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S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

Clifton Newman, Circuit Court Judge

OMAR SINGLETON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-213561

APPENDIX

BENJAMIN JOHN TRIPP
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

MEGAN HARRIGAN
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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State of South Carolina

Court of General Sessions

County of Richland

2008-GS-40-00993 - 00994

2008-GS-40-00997 - 01001

2008-GS-40-01005 - 01006

The State of South Carolina

:

-VS-

:

TRANSCRIPT OF RECORD

:

Omar Singleton

:

April 21, 2011

Columbia, South Carolina

B E F O R E:

The Honorable Thomas W. Cooper, Judge.

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

Dan Goldberg, Esquire
Attorney for the State

James May, Esquire
Attorney for the Defendant

Daphne D. Helms
Circuit Court Reporter

Mr. Goldberg: The State calls Omar Singleton.

Omar Singleton, after being duly sworn, testified as follows:

The Court: Mr. Goldberg, what do we have?

Mr. Goldberg: May it please the Court, Your Honor? Before you is Omar Singleton with his attorney, Jim May, of the public defender's office. Mr. Singleton is before you to enter a guilty plea to one count of attempted armed robbery which carries up to 20 years, one count of, excuse me, two counts of assault and battery with intent to kill, also carrying up to 20 years, and six counts of assault with intent to kill, carrying up to ten years on each.

The State and the defendant have entered into negotiations where we have negotiated a cap of 15 years in this matter, if Your Honor will accept the plea.

The Court: Okay. Okay. All right. Mr. May, you have explained to Mr. Singleton, no doubt, the nature of these charges, the significance of his guilty plea to most serious offenses and no-parole offenses, the possible sentences he can receive, and his constitutional rights including that of a trial. Does he understand all those things as far as you know?

Mr. May: He does, Your Honor.

The Court: He indicates that he wishes to plead guilty?

Mr. May: Yes, Your Honor.

guilty plea of Omar Singleton

3

1 **The Court:** Thank you. Madam clerk, he's already under
2 oath?

3 **The Clerk:** Yes, sir.

4 **The Court:** Thank you.

5 Examination by the Court

6 **Q.** Mr. Singleton, when you plead guilty to attempted armed
7 robbery, you can get up to 20 years imprisonment. Do you
8 understand that?

9 **A.** Yes, sir.

10 **Q.** When you plead guilty to assault and battery with intent
11 to kill, you can get up to 20 years imprisonment. Do you
12 understand that?

13 **A.** Yes, sir.

14 **Q.** And there are two counts of assault and battery with
15 intent to kill. Assault and battery with intent to kill and
16 attempted armed robbery are most serious offenses in the eyes
17 of the law. That means that they're classified as most
18 serious offenses. So today you use up at least one of the
19 strikes that you have for most serious offenses, and what
20 that means is when you get out of jail, if you ever commit
21 another most serious offense, you will go to jail for the
22 rest of your life. You will never get out of jail. You'll
23 die in jail. Do you understand that?

24 **A.** Yes, sir.

25 **Q.** For assault with intent to kill, you can get up to 10

1 years imprisonment on each of those six counts. Do you
2 understand that?

3 A. Yes, sir.

4 Q. When you enter these pleas -- excuse me. On the
5 attempted armed robbery and the assault and battery with
6 intent to kill charges, whatever sentence you get, you have
7 to serve at least 85 percent of it before you'll even be
8 considered to be released into the community. Do you
9 understand that?

10 A. Yes, sir.

11 Q. When you enter these pleas, Mr. Singleton, you have to
12 give up certain important constitutional rights. You have to
13 give up your right, first of all, to remain silent. That is
14 your right to say nothing at all. Under our law nobody can
15 make you testify against yourself. Nobody can force you to
16 admit that you're guilty of a charge, but if you plead
17 guilty, you have to tell me you're guilty. You give up your
18 right to remain silent. Do you understand that?

19 A. Yes, sir.

20 Q. You have a right to a jury trial, to let a jury decide
21 whether you're guilty of the charge or not, and you don't
22 have to try to convince a jury that you're not guilty. The
23 State has to try to convince a jury that you are guilty, all
24 12 members of the jury, beyond a reasonable doubt, but if you
25 plead guilty, the State doesn't have to convince anybody of

1 anything. You don't get a jury trial if you plead guilty.

2 You give up that right. Do you understand that?

3 A. Yes, sir.

4 Q. If you had a jury trial, Mr. May would have the right to
5 question the State's witnesses who would testify against you
6 in this case, and you could call your own witnesses to
7 testify for you and tell your side of the story, but if you
8 plead guilty he doesn't get to question witnesses and you
9 don't get to call witnesses. You give up that right. Do you
10 understand that?

11 A. Yes, sir.

12 Q. Have you understood these rights that I have just
13 explained to you, Mr. Singleton?

14 A. Yes, sir.

15 Q. Do you want me to go over any of them with you again?

16 A. No, sir.

17 Q. You're charged in indictment number 993 with attempted
18 armed robbery. That indictment says that you did here in
19 Richland County on or about January the 20th of 2008 attempt
20 to commit a robbery by taking from the person or presence of
21 Carl Williams or the Hazelwood property (sic) shop certain
22 personal property that belonged to them, by means of force or
23 intimidation while armed with a deadly weapon. You're,
24 therefore, charged with attempted armed robbery in connection
25 with that event. Do you understand that charge?

1 A. Yes, sir.

2 Q. How do you plead to it?

3 A. Guilty.

4 Q. Indictment number 994 charges you with assault and
5 battery with intent to kill. That indictment says that you
6 did on January the 20th of 2008 with malice aforethought
7 commit an assault and battery on Mickey Carwell with the
8 intent to kill him, that you shot him in the face or in the
9 body, of course in violation of the law. You're charged with
10 assault and battery with intent to kill Mickey Carwell. Do
11 you understand that charge?

12 A. Yes, sir.

13 Q. How do you plead to it?

14 A. Guilty.

15 Q. Indictment 997 charges you with assault and battery with
16 intent to kill at the same time. This time the victim is
17 Lillie Branham. You're charged with committing an assault
18 and battery on her by shooting her in the shoulder and/or the
19 body, in violation of the law, with intent to kill her. Do
20 you understand that charge?

21 A. Yes, sir.

22 Q. How do you plead to it?

23 A. Guilty.

24 Q. Indictment 998 charges you with assault with intent to
25 kill on the same -- at the same time with malice

1 aforethought, committing an assault on Hugo Nicolau,
2 N-I-C-O-L-A-U, with the intent to kill him. You're charged
3 with -- you attempted to shoot him or shot at him. Do you
4 understand that charge?

5 A. Yes, sir.

6 Q. How do you plead to it?

7 A. Guilty.

8 Q. Number 999 charges you with the assault with intent to
9 kill Frank Vallad, V-A-L-L-A-D, on January the 20th with
10 malice aforethought, attempting to shoot him. Do you
11 understand that charge?

12 A. Yes, sir.

13 Q. How do you plead to it?

14 A. Guilty.

15 Q. Indictment number 1000 charges you with assault with
16 intent to kill Steven Deierlein, D-E-I-E-R-L-E-I-N, with the
17 intent to kill him on January the 20th of 2008 by shooting at
18 him. Do you understand that charge?

19 A. Yes, sir.

20 Q. How do you plead to it?

21 A. Guilty.

22 Q. Indictment 1001 charges you with assault with intent to
23 kill Emerson Phillips by attempting to shoot him with malice
24 aforethought. Do you understand that charge?

25 A. Yes, sir.

1 Q. How do you plead to it?

2 A. Guilty.

3 Q. Indictment 1005 charges you with assault with intent to
4 kill Carl Williams on January the 20th of 2008, attempting to
5 kill by him by shooting at him. Do you understand that
6 charge?

7 A. Yes, sir.

8 Q. How do you plead to it?

9 A. Guilty.

10 Q. Indictment 1006 charges you with assault with intent to
11 kill Harold Griffin with malice aforethought, attempting to
12 kill him, attempting to shoot him. Do you understand that
13 charge?

14 A. Yes, sir.

15 Q. How do you plead to it?

16 A. Guilty.

17 Q. The State and your attorney have negotiated a cap of
18 15 years. That's the maximum sentence you can receive if I
19 accept your pleas here today. Other than that cap, has
20 anybody promised you anything to get you to plead guilty to
21 these charges?

22 A. No, sir.

23 Q. Has anybody threatened you or forced you to make you
24 plead guilty to the charges?

25 A. No, sir.

1 Q. Are you pleading freely and voluntarily?

2 A. Yes, sir.

3 Q. Of your own will and accord?

4 A. Yes, sir.

5 Q. Are you satisfied with what Mr. May has done for you as
6 your lawyer?

7 A. Yes, sir.

8 Q. Has he done all you have asked him to do?

9 A. Yes, sir.

10 Q. You've got 10 days to -- excuse me. Have you had enough
11 time to talk with him about all this?

12 A. Yes, sir.

13 Q. Have you understood the talks that you've had with him?

14 A. Yes, sir.

15 Q. Do you need any more time right now to talk with him
16 anymore?

17 A. No, sir.

18 Q. You have 10 days from today's date to appeal this plea
19 to a higher court, but you have to file a paper with this
20 court within 10 days if you wish to appeal. Do you
21 understand that?

22 A. Yes, sir.

23 **The Court:** All right. Mr. Goldberg?

24 **Mr. Goldberg:** Thank you, Your Honor. May it please the
25 Court? This incident took place January 20th, 2008, at 743

1 Hazelwood Road here in Richland County. That's the Hazelwood
2 Party Shop. It's a private club, bar, establishment. On
3 that particular occasion, one of the victims in the case, Mr.
4 Harold Griffin, indicated that an unknown individual came
5 through the front door of that location with a shotgun, fired
6 two to three shots at that time. It was later learned that
7 that individual was a co-defendant in this matter. And then
8 a short time later a second suspect, later identified as this
9 defendant, Mr. Singleton, came in the back door and fired one
10 shot from a shotgun that he was wielding.

11 There was a physical altercation that ensued between the
12 first individual, the co-defendant that had walked in, with
13 the patrons at the bar. Mr. Singleton then fled from the
14 scene in a white-in-color Cadillac, older model Cadillac.

15 Mr. Carwell that was the subject of the assault and
16 battery with intent to kill, indictment 994, was struck by a
17 pellet in the ear. Ms. Branham, subject of the ABWIK
18 indictment 997, was actually struck by a shotgun pellet in
19 the shoulder.

20 Further investigation revealed that when the first
21 subject, the co-defendant, came through the front door that
22 the owner of the establishment, Mr. Carl Williams, actually
23 grabbed a bowl and broke it over the subject's face. That
24 caused an altercation, obviously. They struggled over the
25 weapon, and eventually they were able to get the shotgun away

1 from the co-defendant. He had fired at least three shots
2 from the shotgun by the time they took it from him, demanding
3 to know where the money was located, and then the fight
4 ensued. It was shortly thereafter, as I said, that Mr.
5 Singleton then came through the rear door and fired one round
6 upon entering the location. After seeing that his
7 co-defendant had been disarmed, he then fled from the scene
8 in the vehicle I mentioned previously.

9 There was shotgun damage on the ceiling and on the bar
10 area closest to the door. The car that they fled in, excuse
11 me, that Mr. Singleton fled in actually was located about a
12 mile away from the incident location. The registered owner
13 of the vehicle, a Mr. Andrews, was charged in connection with
14 this incident. He gave a statement indicating that he
15 actually got a call from this defendant later that morning,
16 those early morning hours, asking him, Mr. Andrews, if he had
17 heard anything from the police about the car being found and
18 Mr. Andrews -- excuse me. Mr. Singleton said, no, but --
19 excuse me. Mr. Andrews said no, and then Mr. Singleton, the
20 defendant, told him that he had just hit up a place on
21 Hazelwood and that he actually got shot in the elbow while
22 fleeing from the scene. In fact, Mr. Singleton was shot
23 fleeing from the scene and went to the hospital to receive
24 treatment for the wound.

25 Your Honor, he was arrested in January of 2008 on this

1 incident, January 25th, approximately five days after the
2 incident. It was not until two years later in January of
3 2010 that---

4 Mr. May: 2009.

5 Mr. Goldberg: 2010 was the... That he met with law
6 enforcement, provided a statement to them about his knowledge
7 of the incident. I'll get back to that in a moment. As far
8 as a prior record goes, just from a chronological
9 perspective, he had a juvenile adjudication in 2005 for arson
10 first degree. Contributing to the delinquency of a minor in
11 2006 arrest but no disposition.

12 He was then arrested in March of 2007 and charged with
13 possession of two different firearms and simple possession of
14 marijuana. That stemmed out of a traffic stop with other
15 individuals in the vehicle. Those charges are being
16 dismissed as part of this plea. At least one of those other
17 co-defendants, actually two of them, have pled guilty to
18 possessing those weapons.

19 He was also charged for incidents out of -- one from
20 November of 2007, one from January 7th, and one from
21 January 17th, 2008, just a short time before this incident,
22 charged with three counts of armed robbery. Those charges
23 are being dismissed as part of this plea. The primary
24 evidence in that case was the word of a co-defendant that was
25 involved that implicated this defendant. That co-defendant

1 has been convicted of those armed robberies and received a
2 10-year sentence. They involved robbing a Domino's and two
3 Waffle Houses. And then, as I stated, just a couple of days
4 later was this incident that I already provided you the
5 background for.

6 The victims did not wish to be present today. As I
7 stated, two years after the arrest, in January of 2010, he
8 did -- Mr. Singleton did give a statement to law enforcement.
9 He, for the first time at that time, implicated the
10 previously-unknown co-defendant in the matter. While giving
11 the statement, he talked about the co-defendant's involvement
12 and identification while minimizing his own involvement in
13 the incident. That co-defendant has yet to be arrested. I
14 just wanted to point that out to the Court.

15 It was obviously because of the cooperation in providing
16 the identity of the co-defendant that the State was willing
17 to provide Mr. Singleton with this cap, even though he hasn't
18 been arrested, but I would like to point out to the Court
19 that it goes without saying this is an extremely violent
20 event.

21 The Court: Right.

22 Mr. Goldberg: Two people got shot. Up to ten people
23 had to dodge getting shot, and the co-defendant has not been
24 arrested yet. As a result, we'd be asking this Court within
25 the confines of the negotiations to sentence this defendant

1 to a significant amount of time and a sentence that is
2 consistent with his involvement in the situation.

3 **The Court:** Thank you.

4 **Mr. Goldberg:** Thank you.

5 **The Court:** The co-defendant -- Hazelwood Bar? Is that
6 where it was?

7 **Mr. Goldberg:** Yes, sir.

8 **The Court:** So the patrons apparently had disarmed him.
9 Did they have him in custody at the time---

10 **Mr. Goldberg:** He fled---

11 **The Court:** ---he fled away?

12 **Mr. Goldberg:** He fled and was able to get away.

13 **The Court:** When they took the shotgun from him, he
14 decided he would go somewhere else.

15 **Mr. Goldberg:** That's correct.

16 **The Court:** Thank you.

17 **Mr. Goldberg:** Yes, sir.

18 **The Court:** All right. Mr. Singleton, you heard Mr.
19 Goldberg read your record to me. Does that sound like your
20 record?

21 **Mr. Singleton:** Yes, sir.

22 **The Court:** I'll be glad to accept the plea. You
23 understand what you're doing. You've had the services of a
24 competent lawyer, and obviously there's a substantial factual
25 basis for the plea. Mr. May?

1 **Mr. May:** Yes, sir. May it please the Court, Your
2 Honor?

3 **The Court:** Yes, sir.

4 **Mr. May:** Just to give a little chronology about this
5 case, I received this case in, I believe, November of 2009
6 from other attorneys in my office, and in the case -- in the
7 actual folder the case was in was a card from Investigator
8 Matt Ellis. He's the lead investigator on this case. It was
9 actually given to Ms. Lipson at the preliminary hearing
10 because Richland County Sheriff's Department wanted Mr.
11 Singleton's help in this case.

12 It did not appear from the notes of the case that his
13 previous attorneys ever attempted to contact Mr. Ellis or
14 Investigator Ellis, so that's why within a few months we were
15 able to get Mr. Singleton to talk to him. Mr. Singleton said
16 he's always wanted to clear up everything. He'd been in jail
17 at that time over two years. He understood the severity of
18 his actions. At the time he was arrested he was 19 years
19 old. That's not an excuse, but it at least gives some light
20 to his youth.

21 We met with Investigator Ellis, and in our talks with
22 Investigator Ellis as well as Captain Smith - now the
23 solicitor was never involved in this - we were trying to work
24 out something that we thought would all be fair. We kept
25 throwing out the idea of nonviolent time, and it never came

1 to fruition. And this is a violent offense; Mr. Singleton
2 knows that. Mr. Singleton understands he is going to prison
3 today, and he still is fully willing to cooperate with the
4 sheriff's department in the prosecution of this individual.

5 Mr. Goldberg and I have been waiting for the last about
6 17 months to -- for the sheriff's department to effectuate an
7 arrest. It has just never come to fruition, as they are just
8 bogged down. But there is a -- and I believe there's an
9 active lookout for the co-defendant, the man who actually did
10 the shooting. I believe the facts are that Mr. Singleton --
11 he was armed. He did pull the trigger. The gun went up in
12 the air. I'm not saying that that's not a very dangerous,
13 violent, scary thing for the patrons, but the pellets, I
14 believe, do show they came from the co-defendant who he has
15 agreed to turn in. He was shot in the elbow with a .45
16 caliber pistol, and he had to have surgery for that.

17 At the time that this occurred he was at Midlands Tech
18 training to become an auto mechanic. We have gone over this
19 numerous times, that in my reading of the law that he is
20 L-WOP eligible if he has any offense, including a serious,
21 not only just a most serious.

22 The Court: That's right.

23 Mr. May: That he has used up all three strikes, that he
24 is going to do violent time as Your Honor advised him.

25 The Court: Right.

1 **Mr. May:** And these are all things that have been hard
2 for a 19-year old, then a 20-year-old, then a 21-year-old,
3 now 22 -- when you've spent four birthdays in Alvin S. Glenn.
4 He spent 1182 days. We would ask for a fair sentence, a fair
5 sentence that takes into account his youth, the fact that he
6 is willing to help the sheriff's department, that he's
7 willing to testify against his co-defendant when -- if and
8 when he is ever arrested.

9 Mr. Singleton is a very charismatic, enjoyable person to
10 be around. I think that he truly could be a person in
11 society that would be productive as well as a person that you
12 really wouldn't mind being your next-door neighbor. His
13 mother and aunt are currently in the courtroom. His mother
14 is right here. She wants to talk, but she says she's just
15 going to cry too much, so she asked if I just could put forth
16 her sentiments, that she's upset with him because he left
17 her. He's left her and his brother and a sister in the lurch
18 and that she asks you just to have mercy on her -- on him.
19 She's studying to be an R.N. right now. She's a nurse's
20 assistant and that whenever he's allowed to come back to
21 society that she will make sure that he's under her thumb the
22 entire time.

23 He also understands that whenever he gets out of the
24 department of corrections he's going to be under community
25 supervision, and he understands that that's a two-year

1 intense supervision and if he screws up he's going to go back
2 in for the remainder of the sentence, up to 100 percent of
3 the active sentence that is imposed or under Picklesimer, if
4 you do a split sentence, up to the entire matter.

5 He would like to address the Court at the appropriate
6 time. We would really ask you to take into consideration his
7 youth, his willingness to help the law enforcement. As soon
8 as his attorney who is currently on the case got the case, he
9 was -- it was he who pushed and said, "I really want to talk
10 to them. My other attorneys never mentioned that."

11 And, Your Honor, I'd ask for a fair sentence, one that
12 allows the department of corrections to correct behavior
13 without institutionalizing him, allow him to get out as --
14 after he has paid his debt to society. I just ask that it's
15 not the full amount of time.

16 **The Court:** Thank you, Mr. May. Mr. Singleton, what can
17 you add to what Mr. May has already told me about your
18 situation?

19 **Mr. Singleton:** Sir?

20 **The Court:** Do you want to tell me anything?

21 **Mr. Singleton:** Yes, sir. I know it's very serious and
22 whatnot, but I mean, I just regret it ever happened. You
23 know what I'm saying? But at the same time I've been locked
24 up three and a half years. So me being there from the first
25 time when I came to jail 'til now, I'm a whole totally

1 different person. I got a different mind frame because it's
2 a different setting in there watching people getting their
3 life taken away with a life sentence and 10, 20, 30 years. I
4 don't want to be like that. That's not me. You know what
5 I'm saying? I got a little brother and a little sister, and
6 I know they look up to me and I really want to be there for
7 them. You know what I'm saying?

8 They follow my footsteps and I can't -- I'm not trying
9 to set a bad example like that. I mean, I was doing
10 something when I was home, but I was just following the wrong
11 people, just trying to hang with the wrong crowd because when
12 I grew up, you know what I'm saying, I was getting bullied
13 and I didn't have no friend. So, you know, I felt like I had
14 to do anything just to fit in. You know what I'm saying?
15 But I really -- I ain't even about the friends. I'm not --
16 me personally, I'm just -- I've changed a lot. I ain't --
17 I'm not -- I'm nowhere near the same person I used to be, and
18 the officers at the jailhouse could tell you that, you know,
19 so I'm just asking you to please have mercy on me. That's
20 all.

21 **The Court:** Thank you, Mr. Singleton. Anything further?

22 **Mr. May:** No, Your Honor.

23 **The Court:** Mr. Singleton, on indictments number 993,
24 994 and 997 -- 993 charges attempted armed robbery. 994 and
25 997 charge assault and battery with intent to kill. You're

1 to be committed to the State department of corrections for a
2 period of 12 years. The sentences run concurrent to each
3 other with credit for time served.

4 On the remaining indictments, 998, 999, 1000, 1001,
5 1005, 1006, the sentence is 10 years, all to run concurrent
6 to each other with credit for time served.

7 Mr. May: Thank you, Your Honor.

8 The Court: Thank you.

9 Mr. Goldberg: Thank you, Your Honor.

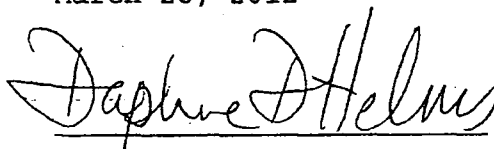
10 The Court: Thank you.

11 (Whereupon, the proceedings were concluded. There were
12 no exhibits introduced.)
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I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 21st of April, 2011.

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

March 28, 2012

A handwritten signature in cursive script, reading "Daphne D. Helms". The signature is written in dark ink and is positioned above the printed name.

Daphne D. Helms, court reporter

STATE OF SOUTH CAROLINA

County of RICHLANDOMAR SINGLETON 308111

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

vs.

STATE OF SOUTH CAROLINA

Name of Respondent.

RICHLAND COUNTY, 1701 MAIN ST.

COLUMBIA, SC 29201

In the Court of Common Pleas

APPLICATION FOR
POST-CONVICTION RELIEF

2012 JUN 25 AM 11:22
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

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 it clear to which question any such continued answer refers.

