate the Appeal and Appellant asks that his filing be taken as such.
- 6.) This case involves the re-sentencing of a juvenile which took more than five years to be heard and then misapplied the standards announced in Aiken v. Byars.
- 7.) The prosecution had actual knowledge that this case would be appealed because of its importance.

s/Robert L. Gailliard
 SC Bar No. 2284
 rlgailliardlaw@outlook.com

April 28, 2022
 Charleston, SC

STATE OF SOUTH CAROLINA
COUNTY OF CHESTERFIELD

IN THE COURT OF GENERAL SESSIONS
FOURTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,

Respondent,

v.

ANGELO HAM,

Appellant.

APPELLATE CASE NO.: 2022-000280

RECEIVED

MAY 26 2022

SC Court of Appeals

STATE'S RESPONSE TO

MOTION TO RECALL REMITTITUR

The State of South Carolina, by and through the undersigned counsel, hereby responds to the Defense Motion to Recall the Remittitur as follows:

That on April 7, 2022, the State did receive the Notice of Appeal and Amended Notice of Appeal in this case. Those documents are attached herewith. Counsel for the Appellant did advise the State immediately after the hearing of his intent to appeal.

Respectfully submitted,



Kernard E. Redmond, Deputy Solicitor
Fourth Judicial Circuit

May 23, 2022

ROBERT L. GAILLIARD
ATTORNEY AT LAW, LLC

122 CARYOTA LANE
SUMMERVILLE, SC 29486
PHONE: (843) 925-7521
EMAIL:
RLGAILLIARDLAW@OUTLOOK.COM

April 7, 2022

Clerk
South Carolina Court of Appeals
Post Box Office 11629
Columbia, SC 29211

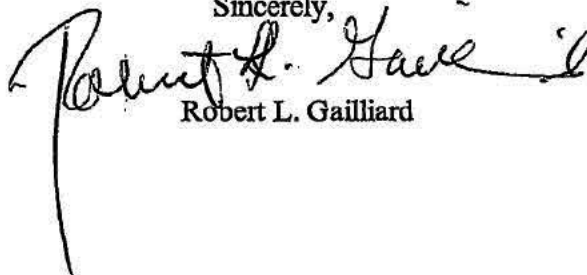
Re: State v. Angelo-Ham
Appellate Case No. 2022-000280

Dear Madame Clerk:

Enclosed please find the Amended Notice of Appeal and Proof of Delivery for Angelo Ham. This relates back to the original Notice of Appeal that was filed on March 15, 2022.
Please file this Notice of Appeal and docket this appeal.

RLG/me

Sincerely,



Robert L. Gailliard

Copy: Kernard E. Redmond, ESQ. ✓

RECEIVED

MAY 26 2022

SC Court of Appeals

AMENDED

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions

Roger E. Henderson, Circuit Court Judge

Case No. 2005-GS-16-1969

The State,

Respondent,

v.

Angelo Ham,

Appellant.

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March 9, 2022

s/ Robert L. Gailliard

Robert L. Gailliard

SC Bar # 2284

122 Caryota Lane

Summerville, South Carolina 29486

(843) 925-7521

Attorney for Appellant

Other Counsel of Record:

Kernard E. Redmond

Deputy Solicitor

Post Office Box 616

Bennettsville, South Carolina 29512

Attorney for Respondent

ROBERT L. GAILLIARD
ATTORNEY AT LAW, LLC

122 CARYOTA LANE
SUMMERVILLE, SC 29486
PHONE: (843) 925-7521
EMAIL:
RLGAILLIARDLAW@OUTLOOK.COM

March 28, 2022

Clerk
South Carolina Court of Appeals
Post Box Office 11629
Columbia, SC 29211

Re: State v. Angelo Ham
Appellate Case No. 2022-000280

RECEIVED

MAY 26 2022

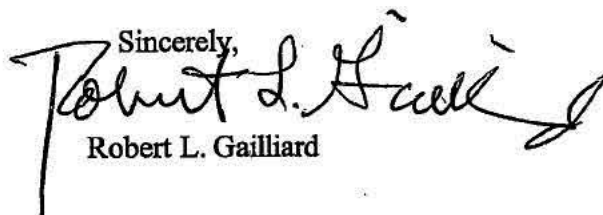
SC Court of Appeals

Dear Madame Clerk:

Enclosed please find the Proof of Service in the above case.

RLG/me

Copy: Kemard E. Redmond, ESQ. ✓

Sincerely,

Robert L. Gailliard

AMENDED

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions

Roger E. Henderson, Circuit Court Judge

Case No. 2005-GS-16-1969

The State,

Respondent,

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March 9, 2022

s/ Robert L. Gailliard
 Robert L. Gailliard
 SC Bar # 2284
 122 Caryota Lane
 Summerville, South Carolina 29486
 (843) 925-7521
 Attorney for Appellant

Other Counsel of Record:
 Kernard E. Redmond
 Deputy Solicitor
 Post Office Box 616
 Bennettsville, South Carolina 29512
 Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions

Roger E. Henderson, Circuit Court Judge

Case No. 2005-GS-16-1969/Appellate Case No. 2022-
000280

The State,

Respondent,

v.

Angelo Ham,

Appellant.

PROOF OF SERVICE

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March 28, 2022

s/Robert L. Gailliard

SC Bar # 2284

122 Caryota Lane

Summerville SC

29486

Robert L Gailliard

SC Bar # 2284

122 Caryota Lane

Summerville, SC 29486

(843) 925-7521

Attorney for Appellant

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

MAY 26 2022

SC Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions

Roger E. Henderson, Circuit Court Judge

Case No. 2005-GS-16-1969/Appellate Case No. 2022-
000280

The State,

Respondent,

v.

Angelo Ham,

Appellant.

