

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable George M. McFaddin Jr.

Appellate Case No. 2024-001270

Justin M. Pringle #379795,

Petitioner,

v.

State of South Carolina,

Respondent.

APPENDIX

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STATE OF SOUTH CAROLINA	)	
COUNTY OF FLORENCE	)	COURT OF GENERAL SESSIONS
	)	2018-GS-21-02117
	)	
	)	
	)	
State of South Carolina	)	TRANSCRIPT OF RECORD
vs.	)	
Justin Marquise Pringle	)	
	)	
DEFENDANT	)	April 12, 2019
		Florence, South Carolina

B E F O R E:

THE HONORABLE THOMAS A. RUSSO.

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

J. RYAN WHITE, ASSISTANT SOLICITOR
Attorney for the State

KAREN PARROTT, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

KESHIA REED
Official Court Reporter

I N D E X

(WHEREUPON, no witnesses called.)

1 MR. WHITE: Judge, may it please the Court.

2 THE COURT: Yes, sir.

3 MR. WHITE: Standing before you is Justin

4 Marquise Pringle on indictment 2018-GS-21-02117.

5 Mr. Pringle was originally indicted for one count of
6 murder, one count of armed robbery and one count of
7 burglary. Judge, and on count of criminal conspiracy, the
8 burglary in the first degree, Your Honor, he's pleading
9 guilty to a lesser-included offense of voluntary
10 manslaughter as well armed robbery. The State has
11 negotiated a sentence with the defense attorney on this
12 matter for 30 years on each with them running concurrent
13 with one another.

14 THE COURT: All right. Okay. And, Ms. Parrott,
15 you've talked with Mr. Pringle about him entering his
16 guilty plea under North Carolina vs. Alford?

17 MS. PARROTT: I have, Your Honor.

18 THE COURT: And what it means to plead under
19 Alford and all that?

20 MS. PARROTT: I have, Your Honor.

21 THE COURT: All right.

22 MS. PARROTT: Your Honor, she was going to swear
23 him in.

24 THE COURT: I apologize. I keep jumping ahead
25 of you there.

1 THE CLERK: Please raise your right hand. Do
2 you swear to tell the truth, the whole truth, and nothing
3 but the truth so help you God?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. All right. Sir, you are
6 Justin Pringle, is that correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Pringle, indictment
9 2018-GS-21-2117 is a two count excuse me I apologize --
10 it's a four-count indictment. Counts three and counts
11 four of the indictment is my understanding are being
12 dismissed, which is a burglary first degree and a criminal
13 conspiracy. They're being dismissed. And that you are
14 before the Court entering a plea to count one. Count one
15 is a charge of murder, but it is my understanding that
16 you're entering a plea under that charge to the lesser
17 offense that being voluntary manslaughter, that charge
18 carries a penalty of not less -- is it two?

19 MS. PARROTT: Yes, sir, Your Honor.

20 THE COURT: Not less than two years nor more
21 than 30 years. It is classified under South Carolina law
22 as a violent offense and a most serious offense. Do you
23 understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. And then, Mr. Pringle, the

1 count two of the indictment which is an armed robbery
2 charge that carries a penalty of not less than ten years
3 nor more than 30 years also classified as a violent and
4 most serious offense. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. And am I correct,
7 Mr. Pringle, that you are entering your plea of guilt on
8 those two charges under the case of North Carolina vs.
9 Alford, is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You've talked with Ms. Parrott about
12 that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Okay. Ms. Parrott, you represent
15 Mr. Pringle?

16 MS. PARROTT: I do, Your Honor.

17 THE COURT: Have you discussed with him the
18 charges that he's before the Court on and his
19 constitutional rights to a trial and what all it entails
20 involving a plea under North Carolina vs. Alford?

21 MS. PARROTT: Yes, Your Honor.

22 THE COURT: Have you also discussed with him the
23 strike rule and gone over those things?

24 MS. PARROTT: Yes, Your Honor. In fact, I've
25 actually completed the affidavit of a defendant for a

1 guilty plea that goes through all the questions regarding
2 his trial rights and goes into more specific detail about
3 the two strikes and three strikes rule.

4 THE COURT: All right. Mr. Pringle, sir, am I
5 correct you're 20 years of age?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Could you tell me how
8 long you've been in jail on these charges, sir?

9 THE DEFENDANT: A year and five months -- four
10 months.

11 MS. PARROTT: Your Honor, he was actually picked
12 up in Ohio, but the time that he's actually served in
13 Effingham since February 3rd of 2018 and that would give
14 him 434 days as of today I believe.

15 THE COURT: Mr. Pringle, I'm going to -- and I
16 know you've talked with Ms. Parrott about all these
17 things, but I'm just going to review some things with you
18 on the record. If you have any questions about anything
19 that I go over and you need to speak with Ms. Parrott, you
20 let me know and I'll stop and I'll give you whatever time
21 you need, okay?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. First, let's talk about
24 entering these pleas under North Carolina vs. Alford. And
25 I found that maybe the easiest way to go about doing that

1 is I'll tell you what my understanding of an Alford plea
2 is and you can tell me whether or not you have the same
3 understanding, okay.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: When someone pleads guilty under
6 Alford, basically what they're saying is this, Judge, I'm
7 willing to accept responsibility. I know what the State
8 is going to tell you and I know what the allegations are
9 against me, but I disagree with that. In other words, I
10 am not admitting to the facts that the State claims that I
11 did. However, I do understand what the State claims I
12 did. And my concern is that if I were to go to a jury
13 trial, that the State would present that evidence to a
14 jury and there's a likelihood that I could be convicted of
15 this greater charge. And so they've made me a plea offer
16 and I would like to take advantage of that plea offer. So
17 even though I disagree with what the State says I did, I
18 am willing to accept responsibility in exchange for the
19 plea offer. That is essentially what a Alford plea is, is
20 that your understanding?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. Now, the thing about an
23 Alford plea that everyone needs to understand -- anyone
24 who pleads under Alford is whatever sentence the Court
25 would impose whether it be anywhere from a probation to

1 active time, doesn't matter what the sentence is, you
2 would serve that sentence just the same way as if you had
3 pled guilty straight up. You understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: In other words pleading guilty under
6 Alford, does not affect the sentence or how you serve it.
7 The other thing to understand is this that with regards to
8 your criminal record, all it will show on your criminal
9 record is that you had a conviction for voluntary
10 manslaughter and a conviction for armed robbery. It
11 doesn't designate it as an Alford plea or anything like
12 that. It just shows up as a conviction just as it would
13 if you pled guilty straight up. You understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Now, Ms. Parrott has
16 talked with you about the strike rule in South Carolina.
17 Essentially, Mr. Pringle, South Carolina has a rule that
18 if a person receives a conviction for two most serious
19 offenses on that second conviction the State could seek
20 life without parole. Now, both of these are classified as
21 most serious offenses. However, it is my understanding
22 that these arose out of the same occurrence. Is that
23 correct?

24 MR. WHITE: Yes, sir. That's correct, Judge.

25 THE COURT: And that you are entering your plea

1 here today to these two. So for purposes of that strike
2 rule, these would be considered one of those strikes. You
3 understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And so that in the future if you
6 were to ever pick up another most serious offense, you
7 understand that the State on that second time could seek
8 life without parole. You understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right, sir. Now, any time
11 anyone enters a plea whether it be under Alford or whether
12 it be straight up, you give up certain constitutional
13 rights. All of us have the right to remain silent. All
14 of us have the right to a jury trial, but when you plead
15 guilty under Alford or straight up, you give up certain
16 rights that you have as it relates to your plea. As I
17 said, you have the right to remain silent. You have the
18 right to a jury trial, but when you give up -- you give up
19 those two rights when you plead under Alford. And so when
20 you give up that trial right, you give up all of the other
21 rights that are connected to that.

22 For example, if you were to have a jury trial,
23 you would be presumed innocent of these charges, that
24 presumption of innocence places the burden of proof on the
25 State and the State would attempt to prove your guilt by

1 bringing witnesses into court. Those witnesses would take
2 the stand and they would be placed under oath and they
3 would testify. More than likely, they would be testifying
4 against your best interest. Now, you would have the right
5 if you were to have a jury trial, you would have a right
6 through your attorney to question those witnesses to
7 cross-examine them. That's your right of confrontation
8 under the constitution. You understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: But when you enter a plea under
11 Alford for purposes of that plea, you waive or you give up
12 that presumption of innocence. The State no longer is
13 required to prove your guilt to a jury and so therefore
14 they are not required to bring their witnesses into court.
15 So you give up the right to confront those folks.