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

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

1. Place of detention SOUTH CAROLINA DEPT. OF CORRECTIONS - KERSHAW CORRECTIONAL INSTITUTION - 4848 GOLD MINE HWY., KERSHAW, SC 29067
2. Name and location of Court which imposed sentence RICHLAND COUNTY JUDICIAL CENTER, 1701 MAIN ST., COLUMBIA, SC 29201
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) ATTEMPT, ARMED ROBBERY (1) COUNT - 2008 GS40 993
 - (b) ASSAULT & BATTERY w/ INTENT TO KILL (2) COUNTS - 2008 GS40 994 & 997
 - (c) ASSAULT w/ INTENT TO KILL (4) COUNTS 2008 GS40 998, 999, 1000, 1001, 1005, 1006
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 4.21.11 12 YEARS VIOLENT CONCURRENT
 - (b) 4.21.11 12 YEARS VIOLENT CONCURRENT
 - (c) 4.21.11 10 YEARS NON-VIOLENT CONCURRENT

5. 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

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

No

7. If you answered "yes" to (6), list

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

i. N/A

ii. _____

iii. _____

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

i. N/A

ii. _____

iii. _____

(c) the date of each such result:

i. N/A

ii. _____

iii. _____

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

i. N/A

ii. _____

iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) DIDNT HAVE AN APPEALING ISSUE

(b) _____

(c) _____

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

(a) INEFFECTIVE ASSISTANCE OF COUNSEL

(b) INVOLUNTARY GUILTY PLEA

(c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) FAILED TO INVESTIGATE CASE

(b) _____

(c) _____

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? No
- (b) any petitions in State or Federal Courts for habeas corpus or post-conviction's relief? No
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? No
- (d) any other petitions, motions or applications in this or any other Court?
No

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

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

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

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

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

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

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

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

15. If any ground set forth in (9) 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) N/A
 (b) _____
 (c) _____

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

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

17. If you answered "yes" to one or more parts of (16), list:

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

- i. JAMES HUNTER MAY, RICHLAND COUNTY PUBLIC DEFENDERS
OFFICE, 1701 MAIN ST., COLUMBIA, SC 29201
 ii. _____
 iii. _____

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

- i. PLEA, SENTENCING
 ii. _____
 iii. _____

18. State clearly the relief you seek in filing this application.

REVERSE AND REMAND CONVICTION FOR NEW TRIAL

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

No

STATE OF SOUTH CAROLINA

County of

RICHLAND

VERIFICATION

I, OMAR SINGLETON, 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.

Omar Singleton - 308111

SWORN to and subscribed before me this

18th

day of

January

18 2012

Michelle Michel

Notary Public

(L.S.)

My Commission Expires:

9-3-2014

RICHLAND COUNTY
FILED
2012 JAN 25 AM 11:22
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

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

I, OMAR SINGLETON # 308111, 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 therefor.

Omar Singleton - 308111

"Applicant"

SWORN or affirmed to and subscribed before me this

18th

day of

January

18 2012

Michelle Michel

Notary Public

My Commission Expires

9-3-2014

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT
)

SINGLETON Omar -
00308111,

) 2012CP4000689
)
)

) Applicant,
)

) v.
)

) RETURN
)

) State of South Carolina,
)

) Respondent.
)
)

The Respondent, making its Return to the application for post conviction relief (PCR) filed January 25, 2012, would respectfully show this Court:¹

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. The Applicant was represented by James H May, Esquire. On April 21, 2011, following a guilty plea, the Applicant was sentenced by The Honorable G. Thomas Cooper, Jr.. The Applicant had been indicted and/or convicted of the following: Attempted Armed Robbery, ABWIK (2 counts), AWIK (6 counts) - (2008-GS-40-993;4;7-01;5;6).²

II.

¹

<http://www4.rcgov.us/publicindex/PCCaseDetails.aspx?County=40+&Casenum=2012CP4000689&CourtType=G&CaseType=Civil&CourtAgency=40002>

² <https://sword.doc.state.sc.us/scdc-public/inmateDetails.do?id=+00308111>

SINGLETON Omar - State's Return - (2012CP4000689)

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, and the trial transcript, and the Applicant's applicable direct appeal files.³ The Respondent reserves the right to amend this Return upon receipt of any relevant materials or submit an amended Return to reflect any amended allegations and/or to provide a more detailed procedural history.

Direct Appeal

The Applicant did not appeal his conviction and/or sentence .

The application for post conviction relief (PCR) was filed January 25, 2012.

III.

In his current application for Post-Conviction Relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

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

- (a) INEFFECTIVE ASSISTANCE OF COUNSEL
- (b) INVOLUNTARY GUILTY PLEA
- (c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) FAILED TO INVESTIGATE CASE
- (b) _____
- (c) _____

³ The Respondent will utilize the Record on Appeal if the direct appeal was an Anders appeal.

IV.

For the purposes of this Return, the Respondent interprets each of the Applicant's allegations to be claims that he received ineffective assistance of counsel. The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997). Even with respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

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

V.

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

therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held. The Respondent will coordinate with the Applicant's attorney who is, according to the Respondent's file, TBT, Esquire regarding when the hearing should be set.⁴

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney
General

ROBERT D. CORNEY
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

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

January 26, 2012

⁴ The current PCR Roster for the 5th Circuit is available at <http://www.scag.gov/criminal-litigation/postconvictionrelief>

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
CIRCUIT

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL

SINGLETON Omar -
00308111,

2012CP4000689

Applicant,

v.

CERTIFICATE OF SERVICE

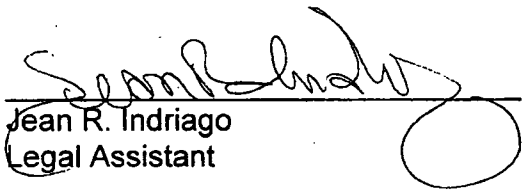
State of South Carolina,

Respondent.

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

**SINGLETON Omar, 308111 – Kershaw Correctional Institution, 4848
Goldmine Highway, Kershaw, SC 29067**

DATED January 27, 2012.


Jean R. Indriago
Legal Assistant

State of South Carolina)
)
 County of Richland)

In the Court of Common Pleas
 Fifth Judicial Circuit
 2012-CP-40-0689

Omar Singleton,)
)
 Applicant,)
)
 vs.)
)
 State of South Carolina,)
)
 Respondent.)
)
 _____)

Transcript of Record

October 17, 2012
 Columbia, South Carolina

B E F O R E:

The Honorable Clifton B. Newman, Judge

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

David E. Belding, Esquire
 Attorney for the Applicant

Robert D. Corney, Esquire, Assistant Attorney General
 Attorney for the Respondent

Elizabeth B. Harris, CVR-M
 Circuit Court Reporter

I N D E X

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No Exhibits Introduced.

1 MR. CORNEY: Your Honor, this is the post-conviction
2 relief application of Omar Singleton. Mr. Singleton was
3 true-bill indicted at the 2008 term of the Richland County
4 Grand Jury for attempted armed robbery, two counts of
5 assault and battery with intent to kill, and six counts of
6 assault with intent to kill.

7 Mr. Singleton pled guilty April 21, 2011, before Judge
8 Cooper pursuant to negotiations with the state for a
9 fifteen year cap sentence. Mr. Singleton was sentenced to
10 ten years' imprisonment on each assault with intent to
11 kill, twelve years' imprisonment for each assault and
12 battery intent to kill, and twelve years for the attempted
13 armed robbery, and those sentences were all run
14 concurrently, Your Honor.

15 Three counts of armed robbery, two counts of
16 possession of a firearm, and a simple possession of
17 marijuana were all dismissed as part of the plea
18 negotiations.

19 No direct appeal was filed, but Mr. Singleton filed a
20 timely PCR application January 25, 2012. He is represented
21 today by Mr. David Belding.

22 THE COURT: All right, sir.

23 MR. BELDING: Thank you, Your Honor. If it please the
24 court, I'd like to call to the stand Mr. James Hunter May.

25 THE COURT: All right, Mr. May, you're still under

J. MAY - DIRECT EXAMINATION BY MR. BELDING

4

1 oath from before.

2 WITNESS: Yes, sir.

3 JAMES HUNTER MAY, HAVING BEEN DULY
4 SWORN EARLIER IN THE DAY, TESTIFIES AS FOLLOWS:

5 DIRECT EXAMINATION BY MR. BELDING:

6 Q. Thank you. Please state your full name for the
7 record.

8 A. My name is James Hunter May.

9 Q. Mr. May, where are you employed right now?

10 A. United States Department of Justice, the United States
11 Attorney's Office here in South Carolina.

12 Q. Thank you, sir, and when did you -- when were you
13 admitted to the South Carolina Bar?

14 A. November 13, 2007.

15 Q. All right, five years ago almost?

16 A. Yes, sir.

17 Q. Okay, and where was your first employment after you
18 became a member of the Bar?

19 A. Richland County Public Defender's Office.

20 Q. How long were you there?

21 A. Four and a half years.

22 Q. Okay. How long have you, how long have you been gone
23 from the Public Defender's Office?

24 A. I left, my last day of employment was May the 7th of
25 this year.

J. MAY - DIRECT EXAMINATION BY MR. BELDING

5

1 Q. Okay. Thank you. As a, an assistant public defender,
2 how many cases did you normally have responsibility for?

3 A. It varied. At first we had the entire gamut. After
4 about two years, the office was restructured and I was on
5 the violent crimes team. So, I guess at that point when I
6 was representing Mr. Singleton, probably had fifty people
7 in jail and another hundred people on bond.

8 Q. How do you determine how much time to spend with each
9 client?

10 A. There is no, there is no formula. It's -- you do
11 triage. You figure out what cases need immediate
12 attention, what cases need long-term attention, and what
13 cases can be moved just depending on what the facts are in
14 each case. And each individual client requires different
15 time management, as well as some of them just need you to
16 sit down there and talk to them.

17 Q. I understand. Now, you said that you did represent
18 Mr. Omar Singleton, correct?

19 A. That's correct.

20 Q. Were you his only attorney on that case?

21 A. No, sir.

22 Q. Okay. As a matter of fact, as I understand it, he
23 spent approximately thirty-nine months at the Alvin S.
24 Glenn Detention Center before he was brought up to the
25 court. Does that square with your recollection?

J. MAY - DIRECT EXAMINATION BY MR. BELDING

6

1 A. I knew it was a long time. Thirty-nine months, I
2 can't, I can't testify to, but it was a long time.

3 Q. You know approximately how many attorneys had his case
4 before you?

5 A. I know that Kris Hines was the last one he either
6 grieved or complained. And at the time Mr. Strickler's
7 habit and routine were -- was to at times when people
8 grieved, I generally got the clients who he deemed seemed
9 to be difficult.

10 Q. Okay. Now, prior to -- taking you back to last year,
11 April of 2011, that was -- on April 21st, according to the
12 documents, that's when Mr. Singleton entered a plea of
13 guilty.

14 A. Okay.

15 Q. Prior to April of 2011, how long do you think you had
16 had this file?

17 A. I can't testify to amount of time. It was a -- I, I
18 imagine Omar and I met a lot. I'd say well over a dozen
19 times because it was a progression case. At the time that
20 it was transferred to me, the solicitor was saber rattling
21 that they were going to try them separately and get a life
22 without parole conviction. They were trying to, for lack
23 of a better term, bully him into a plea agreement. At
24 first I think it was for twenty-three, twenty-six years.
25 Got it eventually down to eighteen, but they kept saying he

J. MAY - DIRECT EXAMINATION BY MR. BELDING

7

1 either takes it, or we're going to try him separately and
2 try to get life without parole.

3 So, I had Omar's case I'd guess a year. That is, it
4 was for a significant amount of time. I have, I have no
5 idea who besides Ms. Hines he had beforehand.

6 Q. Okay. Now, you were speaking about some plea
7 negotiations. Were you ever actually served notice by the
8 solicitor's office that they would seek life without
9 parole?

10 A. It wasn't possible at the time. They'd have to, they
11 would have had to actually try him in separate trials
12 because he had at least three armed robberies. They would
13 have had to get a conviction on one to be able to serve
14 life without parole on the next one.

15 Q. I understand.

16 A. And that was -- so, no, there was never any service of
17 life without parole notice because at the time, it wasn't a
18 legal possibility because he would not have been convicted
19 of a crime.

20 Q. Do you recall talking to Mr. Singleton about life
21 without parole?

22 A. I recall talking to him about that if they wanted to,
23 they could try you separately, and they could potentially
24 obtain a life with parole conviction. Talked to him about
25 the structure of the recidivism statute in South Carolina,

J. MAY - DIRECT EXAMINATION BY MR. BELDING

8

1 and how two convictions of the most serious would result in
2 a mandatory life sentence if the solicitor chose to proceed
3 down that road with this case.

4 Q. Okay. Do you think Mr. Singleton understood your
5 advice about the life without parole possibility?

6 A. I think Mr. Singleton understood everything we talked
7 about; he's a bright guy.

8 Q. Okay. Was he able to help you get the defense
9 together in this case?

10 A. We talked about a lot of things. There was one -- the
11 primary, the primary charge that he had, it arose from a
12 bar off Garners Ferry. I believe it was a pool hall. I
13 could be wrong about that, it was a bar off Garners Ferry.

14 And when I was representing him, Matt Ellis and Stan
15 Smith of the Richland County Sheriff's Department had made
16 overtures to me of does Mr. Singleton, Mr. Singleton want
17 to talk to us. And looking at the case, I thought that was
18 his best strategy was to talk to them, and my experience
19 with them was that they would work with the solicitor.
20 They'd work on the solicitor and whittle him down to a
21 lesser offer.

22 Q. Okay, and why would it have been worthwhile for him to
23 have cooperated with the sheriff's department? Was it
24 because ---

25 A. Because there was a co-defendant.

J. MAY - DIRECT EXAMINATION BY MR. BELDING

9

1 Q. --- there was a co-defendant? Okay, and briefly, can
2 you just explain what the co-defendant's...

3 A. There was the allegation and what I believe Mr.
4 Singleton testified to is there was this bar. Mr.
5 Singleton entered the bar from the rear; the co-defendant
6 entered the bar from the front. There was somewhat of a
7 physical confrontation between the owner of the bar and the
8 co-defendant. Co-defendant discharged his shotgun, hitting
9 several bar patrons.

10 Mr. Singleton was sitting at the back and actually was
11 shot in the arm with a .45 caliber handgun and presented
12 that injury to -- at the hospital later than night.

13 Q. Okay. Do you know whether or not Mr. Singleton
14 actually fired his weapon at any point?

15 A. I do not. I, I cannot say definitively one way or
16 another. I know that the main concern from law enforcement
17 was the shotgun fired by the co-defendant at the front of
18 the bar.

19 Q. Of the two, did it seem to you that Richland County
20 Sheriff's Department was more interested in finding the
21 other person?

22 A. Well, because they already had Mr. Singleton.

23 Q. I understand.

24 A. So, of course they wanted to find him. At the time,
25 Omar had been locked up for approximately two a half, three

J. MAY - DIRECT EXAMINATION BY MR. BELDING

10

1 years. They knew they had him, yeah, and they wanted to
2 get the guy who shot. The other two armed robberies I
3 think was pretty much just a single job, a single-person
4 operation.

5 Q. Okay. Now, did -- was Mr. Singleton able to cooperate
6 with the sheriff's department?

7 A. He cooperated upon my advice.

8 Q. Okay, and do you know what all did he help them with?

9 A. I believe he gave, he gave a complete recount of what
10 occurred that day. He was fully truthful, at least I
11 believe that he was fully truthful. He gave all the
12 information, to include the co-defendant's name. To date,
13 I don't believe they've arrested the person yet.

14 Q. Were you present when he gave the statement?

15 A. I was.

16 Q. Okay, and let me ask you.

17 A. I believe my signature is on the line.

18 Q. Let me ask if you recognize this document, Mr. May.

19 (A PAUSE.)

20 A. Yes, sir. It appears to be the typed statement that
21 Mr. Singleton executed at the sheriff's department on Two
22 Notch Road.

23 Q. Okay.

24 A. I believe it was in Matt Ellis's cubicle.

25 Q. All right. Was there any kind of a, for lack of a

1 better word, deal with the sheriff's department about ---

2 A. They, they said they would go and try to get them to
3 come down. We were, we were always pushing for strong-arm
4 robbery. That was the goal of the entire working with the
5 police officer. That was the, that was the entire goal of
6 everything was try to get it down to strong-arm robbery.

7 I'd spoken with the solicitor at the time, who is now
8 the deputy solicitor, Dan Goldberg.. Goldberg was, after
9 the statement, was not as willing to work with us as -- in
10 my history, in my experience, in my history of working with
11 the solicitor's office -- other solicitors were after
12 somebody cooperates with the police.

13 He did lower the charges. He did drop some of the
14 armed robberies, and we were able to come to a deal. It
15 was just not the deal that either Mr. Singleton or I
16 wanted.

17 Q. Let me refer you, refer you again back to the
18 statement made in January 27th of 2010 that you identified.

19 A. Yes, sir.

20 Q. On the last page, one of the questions, if you would
21 just read the question and answer into the record about
22 what, if -- have, have you been promised anything.

23 A. You said that you would work with I. It should be
24 with me, but yes.

25 Q. Okay. All right, and was this statement typed up by

J. MAY - DIRECT EXAMINATION BY MR. BELDING

12

1 the Richland County Sheriff's deputies?

2 A. I believe it was by Investigator Matt Ellis.

3 Q. Okay. So, any typographical errors and, as a matter
4 of fact, anything typed up was done by the law enforcement
5 officials, correct?

6 A. Sure.

7 Q. Did Mr. Singleton have a chance to review this with
8 you before he signed it?

9 A. He did.

10 Q. Okay. Now, so it's my understanding, then, that Mr.
11 Goldberg just didn't do as much for you after you had
12 cooperated as you thought he would?

13 A. That's correct.

14 Q. Okay.

15 A. I mean, he did work with us to a degree. It's just
16 not the degree that we wanted. At one point, he said that
17 he would never go below eighteen years. So, we pled --
18 when we pled to a cap of fifteen, it was better than what
19 we had when I started. However, it's not what I wanted to
20 get for Mr. Singleton. However, it never came to fruition.

21 Now, Mr. Singleton wanted to get ten years; that's
22 what he wanted to get at the plea. He got twelve. I mean,
23 two years in the Department of Corrections would be bad,
24 but it's not the deal that we were hoping to get, and that,
25 that -- and I, I, on my advice, he talked to the sheriff's

J. MAY - DIRECT EXAMINATION BY MR. BELDING

13

1 department without a doubt. It was my call that he talk to
2 the sheriff's department.

3 Q. After he talked to the sheriff's department, did he --
4 tell me what, what that did to his ability to defend the
5 case at trial.

6 A. Well, I mean, it's -- we lost that trial. I mean, we
7 could not win that trial because of my advice.

8 Q. Okay. Did you have -- were you -- you mentioned
9 earlier that Mr. Goldberg was saber rattling a bit. Had he
10 given you a trial date?

11 A. As you know with the South Carolina system, trial
12 dates come and go at the leisure of the solicitor calling
13 them, at least in this circuit.

14 He kept saying we're going to call this case, we're
15 going to call this case, we're going to call this case. At
16 the time we did not have a date certain, for the lack of a
17 better term. We were proceeding just kind of in a holding
18 pattern until one side pushed one way or the other.

19 Q. Okay. What had you talked to Mr. Singleton about? If
20 you were to go to trial, what was going to be your defense?

21 A. Well, the problem is is that he got shot by a .45
22 caliber handgun the same night that the owner of the bar
23 shot somebody with a .45 caliber handgun. That's pretty
24 bad evidence, as well as the person who loaned the getaway
25 car, for lack of a better term, said that he gave it to Mr.

J. MAY - DIRECT EXAMINATION BY MR. BELDING

14

1 Singleton.

2 Q. In fact, isn't that how Mr. Singleton was caught,
3 because of the car?

4 A. Yes, sir. It is.

5 Q. Okay, but he still ---

6 A. I mean, it would have had to be a mistake of identity.

7 Q. Right.

8 A. Or that they got the wrong guy. Again...

9 Q. But after the statement, you really had nothing?

10 A. Correct, and in all candor, I don't know how good of a
11 case we had before the statement. It was much more
12 defensible before the statement than it was after, but
13 still it was not that much of a defensible case before
14 this, before this statement was -- the other two cases were
15 better, so.

16 Q. But those were the ones that were dismissed?

17 A. Yes.

18 Q. As part of the deal?

19 A. Correct.

20 Q. Okay. So, I want to make sure I understand. Mr.
21 Goldberg did come down below eighteen?

22 A. Yes.

23 Q. But he just left it as a cap of fifteen. Is that
24 correct?

25 A. Correct.

J. MAY - DIRECT EXAMINATION BY MR. BELDING

15

1 Q. All right. Now, on April 21st of 2011, Mr. Singleton
2 was brought from the detention center here to the
3 courthouse. Did you meet with him that morning before ---

4 A. I ---

5 Q. --- he pled?

6 A. Yes.

7 Q. Okay. Are you saying that because you're sure you
8 did, or because ---

9 A. I had to have met with him beforehand.

10 Q. Okay.

11 A. Because he signed the plea paperwork.

12 Q. All right. How many different sentence sheets did he
13 have to sign?

14 A. I believe you would have them, sir. I...

15 Q. It was a number of them?

16 A. I would -- I believe so.

17 Q. Okay. In your ---

18 MR. BELDING: And it's my understanding, Your Honor,
19 that all these are already in the record in the package.

20 THE COURT: Yes, I have copies of them.

21 MR. BELDING: Okay. Appreciate it.

22 BY MR. BELDING:

23 Q. I'm just pulling one out.

24 A. Yes, sir.

25 Q. Just for point of reference.

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1 A. Yes, sir.

2 Q. Does that look like a sentence sheet when you use here
3 in the Fifth Circuit?

4 A. It does to me, sir.

5 Q. Okay. Now, it's completed now and filled out and
6 clocked in by the clerk of court and everything. As a
7 matter of fact, which, which offenses does that one pertain
8 to that you happen to be looking at?

9 A. This would be the misdemeanor assault with intent to
10 kill.

11 Q. Okay. How much of that form is filled out when you
12 ask the defendant -- now the applicant, Mr. Singleton -- to
13 sign it?

14 A. I can tell you what my -- I can tell you where my -- I
15 would have gone through it because this is my handwriting
16 on his biographical information.

17 Q. Okay.

18 A. That's his signature on the line of the defendant, and
19 that's my signature as well as my South Carolina Bar number
20 under the South Carolina Bar number's line. Other than
21 that, as far as the offense, the CDR code and the other
22 information is filled out by the solicitor's office, and
23 Judge Cooper signed at the bottom right.

24 Q. I understand. Okay, and if I understand what you're
25 saying, you kind of get it started and get the defendant to

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1 sign it, and you sign it, and the rest of it's filled in by
2 the solicitor and then the judge at sentencing, correct?

3 A. Yes, sir.

4 Q. The -- as a matter of fact, the box where it says
5 whether this is going to be violent or nonviolent, on this
6 one it's not even -- nothing's checked, but you leave ---

7 A. Because it's ---

8 Q. --- that for the solicitor to do?

9 A. Well, that's a nonviolent offense.

10 Q. Right. Well, even nonviolent is not checked.

11 A. Well, it's -- we would have, we'd have had the
12 conversation of the different offenses because one of our
13 goals was to get it down to nonviolent offenses.

14 Q. Okay, now ---

15 A. A nonviolent offense would have been assault with
16 intent without, without the attenuate battery or a
17 strong-arm robbery.

18 Q. Okay.

19 A. The armed robbery or the ABWIK or attempted armed
20 robbery are all most serious violent offenses.

21 Q. Right.

22 A. And that was a part of what we talked about for at
23 least the fourteen or eighteen months that I represented
24 Mr. Singleton.

25 Q. Okay, and I want to make sure I understand what you

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1 told Mr. Singleton before he pled guilty.

2 A. Yes, sir.

3 Q. What, what did you tell him he was to expect when he
4 pled guilty in front of Judge ---

5 A. Cooper.

6 Q. --- Cooper?

7 A. I said that he was going to get anywhere between zero
8 to fifteen.

9 Q. And, by the way, this is the -- was this the, this was
10 the retired Cooper? There's two.

11 A. I don't know.

12 Q. Okay. I think he's from Manning or something.

13 A. Yeah.

14 Q. Yeah, it's not the one that's resident.

15 A. I don't remember which Cooper it was.

16 Q. Okay. Now, earlier I was trying to figure out if you
17 had a present sense recollection of what happened that
18 morning. Do you remember exactly your conversation with
19 Mr. Singleton, or are you testifying from the way you
20 always did things?

21 A. I remember at some point Mr. Singleton and I had the
22 conversation that this is the best offer I can get. I told
23 him that I would -- this is the best offer I can get, and
24 that at any proceedings, I would tell the court exactly
25 what occurred.