PROOF OF SERVICE

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Bennettsville
March 28, 2022

*Re-Sent
April 7, 2022*

s/Robert L. Gailliard
Robert L Gailliard
SC Bar # 2284
122 Caryota Lane
Summerville, SC 29486
(843) 925-7521
Attorney for Appellant

State of South Carolina
Office of the Solicitor – Fourth Judicial Circuit

105 Green St. & 207 W. Main St.
PO Box 594
Chesterfield, South Carolina 29709
Telephone: (843) 479-6516

1033 Old Latta Hwy, Suite C
PO Box 868
Dillon, South Carolina 29536
Telephone: (843) 774-1448

info@solicitor4.com



WILLIAM B. ROGERS, JR.
Solicitor

207 W. Main Street
PO Box 616
Bennettsville, South Carolina 29512
Telephone: (843) 479-6516

1 Public Square
Room 410
Darlington, South Carolina 29532
Telephone: (843) 398-4300

www.solicitor4.com

May 23, 2022

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. Angelo Ham
Appellate Case No.: 2022-000280

Dear Madame Clerk,

Enclosed please find the State's Response to the Appellant's Motion to Recall Remittitur.

Sincerely,

Kernard E. Redmond
Deputy Solicitor

RECEIVED
MAY 26 2022
SC Court of Appeals



WILLIAM B. ROGERS, Jr., Solicitor

Fourth Judicial Circuit

137 MAIN STREET

P.O. BOX 594

CHESTERFIELD, SOUTH CAROLINA 29709

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MAY 26 2022

SC Court of Appeals

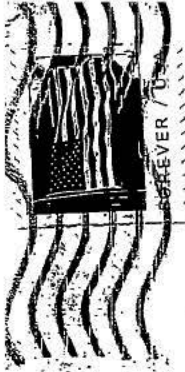
S.C. Court of Appeals

P.O. Box 11629

Columbia, SC 29211

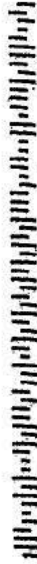
CHARLOTTE NC 280

24 MAY 2022 PM 4 L



571

29211-162929



The South Carolina Court of Appeals

The State, Respondent,

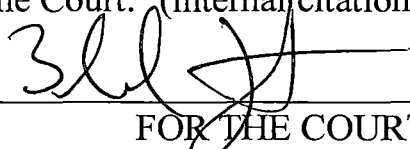
v.

Angelo Ham, Appellant.

Appellate Case No. 2022-000280

ORDER

This appeal was dismissed on April 6, 2022, because Appellant failed to file a timely proof of service pursuant to Rule 203(b)(2), SCACR. The remittitur was sent on April 28, 2022. The same day, Appellant filed a motion to recall the remittitur. Appellant has still failed to file a proof of service showing service on Respondent within ten (10) days of Appellant's receipt of written notice of entry of the order. Accordingly, this court still lacks jurisdiction over this appeal and the motion is denied. *See Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."); *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) ("When the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter. The only exception to this rule is when the remittitur is sent down by mistake, error or inadvertence of the Court." (internal citations omitted)).



FOR THE COURT

Columbia, South Carolina

cc:

Robert Lee Gailliard, Esquire
Kernard Edward Redmond, Esquire
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
The Honorable Scott B. Suggs

FILED

Jun 02 2022

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF)

Darlington)Angelo Ham, #315014)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

22CP160347

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - 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 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 McCormick Correctional Institution
2. Name and location of Court which imposed sentence Darlington County
3. Name(s) of co-defendant(s) (if any) Anthony Robinson & Dennis Hunter
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 05GS16-1969 ("MURDER")
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) MARCH 3, 2022
 - (b) _____

FILED
 2022 APR 26 P 12:59
 CLERK OF COURT, S.C.
 DARLINGTON COUNTY, S.C.

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. Supreme Court
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. rejected
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. MARCH 18, 2022
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) INEFFECTIVE ASSISTANCE OF COUNSEL FOR FAILING TO
 (b) FILE APPEAL IN Aiken v. BYARS RESENTENCING HEARING
 (c) _____

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

- (a) TRIAL COUNSEL DID NOT PERFECT MY APPEAL. HE
 (b) DID NOT SERVE THE SOLICITOR AND AS A RESULT
 (c) THE COURT REJECTED MY NOTICE OF APPEAL.

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

- (a) any petition in a State Court under South Carolina Law? ✓
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? ✓
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? ✓
 (d) any other petitions, motions or applications in this or any other Court? _____

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

(a) the specific nature thereof:

- i. DIRECT APPEAL
 ii. WRIT OF CERTIORARI
 iii. PCR
 iv. HABEAS CORPUS

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

- i. S.C. COURT OF APPEALS
 ii. S.C. SUPREME COURT
 iii. DARLINGTON COUNTY CLERK OF COURT
 iv. U.S. DISTRICT COURT; U.S. COURT OF APPEALS; U.S. SUPREME COURT

(c) the disposition thereof:

- i. DISMISSED
 ii. DISMISSED
 iii. DISMISSED

- iv. dismissed
- (d) the date of each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____

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

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

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

no

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

(a) which grounds have been presented:

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

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

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

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

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

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

- (a) your arraignment and plea? _____
- (b) your trial, if any? _____
- (c) your sentencing? ☒ _____
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

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

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

- i. Robert Gaillard
- ii. _____
- iii. _____

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

- i. Aiken v. Byars Resentencing Hearing
- ii. _____
- iii. _____

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

White v. State belated Appeal

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

N/A

22CP160347

STATE OF SOUTH CAROLINA)

VERIFICATION

County of)

I, _____, 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.

SWORN to and subscribed before me this 21st
day of April, 2 2022
Lakisha D. Gray (L.S.)
Notary Public

My Commission Expires: 01/13/30



2022 APR 26 P 12:59
COTTE, SUESS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

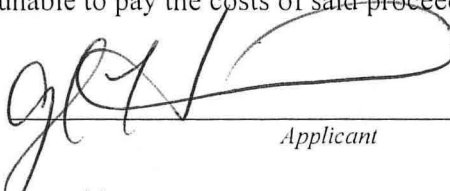
FILED

22CP160347

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

I, Angelo Ham, 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.