16 Now, the State's not the only one that can call
17 witnesses in a trial. You could call witnesses in your
18 defense or you yourself could testify if you chose to do
19 that. You could do either one of those things or both of
20 those things, but the important thing to understand,
21 Mr. Pringle, is that you don't have to do anything. The
22 burden of proof is on the State to prove guilt. You could
23 remain silent. If you had a jury trial, I would instruct
24 the jury that that is your constitutional right and the
25 fact that you chose to remain silent, I would tell them

1 that they could not consider that at all in their
2 deliberations. I would tell them that the fact that you
3 chose to remain silent could not even be discussed in the
4 jury room. You understand that, sir?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. Now, as I said earlier,
7 the State has the burden of proof. They have to prove
8 your guilt to a unanimous decision. In other words, they
9 would have to convince all 12 members of that jury that
10 you were guilty or they could not convict you, but if you
11 did have a jury trial and if you were convicted, you could
12 appeal that conviction to a higher court if you felt that
13 was appropriate. You understand, sir?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, these are the rights that we
16 all have, Mr. Pringle, but when you plead guilty under
17 Alford for purposes of your plea, you waive or you give up
18 those rights. You will not have a jury trial. And your
19 case would be resolved pursuant to your plea here today.
20 Now, you do have an appellate right with regards to this
21 plea as well. In other words, if after this plea is
22 finished and if you wish to appeal my decision, you may do
23 that, but you would have to file a notice of intent to
24 appeal within ten days of today's date. You understand,
25 sir?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Now, the State has
3 indicated or they have presented this -- these two charges
4 as a negotiated plea and what that means for the Court,
5 Mr. Pringle, and as well for you is that after hearing
6 everything, I can either accept the negotiations and
7 sentence you according to those negotiations or if I feel
8 that I could not accept the plea, then I would allow you
9 to withdraw your plea. In other words, you're not risking
10 any greater punishment by entering your plea under a
11 negotiated sentence. You understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I'm either bound by the negotiations
14 or I'm going to let you withdraw your plea and that's the
15 way negotiated sentences are done. My understanding of
16 the negotiations is they have reduced the murder charge
17 down from murder to voluntary manslaughter for a sentence
18 of 30 years and the armed robbery for a sentence of 30
19 years. Those are to run concurrent with each other or
20 together and they are dismissing the counts three and four
21 of this indictment. Is that your understanding of the
22 negotiations?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Other than the negotiations that I
25 just mentioned other than that, has anyone promised you

1 anything, held out any hope of reward or threatened you in
2 any way to get you to enter this plea?

3 THE DEFENDANT: No, sir.

4 THE COURT: Are you satisfied with the
5 representation and the advice that Ms. Parrott has
6 provided?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Pringle, as you stand before the
9 Court here today, are you under the influence of any
10 substance that would affect your ability to understand
11 what you're are doing?

12 THE DEFENDANT: No, sir.

13 THE COURT: Okay. Are you entering this plea on
14 these charges under North Carolina vs. Alford and are you
15 entering this Alford plea of your own freewill, sir?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. I'm going to ask
18 Mr. White to go over briefly the facts for me. If you
19 listen carefully, I'll get back with you in just a moment.

20 Mr. White.

21 MR. WHITE: Thank you, Judge. This incident
22 occurred on Christmas Eve 2017. Judge, at that time
23 Mr. Pringle, four co-defendants loaded up in a vehicle and
24 headed over to a residence at [REDACTED]
25 [REDACTED] in Lake City, which is in Florence County. And,

1 Judge, they had one plan in mind and that was to rob the
2 man who was living there Johnny Cameron. Judge, when they
3 pull up at that location, two co-defendants stayed in the
4 vehicle. Mr. Pringle and two co-defendants go to the door
5 and knock on the door. Mr. Cameron comes to the door.
6 One of the co-defendants goes to the door first and
7 Mr. Cameron fights back and they're fighting. And during
8 that time gun shots ring out, three shots hit Mr. Cameron
9 and he dies a short time thereafter.

10 Investigator Tilton, who's standing with me,
11 investigated the case for the Florence County Sheriff's
12 Office. He did a great job with the case, Judge, starts
13 looking for these fellows. He catches up to four -- well,
14 three of the co-defendants relatively quickly and they all
15 point to one man as being the trigger man and that was
16 Justin Pringle. They put a .40 caliber handgun in his
17 hand as he exits that vehicle as he enters that home.
18 Judge, the pathologist would testify that all three shots
19 that struck Mr. Cameron that evening were consistent with
20 a .40 caliber handgun. The other two co-defendants one
21 with a nine millimeter, the other with a .380.

22 Judge, like I said, they all implicated
23 themselves. They implicate Mr. Pringle. They catch up to
24 these three individuals quickly. However, Mr. Pringle,
25 although it's Christmas Eve Christmas time, he does not

1 return Christmas Eve or Christmas day back to his mother's
2 home where he was living at the time. The day after
3 Christmas, investigators go and talk to his mom. She
4 calls Mr. Pringle and puts him on speakerphone.
5 Unbeknownst to him, investigators are listening. And we
6 believe that statement would have come in. And basically
7 what he says is I'm at the beach. And she kinds of ask
8 him what you doing down there, it's Christmas, why aren't
9 you here. He says I'm not telling you why I'm not here
10 while I'm at the beach. I'm not coming back that's all
11 you need to know and he hangs up. Judge, they end up
12 finding him through marshal's task force in Ohio and they
13 bring him back.

14 Your Honor, Mr. Cameron's family is here. They
15 do I believe wish to address the Court at the appropriate
16 time. The real tragedy here, Judge, and I'm not sure that
17 Mr. Pringle even realized it at the time, you know, this
18 is Mr. Cameron's family. Mr. Pringle is also a member of
19 his family. They're related as well. I'm not sure the
20 young man even realize that at the time he was committing
21 this armed robbery, but he has no prior criminal history.
22 And we would ask that you hear from the family at the
23 appropriate time.

24 THE COURT: And I will certainly do that.
25 Mr. Pringle, now listen carefully to my question. You

1 heard the facts that Solicitor White gave to the Court.
2 Is it your understanding that if this case were to have
3 gone to a jury trial next week, is it your understanding
4 that the facts that he just gave to the Court is it your
5 understanding that those are the facts that he would have
6 given to a jury which would cause you some concern that
7 you would possibly be convicted?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. I find that the State
10 has provided a substantial factual basis to support the
11 charge that Mr. Pringle or the charges excuse me -- that
12 Mr. Pringle has pled guilty to. I believe that his
13 decision to enter these pleas has been done freely,
14 voluntarily and intelligently. He has been represented by
15 an outstanding attorney in Ms. Parrott.

16 Mr. Pringle has indicated to the Court that he
17 is satisfied with the representation and the advice that
18 Ms. Parrott has provided. I believe he understands what
19 it means to enter a guilty plea under North Carolina vs.
20 Alford. And I think that he understands the ramifications
21 of entering that plea and I'm going to accept his plea
22 under North Carolina vs. Alford.

23 Ms. Parrott, I'll be happy to hear from you,
24 ma'am.

25 MS. PARROTT: Thank you, Your Honor. May it

1 please the Court.

2 THE COURT: Yes, ma'am.

3 MS. PARROTT: Your Honor, Mr. Pringle was
4 arrested like I said back in February of last year. And
5 he and I actually started talking about this case. I got
6 on my notes that -- in March of last year. So he and I
7 have talked on the phone and met in person multiple times.
8 I have sent him every piece of discovery that I got with
9 the exception of the disk since they don't have the
10 ability to play those down there, but I have shared with
11 him pictures from the crime scene as well. And he's ask
12 me questions regarding this discovery. So I have no doubt
13 in my mind that he has read it, reviewed multiple times,
14 understands what is there and is making his decision to do
15 so -- do this plea today knowingly and intelligently as
16 well, Your Honor, with all the information that could have
17 been presented at a trial.

18 As I stated previously also, Your Honor, I did
19 do this -- it's an eight-page affidavit of a defendant for
20 a guilty plea that goes specifically into the most serious
21 and serious offenses. And so he and I have talked about
22 the fact that these are 30 years concurrent, Your Honor.
23 That it is possible that he might serve 85 percent, but
24 for the purposes of this plea and for everything, he needs
25 to count on doing 100 percent of that 30 years. And that

1 would be between him and the department of corrections if
2 there was any credit to be given once he had done
3 85 percent. So I believe, Your Honor, he knows all of
4 these things.

5 He's ask me to talk with his mother, Your Honor.
6 I've called her and I would bring to the Court's attention
7 that she's not here today, but she told me to convey
8 messages to him that she loves him, Your Honor. So even
9 though she is not here, she had to work today. She does
10 really support her son, loves her son and is very sorry I
11 think of all the family trauma, not drama trauma that
12 comes from this because of the fact that I believe after
13 all this has occurred, it is now known that they are
14 related. I'm not even sure that his mother knew that they
15 were related until after this, Your Honor, but I think
16 this is something that it's affected everybody in ways
17 that even -- it's not even foreseeable necessarily because
18 he didn't realize they were related, but now you do.

19 But having said all that, Your Honor, I'm just
20 asking if you would go along with the negotiated sentence
21 as a 30 years concurrent on this. This is something that
22 I've gone through and talked with Mr. White now over
23 months now that we been discussing this case and going
24 back and forth and me talking with my client and I believe
25 he talked with the family as well. So I believe everybody

1 understands what this is and I would just ask if the Court
2 would go along with it.