1 He was upset that we were not able to get strong-arm
2 robbery. Then he was upset that we were not able to get a
3 negotiated ten years. And then it came down to those
4 conversations, well, are you willing to throw away the
5 potential for the rest of your life for the difference of
6 one, two, three, four, five years when you still have the
7 possibility to get ten or less.

8 And it came just to the, for lack of a better term
9 again, come to Jesus meeting. That hey, all right, here's
10 the deal. What do we do? And at that time he said well, I
11 guess I'll man up, similar along lines of, I guess, I'll
12 man up and take this.

13 Q. And this is zero to fifteen?

14 A. Correct, negotiated cap of -- what he pled to is zero
15 to twenty for some of those charges. So, it was a
16 negotiated and he negotiated, and what Goldberg did is
17 negotiated at the cap of what strong-arm would carry.

18 But again, there is the problem of most serious
19 strikes as well as eighty-five percent time as calculated
20 by the Department of Corrections as opposed to a parolable
21 offense where time can be cut for good time and different
22 kinds of credits.

23 Q. And you explained all that to Mr. Singleton?

24 A. Oh, we talked about it for my -- the entire pendency
25 of the representation because we were always trying to get

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1 it down to a nonviolent, a nonviolent time at the
2 Department of Corrections where he would be eligible for
3 sixty-five percent, even if that possibly meant getting
4 more time on the front end. That the actual time in the
5 Department of Corrections would be calculated at a lower
6 time than a nonparoleable offense.

7 Q. I understand. Because of all the time that you talked
8 with Mr. Singleton about nonviolent offenses and getting
9 him down to maybe ten years, are you clear that he had a
10 very clear understanding of what it was he was facing when
11 he went out and pled in front of Judge Cooper?

12 A. I have no doubt.

13 Q. Okay. Why do ---

14 A. Because he was mad, because he was mad.

15 Q. Did, did he know he was pleading to some serious and
16 violent offenses?

17 A. There is no doubt that he knew he was pleading to most
18 serious violent offenses because he was upset. He was
19 upset and he said, well, we could be going to trial but for
20 my giving this statement. He was upset. He was upset
21 because we both were hoping for a nonviolent offense. He
22 was upset at this and, yeah, I have no doubt he knew
23 because we talked about it. I have no doubt, you know,
24 because we probably yelled at each other. I have no doubt
25 that he knew because it was going against what we were

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1 hoping for, for his ultimate outcome of his case.

2 Q. With benefit of hindsight and some more experience,
3 what would you have done differently?

4 MR. CORNEY: Your Honor, I'm going to just pose an
5 objection to that question.

6 THE COURT: All right.

7 MR. CORNEY: I don't think that hindsight is something
8 we consider in post-conviction relief. I think *Strickland*
9 *vs. Washington* is pretty clear we don't look at things in
10 hindsight evaluating.

11 THE COURT: All right. I sustain your objection.

12 MR. BELDING: Thank you. Let me rephrase.

13 BY MR. BELDING:

14 A. Is there anything I should have done differently.

15 Q. Yes.

16 A. The problem is is that the Fifth Circuit Solicitor's
17 Office does not enter into written agreements the vast
18 majority of time before a person cooperates with the
19 police. Ideally we could have had something in -- ironclad
20 in writing. In over 2,700 or however many, over 2000 cases
21 that I represented, I got that once and it was because it
22 was a murder where they needed -- my client did not have
23 anything to do with.

24 Ideally that's what would happen. Realistically, this
25 is the way that Richland County Sheriff's Department and

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1 the Fifth Circuit Solicitor's Office operate. It is their
2 status quo of how you operate. All right, you perform and
3 then we will work with you.

4 So, in hindsight ideally, but that's not going to
5 happen, especially on somebody who they already had for
6 numerous armed robberies.

7 Q. I, I, I want to be clear. So, there really was no way
8 to get a written agreement up front?

9 A. In my experience, I got one in over 2000 cases, and it
10 was because there was a murderer on the loose.

11 Q. Okay. Is there any question in your mind that Mr.
12 Singleton might have gone into that plea thinking he was
13 going to be sentenced to ten years nonviolent?

14 A. None. Again, the problem is, is not what he -- that
15 there's no doubt that he knew it was violent. There was
16 absolutely none. The issue is is that it wasn't -- is that
17 we weren't able to get the ultimate outcome that we were
18 going for. And there is no doubt in my mind that Mr.
19 Singleton ever thought it was anything but violent because
20 we yelled at each other about it. I mean, we were -- he
21 was mad at me, and again it was one of those things where
22 we were kind of between a rock and a hard place. We have a
23 better deal than we ever would have for this, and, I mean,
24 that's ---

25 Q. So, ultimately it was your recommendation to him to

1 take the plea?

2 A. Yes.

3 Q. Okay.

4 A. It was my recommendation for him to take the plea; it
5 was my recommendation for him to talk to law enforcement
6 and be truthful with them.

7 Q. Okay.

8 A. One hundred percent.

9 Q. For your convenience, I handed up a copy of the plea
10 transcript.

11 A. Yes, sir.

12 Q. Just want to ask you about one, one place in there.
13 As you stated, you were never served with notice that they
14 were seeking life without parole.

15 A. That's correct.

16 Q. If you wouldn't mind turning to page 3?

17 A. Yes, sir.

18 Q. I wonder if that's right; I wonder if that's a typo.
19 It's on page 3 at line 20. Is it talking about -- is Judge
20 Cooper advising him about life without parole?

21 A. Yes.

22 Q. Okay. During the plea, Judge Cooper advised the
23 applicant about life without parole, stating:

24 If you ever commit another most serious offense,
25 you will go to jail for the rest of your life.

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1 You will never get out of jail. You will die in
2 jail. Do you understand that?

3 Does that square with your recollection of Judge
4 Cooper's statement?

5 A. Yeah. I mean, it's in the transcript, but I don't
6 remember that necessarily, that part of the colloquy.

7 Q. Okay.

8 A. But it's something again that Mr. Singleton and I
9 discussed a lot.

10 Q. Okay. That may explain this. If you wouldn't mind
11 turning to page 16?

12 A. Yes, sir.

13 Q. On page 16 ---

14 A. Give me a second, sir.

15 Q. Okay.

16 A. Okay.

17 Q. Down around, starting around line 19. It's my
18 understanding that you made a statement that it's your
19 reading of law that he is LWOP eligible?

20 A. That's correct.

21 Q. And that he has used up all three strikes. That he is
22 going to do violent time as Your Honor advised him.

23 Did, did Judge Cooper advise him prior to that in the
24 plea that this was going to be violent time?

25 A. All most serious offenses are violent time. Now, I,

1 I, I don't know.

2 Q. Okay. Did -- does -- would Mr. Singleton have any way
3 of knowing that?

4 A. We discussed that.

5 Q. Okay.

6 A. I mean, we, we discussed ad nauseam how we could get
7 him to nonviolent time. We discussed the possibility of
8 offering up pleaing to attempted armed robbery and ABWIKs
9 for time served, which would give him the requisite strikes
10 which is a large portion of what most of the solicitors
11 want to get. So, you plead to time served on those
12 offenses, you get the strikes, but then you have a
13 nonviolent, non-most serious offense that you go and do
14 your time on.

15 I mean, we, I mean, we spoke about it ad nauseam
16 because that was a part of the reason why, again, I advised
17 him to go speak to the sheriff's department was to try to
18 circumvent going to prison on a most serious charge.

19 Q. And is that ---

20 A. Because I didn't want him to do violent time.

21 Q. And the solicitor's office was trying to get those
22 strikes on the record?

23 A. Correct.

24 Q. Okay. If you don't mind, turn to page 12.

25 A. Okay.

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1 Q. Now, after the court had accepted Mr. Singleton's
2 plea, Mr. Goldberg, the assistant solicitor, was relating
3 the applicant's prior record, and he told the judge that
4 the applicant had had a juvenile adjudication in 2005 for
5 arson first degree.

6 A. Yes, sir.

7 Q. Were you aware of that record?

8 A. No, sir. That was not provided in discovery to the
9 best of my knowledge. It caught me absolutely flatfooted.
10 I should have objected and I did not.

11 Q. Do you think -- is that something that's supposed to
12 be provided to you if it's going to be used in court?

13 A. It's going to be used, it should be provided.
14 Typically the Fifth Circuit Solicitor's Office does not use
15 juvenile adjudications in pleas.

16 I, I remember even going and talking to Goldberg about
17 that. Why wasn't that there? I thought you had it. That
18 was never -- I had never heard of that. I never saw it.
19 It was not in the file to the best of my knowledge. And
20 the only information I ever had of that was when Goldberg
21 said it in the plea, and it caught me flatfooted.

22 Q. And arson first degree is a most serious violent
23 offense, isn't it?

24 A. Well, it is, but it's an adjudication.

25 Q. I understand, and that it's in family court.

1 A. Correct.

2 Q. But, of course, this is something that's now being
3 stated in front of the, in front of the sentencing judge.

4 A. Without a doubt, it was a very, I would think, very
5 prejudicial thing for the judge to hear. I never objected
6 to it; I should have.

7 Q. Do you have any recollection now why you didn't? Were
8 you just flabbergasted?

9 A. It caught me flatfooted. It truly, it was one of
10 those -- I, I never saw it coming. I, I went and talked to
11 people about it afterwards because I was, I was so caught
12 off guard by it. I have no -- there is no reason why,
13 there is no reason period that I should not have objected
14 to it.

15 MR. BELDING: Okay. Thank you, Mr. May.

16 No further questions, Your Honor.

17 THE COURT: Mr. Corney.

18 CROSS-EXAMINATION BY MR. CORNEY:

19 Q. Mr. May, you said that Mr. Singleton, his goal was he
20 really wanted ten years, a plea offer for ten years?

21 A. What Mr. Singleton wanted initially, what we both
22 wanted was a strong-arm robbery plea, which would have been
23 even up to fifteen. At the end, it was a plea to ten
24 years.

25 Q. At any point in time, was he ever guaranteed that he

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1 was going to get that ten-year deal, that he was going to
2 get strong-arm robbery? At any point, did they guarantee
3 that?

4 A. He was never guaranteed it. I said that, I told him
5 that the best we could do it is to talk to the cops. They
6 said they'd work with us.

7 Q. All right. So, there's no particular charge offered
8 to him, no particular or ---

9 A. They don't have the authority to do that.

10 Q. And that's where I'm going with that next, and all
11 these discussions were with the sheriff's department?

12 A. Correct.

13 Q. Not the solicitor?

14 A. And normally they are the, the horse that drives the
15 carriage, but again he talked because of me.

16 Q. Okay. Were you able to at any point in time discuss
17 that with him, that the Richland County Sheriff's
18 Department did not have the ability to offer a plea
19 negotiation or an offer, but that kind of on blind faith
20 cooperating with them, hopefully they would get to the
21 solicitor's office to get ---

22 A. Well, it was always that they have to go talk to
23 Goldberg. They all, they were going to have to talk to
24 Goldberg, and I told him that they'd never led me astray
25 before. That whenever we start talking, it's -- every

1 other case that I can ever remember, to be honest with you,
2 we came to the resolution -- I take that back. There have
3 been a few murder cases they wanted to plead that the
4 solicitor's office was not allowed -- did not allow them
5 to. I believe those were post Mr. Singleton's
6 representation.

7 To that time, I told him that every time they'd ever
8 -- that we'd ever -- that I'd ever worked with them, they
9 came out the way we wanted.

10 Q. Okay, but in your discussions with him, he understood
11 it was going to have to come from Dan Goldberg. That's
12 where the -- or the solicitor's office?

13 A. Correct, because they can't make -- because they're
14 not, they're not attorneys. They cannot make the offers,
15 but they said they'll work with us. And again I believe
16 that's referenced in his typed statement given to Richland
17 County Sheriff's Department.

18 Q. Okay, and, in fact, as you said, there was a capped
19 sentence that was originally eighteen years that was
20 brought down to fifteen years?

21 A. It wasn't a capped sentence. I think that original
22 offer was in the, in the twenties, and then it was an offer
23 of eighteen. And then the eventual plea was to a cap, a
24 cap of fifteen where some of the armed robberies were
25 dismissed.

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1 And, in fact, all the armed robberies were dismissed
2 or allowed to plead to a lesser-included offense to allow
3 there to be a zero to fifteen year range as opposed to a
4 ten to fifteen year range if he had pled to armed robbery.

5 Q. Okay, and, and I don't mean to, I don't mean to sound
6 blunt, or I hope this doesn't come off the wrong way, but
7 he did receive some benefit from the cooperation. I mean,
8 he had armed robberies dropped. He got ---

9 A. Correct.

10 Q. --- a lesser included.

11 A. He received, he received the benefit. It's just not
12 what we wanted him to get.

13 Q. Okay. Right, and I believe you stated before it would
14 have been more triable case had he not given a statement,
15 but it wasn't a, a guaranteed acquittal if he had gone to
16 trial?

17 A. Absolutely not. It was a -- there was a lot of
18 evidence against him. Had it been a case that I thought
19 I'd win by showing up, we'd never have given a statement.
20 Had it been a case I thought was a coin flip, we would not
21 have given a statement.

22 I thought we were largely behind the eightball and for
23 the -- and to come up with the best possible scenario for
24 Mr. Singleton, I thought it was to cooperate with the
25 sheriff's department, provide all the information, to be

1 truthful, and to obtain the best sentence for him. Again,
2 we did not get what we were shooting for.

3 Q. Okay. As far as the, the, the family court
4 adjudication that was stated on the record, as we said, it
5 was a cap sentence of fifteen years, correct?

6 A. That is correct.

7 Q. Okay, and Mr. Singleton was ultimately sentenced to
8 twelve years on this, on the, on the charge he had,
9 correct?

10 A. That's, that's what the record reflects.

11 Q. And without Judge Cooper giving him the maximum
12 fifteen-year sentence, I mean, be hard to say whether or
13 not that actually influenced his decision or he, he, he
14 took that into account in sentencing, correct?

15 A. I think that, in all honestly, that when you hear
16 arson first, there's something that just is very visceral
17 about it. I think a burning where it results in serious
18 bodily injury or death, I think that there is a definite
19 knowledge of in the legal community that most people who
20 burn have issues with them. And that a lot of times that
21 those things aren't stuff that can be rehabilitated in
22 prison.

23 I think that outside of child pornogra -- outside of
24 some kind of child sexual offense, that rape in the -- I
25 mean, that arson in the first degree is the most damning,

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1 damning thing that could have been said, including
2 homicide.

3 Q. Okay, and you were able to put on the record at the
4 plea hearing all of, all of -- not all, but discussions as
5 far as they went with the sheriff's department and his
6 decision to cooperate with the sheriff's department?

7 A. I, I have not reviewed it. If that's what's there.

8 Q. And the record will reflect that.

9 A. Yeah. If the record reflects it, that's what
10 happened. I, I don't know.

11 MR. CORNEY: I believe that's all questions I have,
12 Judge. Thank you.

13 THE COURT: Anything further?

14 MR. BELDING: No redirect, Your Honor. Thank you.

15 THE COURT: All right.

16 MR. BELDING: We would like to ask that this witness
17 be excused.

18 THE COURT: All right. Very good.

19 WITNESS: Thank you, sir.

20 THE COURT: It's your last testimony of the day?

21 WITNESS: Yes, sir.

22 (THE WITNESS EXITS THE STAND.)

23 THE COURT: All right, we are going to break for
24 lunch. We're going to break for lunch until 2:30.

25 MR. BELDING: Thank you, Your Honor.

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1 MR. CORNEY: Thank you very much.

2 (OFF THE RECORD.)

3 THE COURT: Thank you. Be seated. All right, we are
4 back. Next witness, please.

5 MR. BELDING: Thank you, Your Honor. May it please
6 the court? I'd like to call Omar Singleton to the stand.

7 THE COURT: Mr. Singleton.

8 OMAR SINGLETON, BEING DULY SWORN,
9 TESTIFIES AS FOLLOWS:

10 MR. BELDING: Thank you, Your Honor. May it please
11 the court?

12 DIRECT EXAMINATION BY MR. BELDING:

13 Q. Please state your full name for the record.

14 A. Omar Singleton.

15 Q. Mr. Singleton, where are you, where are you serving
16 time right now?

17 A. Kershaw Correctional Institution.

18 Q. And what are you serving time for?

19 A. Attempted armed robbery, and two assault and battery
20 attempt to kill, six assault with intent to kill.

21 Q. And the total sentence you're serving is how much?

22 A. Altogether?

23 Q. Right.

24 A. Consecutive or concurrent? Twelve.

25 Q. It really in the aggregate, all put together, comes

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1 out to be twelve years. Is that correct?

2 A. Uh-huh.

3 Q. Okay. Now, did you plead guilty to these crimes?

4 A. Yes, sir.

5 Q. Okay. Do you recall a hearing in front of Judge
6 Thomas W. Cooper here in Richland County on April 21st of
7 last year, 2011?

8 A. Yes, sir.

9 Q. All right. Who was your attorney?

10 A. Jim May.

11 Q. Same person that testified earlier?

12 A. Yes, sir.

13 Q. Okay. How -- was Mr. May the only attorney you had in
14 this case?

15 A. No, sir.

16 Q. Who was your first attorney?

17 A. Danielle Payne.

18 Q. Danielle Payne. She was with the Public Defender's
19 Office, correct?

20 A. Yes, sir.

21 Q. And how long did she work with you?

22 A. Probably about, about, about two, three months.

23 Q. All right.

24 A. I'm not, I'm not exactly sure. About two, three
25 months.

1 Q. All right. The crime that you're serving time for
2 happened when? January 2008, does that sound right?

3 A. Yes, sir.

4 Q. Okay.

5 A. January 20th.

6 Q. And how long after that crime were you arrested?

7 A. Five days later, January 25th.

8 Q. Okay, and have you been in jail ever since January
9 25th of 2008?

10 A. Yes, sir.

11 Q. Okay. Now, first you had Ms. Payne assigned to you.
12 Did -- how many times did she come see you?

13 A. She came and saw me three times.

14 Q. Okay, and at that time, were you also charged with
15 some other offenses such as simple possession of marijuana,
16 three counts of possession of a firearm, and three counts
17 of armed robbery?

18 A. Yes, sir.

19 Q. Did you discuss those cases with Ms. Payne as well?

20 A. Yes, sir.

21 Q. Okay. Now, at some point she left?

22 A. Yes, sir.

23 Q. Okay, and then who started representing you?

24 A. Mary LaFave.

25 Q. Mary LaFave. How long did you work with her?

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1 A. About, about four, five months.

2 Q. Okay. Ultimately, I think she left the Public
3 Defender's Office, too.

4 A. Yes, sir.

5 Q. Now, who was your next attorney?

6 A. Kris Hines.

7 Q. Okay, and how long did you work with Mr. Hines?

8 [verbatim]

9 A. About a year, about a year.

10 Q. Okay. All right, and did you have any more attorneys?

11 A. Jim May.

12 Q. Jim May. Is he your last one?

13 A. Yes, sir.

14 Q. Okay. Now, how long before April of 2011 did you end
15 up -- did you first meet Mr. May?

16 A. 2009. I can't remember exactly what month, but it was
17 2009.

18 Q. So, you had him as your attorney for over a year
19 before you pled guilty?

20 A. Yes, sir.

21 Q. Okay. Now, did he pick right up where the others left
22 off, or did it basically have to start all over with him?

23 A. I mean, he just came in.

24 Q. Okay.

25 A. He just came in talking about pleading guilty, so I

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1 don't. I mean, that ---

2 Q. The first day he met you, he was talking about
3 pleading guilty?

4 A. Yes, sir.

5 Q. You meet him down in the detention center?

6 A. Yes, sir.

7 Q. Okay. How long do you think you talked with him that
8 first time?

9 A. First time, probably about, about fifteen minutes.

10 Q. What did he know? Did he know all about the case ---

11 A. Matter of fact ---

12 Q. --- at that time?

13 A. He ain't know nothing.

14 Q. Did he have all the state's discovery?

15 A. No.

16 Q. Okay. At that time, did -- had he talked -- did he
17 talk to you about any kind of plea offer?

18 A. When Kris Hines was my lawyer, they offered me.

19 Q. Fifteen years?

20 A. That was the last plea. That was the second plea when
21 Ms. Kris Hines was my lawyer. Now, I turned it down. So,
22 a couple months later she was relieved. Now, when he
23 assumed -- the first day he come in, he was talking about
24 that same fifteen, trying -- that was the only one he was
25 talking about, the same fifteen that he was trying to get

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1 me to plead to.

2 Q. Okay. Did, did you tell him what your defenses were
3 to these charges?

4 A. I tried.

5 Q. Okay. Did he listen to you?

6 A. He didn't want to listen.

7 Q. So, after that, you met with him for fifteen minutes
8 up to maybe half an hour. How many times did he see you in
9 the detention center before you ended up coming up to
10 court?

11 A. I can't, I can't give a exact answer, but he came
12 several times.

13 Q. Okay.

14 A. He came several times.

15 Q. As I recall, Mr. May didn't give an exact answer
16 either, did he?

17 A. Yes, sir.

18 Q. Okay.

19 A. But he came, he came several times.

20 Q. And every time that you talked to him, what did you
21 two talk about?

22 A. He talking about pleading guilty. I'm talking about
23 trial.

24 Q. Okay.

25 A. He talking about life without parole or plead, plead

1 guilty. It ain't worth it.

2 Q. Okay.

3 A. I'm telling him look. I want to go to trial.

4 Q. Okay. He started talking about life without parole
5 early on. Did you know whether or not you were facing life
6 without parole?

7 A. Not -- no.

8 Q. Okay. Were you ever served with a notice that the
9 state was going to seek life without parole in your case?

10 A. No.

11 Q. Okay. All right, but Mr. May kept telling you about
12 life without parole, correct?

13 A. Yes, sir.

14 Q. Prior to April the 21st of 2011, the day you were
15 brought to court and appeared in front of Judge Cooper,
16 when was the previous time that you saw Mr. May? Was it a
17 few days before?

18 A. It was a couple of months. It was probably, like,
19 December or January.

20 Q. Okay. So, on the morning of January 21, 2011, were
21 you awoken at the, awoken at the detention center and told
22 to get ready to go to court?

23 A. Yes, sir.

24 Q. Did you know you were going that day?

25 A. No.

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1 Q. Okay. Did you have anything to take with you?

2 A. No.

3 Q. Did you have any -- were you wearing your Alvin S.
4 Glenn Detention Center jumpsuit?

5 A. Yes, sir.

6 Q. Okay. Were you taken down to the detention center in
7 the bottom of this building?

8 A. Yes, sir.

9 Q. In the holding area?

10 A. Yes, sir.

11 Q. All right. Did Mr. May come to talk to you there?

12 A. Yes, sir.

13 Q. Okay. What did you all talk about that day? Did you
14 even know why you were here?

15 A. What? No, sir.

16 Q. Okay. What did y'all talk about?

17 A. He was talking about pleading guilty to zero to
18 fifteen.

19 Q. Okay.

20 A. And I say look. I'm not pleading no zero to fifteen
21 because I want what you told me that I was supposed to get,
22 which you promised me.

23 Q. Okay.

24 A. Which was the ten nonviolent.

25 Q. All right. Now, when did he promise you ten

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1 nonviolent?

2 A. Right after I made that statement.

3 Q. That same day?

4 A. Yeah, the same.

5 Q. Had, had ---

6 A. Yeah. Like when I was making it. Like that day.

7 Q. Okay.

8 A. Him and all them other people.

9 Q. Okay. How had he previously told you he can get you
10 that sentence?

11 A. He -- before that?

12 Q. Yes.

13 A. Before that, he promised me a reduced nonviolent
14 sentence.

15 Q. Okay.

16 A. That was his exact words.

17 Q. A reduced nonviolent sentence?

18 A. Yes, sir.

19 Q. Would -- did that have a number of years attached to
20 it?

21 A. No, sir.

22 Q. Just reduced?

23 A. He just said reduced from that fifteen.

24 Q. Okay. How long did you talk to him down in the
25 holding area?

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1 A. Downstairs?