Applicant

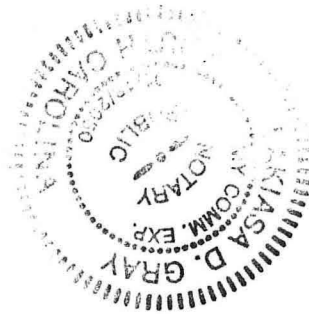
SWORN or affirmed to and subscribed before me this

21st day of April, 2000

Salvador D. Gray

Notary Public

My Commission Expires: 01/13/30



FILED
2002 APR 26 P 12:59
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

Angelo Ham, #315014,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FOURTH JUDICIAL CIRCUIT

Case No. 2022-CP-16-0347

RETURN

NOW COMES Respondent, making its return to the post-conviction relief (hereafter "PCR") application filed on April 26, 2022, by Angelo Ham (hereafter "Applicant"). Respondent respectfully offers the following in support of its return:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Darlington County Clerk of Court. During its October 2005 term, the Darlington County Grand Jury indicted Applicant for murder (2005-GS-16-1969), armed robbery (2005-GS-16-1970), and criminal conspiracy (2005-GS-16-1971). Applicant was represented by Henry M. Anderson, Jr., Esquire. On April 17, 2006, Applicant pled guilty to all three charges before the Honorable John M. Milling, circuit court judge. On April 17, 2006, he was sentenced to five years' imprisonment for criminal conspiracy. On September 14, 2007, Applicant was sentenced to life imprisonment for murder and twenty-five years' imprisonment for armed robbery. Applicant filed a notice of appeal on September 19, 2007. Applicant withdrew the direct appeal. An order of dismissal and remittitur was filed on June 9, 2008.

First PCR Action: (2007-CP-16-0811)

Applicant filed his first PCR application on September 11, 2007. Respondent filed its

return and partial motion to dismiss on November 1, 2007. Applicant was represented by Charles T. Brooks, III, Esquire. A hearing was scheduled for October 15, 2008, where the application was withdrawn with prejudice.

Second PCR Action: (2008-CP-16-1006)

Applicant subsequently filed his second PCR application on November 21, 2008. Respondent made its return on February 25, 2009. An evidentiary hearing into the matter was convened on September 13, 2010, at the Darlington County Courthouse. Applicant was present at the hearing and was represented by Gary I. Finklea, Esquire. Karen C. Ratigan, Esquire, of the South Carolina Attorney General's Office, represented Respondent. On December 7, 2010, the Honorable Thomas A. Russo issued the order of dismissal denying Applicant's PCR application. Applicant filed a *pro se* motion for relief from judgement under Rule 60(b)(5) on December 27, 2013, which was denied by written order filed May 16, 2014.

A notice of appeal was made on May 31, 2011. On September 21, 2011, Robert M. Pachak, Esquire filed a petition for writ of certiorari in the Supreme Court of South Carolina on behalf of Applicant, pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988). On March 11, 2014, by written order the South Carolina Court of Appeals denied the petition. The remittitur was issued on March 27, 2014.

Third PCR Action: (2013-CP-16-0248)

Applicant subsequently filed his third PCR application, through Counsel Elizabeth Franklin-Best, Esquire, on March 20, 2013. Respondent made its return and motion to dismiss on May 14, 2013, amended on March 10, 2016. A conditional order of dismissal was signed by the Honorable J. Michael Baxley, circuit court judge, on May 23, 2013. An amended conditional order was signed by the Honorable Roger E. Henderson, circuit court judge, on March 16, 2016.

Judge Henderson signed the final order of dismissal on March 3, 2017.

Fourth PCR Action: (2014-CP-16-0202)

Applicant filed his fourth PCR application on March 18, 2014. Respondent made its return and motion to dismiss on March 10, 2015. On March 16, 2016, the Honorable Roger E. Henderson, circuit court judge, signed the conditional order of dismissal. The final order of dismissal was signed by Judge Henderson on February 3, 2017. Applicant made a motion for reconsideration pursuant to Rule 59(e), SCRCF, which was denied by Judge Henderson through order filed May 8, 2017.

Applicant made a notice of appeal and Rule 243 explanation on October 23, 2017. A *pro se* petition for writ of certiorari and appendix was made on November 29, 2017. An order dismissing the appeal was made on January 18, 2018. The remittitur was issued on February 5, 2018.

Prior Habeas Corpus Action: (6:18-cv-290-JMC-KFM)

Applicant filed a *pro se* petition for writ of habeas corpus under 28 United States Code Section 2254 on March 12, 2018. Respondent filed its return and motion for summary judgment on December 21, 2018. On July 23, 2019, the report and recommendation that Respondent's motion for summary judgment be granted and Applicant's petition be denied was issued.

On August 23, 2019, the Court Judge adopted the Magistrate's report and recommendation granting Respondent's motion for summary judgement and dismissed Applicant's petition. *Ham v. Warden Williams*, Case No. 6:18-cv-00290-JMC (D.S.C. filed Aug. 23, 2019).

A notice of appeal was made on September 10, 2019. The matter was dismissed on January 24, 2020. The order on appealability certificate was issued on January 24, 2020, and the

mandate was issued on April 7, 2020.

Re-Sentencing and Appeal: (2005-GS-16-1969; 2022-000280)

Applicant had a re-sentencing hearing pursuant to *Aiken v. Byers* on March 3, 2022, before Judge Henderson. He was represented by Robert L. Gailliard, Esquire. Applicant's initial sentence was not affected. He appealed from this re-sentencing, on March 10, 2022. The matter was transferred from the South Carolina Supreme Court to the South Carolina Court of Appeals. The appeal was dismissed on April 6, 2022, for failure to file a timely proof of service. The remittitur was sent on April 28, 2022. Applicant moved to recall the remittitur, which was denied on June 2, 2022.

II. Current Action before the Court

In his *pro se* PCR application, Applicant alleges he is detained unlawfully for the following reasons (excerpts verbatim):

1. Ineffective assistance of counsel

Attached to and incorporated herein are Applicant's Darlington County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, prior direct appeal, PCR, PCR appeals, and habeas corpus action records, and the current PCR application. Respondent reserves the right to amend this return upon receipt of additional relevant information.