3 THE COURT: Thank you, ma'am.

4 Mr. Pringle, anything further, sir?

5 THE DEFENDANT: No, sir.

6 THE COURT: All right. Mr. White, I'll be more
7 than happy to hear from anyone that would like to address
8 the Court. I just would need to get their name for the
9 record please.

10 AMOS CAMERON: My name is Amos Cameron.

11 THE COURT: Yes, sir, Mr. Cameron.

12 AMOS CAMERON: Johnny Cameron brother.

13 THE COURT: Yes, sir.

14 AMOS CAMERON: It was our house that he invaded
15 and kill my brother. I just want him to know what goes
16 around come around. I never want to see him on the street
17 a day in my life. When he leave this place, I hope he be
18 in a body bag, that's all I got to say.

19 THE COURT: Thank you, Mr. Cameron.

20 Anything further, Mr. White?

21 MR. WHITE: Nothing further, Judge.

22 THE COURT: All right. Okay. All right. As to
23 indictment 2018-GS-21-2117 as to count one charge of
24 voluntary manslaughter as well count two the armed robbery
25 as to each of those charges, the sentence of the Court is

1 that you be committed to the state department of
2 corrections for a period of 30 years, to be given credit
3 for the 434 days that you have served. I'm going to
4 provide that those sentences are to run concurrent with
5 each other. Good luck to you, sir.

6 MS. PARROTT: Thank you, Your Honor.

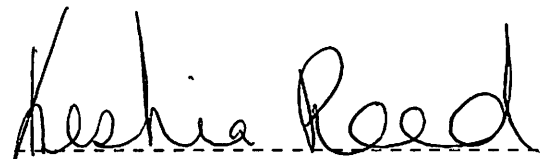
7 END OF REQUESTED TRANSCRIPT

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 21, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Florence County, South Carolina, on the 12th day of April, 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 2nd day of January 2020.

A handwritten signature in cursive script that reads "Keshia Reed". The signature is written in dark ink and is positioned above a dashed horizontal line.

Keshia Reed, Court Reporter

NOTICE OF INTENT TO APPEAL

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM FLORENCE COUNTY

THE HONORABLE THOMAS A. RUSSO, PRESIDING JUDGE

INDICTMENT NO.: 2018-GS-21-02117

The State of South Carolina,

Respondent.

against

Justin Marquise Pringle,

Appellant.

RECEIVED

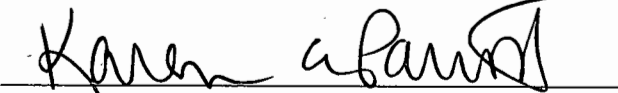
APR 22 2019

SC Court of Appeals

NOTICE OF INTENT TO APPEAL

Justin Marquise Pringle appeals from his pleas of guilty to Manslaughter/Voluntary Manslaughter, Robbery/Armed Robbery, Robbery While Armed or Allegedly Armed with a Deadly Weapon and the sentences imposed on April 12, 2019 in the Court of General Sessions for Florence County, South Carolina.

This appeal is filed at the Request of the Appellant. There is no issue under Rule 203 (B) (IV), SCACR which counsel can identify as a basis for the appeal.



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April 16, 2019

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) INDICTMENT NO.: 2018-GS-21-02117
 COUNTY OF FLORENCE)

The State of South Carolina,)
)
 Versus)
)
 Justin Marquise Pringle,)
)
 Appellant.)
 _____)

CERTIFICATE OF SERVICE

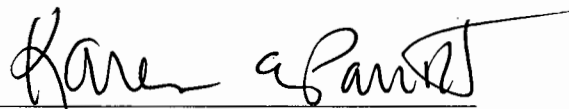
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APR 22 2019

SC Court of Appeals

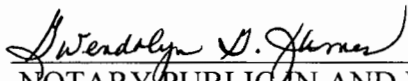
The undersigned hereby certifies that on the 17th of April, 2019, she caused to serve a copy of the Notice of Intent to Appeal by hand delivering a copy of same, addressed as follows:

James Ryan White
 Office of Solicitor
 Box Q, County Complex
 180 N. Irby Street, Room 405
 Florence, South Carolina 29501



Karen E. Parrott
 Deputy Public Defender
 SC Bar No. 15636
 Twelfth Judicial Circuit

SWORN TO and subscribed before me
 This 17th day of April, 2019.



 NOTARY PUBLIC IN AND FOR SC
 My Commission Expires: 2/26/2028



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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FAX: (803) 734-1839
www.sccourts.org

June 12, 2019

Ms. Karen E Parrott, Esquire
180 N. Irby St.
County Complex
Florence SC 29501

Re: The State v. Justin Marquise Pringle
Appellate Case No. 2019-000684

Dear Counsel:

This Court has received your explanation for appealing.

Please forward your explanation to your client, along with a statement that your client has twenty (20) days from the date of your transmittal letter to inform this Court in writing of any arguable basis that there are issues preserved for appeal. Please provide your client with the Court's address:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Please send your letter to your client within ten (10) days, with a copy to this Court.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Robert Michael Dudek, Esquire
James Ryan White, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

RECEIVED

JUL 05 2019

Dear, The South Carolina Court of appeals

SC Court of Appeals

My name is Justin Pringle, I'm writing this letter to show the arguable basis, that there are issues deserved for appeal. I'd like to start by saying that I was apprehended in Columbus, Ohio on January 12th, 2018. When they came to arrest me they gave fake names to force their way into our home, they also didn't have any arrest warrant or anything. On record they have that I was apprehended on January 14, 2018, which is not true video footage and arrest records will prove when I was actually taken into custody. I was served a search warrant for DNA samples on August 13, 2018, but it had my co-defendant name on the warrant and the warrant wasn't signed and approved by the judge until August 14th, 2018. If you pull my case file you'll see the papers filed. I was transported to Florence County Jail February 4th, 2018 which no G.S.R. was collected to prove my innocence on my behalf, about not firing a firearm. When these accusations of this charge was brought about on December 24, 2018 my two co-defendants were brought into custody two days later on December 26, 2017 which at that point of incarceration still they also didn't receive no G.S.R. test for the accused crime I'm innocent of. On December 26th, 2017 Inv. Roger Tilton went to Charlie Robinson and Anthony's house, when he arrived he spotted the items the victim's brother, which is Amos Cameron, described to him, but nothing was taken in for DNA to prove my innocence. Charlie Robinson claimed that I called him to plan an armed robbery. Charlie Robinson was arrested with his phone, there were no records of me calling or texting him talking about his false allegations of conspiring to commit any criminal activities that included my involvement. Also prove my innocence or guilt. On multiple occasions my co-defendants were caught telling lies + making up false alibis + stories which making them non-credible. The victim brother which is "Amos Cameron," stated that he heard a loud vehicle pull into the yard that sounded like the muffler was missing. Which was the description of Anthony Hudson's vehicle. Which DNA was taken from the vehicle, nothing came back matching my DNA to conclude me being associated anywhere near that vehicle. A few moments later he heard knocking at the front door, then he heard arguing so he got up + opened his bedroom door, he observed his brother holding a black male by the neck, then heard gun shots. A armed robbery is the involvement of the taking of someone's property, goods, personal items. When the alleged fight was occurring the victim Johnny Cameron stated a "tall" black male with dark clothing and a red bandana which didn't fit me at the time I was 5'09" and weighed 205 lbs., which for 5'09" —

That's over weight, when everyone else on the case is way taller than I am. All shots were fired at close range 'Amos Cameron' stated that his Brother Johnny Cameron was fighting with a subject & the subject began firing off shots. Which the person he was fighting with was 'Anthony Hudson' the DNA from under Johnny Cameron's finger nails proved that which I'm being falsely charged with voluntary manslaughter and armed Robbery when the evidence & statements that link me to this crime prove other wise

The South Carolina Court of Appeals

The State, Respondent,

v.

Justin Marquise Pringle, Appellant.

Appellate Case No. 2019-000684

ORDER

Appellant has failed to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules (SCACR). Accordingly, this matter is dismissed, and the remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:

Karen E Parrott, Esquire
Robert Michael Dudek, Esquire
James Ryan White, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

FILED

July 31, 2019



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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

August 16, 2019

The Honorable Doris Poulos O'Hara
180 N. Irby Street MSC-E
Florence SC 29501

REMITTITUR

Re: The State v. Justin Marquise Pringle
Lower Court Case No. 2018GS2102117
Appellate Case No. 2019-000684

Dear Clerk of Court:

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

Enclosure

cc: Justin Marquise Pringle, 00379795
Karen E Parrott, Esquire
Robert Michael Dudek, Esquire
James Ryan White, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

20 19 CP 21 3035

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of FLORENCE)JUSTIN MARQUISE RINGIE)

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

v.)