2 Q. Yes.

3 A. We went back and forth about, for about twenty
4 minutes.

5 Q. Okay. Did, did he actually leave the holding area and
6 come back to see you, or did he do all this talking at one
7 time?

8 A. Yes, sir.

9 Q. He did?

10 A. Yes, sir.

11 Q. That's been my experience, too. So, was he going back
12 and forth between you and the solicitor to talk about an
13 arrangement, a deal?

14 A. Yes. He was -- I don't know if that's what he say.
15 He kept asking me to hold on. I be right back.

16 Q. Okay.

17 A. Hold on. I be right back.

18 Q. Okay. All right. So, the first one was when he left,
19 you had instructed him as your lawyer I want ten
20 nonviolent, ten years nonviolent?

21 A. Yes, sir.

22 Q. Okay. Then he left?

23 A. Yes, sir.

24 Q. Came back. What did he -- what did y'all talk about
25 the second little get together?

1 A. He say look. Look. He told me he, he was going to
2 talk to the judge. He said right the -- he say he was
3 going to talk to the judge and see what the judge was going
4 to do. Like, he was going to ask the judge look. It ain't
5 -- it's not that serious. It's just -- he, he said he was
6 going talk to the judge to drop it down to nonviolent
7 because he say the judge was the only one that could do it
8 even though I'm pleading to violent charges.

9 Q. Okay.

10 A. So, when we was in there, yeah, that, that's pretty
11 much it. He was talking about getting it down to
12 nonviolent. So, I'm, like, all right. Know what I'm
13 saying?

14 Q. How many of those back-and-forth trips do you recall
15 there being? I mean, was it two or three times or what?

16 A. It was three times.

17 Q. Okay. Do you recall in which one of those meetings
18 that you signed plea sheets, the sentence sheets?

19 A. The last time, the third time.

20 Q. Okay, third time, and do you know what I'm talking
21 about when I say sign the sentence sheet?

22 A. The -- yeah.

23 Q. Now, in the record they have copies of all of these
24 sentence sheets. I'm just going to pull one out because
25 there were several. I'm going to show you or represent to

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1 you this was the sentence sheet on indictment number
2 2008-GS-40-1005 for assault with intent to kill. I'm going
3 to just hold it because it's hard for you to hold. Do you,
4 do you recognize that sentence sheet?

5 A. Yes, sir.

6 Q. What do you recognize about it?

7 A. That's the one I signed.

8 Q. Okay, and how many of those did you sign?

9 A. Yeah, I signed a lot of them. About nine or ten.

10 Q. Okay. Well, how many charges did you actually plead
11 guilty?

12 A. Nine.

13 Q. Nine. So, you signed nine sentence sheets?

14 A. Yes, sir.

15 Q. Correct? Okay. Now, they weren't -- were they --
16 they were not all filled out already, were they?

17 A. No, sir.

18 Q. Okay. Do you recall to the best of your recollection
19 how much of this information that's handwritten in was on
20 that sheet when you signed it?

21 A. Where my name at, where my address and stuff and
22 birthday, the charge, the assault with intent to kill.

23 Q. Okay.

24 A. Yeah, all this over here where it say up under the
25 Court of General Sessions, all that.

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1 Q. Okay. So, the, the case information was also written
2 down?

3 A. Yes, sir.

4 Q. Okay. Do you recall whether or not the boxes were
5 checked violent or nonviolent on any of these?

6 A. No, sir.

7 Q. Okay.

8 A. They wasn't.

9 Q. Okay. Did you just sign right here? Is that your
10 signature?

11 A. Yeah. Yes, sir.

12 Q. Okay. Now, how did that work? Did he just kind of
13 hand you nine, one after the other, and you just signed
14 them all?

15 A. Yeah, he was -- yeah. He was piling them up.

16 Q. Okay. These sentence sheets that you were signing,
17 did you understand what they were at the time?

18 A. I mean, I thought, thought they was for the little
19 agreement.

20 Q. Okay.

21 A. With the ten nonviolent.

22 Q. Okay. Now, let me -- before I get to the actual plea,
23 let me ask you. We've talked with Mr. May about the fact
24 that you were also charged with a simple possession of
25 marijuana, two counts of possession of a firearm, and three

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 counts of armed robbery.

2 A. Yes, sir.

3 Q. Correct? Hold on a second.

4 (A PAUSE.)

5 Q. The three counts of armed robbery that were noll
6 prossed, do you know what that term means, noll prossed?

7 A. Dismissed.

8 Q. Yes, that the state dropped. Were those three counts
9 of armed robbery, did they stem from other incidents?

10 A. Yes, sir.

11 Q. Not the one at this Hazelwood Cafe or whatever it's
12 called.

13 A. No, sir.

14 Q. Okay. As to those three counts of armed robbery -- by
15 the way, were those three counts all one armed robbery that
16 -- or were there three alleged, alleged separate?

17 A. Three different incidents.

18 Q. Okay. Did you talk with Jim May about these armed
19 robbery charges?

20 A. Yes, sir.

21 Q. What did you tell him about that?

22 A. I told him that I had -- that they had the time sheet
23 for when I was at work when it happened. That that was my
24 alibi. I was at work when, exactly when it happened, and
25 that ---

1 Q. For all three of them?

2 A. Yeah. Ms. Kris Hines, she supposedly had got them
3 because I had signed the paperwork. And a co-defendant
4 that was in the -- the co-defendant who impli -- who put me
5 in that, he, he kept writing my lawyer and he kept writing
6 the solicitor saying that I -- he just lied. I ain't had
7 nothing to do with it for real. And I kept telling, I was
8 telling Jim May all that. I don't know if he got the
9 letters or not from my lawyer, but he, he just told me he,
10 he, he -- don't worry about it.

11 Q. Okay. So the three armed robberies that were
12 dismissed by the state, were you guilty of those?

13 A. No.

14 Q. Okay, and were you charged because, as I understand
15 it, another person charged in the same robberies first said
16 you did it and then recanted his testimony?

17 A. Yes, sir.

18 Q. Okay. The two counts of possession of a firearm, were
19 those related to the armed robberies?

20 A. No, sir.

21 Q. What were those about?

22 A. That the guns was in a car, and I was just standing
23 beside the car, and it was three other people inside the
24 car. And when the police pulled up, they shined a light,
25 and it wasn't no need for me to run.

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1 Q. Okay.

2 A. It wasn't no need for me to run, but they locked all
3 us up.

4 Q. Okay. So, when they find a gun, they just arrest
5 everybody. Is that right?

6 A. Yes, sir.

7 Q. Okay. Were those your firearms?

8 A. No, sir.

9 Q. I mean, had you ever possessed those firearms?

10 A. No, sir.

11 Q. Had them, you know?

12 A. No, sir.

13 Q. Okay. The -- and this is certainly the most --
14 smallest charge we're talking about today. The simple
15 possession charge, what was that all about?

16 A. That was with the two firearms.

17 Q. Okay.

18 A. That was with them at the same time.

19 Q. Okay. The marijuana was found in the car?

20 A. Yes, sir.

21 Q. Was it your marijuana?

22 A. No, sir.

23 Q. Okay. So, when the state drops one count of simple
24 possession of marijuana, two counts of possession of a
25 firearm, and three counts of armed robbery, that's not that

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1 big a deal because you weren't guilty of those anyway?

2 A. No, sir, and I had proof.

3 Q. Okay. So, you had a defense to all three of those
4 charges?

5 A. Yes, sir.

6 Q. Okay. Now, along with the rest of your plea agreement
7 to the charges that stemmed from the Hazelwood Cafe
8 incident, if they say, well, we'll drop all these charges,
9 too, did you agree to that?

10 A. Say it again?

11 Q. Yeah, that's a long question. I'm sorry. You ended
12 up pleading in front of Judge Cooper to a bunch of charges
13 that all happened in one incident at this Hazelwood Cafe or
14 whatever it's called?

15 A. Yes, sir.

16 Q. Okay. These other charges -- simple possession, the
17 possession of firearm, the three armed robberies -- those
18 didn't have anything to do that incident at the Hazelwood?

19 A. No, sir.

20 Q. Okay. So, when they -- so, when Jim May is talking to
21 you about pleading guilty to the Hazelwood charges and says
22 oh, by the way. They're going to drop all these other
23 things against you, I mean, you wouldn't have had a problem
24 with that, would you?

25 A. No. It wouldn't have mattered anyway.

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1 Q. Right, because if you'd gone to trial, you'd have been
2 found not guilty.

3 A. Yes, sir.

4 MR. CORNEY: Your Honor, I think that's speculation.
5 I mean, there's no way we could say this. I let him
6 testify to the facts without objecting. I'll let him say
7 that he thinks he's not guilty, but not to say that he
8 would have been found not guilty is just -- I mean, that's
9 pure speculation, Your Honor.

10 THE COURT: Objection is sustained.

11 MR. BELDING: Thank you, Your Honor. Let me rephrase
12 that.

13 BY MR. BELDING:

14 Q. Did you feel like you had a good defense to those
15 other charges that were dropped?

16 A. Yeah. I know I did.

17 Q. Okay. So, having the state drop those charges was no
18 big deal, and you weren't going to fight them on that, were
19 you?

20 A. Well, I mean ---

21 Q. If they were going to drop them, you know, that's
22 fine. Okay.

23 Now, at the holding cell, you signed all the sentence
24 sheets, correct?

25 A. Yes, sir.

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1 Q. All right, and your understanding at the time is that
2 you were going to get ten years nonviolent?

3 A. Yes, sir.

4 Q. Mr. May testified that he told you you were going to
5 be pleading guilty to a cap of fifteen.

6 A. Yes, sir.

7 Q. Is, is that what he told you?

8 A. He said it's going to be a, on the paperwork it's
9 going to be a cap of fifteen, but he going -- when he talk
10 to the judge, it's basically ten nonviolent, but it's, it's
11 not, like, it's just, like, between us, know what I'm
12 saying? It wasn't no -- it, it was going to be on the
13 record. It wasn't going to be no paperwork.

14 But he was telling me the ten, don't worry about ten.
15 I got you. He was, like, ten, ten, ten nonviolent. I
16 didn't talk to everybody, so, so ---

17 Q. I mean, did he really ---

18 A. --- I think, I ---

19 Q. --- say it over and over again like that?

20 A. Yeah. He kept ---

21 Q. Ten, ten, ten?

22 A. --- saying ten, ten, ten.

23 Q. Okay. All right.

24 A. So, I can't do, I can't do nothing but go with the
25 man.

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1 Q. Okay. I mean, were you willing to plead, take fifteen
2 years?

3 A. Fifteen what? Violent?

4 Q. Yeah.

5 A. No.

6 Q. Okay. So, clearly you pled guilty because your lawyer
7 said you were going to get ten years, nonviolent sentences?

8 A. Yes, sir.

9 Q. All put together?

10 A. Yes, sir.

11 Q. Okay. Now, understand that when you look at the
12 transcript, and you've seen this transcript, haven't you?

13 A. Yes, sir.

14 Q. Okay, that there were a lot of questions asked you by
15 the judge.

16 A. Yes, sir.

17 Q. Okay. Do you know what you're doing, you know, are
18 you under the influence of drugs or alcohol, and you
19 answered all those questions?

20 A. Yes, sir.

21 Q. Now, had you talked to your lawyer, Mr. May, about how
22 you should answer the questions that the judge would ask?

23 A. Yes, sir. He had, he had a paper with all the
24 questions on there. And while we was going, we -- he was
25 going through them, and when he got to had I been promised

1 anything, I said yeah, man. You told me I was going to get
2 ten nonviolent. So, he was, like, no, no, you can't say it
3 in front of the judge because the judge won't accept the
4 plea, know what I'm saying? He was, like, just go ahead
5 and answer everything right, have it go through smooth, so
6 -- and when I'm'a get up, he told me he was, like, he going
7 to get up there and talk. And when he talked, just, just
8 go with what he say.

9 Q. Okay. So, he told you how to address the court and
10 how to answer the questions on all the guilty plea -- when,
11 when he asked -- did he tell you that the judge would ask
12 you are you pleading freely and voluntarily? Did he tell
13 you he was going to ask that?

14 A. Yes, sir.

15 Q. Okay. Did he tell you how you should answer those
16 kind of questions?

17 A. Yes, sir.

18 Q. What did he tell you to say?.

19 A. Talking about when I get in front, in front of the
20 judge?

21 Q. Correct.

22 A. He told me to say yeah, I'm freely and voluntary. I
23 ain't been promised nothing. Ain't nobody threatened me or
24 coerce me or threatened me bodily harm, nothing like that.

25 Q. Okay, and early on in the plea.

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1 MR. BELDING: I'm referring to, I'm on page 9, Your
2 Honor, line 5.

3 Q. Judge Cooper asked you: Are you satisfied with what
4 Mr. May has done for you as your lawyer? Do you recall
5 what your answer was?

6 A. Yes, sir.

7 Q. What was your answer?

8 A. I told him yeah.

9 Q. Yes, sir. That was the answer. Now, at that time,
10 that moment when you were standing there in front of Judge
11 Cooper, that was the truth, wasn't it?

12 A. Yes, sir.

13 Q. Okay. You were satisfied with what Mr. May had done
14 for you, right?

15 A. Yeah. I was satisfied under the impression that I was
16 going to get the ten nonviolent.

17 Q. Okay, and you thought that that was a fair resolution
18 to all these charges, correct?

19 A. Yes, sir.

20 Q. Okay. The judge asked you asked you: Has he --
21 meaning Mr. May -- has he done all you have asked him to
22 do? And you responded: Yes, sir?

23 A. Yes.

24 Q. To that point, had he done everything you'd asked him
25 to do?

1 A. No.

2 Q. What, what hadn't ---

3 A. He didn't.

4 Q. What hadn't he done that you asked him to do?

5 A. He didn't get my DNA results.

6 Q. Okay. Tell me about the DNA. What, what did you ask
7 Mr. May to do for you?

8 A. I told him what's up with the result? I just tell him
9 get me the result. He say he was going to file a motion to
10 compel or something.

11 Q. Okay, motion to compel?

12 A. So when I asked him about it, he came back in, I asked
13 him about it. This was before, this was before, before I
14 made this statement and all before we talked about that.
15 He said he was going to file a motion to compel, motion to
16 compel. So, then he comes back. He, like, yeah, I filed
17 it. I'm just waiting on the solicitor get back.

18 Q. Okay.

19 A. So, I'm, like, all right. I just fell, I just fell
20 back. And then he come back, talking about oh yeah, man,
21 by the way. They got some DNA. They got some DNA on you.
22 So, yeah, you might as well plead guilty, and that's when
23 he offered to -- for me to make the statement to the police
24 in exchange for the reduced nonviolence sentence.

25 Q. Okay.

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1 A. That's when all that came into play.

2 Q. I want to make sure I want to understand this all the
3 way through. What was the DNA supposed to have proven?

4 A. What it supposed to prove? I don't know.

5 Q. What was supposed be tested to see if it had your DNA?

6 A. Blood that was at the scene, blood that was at the
7 scene, blood that was at the scene.

8 Q. Okay. Were they wanting to see if some of it was your
9 blood?

10 A. Yes, sir.

11 Q. Okay. Why did they want to check to see if it was
12 your blood?

13 A. Why? I mean, what? That's they job, ain't it?

14 Q. Okay. Well, Mr. May testified that during the course
15 of this incident at the Hazelwood Cafe, that you were shot
16 with a .45 caliber handgun.

17 A. Yes, sir.

18 Q. Did you hear him say that?

19 A. Yes, sir. I heard him.

20 Q. Is that what happened?

21 A. I told that man I got shot.

22 Q. Okay.

23 A. I told him I got shot, you know what I mean? I got
24 shot, but I ain't -- I told him I got shot. I told him
25 that.

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1 Q. Okay, and you're saying, are you saying you told him
2 you got shot at the Hazelwood Cafe?

3 A. In the statement I made, that's what I said.

4 Q. Okay. Is that the truth?

5 A. I got to answer that?

6 Q. Well, you can't object. I guess what ---

7 A. All right.

8 Q. --- I'm saying is, is what you said in your statement
9 to the police true?

10 A. Yeah. That's what I, that's what I made in my
11 statement.

12 Q. Okay. So, the DNA, were you the one that wanted the
13 DNA, or was that something the state was looking for?

14 A. I, I wanted it.

15 Q. Okay, you wanted it?

16 A. Yes, sir.

17 Q. All right, and you told Mr. May you wanted to get a
18 DNA test, is that right, to check on some of the evidence?

19 A. No. They already had took my DNA.

20 Q. Okay.

21 A. They already took. I wanted the results.

22 Q. Okay. Did he ever show you the results?

23 A. No.

24 Q. Did he ever hand you a piece of paper and say look.
25 Here's the DNA results?

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1 A. No.

2 Q. What did he tell you was the result of the test?

3 A. He told me, oh, look. Yeah, you got shot. They say
4 you got shot and, yeah, that you, you had surgery, and you
5 had -- the bullet, they took the bullet and did ballistics,
6 ballistics testing, and the ballistics test matched the gun
7 that -- well, that, that the owner shot. That, that, what
8 he told me.

9 Q. That's what Mr. May told you?

10 A. Yes, sir.

11 Q. Where is that slug right now?

12 A. In my arm.

13 Q. Show me where it is.

14 A. I can't. I can't. You know, I'm on this black box.

15 MR. BELDING: Can I just...

16 DEPUTY SHERIFF: He can stand up.

17 Q. Okay, stand up.

18 MR. CORNEY: Your Honor, I have no idea how this is
19 relevant. I'm going to object to it. I mean, I don't know
20 where he's going with this, and I don't really understand
21 the allegation. So, I'm going to object to relevancy on it
22 at this point.

23 MR. BELDING: In response, Your Honor, all I'm trying
24 to show on behalf of Mr. Singleton is what Mr. May told him
25 that induced him to plead guilty, and I think that's always

1 relevant.

2 THE COURT: That he was shot at the scene?

3 MR. BELDING: Well, let me tell you. What I was
4 getting at was this ballistics test. If, in fact, it's Mr.
5 Singleton's testimony that Mr. May told him, you know,
6 they've got ballistics on it, the bullet, the slug's still
7 in his arm. You can, you can actually see it, if the
8 court's interested in that. I've seen it myself. He's got
9 -- the slug never was taken out.

10 THE COURT: How many people were shot?

11 MR. BELDING: Gosh, at least...

12 WITNESS: Two.

13 MR. BELDING: Two, right.

14 WITNESS: At least.

15 MR. BELDING: Because those are the assault and
16 batteries with intent to kill. The other people that
17 didn't get shot were just assaults with intent to kill, and
18 some of those were from the other gunman.

19 THE COURT: They had bullets everywhere they could
20 have recovered.

21 MR. BELDING: Right. Right.

22 THE COURT: You can show me whatever you want to
23 or ---

24 MR. BELDING: Okay. Well, just ---

25 THE COURT: --- testify whatever you ---

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 MR. BELDING: Briefly. Thank you, Your Honor.

2 BY MR. BELDING:

3 Q. Just, just can you, can you show him where the slug is
4 in your arm?

5 DEPUTY SHERIFF: Stand up. Go ahead and stand up.

6 Q. Can I, can I just lift this up? All right, let me see
7 if I can do this.

8 A. That's it right there poking out.

9 Q. Right there?

10 A. Yeah.

11 Q. That is the slug right there in your arm?

12 A. Yeah.

13 Q. Yeah, you can feel that. Okay. All right.

14 Now, so Mr. May is telling you that they got the DNA
15 test back, but he never showed it to you, correct?

16 A. Yes, sir.

17 Q. Okay. What other state's discovery -- did he go over
18 all of the stuff, the discovery? Do you know what I mean
19 by discovery?

20 A. Yeah, the paperwork.

21 Q. The paperwork, exactly. Did, did Mr. May show you all
22 the paperwork that the state had provided to him?

23 A. No, sir.

24 Q. Never?

25 A. No, sir.

1 Q. Okay.

2 A. He ain't go -- we ain't go -- we ain't never go over
3 none of it.

4 Q. Okay.

5 A. We just talk, but he ain't sit down actually here,
6 look. This is this, this is that, know what I'm saying?
7 He ain't do none of that.

8 Q. Okay. So, ultimately you come here. Were you under
9 the impression on April the 21st, 2011 that morning that
10 you were going to be going to trial if you didn't plead
11 guilty?

12 A. Was I under the impression?

13 Q. Did you think either -- for whatever reason -- did you
14 think you were going to be going to trial on these charges
15 if you didn't plead guilty?

16 A. I don't think that, that morning, but he was, the way
17 he was saying it, like, look. Plead guilty, plead guilty,
18 plead guilty. I'm'll get you, I'm'll get you what you --
19 what we talked about. Plead guilty. Know what I'm saying?

20 It ain't no use saying -- if you try -- because he,
21 when he came with the -- when, when he said the violent
22 first, I'm, like, no. No. We can go to trial. He, like,
23 look, man. You done made a statement. Don't, don't, don't
24 go to -- if you go to trial, they're going to give you
25 life.

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 So, I'm, like, look. I ain't -- I don't -- I, I
2 wouldn't have made this statement. I wouldn't have said --
3 I done been interrogated by them people about three, four
4 times, and each time I ain't say nothing. I, I chose to
5 remain silent, and I wouldn't have made no statement if I
6 wasn't going to get this right here, this, this, this
7 nonviolent time.

8 Q. And I think Mr. May agreed that you made a statement
9 to the police based on his recommendation.

10 A. Yes, sir.

11 Q. Is that true?

12 A. Yes, sir.

13 Q. Okay, and you told the police the truth, based on Mr.
14 May's recommendation?

15 A. Yes, sir.

16 Q. And he had already at the time you made -- at the time
17 that you made this statement, which was in January of 2010,
18 over a year before, had any kind of plea deal been done at
19 that time, or was he saying he would be able to get a
20 better deal for you if you cooperated?

21 A. If I -- had any type of plea deal been done? Like,
22 did they offer me to plead?

23 Q. Right.

24 A. Yeah. They -- before, you talking about before I made
25 a statement?

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 Q. Yes.

2 A. Yeah. The first plea deal, it was ten to twenty.

3 Q. Okay.

4 A. With a cap. Then the, then the second one was fifteen
5 with a cap, a straight fifteen, and that was it after that.

6 Q. Okay. So, that -- now I think I'm clear. It was the
7 cap of fifteen that was in place when you made the
8 statement to the police. Is that right?

9 A. No. I had done rejected that.

10 Q. Okay. So, you were just trying to work with them?

11 A. I did that off of him, from what he was telling me.

12 Q. Okay.

13 A. From what he was telling me.

14 Q. All right. Now, Mr. May, did Mr. May tell you that
15 the police couldn't help you with the plea?

16 A. Did he tell me they couldn't?

17 Q. Did -- before you make that statement, did he tell you
18 that the police didn't have the authority to cut a deal
19 with you?

20 A. No. He was talking like -- they all was in there
21 together, and he was talking. Before that, he was talking,
22 like, yeah. Okay. Look. I'm'll holler at -- I'm'll talk
23 to Stan, what is it, Stan Smith and Ellis, the investigator
24 and all that. Yeah, we, we going to come up with
25 something. We going to do something. And then when I get

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 down there, all of them yeah. Look, we got you. We got
2 you. Yeah, nonviolent. You, you did this for us. We're
3 going to do this for you.

4 Q. Okay. Did Mr. May ever tell you that if you -- you
5 could get a total of 120 years if they convicted you of all
6 of the charges?

7 A. No.

8 Q. Okay. Did that ever come up, that you could get 120
9 years for all this?

10 A. No. He just kept talking about the life.

11 Q. Do you think Mr. May was prepared at that time to
12 actually try the case?

13 A. No.

14 Q. Had he contacted any -- had you given him witnesses to
15 contact for these charges? For example, I think you
16 testified earlier that there were time records that showed
17 you were at work during some of these alleged burglar ---
18 armed robberies, correct?