III. Allegation that Applicant is Entitled to Belated Appellate Review Pursuant to *White*¹

Applicant alleges he was denied his right to a direct appeal based on ineffective

¹ *White v. State*, 263 S.C. 110, 119, 108 S.E.2d 35, 39 (1974).

assistance of counsel. Because this allegation presumably raises questions of fact not conclusively refuted by the record, Respondent requests an evidentiary hearing solely on this issue. If the Applicant prevails on his ineffective assistance of counsel for failure to file an appeal allegation and establishes he did not timely file this current application because of ineffective assistance of counsel, Respondent requests an evidentiary hearing to address the remaining issues raised in the PCR application. *See Toney v. State*, Op. No. 2019-MO-006 (S.C. filed February 6, 2019) (where a PCR applicant has established he did not knowingly and voluntarily waive his right to a direct appeal, the applicant is entitled to a full evidentiary hearing on the merits of his application).

If this Court finds Applicant was denied his right to a direct appeal, Respondent maintains that Applicant's remaining allegations of ineffective assistance of counsel lack merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

The two-pronged test outlined in *Strickland v. Washington* governs ineffective assistance of counsel claims. 466 U.S. 668 (1984). First, the applicant must prove that counsel's performance was deficient. *Id.*; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The court determines deficiency of an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is if the attorney provided representation

within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel’s deficient performance must have prejudiced the applicant so 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. Respondent contends Applicant cannot meet his burden; however, the ineffective assistance of counsel allegations probably raise questions of fact the record does not conclusively refute. Accordingly, if this Court find Applicant was denied his right to a direct appeal and is entitled to equitable tolling of the statute of limitations, Respondent requests an evidentiary hearing to fully resolve this issue. *Sharper v. State*, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV. Other Allegations Denied

Each and every other allegation in Applicant’s PCR application not explicitly admitted, qualified, or explained in this return is hereby denied by Respondent.

V. Assertion of Rights to Notice of Amendments, Experts

Applicant should raise any claims he intends to raise at the PCR evidentiary hearing well in advance of the hearing. Here, Applicant’s court-appointed attorney is the only individual authorized to file amendments to this application, given his representative capacity, Rule 11(a), SCRCP and *pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing is a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (“Since there is no

right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.”).

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent or, in the alternative, continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases.”); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) (“When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record.”); *see also* Rules 15(a)-(b), SCRCF (explaining how to amend a pleading). Pursuant to Section 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless the Court grants leave upon good cause shown. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits withheld until the last minute resulting in undue prejudice to Respondent.

VI. Conclusion

WHEREFORE, Respondent requests an evidentiary hearing be held concerning ineffective assistance of *Aiken v. Byers* counsel.

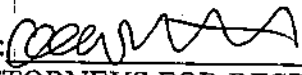
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-0386

February 6, 2023

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON,

IN THE COURT OF COMMON PLEAS

2022-CP-16-0347

Angelo Ham, #315014

Applicant,

vs

State of South Carolina,

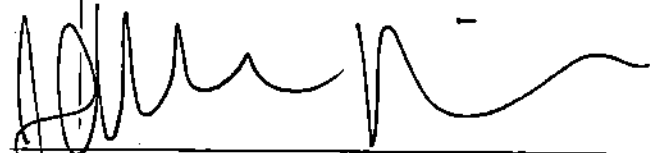
Respondent,

CERTIFICATE OF SERVICE BY MAIL

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 and Motion for a More Definite Statement in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Steven W. Fowler, Esquire
730 Main Street Unit # 237
North Myrtle Beach, SC 29582

DATED this 6th day of February, 2023.



JORDAN HICKMAN
Legal Assistant For Respondent

FILED
2023 FEB - 8 A 11:47
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

WITNESSES

Jackson

DCSD



ARREST WARRANT #:

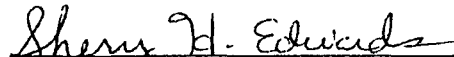
H850102

Arrested on July 20, 2005

ACTION OF GRAND JURY

True Bill

Foreman:


Grand Jury**OCT 20 2005**

VERDICT

Foreman:

Petit Jury

Date:

DOCKET #: 05GS16-1969

THE STATE OF SOUTH CAROLINA

County of Darlington

COURT OF GENERAL SESSIONS

Term: October, 2005

THE STATE

vs.

Angelo Ham

I N D I C T M E N T F O R

0116

MURDER

16-3-10

212

STATE OF SOUTH CAROLINA)
County of Darlington)

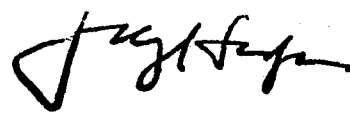
INDICTMENT #05GS16-1969

At a Court of General Sessions, convened on October 24, 2005
the Grand Jurors of Darlington County present upon their oath:

COUNT: MURDER
16-3-10

That Angelo Ham in the County of Darlington on or about September 09, 2004,
along with co-defendants, feloniously, wilfully and with malice and
aforethought, kill one Richard Griggs by means of shooting him with a .22
Caliber Pistol and that the said Richard Griggs did die in Darlington County as
a proximate result thereof.

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

SOLICITOR: 

TRUE CERTIFIED COPY,



CLERK OF COURT/ RMC
DARLINGTON COUNTY, S.C.

WITNESSES

Jackson

DCSD



ARREST WARRANT #:

H850101

Arrested on July 20, 2005

ACTION OF GRAND JURY

True BillForeman: Sherry H. Edwards
Grand Jury**OCT 20 2005**

VERDICT

Foreman: _____
Petit Jury

Date: _____

DOCKET #: 05GS16-1970

THE STATE OF SOUTH CAROLINA

County of Darlington

COURT OF GENERAL SESSIONS

Term: October, 2005

THE STATE

vs.

Angelo Ham

I N D I C T M E N T F O R

0139

ARMED ROBBERY

16-11-330 (A)

INDICTMENT #05GS16-1970

COUNT: ARMED ROBBERY
 16-11-330 (A)

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

SOLICITOR:

TRUE CERTIFIED COPY,
Mark B. Suggs
 CLERK OF COURT/RMC
 ARRLINGTON COUNTY, S.C.

WITNESSES

Jackson

DCSD



ARREST WARRANT #:

H850100

Arrested on July 20, 2005

ACTION OF GRAND JURY

True Bill

Foreman:

Sherry H. Edwards
Grand Jury

OCT 20 2005

VERDICT

Foreman:

Petite Jury

Date:

DOCKET #: 05GS16-1971

THE STATE OF SOUTH CAROLINA

County of Darlington

COURT OF GENERAL SESSIONS

Term: October, 2005

THE STATE

vs.