State of South Carolina)

Respondents)

APPLICATION FOR

POST-CONVICTION RELIEF

2019 OCT 28 PM 12:56

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 clear to which question any such continued answer refers.

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

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

1. Place of detention MCCORMICK C/I

2. Name and location of Court which imposed sentence FLORENCE GENERAL SESSIONS COURT

3. Name(s) of co-defendant(s) (if any) CURTIS ROY NELSON, CHARLIE MYRON ROBERSON, ANTHONY MARKEL HUDSON, CAYL MCDONELL

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

(a) 2018-GS-21-0217 Murder Armed Robbery

(b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 4/12/2019
- (b) 30 YRS
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
- _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) FIRST APPEAL (PCR)
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) APPLICANT PLEA WAS COERCED
- (b) INEFFECTIVE ASSISTANCE OF COUNSEL
- (c) PLEA COUNSEL FAIL TO INVESTIGATE ^{Factual or/And Legal}
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) PLEA WAS NOT VOLUNTARILY KNOWINGLY AND
- (b) INTELLIGENTLY ENTERED
- (c) INEFFECTIVE ASSISTANT AMENDMENT ATTACHED
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

- _____
- _____

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

(a) which grounds have been presented:

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

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

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

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

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

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

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

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

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

i. KAREN E. PARROTT
PUBLIC DEFENDER
 ii. _____
 iii. _____

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

i. PLEA
 ii. SENTENCING
 iii. _____

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

A NEW TRIAL

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

X

STATE OF SOUTH CAROLINA)
County of FLORENCE)

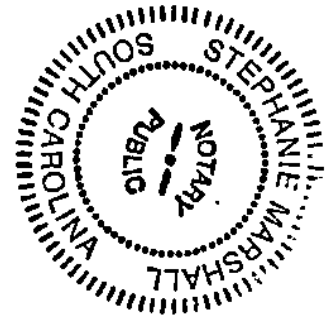
VERIFICATION

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

Justin Pringle

SWORN to and subscribed before me this 23rd day of September, 2019.
Stephanie Marshall (L.S.)
Notary Public

My Commission Expires: May 12 2021



FILED
2019 OCT 28 PM 12:27
DORIS POULOS O'HARA
CCCP & CS
FLORENCE COUNTY, SC
Revised 3/2005

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

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

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

Justin Pringle
Applicant

SWORN or affirmed to and subscribed before me this

23rd day of September, 2019.

Stephanie Marshall
Notary Public

My Commission Expires: May 12, 2021



FILED

2019 OCT 28 PM 12:57

FORIS POWERS ORSAMA
COPP & CO
FLORENCE COUNTY, SC

FILED

2019 OCT 28 PM 12:17

CLERK OF COURT
COURT CLERK
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE

JUSTIN MARQUISE PRINGIE^{II}

Applicant,

v.

AN AMENDMENT TO THE POST-CONVICTION
RELIEF APPLICATION

STATE OF SOUTH CAROLINA

Respondent

{ PROCEDURAL HISTORY }

THE APPLICANT WAS INDICTED BY THE FLORENCE COUNTY GRAND JURY AT A COURT
OF GENERAL SESSIONS CONVENED ON NOVEMBER 20, 2018

INDICTMENT NUMBER: 2018-GS-21-02117

OFFENSES:

MURDER; 16-03-0010

ARMED ROBBERY; 16-11-330 (A)

BURGLARY FIRST DEGREE; 16-11-311

ARMED ROBBERY/CRIMINAL CONSPIRACY; 16-11-410

THE APPLICANT WAS REPRESENTED BY KAREN E. PARROTT OF THE FLORENCE COUNTY
PUBLIC DEFENDER'S OFFICE.

THE APPLICANT WAS CHARGED ON ARREST WARRANT 2017 A2103201149 WITH
MURDER PROBABLE CAUSE WAS BASED ON A CODEFENDANT WHO ADMITTED

THE SAME.

THERE IS NO AFFIDAVIT TO SUPPORT THAT THIS CO-DEFENDANT WAS NOT COERCED, . . . THREATENED, . . . OR READ HIS MIRANDA RIGHTS BEFORE ADMITTING TO SAME.

ON AUGUST 14, 2018 A SEARCH WARRANT WAS ISSUED A SWORN DOCUMENT INVESTIGATOR ROGER TILTON RECEIVED THE ATTACHED SEARCH WARRANT AND IT IS CLEARLY REFLECTED ON THE RETURN HE EXECUTED IT ON AUGUST 13, 2018 AT 12:45 P.M. THIS RETURN REFLECTS IT WAS EXECUTED BEFORE THE SEARCH WARRANT WAS ISSUED ON AUGUST 14, 2018 THIS DOCUMENT IS NOT SWORN OR SIGNED BY A JUDGE.

{ PRESENTATION OF THE ISSUES }

1) INEFFECTIVE ASSISTANCE OF COUNSEL

THE APPLICANT PLEA WAS NOT GIVEN VOLUNTARILY, KNOWINGLY AND INTELLIGENTLY PURSUANT TO { BOYKIN V. ALABAMA }
{ BRADY V. U.S. } 397 U.S. 742-750 (1970)

COURT APPOINTED COUNSEL FAILED TO DO A FACTUAL AND LEGAL INVESTIGATION, COURT APPOINTED COUNSEL REPRESENTATION FELL BELOW THE STANDARDS OF REASONABLENESS { STRICKLAND V. WASHINGTON 446 U.S. (1984) } COUNSEL WAS FULLY AWARE THAT STATEMENTS EXISTED, WHERE CO-DEFENDANTS WERE COERCED AND THREATENED TO MAKE STATEMENTS OR THEIR MOTHERS WOULD BE ARRESTED AND COUNSEL FAILED TO DO A DILIGENT INVESTIGATION, PUTTING THE STATE'S CASE TO ADVERSIAL TESTING, . . . COURT APPOINTED COUNSEL STILL CONTINUED TO COERCE APPLICANT TO PLEAD GUILTY DESPITE BEING FULLY AWARE THE APPLICANT'S INDICTMENTS WAS NOT TRUE FILED BY A CONSTITUTED

GRAND JURY.

SEE EXHIBIT (A) SENTENCING SHEET

THE APPLICANT CHARGES WAS NOT AS INDICTED

THE APPLICANT DID NOT WAIVE PRESENTMENT TO THE GRAND JURY.

COUNSEL WAS INEFFECTIVE FOR FAILING TO MOVE TO QUASH THE INDICTMENT.

ANY SUFFICIENCY TO THE INDICTMENT MUST BE IN THE CONTEXT OF INEFFECTIVE ASSISTANCE OF COUNSEL PURSUANT TO S.C. CODE ANN

§ 17-19-90 WHERE THE FATALY DEFECTIVE INDICTMENT FAILED TO ALLEGE THE ESSENTIAL ELEMENT OF THE PLACE OF DEATH {STATE V. BLAKENY} SOMEWHERE IN FLORENCE IS INSUFFICIENT FOR MURDER.

COUNSEL WAS UNDUPLY INEFFECTIVE FOR FAILING TO MOVE TO QUASH THE ARMED ROBBERY / CRIMINAL CONSPIRACY COUNT PURSUANT TO S.C. CODE ANN § 17-19-90 THERE WAS AN UNCONSTITUTIONAL ATTACHMENT

OF THE CRIMINAL CONSPIRACY CHARGE WHICH WAS NOT TRUE BILLED BY A CONSTITUTED GRAND JURY.

THE APPLICANT WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL UNDER THE SIXTH AMENDMENT, THIS WAS HIGHLY PREJUDICIAL AND IT

DENIED APPLICANT DUE PROCESS OF LAW UNDER THE FOURTEENTH AMENDMENT, {STRICKLAND V. WASHINGTON} 546 U.S. (1984) HAD

COUNSEL BEEN FUNCTIONING AS COUNSEL GUARANTEED UNDER THE SIXTH AMENDMENT, THE OUTCOME WOULD HAVE BEEN

DIFFERENT AND THE APPLICANT WOULD HAVE INSISTED ON PROCEEDING TO TRIAL. THE APPLICANT SHOULD BE RESPECTFULLY GRANTED A NEW TRIAL.

RESPECTFULLY SUBMITTED

S. MISTON PRUNCE

2) Plea Counsel failed to perform any type of investigation Both Factual or Legal And at Hearing he will present evidence to prove
 ISSUE 3
 3) Plea/Trial Counsel Ineffective.

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT

Justin M. Pringle, #379795,)

2019-CP-21-3035

Applicant,)

v.)

RETURN
(Counsel Requested)

State of South Carolina,)

Respondent,)

FILED
2020 JAN 21 PM 2:47
CLERK OF COURT
FLORENCE COUNTY, SC

In response to Justin M. Pringle's (Applicant) action for post-conviction relief (PCR) commenced October 28, 2019, the State makes this return:

I. Procedural History

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the November 2018 term of the Florence County Grand Jury for murder, armed robbery, first-degree burglary, and criminal conspiracy (2018-GS-21-2117). Applicant was represented by Assistant Public Defender Karen Parrott (Counsel). Assistant Solicitor J. Ryan White prosecuted the case.