19 A. Yes, sir.

20 Q. Had you given that information to Mr. May?

21 A. I thought it was -- I thought he already had it from
22 my lawyer Kris Hines.

23 Q. Okay. So, you'd given all that to Mr. Hines?

24 A. She ---

25 Q. Ms. Hines, Ms. Hines.

1 A. She supposedly went and got it.

2 Q. Okay.

3 A. She, because she had me come sign some type of paper
4 saying consent to -- I can't remember what it was, consent
5 to go get something.

6 Q. Okay.

7 A. Because she was supposed to go get my hospital
8 records, too, and I were working at Popeye's then. She was
9 go -- she tell me she was going there to get that, too.

10 Q. Okay, and Ms. Hines was in the Public Defender's
11 Office, correct?

12 A. Yes, sir.

13 Q. And Mr. May was in Public Defender's Office?

14 A. Yeah.

15 Q. Right? So, they've got your file. They've got all
16 your information.

17 A. Yes, sir.

18 Q. Okay, and they had information that they could use to
19 defend you at trial, correct?

20 A. Yes, sir.

21 Q. But you'd never gone over any of it with him?

22 A. Not him, no.

23 Q. Okay. Were there witnesses that you would have called
24 in your own defense if you'd gone to trial?

25 A. Yes, sir.

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 Q. Had you given those names to Mr. May?

2 A. No, sir.

3 Q. You gave them to Ms. Hines?

4 A. I -- we -- he -- she was asking me. I didn't, I
5 didn't say nothing at the time.

6 Q. Okay.

7 A. Because I had to think of who was all at work. She
8 was going -- she, she was supposed to do that. I was
9 telling her where I was working at, who, who was working
10 that night, but I didn't give her the names.

11 MR. CORNEY: Your Honor, I'm sorry. I'm sorry to
12 interrupt. I just want to -- I, I guess I need some
13 clarification. Are we talking because these other three
14 armed robberies that were noll prossed? Are we talking --
15 I mean, he's talking about witnesses for what charges? I
16 mean, the only charge that was being brought forward is the
17 one that he pled guilty to. We don't know that these other
18 three armed robberies were going to come up at this time.

19 I don't, I don't even think Mr. May testified up there
20 that he even necessarily represented him on these other
21 three arm robberies. I'm getting confused as to what case
22 he's talking about. These are all different situations.
23 He's already testified they were distinct and separate. I
24 mean, he's saying I have witnesses. Have witnesses for
25 what? I mean, we've talked about all kinds of different

1 crimes over a period of time.

2 THE COURT: All right.

3 MR. CORNEY: So, I just think we need some
4 clarification as to what he's talking about.

5 THE COURT: Mr. Belding.

6 MR. BELDING: Thank you, Your Honor. I think that's a
7 fair, fair statement. This is what I'd say. First of all,
8 Mr. May did end up representing him in all of them because
9 he ended up being at the plea representing him.

10 But that aside, what I really wanted to get at was if
11 they were going to bring up, bring up, bring him up for
12 trial, my understanding was that he'd be facing everything.
13 So, what kind of defense preparation had been made with Mr.
14 May prior to his plea because I think that that had an
15 influence on whether or not Mr. May was prepared to go to
16 trial. And, therefore, that's why he would have ---

17 THE COURT: What kind of ---

18 MR. BELDING: --- relied on the promise.

19 THE COURT: What kind of trial preparation he did for
20 the cases that were noll prosed?

21 MR. BELDING: Yes, or even -- and actually what I was
22 really asking right there was I wanted to know what trial
23 preparation had been done for the cases he pled guilty to.

24 MR. CORNEY: If that's what he's referring to, then I
25 understand that. But it sounded to me like he was talking

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 about work records for other armed robberies. He said he
2 had work records to show he was somewhere during one of
3 these other armed robberies which wasn't being called to
4 trial. Mr. May testified they were going to try them one
5 by one, if they went to trial, all separately. So, I just
6 want to make sure the record is clear as to what we're
7 talking about here.

8 THE COURT: And he -- go ahead.

9 MR. BELDING: Let me, let me make sure we make that
10 clear. Thank you.

11 BY MR. BELDING:

12 Q. Mr. Singleton, as to the charges you pled guilty to
13 all stemming from this incident, this Hazelwood, Hazelwood
14 Cafe, have you ever discussed with Mr. May what you could,
15 how you could defend yourself at a trial?

16 A. Talking about the Hazelwood incident?

17 Q. Yes.

18 A. No.

19 Q. You never discussed that with Mr. May?

20 A. No.

21 Q. Did he ever ask you do you have any defense to any of
22 this?

23 A. No. I, when I tried to talk to, talk to him about it,
24 he ain't want to listen.

25 Q. Okay.

1 A. He was no. Look, man. I don't want to hear it.
2 Look, just plead because, look, it's, it's, it's tough,
3 man. It's tough. That's all he was saying, look. That's
4 all he was saying. Plead guilty, plead guilty.

5 Q. Okay. So, neither you or Mr. May were prepared to go
6 to trial on the Hazelwood charges, okay. Now, did you
7 recall -- I asked Mr. May this. Do you recall Judge Cooper
8 advising you that if you ever commit another most serious
9 offense, you'll go to jail for the rest of your life?

10 A. Yes, sir.

11 Q. Okay. I want to make sure I understand. What was
12 your understanding in April of 2011 about life without
13 parole? Did you think you were facing life without parole
14 at that time?

15 A. I mean, yeah. That's what he told me.

16 Q. Okay. So, when he was discussing pleading guilty, it
17 was your understanding from him that you were already
18 facing life without parole?

19 A. Yes, sir.

20 Q. Okay, and, in fact, and Mr. May testified to this, but
21 he actually stated in front of the court that it was his
22 reading of the law that he, Mr. Singleton, is LWOP eligible
23 on page 16. You recall him saying that?

24 A. Yes, sir.

25 Q. Okay. Now, do you recall the solicitor bringing up

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 this juvenile conviction, this juvenile adjudication for --
2 in 2005 for arson first degree?

3 A. Yes, sir.

4 Q. Okay. Did you actually have an adjudication in family
5 court in front of a family court?

6 A. Yes, sir.

7 Q. Did you know that was going to come up?

8 A. No, sir.

9 Q. Okay. Did Mr. May know anything about it?

10 A. No. He ain't know. I don't -- I didn't know. I
11 ain't know it was coming up. I thought, I mean, I...

12 Q. Had he ever asked you about your prior record?

13 A. No.

14 Q. Okay. All right. Now, this being your day in court
15 -- this is your evidentiary hearing. I want you to tell
16 Judge Newman what Mr. May, what else that we haven't
17 covered already, that Mr. May did that was ineffective
18 representation of you in this court.

19 A. Honestly, I could have went to trial; I, I really
20 could have went to trial. They, they ain't, they ain't --
21 listen. If the man would have did any type of work, if the
22 man would have even looked at my -- oh, I'm sorry. If the
23 man would have did any type of work, then he would have
24 seen, anybody would have seen, okay, that I could have went
25 home.

1 I ain't want to make -- listen, I ain't want to make
2 no statement to the people. That's the only reason why I
3 made a statement to them people was because of him and what
4 he say. Look good and what he promised me, you know what
5 I'm saying? What he, know what I'm saying, directly
6 promised me and, and he implied it.

7 So, I, I went off, all off him, was following him
8 because I ain't really -- I don't know nothing about the
9 law. So, that -- I -- man, the man, the man a liar, man.
10 He, he, he, I mean, he's just sitting in here and look all
11 nice and try to be all innocent all he want. But yeah, he,
12 yeah, he played me, man. He, he railroad me.

13 Q. When he -- when you say he played you, I want to make
14 sure I understand exactly what you mean by that. What do
15 you mean he played you?

16 A. He denied me due process of law.

17 Q. And how did he do that?

18 A. Because he didn't work to his ability. He didn't even
19 work to a minimum. He, he was lower than the minimum. He
20 didn't want to do nothing.

21 Q. So, the entire time you knew Mr. May, he was talking
22 to you pleading?

23 A. Pleading guilty, pleading guilty.

24 Q. Okay, and ultimately the statement you make to the
25 police and the plea you made in front of Judge Cooper

O. SINGLETON - DIRECT EXAMINATION BY MR. BELDING

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1 for ---

2 A. And lying about the DNA.

3 Q. He what?

4 A. And lying, and lying about the DNA.

5 Q. Because they -- did you never see that? That
6 wasn't ---

7 A. No.

8 Q. Okay. All the statements you made were based upon his
9 recommendation to you?

10 A. Yes, sir.

11 Q. Okay, and when you told Judge Cooper at that plea,
12 when he asked you has anybody promised you anything to get
13 you to plead guilty, you said no, sir?

14 A. Yeah. I said no in the courtroom.

15 Q. Right.

16 A. Because that's what he told me to say.

17 Q. Okay, and, in fact, that wasn't true then because you
18 had gotten promises. Is that correct?

19 A. Yes, sir.

20 Q. Okay. Anything else you want to tell Judge Newman?

21 A. Yeah. Just like how they, they would, they would --
22 when I made that statement, they asked me was I promised
23 anything. I told them yeah. I told them yeah. Y'all,
24 y'all promised me leniency. Y'all promised me that non,
25 the nonviolent sentence, the reduced nonviolent sentence,

O. SINGLETON - DIRECT EXAMINATION / CROSS-EXAMINATION

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1 ten nonviolent. That was what everybody, that's what
2 everybody discussed, but...

3 Q. And, in fact, in the statement that the sheriff's
4 deputies typed up, they even asked you: Have you been
5 promised anything to provide this statement? And your
6 answer was: Only that you said that you would work with I.

7 I understand that they type it up, and that's
8 incorrect. But, in fact, it's clear that you were promised
9 something.

10 A. Yes, sir.

11 Q. Okay. Anything else, Omar?

12 A. No, sir.

13 MR. BELDING: Thank you. Answer any questions that
14 Mr. Rob Corney might have for you.

15 CROSS-EXAMINATION BY MR. CORNEY:

16 Q. So, was your impression, based on your testimony, that
17 you were going in the courtroom that day to get a ten-year
18 sentence, and that was your understanding with Mr. May, and
19 that was kind of a behind-the-scenes understanding,
20 correct?

21 A. Nah -- yeah.

22 Q. All right. So, page 19 in that plea transcript when
23 Mr. May talks to the court, tells him all about you, does
24 some mitigation, and then says: I just ask that it's not
25 the full amount of time. That was his request to the

O. SINGLETON - CROSS-EXAMINATION BY MR. CORNEY

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1 court: I was just ask that you don't impose the full amount
2 of time, the full fifteen years that was the capped
3 sentence. You see it? You see that in the transcript on
4 page 19?

5 A. What?

6 Q. Or 18. I apologize.

7 A. Which line?

8 Q. Start with line 14 right there. Judge -- May says:
9 And, Your Honor. Or starting on line 11, he says: I'd ask
10 for a fair sentence, one that allows the Department of
11 Corrections to correct behavior. And he goes on to say:
12 I'd just ask that it's not the full amount of time. You
13 see that?

14 A. Yeah. Yeah. He said, he said a lot stuff that
15 honestly, it wasn't true, but he told me to just go with
16 the flow, so ---

17 Q. All right, so you're sitting, you're sitting right
18 next to him when he says that, yes or no, right?

19 A. Yeah. I was, I was, I was standing ---

20 Q. Yeah, you were.

21 A. --- next to him.

22 Q. The court right after that says:

23 Thank you, Mr. May. Mr. Singleton, what can you
24 add to what Mr. May just told me?

25 You don't say a word about ten-year promise. You

1 don't say a word about whoa, whoa, whoa. Jim May's asking
2 for anything less than the minimum. We've got an agreement
3 it's going to be ten years. You didn't say a word about
4 any of that, did you?

5 A. Did I say a word about it?

6 Q. You didn't say one word about it, did you?

7 A. No, because he coached me on ---

8 Q. Is that ---

9 A. --- what to say.

10 Q. Okay.

11 A. He told me don't say nothing about it. Just ask for
12 leniency so it won't look all obvious or crazy.

13 Q. Okay, and, matter of fact, that is all you asked for.
14 You just said, and that's on page 19, and I apologize. It
15 says on line 18 and 19: So, I'm just asking that you please
16 have mercy on me. If you knew you were going to get a
17 ten-year sentence, why are you asking the court for mercy?
18 You already know what the sentence is going to be. Why are
19 you asking for mercy?

20 A. I'm following up my lawyer.

21 Q. All right.

22 A. I'm, I'm following his, I'm following his footsteps.
23 He got the degree. I don't.

24 Q. All right. Now, you talked about this slug that's in
25 your arm. You're saying they couldn't have done ballistics

O. SINGLETON - CROSS-EXAMINATION BY MR. CORNEY

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1 because that slug is still stuck in your arm, right?

2 A. Yes, sir.

3 Q. All right, and that's a .45 caliber slug that's stuck
4 in your arm right there?

5 A. I don't know what it is in there.

6 Q. Okay. Is that what the state was alleging it was, a
7 .45 caliber?

8 A. That's what, that's what the owner of the bar was
9 shooting.

10 Q. All right. It was alleged you and your co-defendants
11 were both shooting shotguns that night. Isn't that right?

12 A. Yes, sir.

13 Q. Shotguns don't shoot .45 caliber slugs, do they?

14 A. No.

15 Q. From, from everything you understand. So, that .45
16 caliber slug that's in your arm could only have been shot
17 by the owner. He was the only one shooting a .45 caliber
18 slug.

19 A. I ain't say it was a .45 caliber in my arm.

20 Q. And if it was a shotgun, then it's a pellet in your
21 arm, and there's pellets all over the place ---

22 A. I don't know what is in there.

23 Q. All right, but the point being, the only other two
24 guns in the bar that night were two shotguns. It's either,
25 right? One handgun the owner's shooting, or two shotguns

1 that these two suspects are shooting, but there was no
2 other handguns.

3 A. Ain't nobody say -- the only person, the only person
4 who say I got shot that night, they ain't -- the only -- it
5 was a, the statement, the statement from another person.
6 He say I got shot. He say I got shot in the woods
7 somewhere. He ain't say that I got shot directly there.

8 Q. But isn't that why ---

9 A. They knew, they knew I got shot. They, they ain't
10 know where I got shot at.

11 Q. Isn't that what you wanted the DNA testing for though?

12 A. I just wanted the DNA test because it was blood on the
13 scene..

14 Q. And you said you ---

15 A. And I wanted to make sure that I was doing the right
16 thing by listening to Jim May and cooperating with this
17 case instead of -- and, and, and, and, and getting me a
18 good plea so I can go ahead and get home to my family.

19 Q. All right, that's your blood, though. That was your
20 blood that was on the, on the floor in that bar there. You
21 said you got shot in that bar, didn't you?

22 A. No.

23 Q. You didn't just say that during your testimony a
24 minute ago?

25 A. No.

O. SINGLETON - CROSS-EXAMINATION BY MR. CORNEY

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1 Q. Okay, and you thought you were already eligible for
2 life without parole when you entered the plea that day
3 based on, I guess, what, what Judge Cooper said was your
4 testimony, correct?

5 A. Say it again.

6 Q. You already thought you were parole eligible. I mean,
7 you said, you were talking about Judge Cooper's talking to
8 you at the plea hearing. And you said, based on what he
9 said, I thought I was already life without parole eligible.

10 A. Yeah.

11 Q. All right.

12 A. That what I thought was going on.

13 Q. Judge Cooper's statement to you, opening of the plea
14 page 3, he says right there, and I don't know how, it gets
15 any more plain than this, but I'll quote it to you:

16 So, today you're using at least one of those
17 strikes that you have a most serious offense, and
18 what that means is when you get out of jail, if
19 you ever commit another most serious offense, you
20 will go to jail for the rest of your life.

21 I mean, I don't know how any more plain he can put it
22 to you than that. I mean, isn't that pretty plain that
23 when you get out, you commit another crime, you're getting
24 life without parole, correct?

25 A. Yes, sir.

O. SINGLETON - CROSS-EXAM / REDIRECT EXAM

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1 Q. So, that doesn't in any way say you're life without
2 parole eligible right now. It says when you get out of
3 jail, if you commit another offense, right?

4 A. Oh. Yeah. I, I thought it was all with this trial
5 thing. I thought it was talking about if I go to trial,
6 then yeah, it's life without parole.

7 MR. CORNEY: That's all the questions I have, Your
8 Honor. Thank you.

9 THE COURT: Anything else?

10 MR. BELDING: Your Honor, just brief redirect.

11 REDIRECT EXAMINATION BY MR. BELDING:

12 Q. Just let's finish up that on page 3. When I first
13 read that, I wasn't sure. Did you think that what Judge
14 Cooper was talking about is that after you get sentenced
15 for this, if you ever commit a -- I mean, you're going --
16 you're pleading guilty to some crimes front of Judge
17 Cooper, correct?

18 A. Yes, sir.

19 Q. Pleading guilty. When I first read that, it looked
20 like if, if you ever, if you ever commit another ---

21 THE COURT: So, are you, you're going to ask him
22 questions, or you're going to ---

23 MR. BELDING: Yes.

24 BY MR. BELDING:

25 Q. Did you think that what Judge Cooper meant is if you

O. SINGLETON - REDIRECT EXAMINATION BY MR. BELDING

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1 ever commit another most serious offense, you will go to
2 jail for the rest of your life?

3 A. Man, listen. Life, life, I ---

4 Q. Okay.

5 A. This is life. That, that, that's, that's, that's
6 trouble. That don't sound good. So, when he saying life,
7 I'm -- life. I mean, what? I mean...

8 Q. Okay, because he was talking about committing crimes
9 in the future, wasn't he?

10 A. Yeah. He -- yeah.

11 Q. , Okay, and you had talked about life without parole
12 with Mr. May.

13 MR. BELDING: Thank you, Your Honor. No further
14 questions.

15 THE COURT: You may step down.

16 (THE WITNESS EXITS THE STAND.)

17 THE COURT: Any other witnesses?

18 MR. BELDING: No further witnesses for the applicant,
19 Your Honor.

20 THE COURT: All right. Anything else by the state?

21 MR. CORNEY: No witnesses on behalf of the state, Your
22 Honor. Just brief closing argument, Your Honor.

23 THE COURT: All right. Yes, sir.

24 MR. BELDING: Your Honor, on behalf of the applicant,
25 I'd move for post-conviction relief. I think what we have

1 here is we have some conflicting testimony, but I think
2 what we've got is pretty clearly Mr. May and Mr. Singleton
3 didn't see eye to eye on this case. No real work by Mr.
4 May to prepare a defense for trial. The only talk was
5 about pleading guilty.

6 And I think even Mr. May, I -- the other thing that
7 really bothers me is, you know, the credibility of the
8 witnesses is obviously something that you have to judge.
9 You've got direct testimony that a man pled guilty thinking
10 he was going to get ten nonviolent. We have testimony from
11 his attorney that said no. He left it up to the judge.

12 One thing that Mr. May did say that I find bothersome
13 in this case ---

14 THE COURT: What amazes me as I sit and hear these
15 cases, and only in Richland County, that people come and
16 testify that the appearance before the judge was
17 meaningless. That the sentence, everything is worked out
18 in a back room somewhere before the person appears before
19 the judge. And though they swear to tell the truth, and
20 the judge goes through a colloquy with them, asking them
21 questions, getting answers, and they're telling the judge
22 that they're telling the truth.

23 Then we come to PCR hearing, and they say no, none of
24 that matters. Wait. I wasn't telling the judge the truth.
25 I wasn't paying any attention to what the judge was asking.

1 I was just answering based on being coached at some time
2 earlier and some earlier place. Only in Richland County do
3 I ever hear any of this in PCRs.

4 MR. BELDING: Your Honor, if I might say something
5 about that? I thought about that a lot, particularly when
6 I first started doing these. I didn't understand how you'd
7 even have a PCR case from a guilty plea because all the
8 questions were asked just like you said, Your Honor.

9 What I don't think criminal defendants know that we
10 all know is that sentencing is always in the judge's
11 prerogative. As long as he doesn't go outside the
12 statutory range, he can give him whatever he wants. They
13 say that. You know, the judge says that in the formulaic
14 questions. He says do you understand that, you know, I can
15 give you up to twenty years, and they go yes, sir.

16 I think the only reason anybody ever pleads guilty in
17 this state is they've got the hope that they're going to
18 get what they've been told. Well, you'll probably get
19 this. So, that's one of the issues there.

20 The other issue, of course, that I think really
21 bothered me in this case and Mr. May brought up is the
22 state apparently -- there was some *Brady vs. Maryland*
23 violation. They didn't tell him they were going to use
24 this family court adjudication. And I think, given that
25 that was a serious and most violent -- I mean, arson first

1 degree, that's pretty serious stuff. I think that that
2 probably kept the judge -- that obviously would have
3 affected it, for him to bring that up. And he said that he
4 was flabbergasted and didn't even object, and I think he
5 should have.

6 THE COURT: Objecting to the judge considering a
7 juvenile record?

8 MR. BELDING: Well, he didn't even know what the
9 juvenile record was, Mr. May. He didn't know about that
10 prior adjudication.

11 THE COURT: Okay.

12 MR. BELDING: And that's a problem. And, Your Honor,
13 you know the totality of our circumstances. I would ask
14 for post-conviction relief for Mr. Singleton based upon the
15 evidence before you.

16 THE COURT: All right.

17 MR. BELDING: Thank you, Your Honor.

18 MR. CORNEY: A couple of things, Your Honor, and I'll
19 try to keep it brief because I think Mr. May's testimony,
20 even though it's been a little while after the lunch break,
21 was pretty substantial and speaks for itself. And the
22 state would submit it's, it's credible evidence. They
23 appealed right directly to this, in addition to the record
24 before this court.

25 Just as a preliminary note, I wanted, I would like to

1 note that there is there continuing theme throughout this
2 PCR case of this nonviolent time, and I think there was
3 some testimony that, well, the violent and nonviolent boxes
4 weren't checked on the sentencing sheet at the time I
5 signed them, and I wanted nonviolent time.

6 As Your Honor is well aware, nonviolent versus violent
7 has nothing to do with parole eligibility. It's whether it
8 was a no parole offense or not that you do eighty-five
9 percent. I mean, that is the -- he's saying he didn't want
10 to do eighty-five percent of a crime, and so the nonviolent
11 box should have been checked on the sentencing sheet.
12 Eighty-five percent is not determined by violent versus
13 nonviolent. It's determined by whether the offense carries
14 a maximum sentence over twenty years which makes it a no
15 parole offense. It's a no parole offense, he gets eighty-
16 five percent regardless of whether it's violent or
17 nonviolent.

18 So, I think that this notion of nonviolent time that's
19 been testified to throughout the, the course of this is a
20 little bit misleading as nonviolent has nothing to do with
21 eighty-five percent service of the sentence before you're
22 parole eligible.

23 So, I think the fact that he signed these sentencing
24 sheets before the violent, nonviolent boxes were checked
25 has no bearing whatsoever on whether he believed he was

1 going to do eighty-five percent or not of the crime. It
2 doesn't affect that whatsoever.

3 As far as the plea offer, Mr. May testified pretty
4 plainly that the Fifth Circuit Solicitor's Office does not
5 enter into written plea agreements or give plea offers in
6 association with cooperation. They say we'll see what we
7 can do. He was pretty clear in saying we were never
8 promised anything in particular; we were never given a plea
9 deal. And the only people we talked to were law
10 enforcement, and law enforcement doesn't have the authority
11 to give us a plea offer.

12 He says he discussed that with Mr. Singleton, and the
13 exact, the notes I wrote down, and I don't claim to be a
14 court reporter, but the note I wrote down from his
15 testimony that I quoted was Mr. Singleton understood that
16 the offer was going to have to come from the solicitor.
17 That offer never came. He knew there was never an offer on
18 the table, and there was never anything expressly promised
19 to him to get him to cooperate, Your Honor.

20 So, the state would submit there is no detrimental
21 reliance, detrimentally reliant -- he didn't detrimentally
22 rely, I should say, on any particular offer to cooperate.
23 And even if he did, there's no, no plea offer on the table
24 to specifically, I guess, to, to have ineffectiveness at
25 this point in time.