Angelo Ham

INDICTMENT FOR

0049

CONSPIRACY/CRIMINAL CONSPIRACY

(16-17-410)

TRUE CERTIFIED COPY,
Steph B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

216

STATE OF SOUTH CAROLINA)
County of Darlington)

INDICTMENT #05GS16-1971

At a Court of General Sessions, convened on October 24, 2005
the Grand Jurors of Darlington County present upon their oath:

COUNT: CONSPIRACY/CRIMINAL CONSPIRACY
(16-17-410)

That Angelo Ham in the County of Darlington on or about September 09, 2004,
violate Section 16-17-410 of the Code of Laws of South Carolina (1976), as
amended, in that he did unlawfully, willfully, knowingly, wickedly and
feloniously unite, combine, conspire, confederate, agree between and among and
have tacit understanding with each other and with divers other persons whose
names are unknown to the Grand Jurors for the purpose of committing the crime of
Armed Robbery.

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

SOLICITOR: 

TRUE CERTIFIED COPY,
John B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
COUNTY OF DARLINGTON	)	2022-CP-16-00347
	)	
	)	
	)	
	)	
Angelo Ham	)	TRANSCRIPT OF RECORD
vs.	)	
State Of South Carolina	)	
	)	Darlington South Carolina
<u>DEFENDANT</u>	)	March 4, 2024

B E F O R E:

THE HONORABLE GEORGE M. MCFADDEN, JR.

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

STEVEN W. FOWLER, ESQUIRE
Attorney for the Applicant

D. RUSSELL BARLOW, II, ASSISTANT ATTORNEY GENERAL
Attorney for the Respondent

KESHIA REED
Official Court Reporter

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I N D E XWITNESSDIRECTCROSSREDIRECTRECROSS

Robert L. Gailliard

Mr. Barlow

7

Certificate of Reporter 10

1 MR. BARLOW: Judge, we'll let some of the family
2 standing there at the door.

3 THE COURT: All right. Whenever you're ready.

4 MR. BARLOW: Thank you, your Honor. May it
5 please the Court. Russ Barlow on behalf of the State of
6 South Carolina. This is the matter of Angelo Ham vs. The
7 State, case number 2022-CP-16-0347 out of Darlington
8 County. During its October 2005 term, the Darlington
9 County grand jury indicted applicant for murder
10 2005-GS-16-1969, armed robbery 2005-GS-16-1970 and
11 criminal conspiracy 2005-GS-16-1971. Applicant was
12 represented by Mr. Henry M. Anderson, Jr. And on April
13 17th 2006, applicant pled guilty to all three charges
14 before the Honorable John M. Milling. On April 17th of
15 2006, he was sentenced to five years imprisonment for
16 criminal conspiracy. And on September 14th 2007, he was
17 sentence to life imprisonment for murder, and 25 years
18 imprisonment for armed robbery.

19 Applicant filed a timely notice of appeal on
20 September 19th 2007, and to which applicant actually
21 withdrew that direct appeal and the order of dismissal and
22 remittitur was returned on June 9th 2008. Your Honor, he
23 had his first PCR action in -- filed on September 11th
24 2007. There was a hearing on that for October 15th 2008.
25 He withdrew that application with prejudice.

1 His second PCR action file on November 21st
2 2008. And, your Honor, on December 7th 2010 the Honorable
3 Thomas A. Russo issued the order of dismissal denying
4 applicant's PCR application to which he filed a pro-se
5 motion for relief under Rule 60(b)(5). And it was denied
6 by written order on May 16th 2014. He filed a notice of
7 appeal on May 31st 2011.

8 And on September 21st 2011 Robert M. Pachak
9 filed petition for writ in the Supreme Court of South
10 Carolina pursuant to Johnson v. State. And on March 11th
11 2014 by written order the South Carolina Court of Appeals
12 denied the petition remittitur was returned March 27th
13 2014.

14 Filed his third PCR application on March 20th
15 2013 amended on March 10th 2016. Conditional order of
16 dismissal was issued by Honorable J. Michael Baxley on
17 May 23rd 2013. The amended conditional order was signed
18 by the Honorable Roger E. Henderson on March 16th 2016.
19 And Judge Henderson issued the final order of dismissal on
20 March 3rd 2017. His fourth PCR application was filed on
21 March 18th 2014, returned motion to dismiss filed on
22 March 10th 2015.

23 On March 16th 2016, the Honorable Roger E.
24 Henderson signed an order of dismissal. And the final
25 order of dismissal was signed February 3rd 2017.

1 Applicant moved for reconsideration pursuant to Rule 59(e)
2 South Carolina Rules of Civil Procedure, which was denied
3 by Judge Henderson May 8th 2017.

4 Applicant filed a notice of appeal and Rule 243
5 explanation on October 23rd 2017. Also filed a pro-se
6 petition for writ and appendix on November 29th 2017. An
7 order dismissing the appeal was issued on January 18th
8 2018 remittitur returned February 5th of 2018.

9 Applicant also filed a habeas corpus action on
10 March 12th 2018 pursuant to code 28 United States District
11 Court Section 2254. And on July 23rd of 2019 report
12 recommendation was issued, that the respondent's motion
13 for summary judgment be granted and the applicant's
14 petition be denied on August 23rd of 2019.

15 The district court judge adopted the
16 magistrate's report recommendation and granted the motion
17 for summary judgment, dismissed the petition, that's Hamby
18 (sic). Warden Williams case number 618CV00290JMC filed
19 August 23rd 2019. Filed a notice of appeal on
20 September 10th of 2019, that matter was dismissed on
21 January 24th 2020. And the order on appealability and
22 certificate was issued on January 24th 2020. And the
23 mandate was issued on April 7th 2022.