Applicant entered and *Alford*¹ plea to the lesser-included offense of voluntary manslaughter, and armed robbery on April 12, 2019, before the Honorable Thomas A. Russo. Applicant pleaded guilty with negotiated concurrent sentences of thirty years for each charge. Judge Russo accepted Applicant's guilty plea and sentenced him as negotiated. Applicant appealed.

Counsel filed a notice of appeal, along with a statement pursuant to Rule 203(d)(1)(B)(iv), SCACR, with the Court of Appeals on April 16, 2019. The Court of Appeals dismissed the appeal

¹ *North Carolina v. Alford*, 400 U.S. 25 (1970).

on July 31, 2019. *State v. Pringle*, S.C. Ct. App. Order filed July 31, 2019. The Case was remitted back to the circuit court on August 16, 2019.

Applicant timely commenced this PCR action on October 28, 2019.

II. Facts

Applicant's charges stem from an incident that occurred on December 24, 2017. Applicant and four codefendants went to Johnny Cameron's house in Lake City with the intent to rob Cameron. Plea Tr. 13-14. When they arrived at Cameron's home, two codefendants stayed in the car, while Applicant and the two other codefendants went and knocked on the door. Plea Tr. 14. When Cameron answered the door, he and a codefendant got into a struggle. Plea Tr. 14. During the struggle, shots were fired and Cameron was hit three times. Plea Tr. 14. Cameron died. Plea Tr. 14.

Three of Applicant's co-defendants identified Applicant as the shooter. Plea Tr. 14. Law enforcement was searching for Applicant and could not find him, so they spoke to Applicant's mother. Applicant's mother called Applicant and put him on speaker-phone, with the investigators listening, and Applicant claimed to be at the beach. However, Applicant was ultimately arrested in Ohio and extradited back to South Carolina. Plea Tr. 15.

III. Current Application

Applicant alleges he is being held in custody unlawfully, alleging:

1. Ineffective assistance of counsel:
 - a. Involuntary guilty plea;
 - b. Failure to investigate; and
 - c. Failure to move to quash the indictment.

Applicant requests relief in the form of a new trial.

Attached to this return and incorporated herein are the Florence County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, the plea transcript, Applicant's appellate records, and the records of this PCR action.

IV. Response to Allegation of Ineffective Assistance of Counsel

Applicant's allegations of ineffective assistance of plea counsel are without merit. To establish ineffective assistance of counsel, the PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687–88 (1984); *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989).

The test for determining the validity of a guilty plea is “whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant.” *North Carolina v. Alford*, 400 U.S. 25, 31 (1970). “[A] defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). “The test for effective assistance of counsel is whether the representation was within the range of competence demanded of attorneys in criminal cases.” *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). To prove prejudice, the applicant must show a reasonable probability he would not have pleaded guilty and would have insisted on going to trial absent plea counsel's alleged deficiency. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

Strickland requires trial counsel must be given leeway to make reasonable strategic decisions. No particular set of detailed rules for counsel's conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. *Strickland*, 466 U.S. at 688-689.

“Representation is an art, and an act or omission that is unprofessional in one case may be sound or even brilliant in another.” *Id.* at 691. Therefore, judicial scrutiny of counsel’s performance must be highly deferential. *Id.* at 689. Where counsel articulates a valid strategic reason for his action or inaction, counsel’s performance should not be found ineffective. *Roseboro v. State*, 317 S.C. 292, 454 S.E.2d 312 (1996); *Underwood v. State*, 309 S.C. 560, 425 S.E.2d 20 (1992); *Stokes v. State*, 308 S.C. 546, 419 S.E.2d 778 (1992). Courts must be wary of second guessing counsel’s trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. *Whitehead v. State*, 308 S.C. 119, 417 S.E.2d 529 (1992). In making a fair assessment of attorney performance, a court must make every effort to “eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time.” *Strickland*, 466 U.S. at 689.

Counsel must, at a minimum, make some effort to interview potential witnesses identified by the defendant, and make an independent investigation of the facts and circumstances of the case. *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011); *Walker v. State*, 407 S.C. 400, 405, 756 S.E.2d 144, 147 (2014). To support a claim that trial counsel was ineffective for failing to interview or call potential witnesses, a PCR applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses’ testimony in a manner consistent with the rules of evidence. *Glover v. State*, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). The applicant’s mere speculation about what the witnesses’ testimony would have been cannot, by itself, satisfy the applicant’s burden of showing prejudice. *Id.*

Applicant cannot satisfy either requirement of *Strickland*. However, the record likely does not refute or disprove Applicant’s allegations of ineffective assistance of trial counsel; therefore,

the State requests an evidentiary hearing to fully resolve the issues. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application “alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court”).

V. Any Future Amendments

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRPC. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, Op. No. 27921 (S.C. Sup. Ct. filed Oct. 2, 2019) (Shearouse Adv. Sh. No. 39 at 14), or, alternatively, the State will request a continuance in the matter. *See Id.* at 24 (Kittredge, J., dissent) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

VI. Any and All other Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

VII. Conclusion

WHEREFORE, the State requests an evidentiary hearing be held on the claims of ineffective assistance of counsel.

Respectfully submitted,

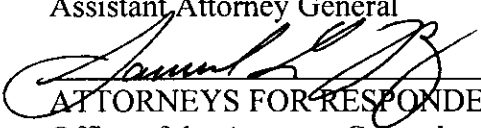
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

SAMUEL L. KEY
Assistant Attorney General

By:


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Jan. 15, 2020

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

IN THE COURT OF COMMON PLEAS

2019-CP-21-3035

JUSTIN M. PRINGLE, #379795

Applicant,

vs

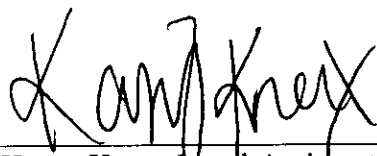
AFFIDAVIT OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA,
Respondent.

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

Justin M. Pringle, #379795
386 Redemption Way
McCormick, SC 29899

DATED this the 15th day of January, 2020.


Kasey Knox, Legal Assistant
For Respondent

FILED
2020 JAN 21 PM 2:47
CLERK OF COURT
FLORENCE COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)
JUSTIN PRINGLE,)
Applicant,)
v.)
STATE OF SOUTH CAROLINA,)
Respondent.)

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

CASE NO.: 2019-CP-21-3035

**AMENDED
POST CONVICTION RELIEF
APPLICATION**

DORIS FOULOS O'HARA
CLERK & GS
FLORENCE COUNTY, SC

2020 AUG 27 AM 11:02

FILED

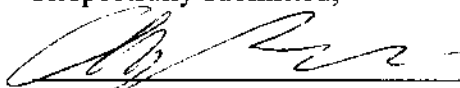
Applicant, by and through his undersigned attorney, hereby amends his application for Post-Conviction Relief dated September 23rd, 2019. This This amended complaint adopts and includes all grounds in the original application. This application is related to a guilty plea entered on April 12, 2019 before the Hon. Thomas A. Russo in Florence County General Sessions court. Applicant further alleges as additional grounds regarding his claim of ineffective assistance of counsel as to Karen E. Parrott as follows:

1. Prior to the guilty plea, Applicant's counsel failed to explain the details of the Applicants guilty plea and sentencing to applicant.
2. Applicant's counsel failed to provide a copy of the states evidence to the Applicant.
3. Applicant's counsel failed to meet with applicant a sufficient number of times to properly review the evidence.
4. Applicant's counsel failed to ensure that the sentencing sheets were properly filled out to indicate the status of the charges.
5. Applicant's counsel failed to interview co-defendants Curtis Nelson and Anthony Hudson regarding these charges.

6. Applicant's counsel failed to interview Amos Cameron or Barbara McGill who were present during the incident.
7. Applicant's counsel failed to interview Johnny Cameron who provided information to law enforcement.
8. Applicant's counsel failed to interview Sgt. Josie Royal and inmate William Dilmer and Quant Bryant regarding a letter related to co-defendant Curtis Nelson.
9. Applicant's counsel failed to interview inmate Carl McDowell regarding a letter reported as being from applicant.
10. Applicant's counsel failed to retain a ballistics expert or a DNA expert to review the evidence in this case.
11. Applicant's counsel coerced the applicant into entering the guilty plea by stating to the applicant that he could not "win a trial".

Furthermore, the Applicant requests that he be permitted to Amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. See Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,



OLA JOHNSON
 Attorney for Applicant
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 Lexington, SC 29071
 803-360-8692 Phone
 olajohnsonlaw@gmail.com

This ^{25th} day of August, 2020.