1 There never was a plea offer. Law enforcement cannot
2 extend a plea offer, and even if they could, all they said
3 was we'll talk to the solicitor's office about it. They
4 never promised him anything.

5 Regarding the life without parole, I think the -- and
6 his eligibility for life without parole, there was this
7 continuing theme also of he was never served with notice of
8 life without parole. Mr. May cleared that up pretty,
9 pretty plainly. He wasn't life without parole eligible
10 yet; he didn't have one most serious strike against him at
11 this point in time when he entered this plea.

12 This was going to serve as the first underlying most
13 serious offense. From that point going forward, he would
14 be life without parole eligible, and the state would have
15 three attempts on three separate, distinct armed robbery
16 charges to go after life without parole at three separate
17 trials under 17-40 -- ah, 25-45, the life without parole
18 statute for two most serious strikes.

19 The state was going to come after him three separate
20 times after this conviction and have three chances to get
21 him life without parole on three armed robbery charges. I
22 think that's pretty significant, going to the mind set of
23 why he may have wanted to enter this plea.

24 He says he has defenses to some of the charges: alibi,
25 recanting co-defendants. He hasn't brought in one person

1 to testify to that. He hasn't brought in one shred of
2 paper or evidence, proof to back any of those defenses that
3 he may have had. He can't prove prejudice on any of them.

4 And, Your Honor, finally on the allegation that Mr.
5 May testified to that he should have objected to the
6 mention of the juvenile record, if I may approach, Your
7 Honor? And just two cases I've hand -- I'll hand up that I
8 previously showed to opposing counsel, first being *Hayden*
9 *vs. State*. That's 283 S.C. 121. Thank you, Your Honor.

10 And the second is *In Re: Willie H.*, and that's at 284
11 S.C. 436. And *Willie*, if I just -- before I hand it up, I
12 just want to quote specifically to you because it refers to
13 *Hayden*. And it specifically says -- it's from the South
14 Carolina Supreme Court out of 1985. Still good law in the
15 state, and it says:

16 Recently this court has authorized a sentencing
17 judge to consider an adult defender's --
18 defendant's juvenile record in imposing a
19 sentence.

20 Pretty plain that the South Carolina Supreme Court has
21 recognized there is no problem with referring to a
22 defendant's juvenile record in sentencing, for sentencing
23 purposes.

24 So, even though Mr. May got up here and testified
25 maybe I should have objected to that -- yeah, I think that

1 might have been prejudicial -- Your Honor, there was
2 nothing to object to. And had he objected to it, it
3 wouldn't have been kept out. It was a proper thing for the
4 court to consider as part of the sentencing phase of the
5 trial.

6 With all those things in mind, Your Honor, and the
7 testimony presented, the state would respectfully request
8 that you deny the application for post-conviction relief
9 with prejudice. Thank you, Judge.

10 THE COURT: All right.

11 MR. BELDING: Your Honor, real quick?

12 THE COURT: Yes, sir.

13 MR. BELDING: If you don't mind my just addressing
14 this? In the juvenile adjudication part, what these cases
15 talk about is that the person who stands convicted of a
16 crime, the materiality of a prior juvenile adjudication for
17 assessing an appropriate sentence outweighs any possible
18 rehabilitative purpose. That really wasn't our point,
19 okay?

20 Our point was the state has an obligation to disclose
21 to the defense what it's going to use at trial or what it's
22 going to use at a plea, and Mr. May clearly stated he was
23 flabbergasted. He was sand bagged or whatever he said.
24 They didn't even tell him they were going court to bring
25 this up. That's the surprise that is the problem is

1 that -- if they'd said oh, and by the way, we're going to
2 bring this up, it wouldn't have been an issue at all.

3 But to bring it up at trial after everyone's got in
4 there thinking he's getting the benefit of cooperating and
5 then they bring this up, that shows no cooperation. As a
6 matter of fact, it's to me a little bit of a low blow by
7 the solicitor's office, and that's exactly what Mr. May
8 testified to. It's the surprise that's the problem. It,
9 to me, goes to *Brady vs. Maryland*. Just tell us what
10 you're going to use in court. That's all the United States
11 Constitution requires. Thank you, Your Honor.

12 MR. CORNEY: If I may respond to that just very
13 briefly? First of all, I don't think the allegation to
14 start with -- the allegation was, and he testified to, I
15 should have objected to it because they're not allowed to
16 bring up juvenile adjudications in sentencing.

17 Regardless, if, if the allegation has morphed at this
18 point in time to, well, it's a *Brady* violation, it's his
19 record. He knows exactly what he was adjudicated of. Does
20 the state have to open its file and turn over every single
21 prior conviction that it may or may not use in sentencing
22 when the judge asks for prior convictions? I mean, it's
23 ridiculous to say that that is a, that is a *Brady*
24 violation.

25 *Brady*, you have to turn over anything that's

1 inculpatory to the defendant. I just don't even know how
2 to really respond to that, Your Honor. He knows what he
3 was convicted of. There's no way that they didn't know
4 about this. I mean, Jim May did testify, well, I wasn't
5 aware that -- of his family court adjudication. Mr.
6 Singleton knew good and well he'd been to family court for
7 this. He knew that was on his record.

8 I mean, that's a risk you take, and I don't think the
9 state has to open up its file and give you public documents
10 and records to say this is things that we may bring up that
11 aren't inculp -- that aren't exculpatory. Excuse me, I
12 think I said inculpatory. Not exculpatory in any way in
13 our part of the presentation of the merits of their trial.
14 So, that, that's all I have, Your Honor. Thank you very
15 much.

16 RULING OF THE COURT:

17 THE COURT: Well, my evaluation of this PCR doesn't
18 turn on whether or not Mr. May knew or should have known
19 that the state was going to bring up the juvenile record in
20 sentencing.

21 It appears to me, based on what I've heard, that but
22 for Mr. May's representation, chances are Mr. Singleton
23 would be in the Department of Corrections for a much, much
24 longer term of imprisonment than he currently faces. On
25 these assaults and attempted robbery alone, he faced up to

1 120 years in prison. If the negotiated sentence was for a
2 concurrent sentence and he got other more serious crimes
3 dropped, you know, Mr. Singleton got the benefit of that
4 representation by Mr. May. I don't see where his
5 representation was deficient in any way.

6 Where a defendant decides that he's going to cooperate
7 with law enforcement in some hopes of helping himself, he
8 made -- it may result to his benefit. It may not. In this
9 case, it would be pure speculation to suggest that it did
10 not result in assisting him. I think it did based on the
11 fact that it appears to me that he got a relatively lenient
12 sentence based on the crimes that he confessed to
13 committing.

14 And beyond, over and above all of that, Judge Cooper
15 in accepting his plea clearly established that the plea was
16 free and voluntary, that he was aware of the possible
17 consequences of this guilty plea, and the sentence that he
18 was facing.

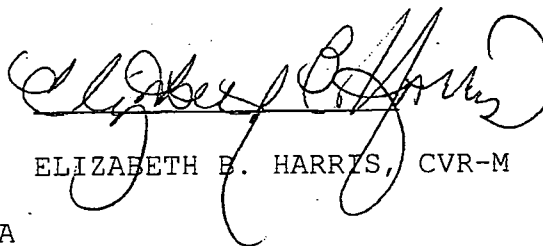
19 The transcript clearly demonstrates through the
20 comments of Mr. May and of the defendant that there is a
21 full and complete understanding as to what was going on and
22 what Mr. Singleton was facing. He pled guilty. He is
23 guilty, and the lawyer did not do anything that would give
24 him any basis to have a PCR granted, and I deny the PCR.

25 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING
OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE
CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON
THE 17TH DAY OF OCTOBER, 2012.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

A handwritten signature in cursive script, appearing to read "Elizabeth B. Harris", written over a horizontal line.

ELIZABETH B. HARRIS, CVR-M

COLUMBIA, SOUTH CAROLINA

APRIL 13TH, 2013

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
Omar Singleton, #308111,	)	C/A No.: 2012-CP-40-0689
	)	
Applicant,	)	
	)	
vs.	)	
	)	
State of South Carolina,	)	
	)	
Defendant.	)	

APPLICANT'S TRIAL BRIEF

The Applicant hereby submits this *Trial Brief* for the Court's consideration in this matter.

I. Statement of Facts of the Case.

A. This case was filed on January 25, 2012, by the Applicant, acting *pro se*. The State filed its *Return* on September 19, 2012. Undersigned counsel was appointed by Order of the Hon. James R. Barber, III, on March 14, 2012.

B. Applicant's PCR application states that he is seeking relief from the aggregate sentence of twelve (12) years imprisonment imposed by the Honorable Thomas W. Cooper on April 21, 2011, for the crimes of:

*Attempted Armed Robbery (Indictment No. 2008-GS-40-993) – twelve (12) years;

*ABWIK (two counts) -Nos. 2008-GS-40-994 and 2008-GS-40-997) - twelve (12) years each; and,

*AWIK (six counts – Nos. 2008-GS-40-998, 2008-GS-40-999, 2008-GS-40-1000, 2008-GS-40-1001, 2008-GS-40-1005, and 2008-GS-40-1006) – ten (10) years each.

Judge Cooper ordered all of the sentences to run concurrently. The Applicant pleaded guilty to all of these charges under a negotiated plea with a cap of fifteen (15) years. The State also *nolle prossed* one (1) count of SPMJ, two (2) counts of Possession

of a Firearm, and three (3) counts of Armed Robbery (all stemming from unrelated incidents) as part of the plea agreement.

C. Applicant was arrested in Richland County on January 25, 2008, and charged with the above-referenced crimes. The Applicant was represented by James H. May, Esquire, of the Richland County Public Defender's Office. Mr. May was the third (3rd) Public Defender assigned to Applicant's case.

D. During the thirty-nine (39) months the Applicant was in custody as a pre-trial detainee, he was visited by his attorney, Mr. May, two (2) or three (3) times. The Applicant asserts that he was never able to review the State's evidence, instead being advised that the "State can seek Life Without Parole" and that the Applicant needed to plead guilty and cooperate with the police to avoid such a sentence.

E. On April 21, 2011, the Applicant was awakened at the detention center and informed that he was being transported to court. At the courthouse, Applicant met with Mr. May who told him that the Solicitor's Office had made a plea offer that he should accept. Mr. May told Applicant that he had no defense to present; that they were up for trial; and that Applicant could get a total sentence of One Hundred Twenty (120) years if convicted and the sentences were ordered to run consecutively. Mr. May was not prepared to actually try the case. Mr. May informed Applicant that this was the best deal he could get with the Solicitor and that Applicant should plead guilty and he would be sentenced to "ten (10) years, non-violent". Based upon these statements, the Applicant felt he had no choice but to plead guilty and signed nine (9) *Sentence Sheets* which had not been completed, particularly not having the "violent" box checked at the time of Applicant's signing.

F. The Applicant was never served with notice required by S.C. Code Ann. §17-25-45(H), which provides:

"Where the solicitor is required to seek or determines to seek sentencing of a defendant under this section, written notice must be given by the solicitor to the defendant and defendant's counsel not less than ten days before trial."

During the plea hearing, Judge Cooper advised the Applicant about the Life Without Parole law, stating that "...if you ever commit another most serious offense, you will go to jail for the rest of your life. You will never get out of jail. You'll die in jail. Do you understand that?" (*Transcript*, page 3 lines 20-23). It is clear that Applicant was not facing Life Without Parole in this case. Yet, Applicant's counsel clearly stated that it was his "...reading of the law that he [Applicant] is L-Wop eligible..." (*Transcript*, page 16 lines 19-20), and that "...he [Applicant] has used up all three strikes, that he is going to do violent time as Your Honor advised him." (*Transcript*, page 16 lines 23-24). Clearly, Applicant was not advised properly prior to the plea.

G. While relating Applicant's prior record, the Solicitor told the judge that the Applicant had a "...juvenile adjudication in 2005 for arson first degree." (*Transcript*, page 12 lines 9-10). Applicant's counsel had not been told about the juvenile record by the State and failed to object to its being placed before the Court for sentencing consideration.

II. Legal Issue

Plea counsel was deficient in representing Applicant because she did nothing to prepare a defense, forcing Applicant to enter a guilty plea.

III. Legal Authority

For Applicant to be granted relief as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective assistance. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Brown v. State, 340 S.C. 590, 533 S.E.2d 308 (2000). This does not only apply to trials - this same standard applies to a guilty plea. Alexander v. State, 303 S.C. 539, 542, 402 S.E.2d 484, 485 (1991).

When a guilty plea has been entered, the applicant must prove counsel's representation was below the standard of reasonableness and but for counsel's unprofessional errors, there is a reasonable probability the applicant would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-

59 (1985); Alexander v. State, 303 S.C. 539, 543, 402 S.E.2d 484, 485 (1991). The advice Applicant received from his plea counsel failed to meet the standards for attorneys. Tollett v. Henderson, 411 U.S. 258, 98 S.Ct. 1602, 36 L.Ed 2d 235 (1973). t

Applicant did not appeal the plea. Now, the Applicant is challenging the voluntariness of his guilty pleas and this PCR evidentiary hearing is the only forum to raise this issue. State v. Barton, 325 S.C. 522, 530 n. 6, 481 S.E.2d 439, 443 n. 6 (Ct. App. 1997) (any challenge to the knowing and voluntary nature of appellant's plea could be raised only in a petition for post-conviction relief); In the Interest of Antonio H., 324 S.C. 120, 122, 477 S.E.2d 713, 714 (1996) (where sole issue before appellate court was competency to enter plea and issue was not raised at the time of the plea, issue was procedurally barred; proper avenue to challenge a guilty plea which was not objected to at the time of its entry was through post-conviction relief); State v. McKinney, 278 S.C. 107, 108, 292 S.E.2d 598, 599 (1982) (absent timely objection at a plea proceeding, the unknowing and involuntary nature of a guilty plea can only be attacked through the more appropriate channel of post-conviction relief).

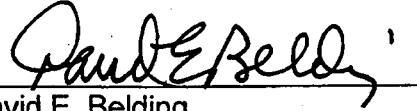
Applicant asserts that he did not validly waive his constitutional right to a trial by jury. When a PCR applicant alleges that he was denied the right to exercise one of his constitutional rights, the sole inquiry is whether he was informed of that right, and if so, whether he validly waived it. If there is no knowing and intelligent waiver, then the remedy is a new trial. See, e.g., Wroten v. State, 301 S.C. 293, 391 S.E.2d 575 (1990) (no valid waiver of right to counsel, new trial ordered); Prince v. State, 301 S.C. 422, 392 S.E.2d 462 (1990) (same).

The second step in the analysis—whether Applicant was prejudiced by the deficient representation. Strickland v. Washington, 466 U.S. at 687. As this was a guilty plea, Applicant “must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” Here, the evidence shows that Applicant only agreed to plead guilty upon ineffective recommendations of his attorney. Therefore, Applicant’s attorney did not demonstrate “reasonableness under professional norms” that satisfies the requirements

of the Sixth Amendment. *Cherry v. State*, 300 S.C. 115, 386 S.E. 2d 624 (1989).

PRAYER FOR RELIEF

Based on the foregoing, Applicant prays that the Court vacate his sentence as violative of the Sixth Amendment and remand this case to the Richland County Court of General Sessions.



David E. Belding
Post Office Box 11964
Columbia, SC 29211-1964
Phone: 803-665-3161
Fax: 866-220-6352
Email: dar820@sc.rr.com
ATTORNEY FOR APPLICANT

October 17, 2012

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Omar Singleton, #308111,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

2012-CP-40-00689

ORDER OF DISMISSAL

JEANETTE W. McBRIDE
C.C. & G.S.

2012 DEC -4 PM 2:58

RICHLAND COUNTY
FILED

PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed January 25, 2012. An evidentiary hearing into the matter was convened on Wednesday, October 17, 2012, at the Richland County Courthouse. The Applicant was present at the hearing and was represented by David E. Belding, Esquire. The Respondent was represented by Robert D. Corney of the South Carolina Attorney General's Office.

At the hearing, Applicant testified on his own behalf. Also testifying was Applicant's former plea counsel, James H. May, Esquire ("counsel"). This Court also had before it a copy of the transcript of the proceedings against Applicant, the records of the Richland County Clerk of Court, and Applicant's records from the South Carolina Department of Corrections.

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. Applicant was true bill indicted at the June 2008 term of the Richland County Grand Jury for Attempted Armed Robbery, two (2) counts of Assault and Battery with Intent to Kill ("ABWIK") and six (6) counts of Assault with Intent to Kill ("AWIK") (2008-GS-40-0993, -0994, -0997, -0998, -0999, -1000, -1001, -1005, & -1006). On April 21, 2011, Applicant

SINGLETON Omar, #308111 - Order of Dismissal (2012-CP-40-00689)

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SCANNED

appeared with counsel, James H. May, Esquire, before the Honorable Thomas W. Cooper, where Applicant pled guilty to the charges as indicted as part of a negotiated plea agreement with the state for a fifteen (15) year cap sentence. Judge Cooper sentenced Applicant to ten (10) years imprisonment on each AWIK, twelve (12) years imprisonment for each ABWIK, and twelve (12) years imprisonment for Attempted Armed Robbery, all sentenced to run concurrently. No direct appeal was filed.

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

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) INEFFECTIVE ASSISTANCE OF COUNSEL
 - (b) INCOMPETENT GUILTY PLEA
 - (c) _____
10. State concisely and in the same order the facts which support each of the grounds set out in (9):
- (a) FAILED TO INVESTIGATE CASE
 - (b) _____
 - (c) _____

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington,

466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

Involuntary Guilty Plea

Applicant contends his guilty plea was involuntarily and unintelligently entered as a result of counsel's ineffectiveness where counsel told Applicant he would receive a ten year, "non-violent" sentence as a result of his plea. However, upon entry of his plea, Applicant was sentenced to twelve years imprisonment under which he is required to serve 85% of his sentence

before becoming parole eligible. Applicant alleges that but-for counsel's alleged misadvice in that and several other areas, he would not have pled but rather gone to trial on the charges.

Applicant testified he is currently serving a twelve year sentence at Kershaw Correctional Institution as a result of his alleged involvement in a January 20, 2008, attempted robbery and shooting. Applicant said he was arrested on the current charges on January 25, 2008, after which Danielle Payne, Esquire, was appointed by the public defender's office to represent him. After meeting with Applicant two or three times, Payne was relieved as counsel. Thereafter, two other public defenders were appointed to represent Applicant and thereafter relieved. In May of 2009, counsel took over Applicant's representation on the charges. Applicant said counsel informed him early on that the state had extended a negotiated plea offer for fifteen years imprisonment, which Applicant turned down because he wanted a "ten years, non-violent" sentence in exchange for a plea. Applicant stated counsel never discussed potential defenses to be used at trial with him during their meetings, but rather only discussed pleading guilty and the fact that Applicant would be "life without parole" (hereafter "LWOP") eligible if he proceeded to trial.

On the day of the plea, Applicant said, counsel met with him in the courthouse holding cell and told Applicant he could plead guilty for a zero to fifteen year term of imprisonment. Applicant said he refused that offer as he still wished to obtain a ten year plea offer with "non-violent time". He went on to say that after going back and forth in their discussions for "about twenty minutes" in the holding cell, counsel said he would talk to the plea judge to try to negotiate a plea for "non-violent time". Applicant alleged counsel told him that the judge was "the only person" that could make that decision. Applicant said counsel came back with the sentencing sheets for Applicant to sign, and thereafter he believed the guilty plea was going to result in a ten year "non-violent" term of imprisonment. While Applicant conceded he never saw

such an offer in writing, he testified he believed it was based on an "unspoken deal" between counsel and the plea judge. Applicant stated that had he known there was no ten year non-violent plea deal negotiated, or that he was not in fact eligible at the time of his plea for a LWOP sentence under the enhancement statute, he would not have pled guilty as he did.

Counsel testified he took over representation of Applicant after Applicant filed a grievance against his prior public defender, Kris Hines, Esquire. He noted that generally he was assigned by the public defender to represent "problematic clients" and that was likely why he was eventually put on the case. Counsel testified he had the case for "a significant amount of time" prior to Applicant's entry of the plea, during which he met with Applicant "over a dozen times" to discuss the case. Counsel said Applicant was facing three Armed Robbery charges and an Attempted Armed Robbery charge all stemming from separate and distinct incidents that could have been properly tried separately. Further, counsel said, the state made it clear that if Applicant did not enter an all-inclusive plea to dispose of all of the charges at once, it would prosecute each charge in a separate trial to seek life without parole under the two/three strike law (S.C. Code § 17-25-45) after securing any first conviction. Counsel testified he discussed this with Applicant in depth, including the fact that Applicant was not yet LWOP eligible but would become eligible if convicted of any of those "most serious" crimes. Counsel explicitly testified he believed Applicant fully understood those discussions, noting that Applicant is "a bright guy".

Counsel testified he and Applicant discussed the prospect of getting a plea offer for "non-violent time" many times, but that the solicitor was unwilling to extend any plea offer under which Applicant would be required to serve less than 85% of his sentence before being parole eligible. Counsel said he attempted "a bunch of ways" to try to get the Applicant a plea offer for the lesser included Strong Arm Robbery to effectuate a 65% parole eligible sentence, but the

state was unwilling to agree to that offer. On the day of the plea, counsel relayed the plea offer to Applicant which entailed a fifteen year cap sentence with 85% parole eligibility for the charges. He said Applicant was "upset" the state wouldn't allow him to plead to Strong Arm Robbery, but this was the best plea offer they would receive and Applicant was "not willing" to go to trial to "roll the dice". Counsel plainly stated he discussed the plea offer with Applicant before entering the courtroom that day, and said he had "no doubt" that Applicant knew exactly what he was pleading to when he came before the plea judge. He reiterated there was "no way" based on their discussions that Applicant could have believed he was pleading guilty to a ten year offer with 65% parole eligibility.

After a thorough review of the record and the testimony presented at the evidentiary hearing, this Court finds Applicant has failed to carry his burden in proving his plea was involuntarily entered or that counsel was ineffective in this regard. As a preliminary note, this Court finds counsel's testimony to be very credible, while conversely finding Applicant's testimony to be not credible. Additionally, this Court would note that while Applicant and counsel used the phrase "non-violent time" throughout the course of their testimony, it is clear to this Court that the phrase was being used to reference the parole eligibility carried by a charge as it was Applicant's initial desire to avoid pleading guilty to a "no-parole" offense under which he would be required to serve at least 85% of his sentence before becoming parole eligible.

Based on the credible testimony presented and the record of Applicant's plea hearing, this Court finds Applicant's guilty plea was entered freely and voluntarily with a full understanding of the nature and consequences of doing so. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969). Counsel diligently and adequately reviewed Applicant's case with Applicant, was able to advise Applicant of all relevant concerns, and gave Applicant all the information and advice

necessary to make an informed and voluntary decision whether to plead guilty or proceed to trial on the charges. Applicant was fully aware of the exact details of the plea offer extended by the state when he went before Judge Cooper to enter his plea, which was an all-inclusive, fifteen year capped sentence to be served with 85% parole eligibility due to the "no-parole" statutory classification of the charges. See S.C. Code § 24-13-100; § 24-13-150. Applicant's contention that he was under the impression a deal had been reached with the plea judge for a ten year, "non-violent time" sentence is wholly implausible. While Applicant may have wished for a more advantageous offer from the state, he was well aware of the terms of the offer extended and made the informed and voluntary decision to enter that plea rather than open himself up to a potentially much harsher set of sentences by proceeding to jury trial.

Further, Applicant was fully and appropriately advised by counsel as to the potential "life without parole" exposure he could incur *in the future* as a result of having his several unrelated, "most-serious" charges called to trial separately by the state. Applicant's allegation that he believed he was facing a life without parole sentence at the time of his 2011 plea is not credible; further, that contention is conclusively refuted by the plea hearing transcript and the credible testimony presented by counsel. Accordingly, this allegation is equally without merit.

In sum, Applicant has failed to carry his burden in proving that counsel's performance was deficient in any way or that counsel's alleged deficiency rendered his guilty plea involuntary. To the contrary, this Court finds affirmatively finds counsel's performance to have been objectively reasonable based on professional norms in this regard.