24 Your Honor, in March 3rd of 2022 pursuant to
25 Aiken v. Byars, applicant appeared before the Honorable

1 Judge Henderson and for a resentencing hearing. And he
2 was represented by Robert L. Gailliard, Esquire. And
3 applicant's initial sentence after the hearing was not
4 affected. He appealed from his resentencing on March 10th
5 2022. The matter was transferred from the South Carolina
6 Supreme Court to the Court of Appeals. The appeal was
7 dismissed on April 6th 2022 for failure to file a timely
8 proof of service. Remittitur was returned on April 28th
9 of 2022. Applicant then moved to recall remittitur, which
10 was denied on June 2nd 2022. And your Honor the current
11 action before this court is an application for PCR for --
12 he is alleging that he's entitled to belated appellate
13 review and that his counsel was ineffective for failing to
14 file a timely proof of service. And that is the history
15 Your Honor and why we are here.

16 THE COURT: Mr. Fowler.

17 MR. FOWLER: Yes, sir, your Honor. I've spoken
18 with my client several times on this. I spoke with him
19 earlier this morning. You know, we'll be more than happy
20 to take the stand if needed unless there's some kind of an
21 agreement or position that the attorney general wishes to
22 take at this time.

23 THE COURT: Mr. Barlow.

24 MR. BARLOW: Your Honor, the only thing that we
25 would ask is -- well, the State will be calling Mr.

1 Gailliard just to ask him a few questions regarding
2 that -- the notice and proof of service and depending on
3 his testimony is where we'll be positioned.

4 THE COURT: Okay. Is Mr. Gailliard here?

5 MR. BARLOW: He is your Honor.

6 THE COURT: All right, I'm ready.

7 MR. FOWLER: And your Honor usually our side
8 goes first on these PCR matters, but he's calling the
9 attorney just for the limited scope of the motion.

10 MR. BARLOW: Call Mr. Robert Gailliard.

11 THE CLERK: Raise your right hand. Do you swear
12 or affirm the testimony you give today is the truth, the
13 whole truth, and nothing but the truth so help you God?

14 THE WITNESS: I so affirm.

15 THE COURT: Proceed, sir.

16 MR. BARLOW: Thank you, your Honor.

17 WHEREUPON,

18 Robert L. Gailliard,
19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BARLOW:

22 Q Good morning, Mr. Gailliard.

23 A Good morning.

24 Q Thank you for being here. Sir, did you represent Mr.
25 Ham in his resentencing hearing on March 3rd 2022?

1 A I did.

2 Q Okay. And, sir, did you file the notice of appeal?

3 A I did.

4 Q Okay. And did you fail to timely file that proof of
5 service with the court?

6 A That's correct. I failed to file the proof of
7 service show that the Solicitor was notified of the
8 appeal, so I did fail in doing that.

9 Q Thank you.

10 MR. BARLOW: Your Honor, no further questions
11 from the State.

12 THE COURT: Mr. Fowler.

13 MR. FOWLER: Your Honor, after conferring with
14 my client, I have no questions at this time.

15 THE COURT: You may step down, sir.

16 (WHEREUPON, the witness leaves the witness
17 stand.)

18 THE WITNESS: Your Honor, may I be excused?

19 THE COURT: Hold on a second.

20 MR. BARLOW: He can be excused from the stand.

21 Your Honor, from his own testimony your Honor that he
22 failed to timely serve the notice of appeal on the
23 Solicitor's office, your Honor the State would consent to
24 a belated appeal of his resentencing hearing pursuant to
25 White v. State, that's 263 SC 110.

1 THE COURT: Yes, sir. Mr. Fowler, anything from
2 you, sir.

3 MR. FOWLER: If I may have a moment.

4 (WHEREUPON, a pause in the proceedings.)

5 MR. FOWLER: Your Honor, after speaking with my
6 client, he is agreeable to that and ask for acceptance.

7 THE COURT: Well, the path I'm led down is
8 fairly direct and easy to follow here, so I will grant the
9 motion. Obviously, he remains in custody as this
10 progresses.

11 MR. FOWLER: And the State will prepare the
12 order, correct?

13 MR. BARLOW: Yes, sir.

14 THE COURT: Thank you all.

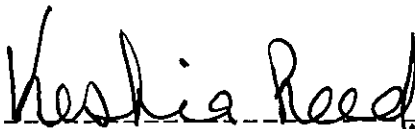
15 END OF REQUESTED TRANSCRIPT
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 10, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of Common Pleas for Darlington County, South Carolina, on the 4th day of March, 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 6th day of June 2024.


Keshia Reed, Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

Angelo Ham, #315014,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOURTH JUDICIAL CIRCUIT
)

) CASE NO. 2022–CP–16–0347
)

) **ORDER GRANTING RELIEF**
) **PURSUANT TO WHITE V. STATE**
) **AND ORDER OF DISMISSAL**
)

Presiding Judge:	Hon. George M. McFaddin, Jr.
Applicant's Attorney:	Steven W. Fowler, Esq.
Respondent's Attorney:	D. Russell Barlow, II, Esq.
Trial Counsel:	Robert L. Gailliard, Esq.
Date of Hearing:	March 4, 2024
Court Reporter:	Keshia T. Reed

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Angelo B. Ham (Applicant) on April 26, 2022. Respondent, the State of South Carolina, filed its Return on February 8, 2023, requesting an evidentiary hearing.

A hearing into the matter convened on March 4, 2024, before the Honorable George M. McFaddin, Jr. at the Darlington County Courthouse. Applicant was present and represented by Steven W. Fowler, Esquire. Assistant Attorney General D. Russell Barlow, II, represented the Respondent. This Court had before it a copy of the Darlington County Clerk of Court records regarding the subject's convictions; a copy the trial transcript; a copy of the resentencing transcript; a copy of the previous PCR records; and the records of the current PCR action.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Darlington County Clerk of Court. During its October 2005

term, the Darlington County Grand Jury indicted Applicant for murder (2005-GS-16-1969), armed robbery (2005-GS-16-1970), and criminal conspiracy (2005-GS-16-1971). Applicant was represented by Henry M. Anderson, Jr., Esquire.

On April 17, 2006, Applicant pled guilty to all three charges before the Honorable John M. Milling, circuit court judge. On April 17, 2006, he was sentenced to five years' imprisonment for criminal conspiracy. On September 14, 2007, Applicant was sentenced to life imprisonment for murder and twenty-five (25) years' imprisonment for armed robbery. Applicant filed a notice of appeal on September 19, 2007. Applicant withdrew the direct appeal. An order of dismissal and Remittitur was filed on June 9, 2008.