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

JUSTIN PRINGLE,)

Applicant,)

v.)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

CASE NO.: 2019-CP-21-3035

CERTIFICATE OF SERVICE

2020 AUG 27 AM 11:02
DONIS FOLLOS O'HARA
JCCP & GS
FLORENCE COUNTY, SC

FILED

I, Ola Johnson, hereby certify on that on August 25th, 2020, I served a copy of the
 AMENDED POST CONVICTION RELIEF APPLICATION on Samuel Key, Assistant Attorney
 General by Email and U.S. Mail to the following address:

Samuel Key, Asst. Attorney General

SC Attorney General's Office

P.O. Box 11549

Columbia, S.C. 29211

8-25-20

Date


 OLA JOHNSON

State of South Carolina	)	Court of Common Pleas
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2019-CP-21-03035
	)	
Justin Pringle,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
State of South Carolina,	)	
	)	
Defendant.	)	
	)	

June 15, 2022
Florence, South Carolina

B E F O R E:

The Honorable George M. McFaddin, Jr., Judge

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

Ola A. Johnson, Esquire
Attorney for the Plaintiff

D. Russell Barlow II, Esquire
Attorney for the Defendant

Krystal J. Smith
Official Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
D-1	Two Sentencing Sheets	13	
D-2	Affidavit of Guilty Plea		18

COURT REPORTER LEGEND

dashes -- intentional or purposeful interruption
 or change in thought
ellipses . . . trailing off
[ph] phonetically written
[sic] written as said

1 JUNE 15, 2022

2 (WHEREUPON, the proceedings began at 1:27 p.m.)

3 THE COURT: All right, sir. If you'll announce it and
4 give it to Mr. Johnson.

5 MR. BARLOW: Yes, sir. May it please the Court.

6 THE COURT: Yes, sir.

7 MR. BARLOW: I'm Russ Barlow on behalf of the State of
8 South Carolina. This is the post-conviction relief matter of
9 Justin M. Pringle versus the State, Case Number 2019-CP-21-
10 3035 out of Florence County.

11 Applicant was indicted at the November 2018 term of the
12 Florence County Grand Jury for murder, armed robbery, first-
13 degree burglary, and criminal conspiracy, Indictment Number
14 2018-GS-21-2117. Applicant was represented by Assistant
15 Public Defender Karen Parrott, and Assistant Solicitor J. Ryan
16 White prosecuted the case.

17 Applicant entered an *Alford* plea to the lesser-included
18 offense of voluntary manslaughter and armed robbery on April
19 12th, 2019, before the Honorable Thomas A. Russo. Applicant
20 pleaded guilty with negotiated concurrent sentences of 30
21 years for each charge. Judge Russo accepted applicant's
22 guilty plea and sentenced him as negotiated.

23 Counsel filed a notice of appeal, along with a statement
24 pursuant to Rule 203(d)(1)(B)(4) of the SCACR with the Court
25 of Appeals on April 16th, 2019. The Court of Appeals

1 dismissed the appeal on July 31st, 2019. It's *State v.*
2 *Pringle*, S.C. Court of Appeals Order of July 31st, 2019.

3 The case was remitted back to the circuit court on August
4 16th, 2019, and applicant timely commenced this PCR action on
5 October 28th, 2019, initially with various claims of
6 ineffective assistance of counsel. The State made its return,
7 filed on January 21st, 2020, and counsel for applicant filed
8 amendments to the applicant's PCR application on August 27th,
9 2020, in which applicant alleges various claims of ineffective
10 assistance of plea counsel.

11 And at this time, we would just ask that, Your Honor,
12 that Mr. Johnson state for the record which allegations he
13 intends to move forward on.

14 THE COURT: All right, sir.

15 Mr. Johnson?

16 MR. JOHNSON. Thank you, Your Honor.

17 On the amended application, I'll start with that. We are
18 not proceeding with Number 10 that references retaining
19 ballistics expert or DNA expert. So we're not proceeding with
20 that.

21 And I included language in there that adopted the
22 original application filed by my client. And from that, of
23 course, we've sort of adopted and some of the language is
24 similar about we're going forward that this was not a
25 voluntary guilty plea where he waived his rights and had a

JUSTIN PRINGLE - DIRECT BY MR. JOHNSON

1 knowing and intelligent waiver of rights we're alleging.

2 Obviously, he did not do that, and we're alleging ineffective
3 assistance of counsel.

4 And we're also citing what he cited about the problems
5 with the sentencing sheet that he listed there and the lack of
6 investigation, failure to investigate the case. So we're
7 adopting all of that and going forward with those, Judge.

8 THE COURT: All right, sir. I am ready.

9 MR. JOHNSON: Thank you, Your Honor. I'd call Mr.
10 Pringle to testify.

11 THE CLERK: Place your left hand on the Bible. Raise
12 your right hand as much as you can. Do you swear or affirm
13 that the testimony you give will be the truth, the whole
14 truth, and nothing but the truth, so help you God?

15 THE APPLICANT: Yes, ma'am.

16 THE CLERK: Thank you.

17 JUSTIN PRINGLE, being first duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. JOHNSON:

21 Q: Mr. Pringle, who represented you in this case?

22 A: Ms. Karen Parrott.

23 Q: Okay. And prior to entering a guilty plea in this case,
24 did she -- do you feel like she explained to you the details
25 of the plea and the sentencing that you would face?

JUSTIN PRINGLE - DIRECT BY MR. JOHNSON

1 A: No, sir.

2 Q: Okay. How many times did she meet with you?

3 A: Not that many.

4 Q: Can you put a number on it?

5 A: I'd say about three or four times.

6 Q: Okay. Did she provide you with a copy of the State's

7 evidence? You have to speak your answer to be recorded.

8 A: Are you talking about, like, the paperwork?

9 Q: The discovery and the evidence that --

10 A: Yeah.

11 Q: -- was against you?

12 A: Yes, sir.

13 Q: She provided you with a copy of it?

14 A: Yes, sir.

15 Q: Okay. And you don't know how many times, but you don't

16 think she met with you a sufficient number of times, do you?

17 A: No, sir.

18 Q: Okay. Now, the issue with the sentencing sheets, did you

19 notice a problem with your sentencing sheets?

20 A: Yes, sir.

21 Q: And do you recall what that was?

22 A: Like, they ain't -- they weren't filled out properly.

23 Q: Okay. And did you have a question to her about that,

24 about whether or not they were marked properly as indicted or

25 a waiver presentment? Did you have a question to her about

JUSTIN PRINGLE - DIRECT BY MR. JOHNSON

1 that?

2 A: Yes, sir.

3 Q: Did she answer your question?

4 A: No, sir.

5 Q: Okay. And were you confused by that?

6 A: Yes, sir.

7 Q: And at any time during the preparation as she looked into
8 your case, do you get -- did you recall whether or not she
9 interviewed or did she justify to you possibly why she failed
10 to interview co-defendants Curtis Nelson and Anthony Hudson?
11 Did she ever explain that to you?

12 A: No, sir.

13 Q: Did she ever tell you she was going to interview them?

14 A: No, sir.

15 Q: Did she ever hire a private investigator to come talk to
16 you?

17 A: No, sir.

18 Q: To your knowledge, did they ever get interviewed by a
19 private investigator on her behalf?

20 A: No, sir.

21 Q: Okay. And how about interviewing Amos Cameron or Barbara
22 McGill? Did she ever tell you anything about that?

23 A: No, sir.

24 Q: Or Johnnie Cameron?

25 A: No, sir.

JUSTIN PRINGLE - DIRECT BY MR. JOHNSON

1 Q: And did you hear anything about her interviewing Sgt.
2 Josie Boyle or inmate William Dilmer or Quant Bryant regarding
3 letters that were being seized and used by the State?
4 A: No, sir.
5 Q: And did you have any information from her about her
6 interviewing Carl McDowell regarding the letter that they were
7 attributing to you?
8 A: No, sir.
9 Q: Was there a statement made to you that you felt was
10 coercive regarding the fact that you could not, quote, win at
11 the trial?
12 A: Yes, sir.
13 Q: And did Ms. Parrott make that statement to you?
14 A: Yes, sir.
15 Q: Did you feel like you had any other choice at that point?
16 A: No, sir. If a person tell you you ain't going to win a
17 trial, that's like they ain't trying to fight for you.
18 Q: Did you want her to try to interview your co-defendants?
19 A: Yes, sir.
20 MR. JOHNSON: No more questions, Your Honor.
21 THE COURT: Mr. Barlow?
22 MR. BARLOW: Your Honor, do you mind if I remain seated
23 while questioning?
24 THE COURT: Sir?
25 MR. BARLOW: Do you mind if I remain seated while

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 questioning?

2 THE COURT: I'm sorry. I still couldn't understand.

3 MR. BARLOW: Do you mind if I remain seated while
4 questioning?

5 THE COURT: Oh, by all means. Yes, sir.

6 MR. BARLOW: Thank you, sir.

7 THE COURT: All of you can do that. Yeah.

8 MR. BARLOW: Thank you, sir.

9 CROSS-EXAMINATION

10 BY MR. BARLOW:

11 Q: Good afternoon, Mr. Pringle. All right. You're here
12 today alleging ineffective assistance of your plea counsel;
13 correct?