Finally, this Court finds no reasonable likelihood that, but for counsel's alleged deficiency, Applicant would not have pled guilty but rather proceeded to trial to challenge the charges. The credible testimony presented to this Court reflects the state's intention to fervently

pursue a life without parole sentence under S.C. Code § 17-25-45 if Applicant declined the plea offer and decided to proceed to jury trial. In fact, the state made clear its intention to call each of Applicant's charges from unrelated incidents separately to maximize their chances to achieve such an outcome. In reviewing the testimony and record, it appears the state would have had four opportunities to attain two most-serious convictions for the imposition of LWOP, as each of the three Armed Robbery charges arose from separate and distinct incidents, and none of the three were related to the Attempted Armed Robbery and six AWIK charges received as a result of the Hazelwood Part Shop shooting. With that in mind, this Court is firmly convinced Applicant has failed to prove that, but for counsel's alleged deficiency, he would not have pled but rather gone to trial on the charges. Accordingly, Applicant has failed to prove resulting prejudice as well.

Plea Negotiations

Applicant also alleges counsel was ineffective for failing to advise him to cooperate with law enforcement's investigation as a beneficial plea offer was never extended from the state as a result thereof. Specifically, Applicant testified counsel advised him that if he cooperated with law enforcement, counsel would speak with investigators to obtain a plea offer for "non-violent time". Applicant stated he is now serving a twelve year, no-parole sentence under which he will not be parole eligible until he completes service of 85% of his sentence.

Counsel testified that from the outset of his representation, the Richland County Sheriff's Department wanted Applicant to cooperate in their investigation of the Hazelwood Party Shop shooting because they wanted to know the identity of Applicant's codefendant. Because he believed it was in Applicant's best interest, counsel advised Applicant to cooperate "in the hopes" of receiving some benefit from the state down the road. Counsel said that based on that advice, Applicant gave a written statement to Richland County investigators recounting the facts

of the crime, the identity of his codefendant and other particulars of the incident.¹ Counsel testified there were no express promises made by investigators prior to Applicant's cooperation, but noted that investigators said they "would talk to the solicitor" about extending a better plea offer based on Applicant's willingness to cooperate. He also expressly testified Applicant was well aware any plea offers extended would have to come directly from the solicitor's office as law enforcement does not have the authority to enter into plea negotiations.

Counsel went on to say that after the statement was given, the prosecuting solicitor "didn't seem as willing" to work with Applicant. Counsel said the solicitor did extend a plea offer with a lesser sentence and agreed to drop some of the pending charges against Applicant, but that the solicitor did not work with them "to the degree" he and Applicant had hoped he would. Counsel explicitly noted that Applicant *did* receive a benefit for his cooperation, but stated it was not the benefit they had hoped for. After the statement was given, counsel said, Applicant's trial was "not a winnable" one; however, he also noted there was "not much" of a defense that could be used in Applicant's case prior to the statement either. In fact, counsel said, even without Applicant's statement to law enforcement the case "wasn't good" and there was a strong likelihood of conviction.

Counsel stated he was unable to get any express promises or offers in writing from the solicitor's office prior to Applicant's agreement to cooperate; counsel remarked that in his time as a public defender in Richland County, the Fifth Circuit solicitor's office almost "never" entered into written agreements with defendants for benefits *prior to* the defendant actually performing his end in cooperating. Counsel finished by saying he and Applicant knew they were "flying blind" in the hopes of getting a benefit down the road from the solicitor, but counsel believed it was the proper course of action as, at that time, law enforcement had never previously

¹ Counsel noted that, to date, this alleged codefendant has not been located or arrested by law enforcement.

indicated to counsel that they would work on getting a better offer from the solicitor for a client without such an offer thereafter coming to fruition.

This Court finds counsel was not ineffective in this regard. As set forth previously, this Court finds counsel's testimony to be very credible, as well as enlightening, in this regard. First, counsel's performance was not deficient as his advice to Applicant was not objectively unreasonable in this regard. Both Applicant and counsel were well aware that there were no express promises or guarantees from the state that Applicant's cooperation would result in *any* benefit. However, counsel credibly testified he did not see any viable defenses to be used in Applicant's defense at trial and there was a good likelihood Applicant would be convicted regardless of his disclosure of a statement to law enforcement. With that in mind, and knowing that law enforcement very much wanted Applicant's cooperation in disclosing the identity of his codefendant, counsel made a reasonable strategic decision to advise Applicant to cooperate. Applicant, with full knowledge of the risks involved, agreed that cooperation was his best option at that time. While Applicant was unable to thereafter secure a plea offer for "non-violent time" as he had hoped, the state did *nolle prosequere* three counts of Armed Robbery, two Possession of a Firearm charges and a Simple Possession of Marijuana charge as a result of his cooperation, as well as extended a plea offer for a negotiated fifteen year cap sentence on the remaining charges.

With all of this in mind, this Court finds counsel's performance to have been objectively reasonable based on professional norms in this regard. Applicant received a rather substantial set of benefits in exchange for his cooperation, part of which entailed the dismissal of three "most-serious" Armed Robbery charges which the state could have used to eventually seek LWOP at trial. Counsel, knowing the weaknesses of Applicant's case at trial, attempted to take advantage of what little leverage Applicant had on the state to elicit beneficial plea offers. This was a

reasonable strategic choice which Applicant himself agreed to undertake. Accordingly, this Court finds no deficiency.

Further, this Court finds Applicant has failed to prove resulting prejudice in this regard as this Court is not convinced that, but for counsel's advice to cooperate with law enforcement by giving a statement, Applicant would not have pled guilty but rather would have gone to trial. In fact, this Court finds it more likely that, but for counsel's advice, Applicant would have still pled guilty, only it would have been under the terms of a plea offer which left Applicant exposed to the potential of more jail time. Applicant's cooperation with law enforcement induced the extension of a fifteen year cap sentence and the dismissal of several serious charges, neither of which were part of the plea offer previously extended. Therefore, this Court finds Applicant has failed to prove resulting prejudice under the second prong of Strickland v. Washington. Accordingly, this allegation is denied.

Failure to Object to State's Presentation of Juvenile Adjudication

Applicant also alleges counsel was ineffective for failing to object to the state's presentation of a juvenile adjudication received by Applicant in 2005 for Arson – First Degree. Applicant alleges the presentation of a juvenile charge as part of his prior criminal record was objectionable, and counsel's failure to object resulted in the receipt of a harsher sentence. Counsel testified he was "caught flat footed" by the mention of the juvenile charge and could not explain why he did not object. He went on to say that while he could not speculate as to what the plea judge based his sentence on, he believed that charge being introduced was prejudicial to Applicant as it involved a very serious crime.

This Court finds this allegation to be without merit. Despite counsel's testimony that he believes he should have objected, the case law is clear that such an objection would have been

unfounded and fruitless. "Once a person stands convicted of a crime before the circuit court, the materiality of a prior juvenile adjudication for assessing an appropriate sentence far outweighs any possible rehabilitative purpose which could be served by maintaining the confidentiality of the adjudication." Hayden v. State, 283 S.C. 121, 122, 322 S.E.2d 14, 15 (1984). The South Carolina Supreme Court, in citing to Hayden, specifically noted that, "[r]ecently this Court has authorized a sentencing judge to consider an adult defendant's juvenile record in imposing a sentence." In re Willie H., 284 S.C. 436, 437, 327 S.E.2d 76, 77 (1985). Therefore, counsel's failure to object resulted in no prejudice as it would have been unsuccessful in suppressing mention of the charge.

Further, in closing argument Applicant attempted to realign his argument to allege that he was in fact arguing it was a Brady violation by the state to fail to disclose the existence of this prior conviction prior to the plea hearing. This contention, while not specifically pled by Applicant in his PCR application or trial brief, is equally without merit. Under Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963), "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of good faith or bad faith of the prosecution." Id. at 87, 83 S.Ct. at 1196 – 1197. To establish a Brady violation, "an accused must demonstrate that the evidence was (1) favorable to the accused; (2) in the possession of or known to the prosecution; (3) suppressed by the prosecution; and (4) material to guilt or punishment." State v. Carlson, 363 S.C. 586, 609, 611 S.E.2d 283, 295 (Ct. App. 2005). Applicant has failed to show how this information regarding his own juvenile adjudication was "favorable" to his case and, therefore, subject to the mandates of Brady. Further, Applicant himself was well aware of this previous juvenile adjudication at the time he entered the current plea, and therefore, the state's failure to

disclose this evidence did not constitute a Brady violation. See e.g., State v. Moses, 390 S.C. 502, 702 S.E.2d 395 (Ct. App. 2010) (no Brady violation when exculpatory evidence was not only available to the defendant, but also available in a source where a reasonable defendant would have looked); citing U.S. v. Wilson, 901 F.2d 378 (4th Cir. 1990). Accordingly, this allegation is wholly without merit and must be denied.

Failure to Investigate DNA Evidence

Applicant's final contention is counsel was ineffective for failing to further investigate the DNA of blood found at the scene of the Hazelwood Party Shop shooting. According to the record and testimony presented, the state was alleging Applicant was shot in the elbow by the owner of the party shop with a .45 caliber handgun during the incident. The state submitted hospital records uncovered showing Applicant had gone to a hospital to receive treatment for a gunshot to the elbow shortly thereafter.

Applicant stated he requested counsel have the blood found at the scene of the shooting tested, but that counsel never did so. Applicant alleged counsel took a DNA swab from him, but never had it tested because he said the discovery materials had ballistics affirmatively proving Applicant had in fact been shot by the owner's .45 caliber handgun. Applicant went on to say that the "slug" from his gunshot wound is still in his elbow at this time, so there is no way a ballistics test could have matched the bullet as counsel alleged it had and, therefore, the DNA results would have proven he was not shot by the owner as the state was alleging.

On cross-examination, Applicant conceded that the state's evidence showed the two alleged suspects of the Hazelwood Part Shop shooting were both armed with shotguns, and the only other gun involved in the shooting was the owner's .45 caliber handgun.

This Court finds Applicant has failed to carry his burden in this regard. Applicant failed to produce the results of the DNA test, or any other admissible evidence; to substantiate his claim that conducting the DNA testing would have led to results beneficial to his case. Therefore, his allegation is based on pure speculation. "Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result." Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998). Therefore, Applicant cannot prove resulting prejudice and this claim must be denied on that basis alone.²

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

Except as discussed above, this Court finds that the Applicant failed to raise all additional allegations raised in his application at the hearing and has, thereby, waived them. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional

² "A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by defendant as a result...If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed." Strickland v. Washington, 466 U.S. at 670, 104 S.Ct. at 2056.

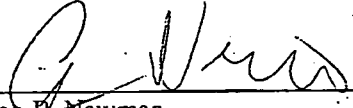
relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

This Court notes Applicant must file and serve a notice of appeal within thirty (30) days from the receipt by counsel 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 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed **with prejudice**; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 25th day of November, 2012.


Clifton B. Newman
Presiding Judge
Fifth Judicial Circuit

Columbia, South Carolina.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS.

INDICTMENT/CASE#: 2008 GS-40-993

AKA: Omar Singleton

AW#: J-560096

Race: B Sex: M Age:

Date of Offense: 1-20-08

DOB: SS#:

S.C. Code §: 16-11-330 (B)

Address:

CDR Code #: 0026

City, State, Zip: Columbia

SENTENCE SHEET

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Attempted Armed Robbery☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-11-330 (B) of the S.C. Code of Laws, bearing CDR Code # 00261

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

ATTEST:

Solicitor

72620

Defendant

Attorney for Defendant

74278

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ yearsand/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: 4/21/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCOPPPS

Attend Voc. Rehab. Or Job Corp. _____

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	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2995 (Vehicle Assessment)	\$40/ea	\$
Proviso 20.2 (SCCA Surcharge)	\$5	\$
§44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	_____

Clerk of Court/Deputy Clerk: Jeannette Z. McBridge

Court Reporter: _____

SCCA/2008/5/20/10

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: _____

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

Presiding Judge: _____

Judge Code: 054

Sentence Date: 4/21/11

WITNESSES

✓
(S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560096

ACTION OF GRAND JURY

TRUE BILL

Renee Bringle
Foreperson of Grand Jury
Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-993

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
vs.

OMAR SINGLETON

Indictment for

ATTEMPTED ARMED
ROBBERY

SC Code: 16-11-330(B)
CDR Code: 0026
Class FEL-C(V)

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jessie Williams
C.C.C.P&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

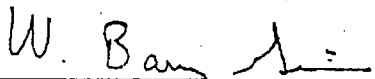
INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ATTEMPTED ARMED ROBBERY

That OMAR SINGLETON did in Richland County on or about January 20, 2008, attempt to commit robbery by feloniously taking from the person or presence of Karl Williams and/or the Hazelwood Party Shop, by means of force or intimidation, goods or monies of the victim, with the intent to deprive the owner permanently of such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of SC Code of Laws § 16-11-330.

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


WARREN B. GIESE, SOLICITOR

BAIL set by

Judge Sherlock
on 01/26/08
Type and Amount: Denied
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	

CODEFENDANTS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS.

INDICTMENT/CASE#: 2008 -GS- 40- 994

AKA: Omar Singleton

AW#: J-560112

Race: B Sex: M Age:

Date of Offense: 1-20-08

DOB: SS#:

S.C. Code §: 16-3-620

Address:

CDR Code #: 0014

City, State, Zip:

SENTENCE SHEET

DL# SID#

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

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

TO: Assault and Battery with Intent to Kill

In violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

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

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:

Solicitor SC Bar # 72620 Defendant Attorney for Defendant SC Bar # 74278

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 12 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: 4/21/11

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐

☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

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
§56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§50-21-114 (BW Breath Test Fee)	\$50
§56-5-2942 (Veh. Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
§44-53-450 (Conditional Discharge)	\$350
1% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/Deputy Clerk

Court Reporter

CCA/217 (06/2010)

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmis. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

☐ Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition

☐ Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date

054

4/21/11

WITNESSES

(S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560112

ACTION OF GRAND JURY

TRUE BILL

Penelope Bringle
Foreperson of Grand Jury
Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-994

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
vs.

OMAR SINGLETON

Indictment for
ASSAULT AND BATTERY
WITH INTENT TO KILL

SC Code: 16-3-620
CDR Code: 0014
Class FEL-C(V)

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED
James H. Bringle
C.C.C. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

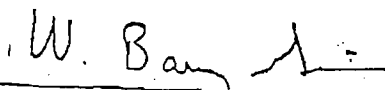
INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ASSAULT AND BATTERY WITH INTENT TO KILL

That OMAR SINGLETON did in Richland County on or about January 20, 2008, with malice aforethought, commit an assault and battery upon one Mickey Carwell with the intent to kill the said victim, to wit: defendant did shoot victim in the face and/or body. All in violation of ~~§16-03-620~~ of the Code of Laws of South Carolina, (1976, as amended).

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


Warren B. Giese, SOLICITOR

ARREST WARRANT

J-560113

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Richland Bond Court

THE STATE

0801172220

against

Omar Rashed Singleton

Address: unknown

Columbia, SC 29209-

Phone: SSN:

Sex: M Race: B Height: Weight:

State: SC DL #:

Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Matthew Ellis - 1027

Offense: Assault / Assault and battery with Intent to Kill
(ABWIK)

Offense Code: 0014

Code/Ordinance Sec: 16-03-0620

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

OMAR R. SINGLETON
1-25-08

McINTOSH

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Matthew Ellis

being duly sworn deposes and says that defendant Omar Rashed Singleton

did within this county and state on or about 01/20/2008

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland Bond Court)

in the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault and battery with Intent to Kill (ABWIK)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on or about January 20, 2008 while at 743 Hazelwood Road (Hazelwood Party Shop) in the Lykesland Magisterial District of
Richland County, it is believed that the defendant did commit the crime of Assault / Assault and battery with Intent to Kill
(ABWIK) because he did with a co-defendant fire their shotguns during an attempted robbery shooting the victim Lillie Branham
about her right shoulder. The defendant was shot by one of the victims as he tried to complete the robbery and did seek medical
attention for the injury. The defendant was also identified as having possession of the vehicle used in the crime, which was
subsequently recovered nearby. The vehicle had blood in it when it was recovered. The defendant also provided a verbal
confession to a witness with details, which were corroborated. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road
Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 1/20/2008 defendant Omar Rashed Singleton

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below

DESCRIPTION OF OFFENSE: Assault / Assault and battery with Intent to Kill (ABWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 01/25/2008

(L.S.)

Signature of Issuing Judge

Caroline W Sireater

Judge Code: 7027

Judge's Address 1400 Huger Street
Columbia, SC 29201-

Judge's Telephone (803)576-2341

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

CERTIFIED TRUE COPY

C.C.C.P.&G.S.

RICHLAND COUNTY

SOUTH CAROLINA

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Fifth Approved by
S.C. Attorney General
April 21, 2003
SCCA 516

BAIL set by

Judge Sturleson 01/26/08Type and Amount: Denied

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS.

INDICTMENT/CASE#: 2008 -GS- 40- 997

AKA: Omar Singleton

AW#: J-560113

Race: B Sex: M Age:

Date of Offense: 1-20-08

DOB: SS#:

S.C. Code §: 16-3-620

Address:

CDR Code #: 0014

City, State, Zip:

SENTENCE SHEET

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Assault and Battery with Intent to Kill

In violation of § 16-3-620 of the S.C. Code of Laws, bearing CDR Code # 0014

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

☒ Solicitor 72620 ☒ Defendant James A. May 74278
 SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 12 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: 4/21/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

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 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ _____

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-144 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942 (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCJA Surcharge) \$5 \$ _____

§44-53-450 (Conditional Discharge) \$350 \$ _____

3% to County if paid in installments) \$ _____

TOTAL \$ _____

Clerk of Court Deputy Clerk: Joannette W. McBride

Court Reporter: J. Helms

SCCA/217 (06/2010)

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: _____

☐ Conditional Discharge, §44-53-450(C) requires

\$350 be paid to the Clerk prior to case disposition

☐ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: Theresa L. BengeJudge Code: 054Sentence Date: 4/21/11

WITNESSES

✓ (S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560113

ACTION OF GRAND JURY

TRUE BILL

Patricia Bringle
Foreperson of Grand Jury

Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-40-997

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
vs.

OMAR SINGLETON

Indictment for

ASSAULT AND BATTERY
WITH INTENT TO KILL

SC Code: 16-3-620

CDR Code: 0014

Class FEL-C(V)

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Janette W. Bringle
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ASSAULT AND BATTERY WITH INTENT TO KILL

That OMAR SINGLETON did in Richland County on or about January 20, 2008, with malice aforethought, commit an assault and battery upon one Lillie Branham with the intent to kill the said victim, to wit: defendant did shoot victim in the shoulder and/or body. All in violation of §16-03-620 of the Code of Laws of South Carolina, (1976, as amended).

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


Warren B. Giese, SOLICITOR

ARREST WARRANT

J-560116

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

0801172220

against

Omar Rashed Singleton

Address: unknown

Columbia, SC 29209-

Phone: SSN: _____

Sex: M Race: B Height: _____ Weight: _____

DL State: SC DL #: _____

Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Matthew Ellis - 1027

Offense: Assault with intent to kill

Offense Code: 0768

Code/Ordinance Sec: C/L; 16-03-0620,

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant OMAR R. SINGLETON
on 1-25-08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Matthew Ellis whobeing duly sworn deposes and says that defendant Omar Rashed Singletondid within this county and state on or about 01/20/2008

violate the criminal laws of the

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

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE Assault with intent to killI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on or about January 20, 2008 while at 743 Hazelwood Road (Hazelwood Party Shop) in the Lykesland Magisterial District of
Richland County, it is believed that the defendant did commit the crime of Assault / Assault with Intent to Kill (AWIK) because he
did with a co-defendant fire their shotguns during an attempted robbery inside the shop where the victim, was Hugo Nicolau. Two
other patrons were shot. The defendant was shot by one of the victims as he tried to complete the robbery and did seek medical
attention for the injury. The defendant was also identified as having possession of the vehicle used in the crime, which was
subsequently recovered nearby. The vehicle had blood in it when it was recovered. The defendant also provided a verbal
confession to a witness with details, which were corroborated. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch RoadColumbia, SC 29223-Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 1/20/2008 defendant Omar Rashed Singleton

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court) as set forth belowDESCRIPTION OF OFFENSE: Assault with intent to killHaving found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant or to the person in charge of the
premises where the defendant is located, as soon thereafter as is practicable.
Sworn to and subscribed before meon 01/25/2008Signature of Issuing Judge
Caroline V. StreatorJudge Code: 7027Judge's Address 1400 Huger StreetColumbia, SC 29201-Judge's Telephone (803)576-2341Issuing Court: ☒ Magistrate ☐ MunicipalCERTIFIED TRUE COPY
OF ORIGINAL FILED

C.C.C.P.&G.S.

RICHLAND COUNTY

SOUTH CAROLINA

ORIGINAL

ORIGINAL

ORIGINAL

08 JAN 31 PM 4:53
BARB A. SCOTT
& G.S.

FILED

BAIL set by

Judge Burles
on 01/26/08
Type and Amount: Denied
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

SEAL OF THE
SOUTHERN DISTRICT OF
NEW YORK
CLERK OF COURT
OF ORIGINAL JURISDICTION
CECILIA L. DE COWA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

161

COUNTY OF RICHLAND
STATE VS.

AKA:

Omar Singleton

Race:

B

Sex:

M

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

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

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO:

Assault with Intent to Kill

In violation of §

17-25-30, C/L

of the S.C. Code of Laws, bearing CDR Code #

0768☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar # 72420

Defendant

Attorney for Defendant

SC Bar # 74278WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 10 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: 4/21/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GEO ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

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	\$ _____
\$56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 47.9 (Public Def/Prob)	\$500	\$ _____
\$14-1-212 (Law Enforce. Funding)	\$25	\$ _____
\$14-1-213 (Court Surcharge)	\$150	\$ _____
\$50-2-1 (BLU Breath Test Fee)	\$30	\$ _____
\$56-5-940 (Vehicle Assessment)	\$40/ea	\$ _____
Proviso 90.5 (JCCJ Surcharge)	\$5	\$ _____
\$44-5-150 (Conditional Discharge)	\$350	\$ _____
3% to County of Paid Installments)	\$	\$ _____
TOTAL:	\$	_____

Clerk of Court/Deputy Clerk
Court Reporter
SCCA/17-25-20

Jeannette H. McBride
D. Holmes

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: _____

☐ Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probationPresiding Judge Theresa C. CopeJudge Code: 054Sentence Date 4/21/11

SENTENCE SHEET

CERTIFIED TRUE COPY
 ORIGINAL FILED
 17-25-20
 RICHLAND COUNTY
 SOUTH CAROLINA

WITNESSES

(S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560116

ACTION OF GRAND JURY

TRUE BILL

Annella Bainglo
Foreperson of Grand Jury
Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-998

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
vs.