FIRST PCR ACTION: 2007-CP-16-0811

Applicant filed his first PCR application on September 11, 2007. Respondent filed its return and partial motion to dismiss on November 1, 2007. Applicant was represented by Charles T. Brooks, III, Esquire. A hearing was scheduled for October 15, 2008, where the application was withdrawn with prejudice.

SECOND PCR ACTION: 2008-CP-16-1006

Applicant subsequently filed his second PCR application on November 21, 2008. Respondent made its return on February 25, 2009. An evidentiary hearing into the matter was convened on September 13, 2010, at the Darlington County Courthouse. Applicant was present at the hearing and was represented by Gary I. Finklea, Esquire. Karen C. Ratigan, Esquire, of the South Carolina Attorney General's Office, represented Respondent. On December 7, 2010, the Honorable Thomas A. Russo issued the order of dismissal denying Applicant's PCR application. Applicant filed a *pro se* motion for relief from judgement under Rule 60(b)(5) on December 27, 2013, which was denied by written order filed May 16, 2014.

A notice of appeal was filed on May 31, 2011. On September 21, 2011, Robert M. Pachak, Esquire, filed a petition for *writ of certiorari* in the Supreme Court of South Carolina on behalf of Applicant, pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). On March 11, 2014, by written order, the South Carolina Court of Appeals denied the petition. The Remittitur was returned to the circuit court on March 27, 2014.

THIRD PCR ACTION: 2013-CP-16-0248

Applicant subsequently filed his *third* PCR application, through Counsel Elizabeth Franklin-Best, Esquire, on March 20, 2013. Respondent made its return and motion to dismiss on May 14, 2013, amended on March 10, 2016. A conditional order of dismissal was signed by the Honorable J. Michael Baxley, circuit court judge, on May 23, 2013. An amended conditional order was signed by the Honorable Roger E. Henderson, circuit court judge, on March 16, 2016. Judge Henderson signed the final order of dismissal on March 3, 2017.

FOURTH PCR ACTION: 2014-CP-16-0202

Applicant filed his *fourth* PCR application on March 18, 2014. Respondent made its return and motion to dismiss on March 10, 2015. On March 16, 2016, the Honorable Roger E. Henderson, circuit court judge, signed the conditional order of dismissal. The final order of dismissal was signed by Judge Henderson on February 3, 2017. Applicant made a motion for reconsideration pursuant to Rule 59(e), SCRPC, which was denied by Judge Henderson through order filed May 8, 2017.

Applicant filed a notice of appeal and Rule 243 explanation on October 23, 2017. A *pro se* petition for *writ of certiorari* and appendix was made on November 29, 2017. An order dismissing the appeal was made on January 18, 2018. The Remittitur was returned to the circuit court on February 5, 2018.

PRIOR HABEAS CORPUS ACTION: 6:18-cv-290-JMC-KFM

Applicant filed a *pro se* petition for writ of habeas corpus under 28 United States Code § 2254 on March 12, 2018. Respondent filed its return and motion for summary judgment on December 21, 2018. On July 23, 2019, the report and recommendation that Respondent's motion for summary judgment be granted and Applicant's petition be denied was issued.

On August 23, 2019, the United States District Judge adopted the Magistrate's report and recommendation granting Respondent's motion for summary judgment and dismissed Applicant's petition. Ham v. Warden Williams, Case No. 6:18-cv-00290-JMC (D.S.C. filed Aug. 23, 2019).

A notice of appeal was made on September 10, 2019. The matter was dismissed on January 24, 2020. The order on appealability certificate was issued on January 24, 2020, and the mandate was issued on April 7, 2020.

RE-SENTENCING AND APPEAL: 2005-GS-16-1969; 2022-000280

Applicant had a re-sentencing hearing pursuant to Aiken v. Byers on March 3, 2022, before the Honorable Robert E. Henderson. He was represented by Robert L. Gailliard, Esquire (Counsel Gailliard). Applicant's initial sentence was not affected. He appealed from this re-sentencing on March 10, 2022. The matter was transferred from the South Carolina Supreme Court to the South Carolina Court of Appeals. The appeal was dismissed on April 6, 2022, for failure to file a timely proof of service. The Remittitur was returned to the circuit court on April 28, 2022. Applicant moved to recall the Remittitur, which was denied on June 2, 2022.

CURRENT ACTION BEFORE THE COURT

Applicant alleges he was denied his right to a direct appeal based on ineffective assistance of counsel.

RESPONDENT'S CONSENT TO WHITE¹ CLAIM

At the hearing, Applicant's Counsel indicated they were moving forward on the White claim only as this was the only claim raised in the PCR application. Counsel Gailliard testified at the hearing that he failed to timely serve the notice of appeal on the Solicitor's Office, and the appeal was dismissed. After this testimony, Respondent conceded that Applicant did not knowingly, intelligently, and voluntarily waive his right to direct appeal of his resentencing hearing. Accordingly, this Court grants Applicant relief pursuant to White v. State for appellate review of the resentencing hearing affirming his sentence on March 3, 2022. (2005-GS-16-1969, -1970, -1971).

CONCLUSION

This Court finds that Applicant did not knowingly and intelligently waive his right to a direct appeal and, as such, he may petition the Supreme Court of South Carolina pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). See also Davis v. State, 388 S.C. 390, 342 S.E.2d 60 (1986) (setting forth procedures for a White appeal, prohibiting other forms of relief on this basis). This Court notes that Applicant did not raise any other allegations in his pleadings or at this hearing. Therefore, the Court finds it is appropriate to dismiss the PCR application, except for the White claim, with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from his attorney's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking appellate review. Rule 71.1(g), SCRCRCP, provides that if Applicant wishes to seek appellate review, his attorney must serve and

¹ White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).