14 A: Yes, sir.

15 Q: And I'd just like to confirm for the record that you
16 understand that if you are successful here today, if you were
17 granted relief on your PCR application, that you would be
18 retried for all matters that you were originally indicted on;
19 correct?

20 A: Yes, sir.

21 Q: And that would be murder, which carries a maximum
22 sentence of life?

23 A: Yes, sir.

24 Q: Armed robbery, a maximum sentence of 30 years?

25 A: Yes, sir.

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 Q: Burglary first, which carries a maximum sentence of life?

2 A: Yes, sir.

3 Q: Criminal conspiracy, which carries a maximum sentence of
4 five years?

5 A: Yes, sir.

6 Q: And you understand that you were originally sentenced to
7 30 years, and you could potentially receive a life sentence?

8 A: Yes, sir.

9 Q: And you -- and you do wish to continue?

10 A: Yes, sir.

11 Q: Okay. Before you pled, how many times did you meet with
12 Ms. Parrott?

13 A: Probably about three or four.

14 Q: Was that in person?

15 A: Yeah, when she came down there.

16 Q: Did she ever talk to you on the phone?

17 A: Not really.

18 Q: Did she or didn't she?

19 A: Not -- no. When I called the office, she never got on
20 the phone. She would just pop up.

21 Q: During any of those meetings, do you recall reviewing
22 discovery with Ms. Parrot?

23 A: Yes, sir. Yes, sir.

24 Q: So it is your testimony that you did review discovery
25 with Ms. Parrott?

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 A: Are you talking about, like, going through my motion of
2 discovery, like my paperwork?

3 Q: All the evidence the State had against you.

4 A: Not all of the evidence. Whatever she had.

5 Q: What exactly -- do you know what you did not see?

6 A: I don't know, because I didn't have all my -- I didn't
7 have all my paperwork for it.

8 Q: Do you have that paperwork now?

9 A: No.

10 Q: Do you recall discussing the elements of each of the
11 offenses you were charged with with your -- with Ms. Parrott?

12 A: Yes, sir.

13 Q: Do you recall discussing possible defenses with Ms.
14 Parrott?

15 A: My defense was going to trial.

16 Q: Correct, but at trial, did you -- did you discuss which
17 defenses you would raise at trial?

18 A: No. She was supposed to have been making a plan, but she
19 ain't never came back. She was just, like, you need to take
20 this plea right here.

21 Q: There was some testimony about the sentencing sheets, and
22 you said that they were not filled out correctly; is that
23 correct?

24 A: Yes, sir.

25 Q: Okay. And can you tell me how that has prejudiced --

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 prejudiced you?

2 A: I can't remember. I ain't seen them in a long time.

3 MR. BARLOW: Your Honor, if I may?

4 THE COURT: Yes, sir.

5 MR. BARLOW: I'd mark these for the Court as I guess
6 Respondent's 1.

7 THE COURT: Yes, sir.

8 (WHEREUPON, the sentencing sheets were marked as
9 Defendant's Exhibit No. 1.)

10 BY MR. BARLOW:

11 Q: All right. So take a look at these right here for me
12 and, sir, are those your sentencing sheets?

13 A: Hold on. No, these aren't the ones I got right here.

14 Q: So it's your testimony that the sheets that I handed you
15 are not your sentencing sheets; correct?

16 A: Yeah, that was not mine. Mine ain't had no checks in the
17 boxes or none of that.

18 Q: All right. So do you have a copy of those sentencing
19 sheets that you were talking about then?

20 A: Not with me.

21 Q: Did you ask Ms. Parrott to interview your co-defendants?

22 A: Yeah.

23 Q: How many co-defendants did you have?

24 A: Four.

25 Q: And did you ask Ms. Parrott to interview all four of

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 them?

2 A: That's her job.

3 Q: Did you ask her to interview all four of them?

4 A: Yeah. I asked her to interview all four of them and the
5 witnesses.

6 Q: And Curtis Nelson is one of your co-defendants?

7 A: That's a witness.

8 Q: Okay.

9 A: I ain't got co-defendants.

10 Q: You just testified, sir, that you had four co-defendants?

11 A: Yeah. Because y'all are saying I got co-defendants. I
12 don't have co-defendants though.

13 Q: These -- sir, were you charged out of an event that
14 incurred four separate other people?

15 A: Yeah, they're all charged with me.

16 Q: Okay. Is Curtis Nelson here today?

17 A: Yeah.

18 Q: Okay. Was Anthony Hudson one of your co-defendants?

19 A: Yeah.

20 Q: Is he here today?

21 A: I don't know.

22 Q: Did you ask Ms. Parrott to interview Amos Cameron?

23 A: I just told you I asked her to interview everybody.

24 Q: Is Amos Cameron here today?

25 A: I don't know.

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 Q: Did you ask Ms. Parrot to interview Barbara McGill?

2 A: Yes.

3 Q: Is Barbara McGill here today?

4 A: I don't know.

5 Q: Did you ask Ms. Parrott to interview Johnny Cameron?

6 A: What type of question that is?

7 THE COURT: Hold on, hold on, hold on. Sir, the way this
8 works today is your lawyer gets to ask you questions and he
9 gets to ask you questions, but you don't get to ask them
10 questions. Do you understand?

11 THE APPLICANT: Yes, sir.

12 THE COURT: Proceed.

13 MR. BARLOW: Thank you, Your Honor.

14 BY MR. BARLOW:

15 Q: Did Ms. Parrott -- did you ask Ms. Parrott to interview
16 Johnny Cameron?

17 A: Are you talking about the victim?

18 MR. BARLOW: Your Honor, if I may, this is the amended
19 application. It's actually his allegation on Number 7 that
20 applicant's counsel failed to interview Johnny Cameron, who
21 provided information to law enforcement.

22 THE APPLICANT: He did.

23 MR. BARLOW: Is that a mistake? Do you want to strike
24 that one?

25 Your Honor, we'll strike Number 7 on the amended

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 application.

2 MR. JOHNSON: Your Honor, I agree with that. I think
3 that's the -- that was a mistake.

4 THE COURT: By all means stricken.

5 MR. BARLOW: Thank you.

6 BY MR. BARLOW:

7 Q: Did you ask Ms. Parrott to interview Sgt. Josey Boyle?

8 A: Yes, sir.

9 Q: Is Sgt. Josey Boyle here today?

10 A: I don't know.

11 Q: Did you ask Ms. Parrott to interview William Dilmer?

12 A: Yes, sir.

13 Q: Is William Dilmer here today?

14 A: I don't know.

15 Q: Did you ask Ms. Parrott to interview Quant Bryant?

16 A: Yes, sir.

17 Q: Is Quant Bryant here today?

18 A: I have no clue.

19 Q: Did you ask Ms. Parrott to interview Carl McDowell?

20 A: Yes, sir.

21 Q: Is Carl McDowell here today?

22 A: I don't know.

23 Q: Do you recall the State presenting the facts surrounding
24 the allegations at your plea hearing?

25 A: What you mean the facts?

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 Q: The facts, the allegations against you, the facts of what
2 happened that night. The solicitor read them into the record.
3 Do you remember that? Do you recall that?

4 A: No, sir.

5 Q: Do you recall the judge asking you if you understood you
6 give up certain rights when you plead?

7 A: No, sir.

8 Q: Do you recall the judge asking or imploring you that you
9 give up the right to a jury trial?

10 A: No, sir.

11 Q: Did Ms. Parrot ever provide you with any information
12 about the rights that you give up?

13 A: No. Like, the way she broke it down, it wasn't -- it
14 wasn't broke down.

15 MR. BARLOW: Your Honor, if I may approach? This would
16 be just for court identification purposes Respondent's 2.
17 It's the affidavit of defendant for guilty plea that Ms.
18 Parrott went over with him.

19 THE COURT: Yes, sir. And I know you all are mindful
20 that I have a transcript here of the plea also.

21 MR. BARLOW: Yes, sir.

22 THE COURT: Just so you know.

23 MR. BARLOW: Thank you.

24 BY MR. BARLOW:

25 Q: And, sir, would you just take a look at that for a moment

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 and let me know if you can identify it?

2 A: I remember it now.

3 Q: Is that your signature on the next to the last page?

4 A: Yeah, that's it.

5 MR. BARLOW: Your Honor, at this time, I'd just move this
6 in.

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: No objection.

9 THE COURT: Without.

10 (WHEREUPON, Defendant's Exhibit No. 2, affidavit of
11 guilty plea, was admitted into evidence.)

12 MR. BARLOW: All right. A couple more questions for you,
13 sir.

14 BY MR. BARLOW:

15 Q: Do you recall the judge going over the *Alford* plea and
16 you answering that you understood what an *Alford* plea was?