OMAR SINGLETON

Indictment for
ASSAULT WITH
INTENT TO KILL
SC Code: 17-25-30
CDR Code: 768
Class MIS-UNC

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jennette W. McBride
C.C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That OMAR SINGLETON, did in Richland County on or about January 20, 2008, with malice aforethought commit an assault upon one Hugo Nicolau with the intent to kill the said victim, to wit: defendant did attempt to shoot the victim; in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

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

W. B. Giese
WARREN B. GIESE, SOLICITOR

RECEIVED
JUN 19 2008
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

PB

ARREST WARRANT

J-560119

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

0801172220

against

Omar Rashed Singleton

Address: unknown

Columbia, SC 29209-

Phone: SSN:

Sex: M Race: B Height: Weight:

DL #:

DL Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Matthew Ellis - 1027

Offense: Assault / Assault with intent to kill (AWIK)

Offense Code: 0768

Code/Ordinance Sec: C/L, 16-03-0620,

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant OMAR - R. SINGLETON

on

MCKINLOFT

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Matthew Ellis whobeing duly sworn deposes and says that defendant Omar Rashed Singletondid within this county and state on or about 01/20/2008State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Richland Bond Court

In the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault with intent to kill (AWIK)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about January 20, 2008 while at 743 Hazelwood Road (Hazelwood Party Shop) in the Lykesland Magisterial District of Richland County, it is believed that the defendant did commit the crime of Assault / Assault with Intent to Kill (AWIK) because he did with a co-defendant fire their shotguns during an attempted robbery inside the shop were the victim, Frank Vallad was. Two other patrons were shot. The defendant was shot by one of the victims as he tried to complete the robbery and did seek medical attention for the injury. The defendant was also identified as having possession of the vehicle used in the crime, which was subsequently recovered nearby. The vehicle had blood in it when it was recovered. The defendant also provided a verbal confession to a witness with details, which were corroborated. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch RoadColumbia, SC 29223-Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 1/20/2008 defendant Omar Rashed Singleton

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court) as set forth below:DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant or the proper authority or as soon thereafter as is practicable

Sworn to and subscribed before me

on 01/25/2008

Signature of Issuing Judge

Caroline W Streater

Judge Code: 7027Judge's Address 1400 Huger StreetColumbia, SC 29201-Judge's Telephone (803)576-2341Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

CERTIFIED TRUE COPY

OF ORIGINAL FILED

C.C.C.P.A.G.S.

RICHLAND COUNTY
SOUTH CAROLINA

BAIL set by

Judge Sealeson 01/26/08Type and Amount: Denied

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

CERTIFIED TRUE COPY

SOUTH CAROLINA
RICHLAND COUNTY

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

STATE OF SOUTH CAROLINA

IN T COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS.

INDICTMENT/CASE#: 2008 GS- 40- 999

AKA: Omar Singleton

AW#: J-560119

Race: B Sex: M Age: 34

Date of Offense: 1-20-08

DOB: SS#: 1-2-74

S.C. Code §: 17-25-30; C/L

Address: _____

CDR Code #: 0768

City, State, Zip: _____

DL# _____ SID# _____

SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Assault with Intent to Kill

In violation of § 17-25-30; C/L of the S.C. Code of Laws, bearing CDR Code #

0768

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

ATTEST:

Solicitor

72620

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 10 days/months/years 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: 4/21/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

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	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 47.9 (Public Def/Prob)	\$500	\$ _____
§14-1-212 (Law Enforcement)	\$25	\$ _____
§14-1-212 (Drug Court Surcharge)	\$150	\$ _____
§50-21-440 (DUI Breath Test Fee)	\$50	\$ _____
§56-5-2995 (Vehicle Assessment)	\$40/ea	\$ _____
Proviso 47.9 (SCCA Surcharge)	\$5	\$ _____
§44-53-502 (Conditional Discharge)	\$350	\$ _____
3% to County (if paid in installments)	\$	_____
TOTAL	\$	_____

Clerk of Court/Deputy Clerk: Jeanette M. McBride

Court Reporter: _____

SCCA/21 (06/2010)

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: _____

☐ Conditional Discharge, §44-53-450(C) requires

\$350 be paid to the Clerk prior to case disposition

☐ Appointed PD or appointed other counsel,\$47.12 requires \$500 be paid to Clerk
during probation

Presiding Judge

Judge Code: 059

Sentence Date

4/21/11

WITNESSES

✓
(S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560119

ACTION OF GRAND JURY

TRUE BILL

Dorela Bringle
F. person of Grand Jury
Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-999

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
vs.

OMAR SINGLETON

Indictment for

ASSAULT WITH
INTENT TO KILL

SC Code: 17-25-30

CDR Code: 768

Class MIS-UNC

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That OMAR SINGLETON, did in Richland County on or about January 20, 2008, with malice aforethought commit an assault upon one Frank Vallad with the intent to kill the said victim, to wit: defendant did attempt to shoot the victim; in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

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

W. B. Giese
 WARREN B. GIESE, SOLICITOR

RECEIVED
 JUNE 19 2008
 CLERK OF COURT
 RICHLAND COUNTY
 SOUTH CAROLINA

PBL

ARREST WARRANT

J-560122

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

0801172220

against

Omar Rashed Singleton

Address: unknown

Columbia, SC 29209-

Phone: _____ SSN: _____

Sex: M Race: B Height: _____ Weight: _____Date of Birth: SC DL #: _____L _____ Agency ORI #: 04000Prosecuting Agency: Richland County Sheriff DepartmentProsecuting Officer: Matthew Ellis - 1027Offense: Assault / Assault with intent to kill (AWIK)Offense Code: 0768Code/Ordinance Sec: C/L, 16-03-0620,This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of _____

The accused,

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Omar R. Singletonon 1-25-08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland General Sessions

1701 Main Street

P O Box 192

Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Matthew Ellis whobeing duly sworn deposes and says that defendant Omar Rashed Singletondid within this county and state on or about 01/20/2008 violate the criminal laws of theState of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland Bond Court)

in the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault with intent to kill (AWIK)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about January 20, 2008 while at 743 Hazelwood Road (Hazelwood Party Shop) in the Lykesland Magisterial District of Richland County, it is believed that the defendant did commit the crime of Assault / Assault with Intent to Kill (AWIK) because he did with a co-defendant fire their shotguns during an attempted robbery inside the shop where the victim Stephen Deierlein was. Two other patrons were shot. The defendant was shot by one of the victims as he tried to complete the robbery and did seek medical attention for the injury. The defendant was also identified as having possession of the vehicle used in the crime, which was subsequently recovered nearby. The vehicle had blood in it when it was recovered. The defendant also provided a verbal confession to a witness with details, which were corroborated. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch RoadColumbia, SC 29223-Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 1/20/2008 defendant Omar Rashed Singleton

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court as set forth below:DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant or to his or her attorney as soon thereafter as is practicable.

Sworn to and subscribed before me

on 01/24/2008

(L.S.)

Signature of Issuing Judge

Caroline W Streater

Judge Code: 7027Judge's Address 1400 Huger StreetColumbia, SC 29201Judge's Telephone (803)576-2341Issuing Court: ☒ Magistrate

CERTIFIED TRUE COPY

OF ORIGINAL FILED,

JANET W. BRIDE

C.C.C.P.&G.S.

RICHLAND COUNTY

SOUTH CAROLINA

ORIGINAL

ORIGINAL

ORIGINAL

08 JAN 31 PM 4:53
BAGGARA & SCOTT
C.C.C.

BAIL set by

Judge Sullivan
on 01/26/78
Type and Amount: Detained
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS.

INDICTMENT/CASE#: 2008 -GS- 40- 1000

AKA:

AW#: J-560122

Race: B

Sex: M

Age:

Date of Offense: 1-20-08

DOB:

SS#:

S.C. Code §: 17-25-30, C/L

Address:

CDR Code #: 0768

City, State, Zip:

SENTENCE SHEET

DL#

SID#

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

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO:

Assault with Intent to Kill

In violation of §

17-25-30, C/L

of the S.C. Code of Laws, bearing CDR Code #

0768

☐ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ Mandatory GPS

☐ \$17-25-45

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:

Solicitor

SC Bar # 22620

Defendant

Attorney for Defendant

SC Bar # 74278

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections

☐ County Detention Center,

for a determinate term of

10

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: 4/21/11

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION:

☐ Deferred

☐ Def. Waives Hearing

☐ Ordered

PTUP

Total: \$

plus 20% fee: \$

\$

_____ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐

☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)

\$100

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

§14-1-211 (A)(2)(DUI Surcharge)

\$12

§56-5-2995 (DUI Assessment)

\$25

§56-1-286 (DUI Breath Test)

\$500

Proviso 47.9 (Public Def/Prob)

\$25

§14-1-212 (Law Enforce. Funding)

\$150

§14-1-213 (Court Arch. Fee)

\$50

§50-2-2 (BU. Fee)

\$40/ea

§56-5-2995 (DUI Assessment)

\$5

Proviso 47.9 (Public Def/Prob)

\$350

§44-5-30 (C) (Conditional Discharge)

\$

1% to County of Richland (Installments)

\$

*OTA:

*Clerk:

*Court:

*CCA:

ORIGINAL FILED
RICHLAND COUNTY
SOUTH CAROLINA
CLERK OF COURT
JANUARY 21, 2011
FILED

Jeanette M. H. [Signature]
Notary

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: _____

☐ Conditional Discharge, §44-53-450(C) requires

\$350 be paid to the Clerk prior to case disposition

☐ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date

[Signature]
059
4/21/11

WITNESSES

(S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560122

ACTION OF GRAND JURY

TRUE BILL

Pamela Bringle
F. person of Grand Jury

Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-1000

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
vs.

OMAR SINGLETON

Indictment for

ASSAULT WITH
INTENT TO KILL
SC Code: 17-25-30
CDR Code: 768
Class MIS-UNC

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to.

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jessette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That OMAR SINGLETON, did in Richland County on or about January 20, 2008, with malice aforethought commit an assault upon one Stephen Deierlein with the intent to kill the said victim, to wit: defendant did attempt to shoot the victim; in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

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

WARREN B. GIESE, SOLICITOR

SOUTH CAROLINA
RICHMOND COUNTY
CLOCK
OF ORIGINAL
RECEIVED
DR

YOL

ARREST WARRANT

J-560124

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Richland Bond Court

THE STATE

0801172220

against

Omar Rashed Singleton

Address: unknown

Columbia, SC 29209-

Phone: SSN:

Sex: M Race: B Height: Weight:

DL State: SC DL #:

DOE Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Matthew Ellis - 1027

Offense: Assault / Assault with intent to kill (AWIK)

Offense Code: 0768

Code/Ordinance Sec: C/L, 16-03-0620,

This warrant is CERTIFIED FOR SERVICE in the

☐ County/☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant OMAR R. SINGLETON

on

M. H. H. H. H.

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant, Matthew Ellis

being duly sworn deposes and says that defendant Omar Rashed Singleton

did within this county and state on or about 01/20/2008

violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Richland Bond Court

In the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault with intent to kill (AWIK)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on or about January 20, 2008 while at 743 Hazelwood Road (Hazelwood Party Shop) in the Lykesland Magisterial District of
Richland County, it is believed that the defendant did commit the crime of Assault / Assault with Intent to Kill (AWIK) because he
did with a co-defendant fire their shotguns during an attempted robbery inside the shop were the victim, Emerson Phillips was.
Two other patrons were shot. The defendant was shot by one of the victims as he tried to complete the robbery and did seek medical
attention for the injury. The defendant was also identified as having possession of the vehicle used in the crime, which was
subsequently recovered nearby. The vehicle had blood in it when it was recovered. The defendant also provided a verbal
confession to a witness with details, which were corroborated. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 1/20/2008

defendant Omar Rashed Singleton

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Richland Bond Court

) as set forth below

DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 01/25/2008

(L.S.)

Signature of Issuing Judge
Caroline W. Sreater

Judge Code: 7027

Judge's Address 1400 Huger Street

Columbia, SC 29201

Judge's Telephone (803)576-2341

Issuing Court: ☒ Magistrate

CERTIFIED TRUE COPY

OF ORIGINAL FILED

C.C.C.P.&G.S.

RICHLAND COUNTY

SOUTH CAROLINA

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

who

violate the criminal laws of the

Richland Bond Court

08 JAN 31 PM 4:53

BARB C. & D.S.

FILED

CERTIFIED TRUE COPY

OF ORIGINAL FILED

C.C.C.P.&G.S.

RICHLAND COUNTY

SOUTH CAROLINA

BAIL set by

Judge Surles
 on 01/26/08
 Type and Amount: Denied
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

DISPOSITION before

Judge _____
 on _____
 by _____
 - (indicate jury trial, bench trial, plea, nol. pros., etc.)
 Disposition: _____
 Sentence: _____

JURORS

WITNESSES

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

CODEFENDANTS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS.

INDICTMENT/CASE#: 2008 -GS- 40 - 1001

AKA: Omar Singleton

AW#: J-560124

Race: B Sex: M Age:

Date of Offense: 1-20-08

DOB: SS#:

S.C. Code §: 17-25-30, c/l

Address:

CDR Code #: 0768

City, State, Zip:

DL# SID#

SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Assault with Intent to Kill

In violation of § 17-25-30, c/l of the S.C. Code of Laws, bearing CDR Code # 0768

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The 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:

Solitor SC Bar # 72620 Defendant Attorney for Defendant SC Bar # 74278

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 10 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: 4/21/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:

Obtain GEO ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

*Fine:	\$	
§14-1-206 (Assessment 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def. Prob)	\$500	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$25	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$150	\$
§50-21-24 (DUI Breath Test Fee)	\$50	\$
§56-5-2995 (DUI Assessment)	\$40/ea	\$
Proviso 47.9 (Public Def. Prob)	\$5	\$
§44-53-300 (Conditional Discharge)	\$350	\$
% to Court (Court Fee)	\$	\$
TOTAL	\$	\$
Clerk of Court		
Court Reporter		
CCA/217 (06/2011)		

May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmis. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code: 054

Sentence Date 4/21/11

WITNESSES

(S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560124

ACTION OF GRAND JURY

TRUE BILL

Donald Bringle
 F person of Grand Jury
 Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2008-GS-40-1001

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
 vs.

OMAR SINGLETON

Indictment for

ASSAULT WITH
 INTENT TO KILL
 SC Code: 17-25-30
 CDR Code: 768
 Class MIS-UNC

After being fully advised as to my
 legal rights, I hereby waive presentment
 to the Grand Jury.

Defendant

I
 hereby appear in my own proper person and plead
 guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
 OF ORIGINAL FILED
Jeanette W. McBride
 C.C.C.P.&G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

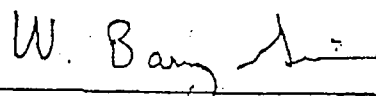
INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That OMAR SINGLETON, did in Richland County on or about January 20, 2008, with malice aforethought commit an assault upon one Emerson Phillips with the intent to kill the said victim, to wit: defendant did attempt to shoot the victim; in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

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


WARREN B. GIESE, SOLICITOR

SOUTH CAROLINA
RICHLAND COUNTY
CLERK OF COURT
JUNE 18, 2008
3:00 PM

ARREST WARRANT

J-560128

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

0801172220

against

Omar Rashed Singleton

Address: unknown

Columbia, SC 29209-

Phone: SSN: _____

Sex: M Race: B Height: _____ Weight: _____

State: SC DL #: _____

Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Matthew Ellis - 1027

Offense: Assault / Assault with intent to kill (AWIK)

Offense Code: 0768

Code/Ordinance Sec: C/L, 16-03-0620,

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Matthew Ellis

being duly sworn deposes and says that defendant Omar Rashed Singleton

did within this county and state on or about 01/20/2008

violate the criminal laws of the

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

Richland Bond Court

In the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault with intent to kill (AWIK)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on or about January 20, 2008 while at 743 Hazelwood Road (Hazelwood Party Shop) in the Lykesland Magisterial District of Richland County, it is believed that the defendant did commit the crime of Assault / Assault with Intent to Kill (AWIK) because he did with a co-defendant fire their shotguns during an attempted robbery inside the shop where the victim Karl Williams was. Two other patrons were shot. The defendant was shot by one of the victims as he tried to complete the robbery and did seek medical attention for the injury. The defendant was also identified as having possession of the vehicle used in the crime, which was subsequently recovered nearby. The vehicle had blood in it when it was recovered. The defendant also provided a verbal confession to a witness with details, which were corroborated. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds believe that

on or about 1/20/2008 defendant Omar Rashed Singleton

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him/her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant or to the person in his/her possession as soon thereafter as is practicable.

Sworn to and subscribed before me

on 1/25/2008

(L.S.)

Signature of Issuing Judge

Caroline W Streater

Judge Code 7027

Judge's Address 1400 Huger Street

Columbia, SC 29201-

Judge's Telephone (803)576-2341

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 510

AFFIDAVIT

who

FILED
JAN 31 PM 4:53
CLERK
RICHLAND COUNTY
SOUTH CAROLINA

CERTIFIED TRUE COPY
OF ORIGINAL FILED
JAN 25 2008
RICHLAND COUNTY
SOUTH CAROLINA

BAIL set by

Judge Surles
on 01/26/08
Type and Amount: Denied
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	

CODEFENDANTS

RECEIVED
CLERK OF COURT
JAN 27 2008
SOUTH CAROLINA
RICHMOND

STATE OF SOUTH CAROLINA

IN T COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS.

INDICTMENT/CASE#: 2008 -GS- 40- 1005

AKA: Omar Singleton

AW#: J-560128

Race: B Sex: M Age: _____

Date of Offense: 1-20-08

DOB: _____ SS#: _____

S.C. Code §: 17-25-30, c/L

Address: _____

CDR Code #: 0768

City, State, Zip: _____

DL# _____ SID# _____

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Assault with Intent to Kill

In violation of § 17-25-30, c/L of the S.C. Code of Laws, bearing CDR Code # 0768

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45The 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:

72620

74279

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 10 days/months/years 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: 4/21/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §14-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

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	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforcement Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-14 (DUI Breath Test Fee)	\$50	\$
§56-5-211 (DUI Vehicle Assessment)	\$40/ea	\$
Proviso 50.5 (SCDP Charge)	\$5	\$
§44-53-250(C) (Conditional Discharge)	\$350	\$
% to County (to be paid in installments)	\$	\$
TOTAL	\$	_____

Clerk of Court: Jannette M. McBridge

Court Reporter: Helos

SCCA/217 (06/2000)

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: _____

☐ Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition

☐ Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 054

Sentence Date: 4/21/11

WITNESSES

✓ (S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560128

ACTION OF GRAND JURY

TRUE BILL

Ramona Bringle
person of Grand Jury
Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-1005

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
vs.

OMAR SINGLETON

Indictment for

ASSAULT WITH
INTENT TO KILL
SC Code: 17-25-30
CDR Code: 768
Class MIS-UNC

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That OMAR SINGLETON, did in Richland County on or about January 20, 2008, with malice aforethought commit an assault upon one Karl Williams with the intent to kill the said victim, to wit: defendant did attempt to shoot the victim; in violation of Section 17-25-30-C/L, Code of Laws of South Carolina, (1976, as amended).

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

W. B. Giese
 WARREN B. GIESE, SOLICITOR

DEPT. OF
 SOUTH CAROLINA
 RICHLAND COUNTY
 JUNE 18 2008

ARREST WARRANT

J-560129

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE

0801172220

against

Omar Rashed Singleton

Address: unknown

Columbia, SC 29209-

Phone: SSI

Sex: M Race: B Height: Weight:

D. State: SC DL #:

Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Matthew Ellis - 1027

Offense: Assault / Assault with intent to kill (AWIK)

Offense Code: 0768

Code/Ordinance Sec: C/L, 16-03-0620,

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant OMAR R SINGLETON

on 1-25-08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Matthew Ellis

being duly sworn deposes and says that defendant Omar Rashed Singleton

did within this county and state on or about 01/20/2008

violate the criminal laws of the

State of South Carolina (or ordinance of

☒ County/

☐ Municipality of

Richland Bond Court

In the following particulars:

DESCRIPTION OF OFFENSE Assault / Assault with intent to kill (AWIK)

I further state that there is probable cause to believe that the defendant, named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about January 20, 2008 while at 743 Hazelwood Road (Hazelwood Party Shop) in the Lykesland Magisterial District of Richland County, it is believed that the defendant did commit the crime of Assault / Assault with Intent to Kill (AWIK) because he did with a co-defendant fire their shotguns during an attempted robbery inside the shop where the victim Harold Griffin was. Two other patrons were shot. The defendant was shot by one of the victims as he tried to complete the robbery and did seek medical attention for the injury. The defendant was also identified as having possession of the vehicle used in the crime, which was subsequently recovered nearby. The vehicle had blood in it when it was recovered. The defendant also provided a verbal confession to a witness with details, which were corroborated. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

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

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

on or about 1/20/2008

defendant Omar Rashed Singleton

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Richland Bond Court

) as set forth below

DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant named above and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 01/25/2008

(L.S.)

Signature of Issuing Judge

Caroline W Sreeter

Judge Code: 7027

Judge's Address 1400 Huger Street

Columbia, SC 29201

Judge's Telephone (803)576-2341

Issuing Court: ☒ Magistrate

☐ Municipal

☐ Circuit

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Jeanette W M Bude
C.C.C.P.&G.S.

RICHLAND COUNTY
SOUTH CAROLINA

FILED
08 JAN 31 PM 4:53
BARRA A. SCOTT
C.C.C.P.&G.S.

BAIL set by

Judge Susles
 on 01/26/08
 Type and Amount: Denied
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

DISPOSITION before

Judge _____
 on _____
 by _____
 (indicate jury trial, bench trial, plea, nol. pros., etc.)
 Disposition: _____
 Sentence: _____

JURORS

WITNESSES

Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	
Name: _____	
Address: _____	
Telephone: _____	

CODEFENDANTS

RECEIVED
 JAN 27 2008
 CLERK OF COURT
 SOUTH CAROLINA
 RICHMOND COUNTY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND
STATE VS.

INDICTMENT/CASE#: 2008 -GS- 40- 1006

AKA: Omar Singleton

AW#: J-560129

Race: B Sex: M Age: _____

Date of Offense: 1-20-08

DOB: _____ SS#: _____

S.C. Code §: 17-25-30, C/L

Address: _____

CDR Code #: 0768

City, State, Zip: _____

DL# _____ SID# _____

SENTENCE SHEET

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

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: Assault with Intent to Kill

In violation of § 17-25-30, C/L of the S.C. Code of Laws, bearing CDR Code # 0768

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45The 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:

Solicitor

SC Bar # 72625

Defendant

Attorney for Defendant

SC Bar # 74278

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 10 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: 4/21/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

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 \$ _____

\$56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

\$14-1-212 (Law Enforc. Funding) \$25 \$ _____

\$14-1-215 (Direct Court Surcharge) \$150 \$ _____

\$50-1-214 (B&B Breath Test Fee) \$50 \$ _____

\$56-5-2995 (Vehicle Assessment) \$40/ea \$ _____

Proviso 40.8 (SCC Surcharge) \$5 \$ _____

\$44-53-450 (Conditional Discharge) \$350 \$ _____

3% County Fee (paid in installments) \$ _____

TOT \$ _____

Clerk of Court/County Clerk _____

Court Reporter _____

SCC # _____ (06/01)

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: _____

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

Presiding Judge _____

Judge Code: 054

Sentence Date 4/21/11

SOUTH CAROLINA
RICHLAND COUNTY
CLERK OF COURT
OFFICE
1000 BROADWAY
COLUMBIA, SC 29201
(803) 739-1000
FAX (803) 739-1001
WWW.SOUTH-CAROLINA.GOVJeanette Z. McBridge
Helm

WITNESSES

(S) Ellis - RCSD

ARREST WARRANT NUMBER

J-560129

ACTION OF GRAND JURY

TRUE BILL

Rimela Bringle
 Foreperson of Grand Jury
 Date: JUN 20 2008

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2008-GS-40-1006

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JUNE TERM 2008

74

THE STATE
 vs.

OMAR SINGLETON

Indictment for

ASSAULT WITH
 INTENT TO KILL
 SC Code: 17-25-30
 CDR Code: 768
 Class MIS-UNC

After being fully advised as to my
 legal rights, I hereby waive presentment
 to the Grand Jury.

Defendant

I
 hereby appear in my own proper person and plead
 guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
 OF ORIGINAL FILED,
Jeannette W. McBride
 C.C.C.P.&G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

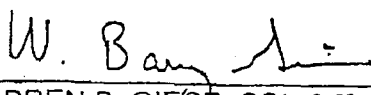
INDICTMENT

At a Court of General Sessions, convened on June 18, 2008, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That OMAR SINGLETON, did in Richland County on or about January 20, 2008, with malice aforethought commit an assault upon one Harold Griffin with the intent to kill the said victim, to wit: defendant did attempt to shoot the victim; in violation of Section 17-25-30.C/L, Code of Laws of South Carolina, (1976, as amended).

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


WARREN B. GIESE, SOLICITOR

FILED
JUN 19 2008
RICHLAND COUNTY
SOUTH CAROLINA