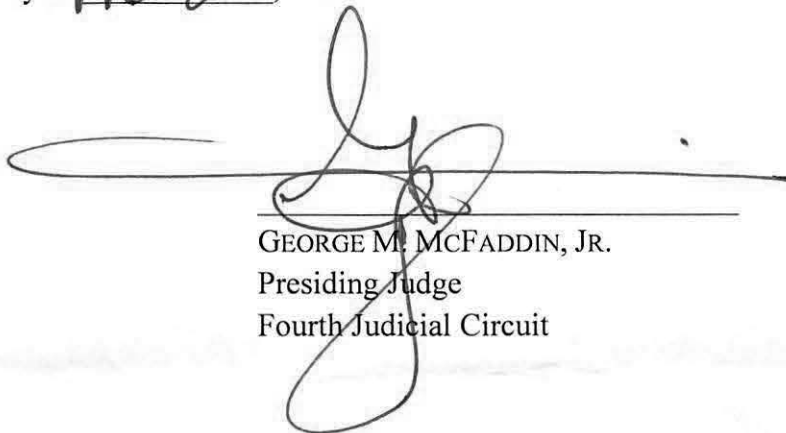
file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. Within thirty (30) days of service of this Order, counsel for Applicant must file a notice of appeal to secure the appropriate review of Applicant's resentencing on March 3, 2022. Counsel and Applicant are directed to Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986), and Rule 243(i), SCACR, for the appropriate procedure for securing appellate review; and;
2. This PCR application, except for the White claim, is dismissed with prejudice; and
3. Applicant shall remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 15th day of March, 2024.

Smith, South Carolina


 GEORGE M. MCFADDIN, JR.
 Presiding Judge
 Fourth Judicial Circuit

315014 EM
Max 07

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Darlington

VS.

AKA:

Angelo Ham

Race: Sex: Age: 17

INMATE RECORDS OFFICE
2007 SEP 18 AM 9:45:45

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

GS- 16 - 1969

AW#:

Date of Offense:

S.C. Code#:

DR Code #:

4850102

9-9-2004

16-3-10

0111116

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Murderin violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0111116☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of life days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; 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: 056516-197011971☒ 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. Credit since 9/10/04☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$
\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100 \$
\$14-1-211(A)(2) (DUI Surcharge)	\$100 \$
\$56-5-2995 (DUI Assessment)	\$12 \$
\$35.13 (Public Def/Prob)	\$500 \$
\$73.3, 1B TP (Law Enforce. Funding)	\$25 \$
\$33.7, 1B TP (Drug Court Surcharge)	\$100 \$
\$50-21-114(BUI Breath Test Fee)	\$50 \$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$
TOTAL	\$128.75

SPECIAL CONDITIONS:

PTUP

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:

Free education Rebound☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 to be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date: Plead- 4/17/06Sentence 9/14/07

Court Reporter:

Clerk of Court/Deputy Clerk

Hattie Gordon

INMATE RECORDS OFFICE
2007 SEP 18 AM 9:485

IN THE COURT OF GENERAL SESSIONS

315014 EM
Max 07

STATE OF SOUTH CAROLINA

COUNTY OF Darlington
STATE VS.

AKA: Angelo Ham

INDICTMENT/CASE#:

-GS- 16 - 1970

A/W#: H 850101

Date of Offense: 9-9-04

Code #: 16-11-330(A)

Code #: 0 1 1 3 1 9

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

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

TO: Armed Robbery

in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 1 1 1

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

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

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

withhold
sentencing
(to be concurrent)

ATTEST:

[Signature]
Solicitor

Angelo Ham
Defendant

[Signature]
Attorney for Defendant

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

for a determinate term of 24 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 056516-1969 + 1971

☒ 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. Credit since 9/10/04

Sentencing deferred until after charges of 1st Degree Robbery & Robbery with a Dangerous Weapon are disposed of

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$
\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100
\$14-1-211(A)(2) (DUI Surcharge)	\$100
\$56-5-2995 (DUI Assessment)	\$12
\$35.13 (Public Def/Prob)	\$500
\$73.3, 1B TP (Law Enforce. Funding)	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100
\$50-21-114(BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$128.75

Jon Maloney
Clerk of Court/ Deputy Clerk

Court Reporter: HATTY GORDON

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:

Interest from Delinquent

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 0 1 1 1 1 9

Sentence Date: Plead - 4/17/06

Sentenced 9/4/07

[Signature]

TRUE CERTIFIED COPY

Scott B. Suggs
 CLERK OF COURT/RMC
 DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

 COUNTY OF Darlington
 STATE VS.

AKA:

INDICTMENT/CASE#:

2005 -GS- 16 - 1971

A/W#:

H 850100

Date of Offense:

9-9-04

C. Code §:

16-17-410

DR Code #:

0 10 1 4 19

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALas ☐ CONVICTED OF or ☒ PLEADSTO: Conspiracyin violation of §16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0 10 1 4 19☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State. 5 yrs

ATTEST:

[Signature]
Solicitor[Signature]
Defendant[Signature]
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 056516-1970 + 1969☒ 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. credit since 9/10/04

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$	
\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>2</u>
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$35.13 (Public Def/Prob)	\$500	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$ <u>2</u>
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL		\$ <u>128.75</u>

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE

Judge Code:

Sentence Date:

[Signature]
4/17/06

Court Reporter:

Clerk of Court/Deputy Clerk

Hattie G. Gordon

Resentencing

615

STATE OF SOUTH CAROLINA

COUNTY OF Darlington

STATE

VS.

Angelo Ham

AKA:

Race: Black Sex: M Age: 33

DOB: -1988 SS#:

Address:

City, State, Zip:

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

22CP160347

INDICTMENT/CASE#: 05GS16-1969

A/W#: H850102

Date of Offense: 7/20/2005

S.C. Code §: 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Murder / Murder

in violation of § 16-03-0010; 16-03-00 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:

[Signature] 066583
Solicitor SC Bar #

[Signature] 1284
Attorney for Defendant SC Bar#

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

for a determinate term of Life without Parole days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served 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.

The sentence shall run

☐ 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 SCDoc. days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

2022 APR 12 P 12:19
FILED
CLERK OF COURT/R.O.
DARLINGTON COUNTY, S.C.

STATE VS.

Angelo Ham

INDICTMENT/CASE#:

05GS16-1969

SPECIAL CONDITIONS:

22CP160347

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75

☐ Appointed PD or appointed other counsel, Pravisio requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk:
Court Reporter:Christy E. Gossy
DCRPPresiding Judge:
Judge Code:
Sentence Date:

[Signature]
2754
3-3-2022