17 A: Yes, sir.

18 Q: Okay. And do you recall the judge explaining the strike
19 rule and you telling him you understood that?

20 A: Are you talking about, like, the three strike? Yes, sir.

21 Q: Do you recall telling the judge you were satisfied with
22 Ms. Parrott's representation?

23 A: No, sir.

24 Q: Do you recall telling the judge that no one was forcing
25 you to plead guilty?

JUSTIN PRINGLE - CROSS BY MR. BARLOW

1 A: No, sir. I don't remember that.

2 Q: Do you recall telling the judge you were pleading of your
3 own free will?

4 A: No, sir.

5 MR. BARLOW: No further questions, Your Honor.

6 THE COURT: Mr. Johnson?

7 MR. JOHNSON: Just briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. JOHNSON:

10 Q: Just, Mr. Pringle, going back to the sentencing sheets
11 that were marked Defense Exhibit 1, do you recall reviewing
12 these boxes about whether or not the charges indicted or
13 whether or not it's a waiver of presentment and being confused
14 about that on those sheets because they're not marked? Do you
15 recall that?

16 A: Yes, sir.

17 Q: Okay. So you reviewed the boxes on the sentencing
18 sheets, and are any of them marked?

19 A: No, sir.

20 Q: So it didn't tell you whether or not it was as indicted
21 or whether or not it was a waiver of presentment?

22 A: Yes, sir.

23 Q: And were you confused by that?

24 A: Yes, sir.

25 Q: Okay. And did you ask your attorney to explain that to

JUSTIN PRINGLE - REDIRECT BY MR. BARLOW

1 you?

2 A: Yes, sir.

3 Q: Did she fail to do that?

4 A: Yes, sir.

5 Q: All right.

6 MR. JOHNSON: No more questions, Your Honor.

7 THE COURT: Mr. -- recross?

8 MR. BARLOW: Very briefly, one question, Your Honor.

9 RE CROSS-EXAMINATION

10 BY MR. BARLOW:

11 Q: Mr. Pringle, you previously testified that those were not
12 the sentencing sheets that you had; correct?

13 A: Yeah. Those aren't. The boxes still ain't checked, and
14 I said it.

15 Q: Well, are those the sentencing sheets you had -- you have
16 or are they not?

17 A: No. Were the boxes checked there? None of my boxes are
18 checked there on my sentencing sheet. I said that already.

19 MR. BARLOW: Nothing further, Your Honor.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: No more questions, Your Honor.

22 THE COURT: You may -- you may step down, sir.

23 MR. JOHNSON: Your Honor, we'd call Mr. Nelson.

24 THE COURT: Thank you.

25 (WHEREUPON, there was a pause in the proceedings until

CURTIS NELSON - DIRECT BY MR. JOHNSON

1 the witness entered the courtroom.)

2 THE CLERK: Place your left hand on the Bible and raise
3 your right hand as much as you can. Do you swear or affirm
4 that the testimony you give will be the truth, the whole
5 truth, and nothing but the truth, so help you God?

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: Thank you.

8 THE COURT: Mr. Johnson?

9 MR. JOHNSON: Thank you, Your Honor.

10 CURTIS NELSON, being first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. JOHNSON:

14 Q: Sir, what's your full name?

15 A: Curtis Roy Nelson.

16 Q: Mr. Nelson, were you involved in this case and
17 investigated as part of this case along with Mr. Justin
18 Pringle?

19 A: Yes, sir.

20 Q: Okay. And when this murder was committed, were you
21 present?

22 A: Yes, sir.

23 Q: Okay. And was Mr. Justin Pringle there?

24 A: No, sir.

25 Q: Was he involved in the murder?

CURTIS NELSON - DIRECT BY MR. JOHNSON

1 A: No, sir.

2 Q: And at the time when you were represented and you were
3 going through this case, did you -- were you willing to share
4 that information with Mr. Pringle's attorney if you were
5 asked?

6 A: Yes, sir.

7 Q: And Ms. Parrott, his attorney, to your knowledge, did she
8 ever have any -- make any effort to contact you, to interview
9 you to get that information?

10 A: No, sir.

11 Q: But that's something you would have been willing to
12 testify about?

13 A: Yes, sir.

14 Q: And you're certain Mr. Pringle didn't have anything to do
15 with the murder?

16 A: No, he didn't have nothing to do with it.

17 Q: And he wasn't there?

18 A: He was not there.

19 Q: And you never received a letter or phone call or anything
20 from your attorney indicating that Ms. Parrott was trying to
21 contact you?

22 A: No, sir.

23 Q: All right.

24 MR. JOHNSON: No more questions, Your Honor.

25 THE COURT: Mr. Barlow?

CURTIS NELSON - CROSS BY MR. BARLOW

1 MR. BARLOW: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. BARLOW:

4 Q: Good afternoon, Mr. Nelson. All right. Just a couple of
5 questions for you. You were one of -- how many people were
6 picked up in this -- initially in this murder?

7 A: Five.

8 Q: Okay. But who were -- there were three initial people
9 that were caught first; correct?

10 A: Yes, sir.

11 Q: Were you one of those initial people?

12 A: No, sir.

13 Q: Okay. And when were you -- when were you picked up?

14 A: I got picked up -- I got caught during a home invasion in
15 Darlington County.

16 Q: Okay.

17 A: On another crime.

18 Q: Okay. Did you ever give statements to anyone that Mr.
19 Pringle was present?

20 A: No, sir.

21 MR. BARLOW: I beg the Court's indulgence.

22 THE COURT: Yes, sir.

23 MR. BARLOW: All right.

24 BY MR. BARLOW:

25 Q: Sir, just for clarification, you never gave a statement?

CURTIS NELSON - CROSS BY MR. BARLOW

1 A: No, I never gave a statement at all.

2 Q: Okay. Nothing at all in this case?

3 A: I never made a statement. I never talked about this --
4 this case.

5 MR. BARLOW: No further questions, Your Honor.

6 THE COURT: Mr. Johnson?

7 MR. JOHNSON: No questions, Your Honor.

8 THE COURT: All right. Thank you, sir.

9 MR. JOHNSON: No more witnesses, Your Honor.

10 THE COURT: All right, sir.

11 Mr. Barlow?

12 MR. BARLOW: Thank you, Your Honor. The State would call
13 Ms. Karen Parrott.

14 THE COURT: Hey, ma'am.

15 THE CLERK: Do you swear or affirm that the testimony you
16 give will be the truth, the whole truth, and nothing but the
17 truth, so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Thank you.

20 KAREN PARROTT, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. BARLOW:

24 Q: Good afternoon, Ms. Parrott. Thank you for being here.
25 How long have you been practicing law?

KAREN PARROTT - DIRECT BY MR. BARLOW

1 A: I was admitted to the Bar in 1998; so 24 years now.

2 Q: And how long in your practice has been in criminal law?

3 A: I've been a full-time public defender for 19-plus years

4 now.

5 Q: And were you appointed or retained in this case?

6 A: Appointed.

7 Q: And how long before his plea?

8 A: Was I appointed?

9 Q: Were you appointed.

10 A: Okay. He was arrested in February of 2018. Let me look

11 at my notes real quick. I had my first phone call from him on

12 March the 6th. Let me make sure. So by that time I had

13 already been assigned to the case and was already taking

14 correspondence and phone calls from him. So within a month.

15 Q: Okay. And he pled on April 12th of 2019?

16 A: Yes.

17 Q: So a little over a year; correct?

18 A: Yes.

19 Q: Okay. And how many times did you meet with applicant

20 approximately between the time you were appointed and the date

21 of his plea hearing?

22 Q: I honestly don't know. I'm looking at my notes as I was

23 listening, and I've got eight pages worth of notes from my

24 telephone calls with him, meetings with him, sending him

25 discovery, and working on his behalf on this case.

KAREN PARROTT - DIRECT BY MR. BARLOW

1 Q: Okay. During those meetings, did you discuss the
2 elements of the charges and what the State was required to
3 prove?

4 A: Yes.

5 Q: And that came out also in the plea hearing with the
6 judge?

7 A: Yes.

8 Q: Would you briefly characterize the State's evidence in
9 this case?

10 A: This was a case where there was a murder that happened on
11 December the 24th of 2017, and within a very short period of
12 time, witnesses were providing information to law enforcement
13 that resulted in the arrest of three people by -- I want to
14 say by December the 27th. So within about two to three days
15 of this event occurring, there were two to three people
16 already being arrested, and they had already started giving
17 information that led them also to the fact that there were two
18 other people who would be sought and warrants sought for --
19 for their arrest as well.

20 So as I recall it, it was Carl McDowell, Anthony Hudson,
21 and Charlie Roberson that were arrested, and they were
22 actually putting out media releases also seeking the arrest of
23 Justin Pringle and Curtis Nelson. Justin Pringle had to be
24 found, including sought by the U.S. Marshal Service, in
25 Columbus, Ohio, I believe. I know it was in Ohio, I think it

KAREN PARROTT - DIRECT BY MR. BARLOW

1 was Columbus, and actually arrested up there and brought back
2 to South Carolina for prosecution on this case. So I think he
3 was found in January or so, and it took a couple of weeks for
4 them to actually get him back to South Carolina.

5 As I state, Mr. MacDowell and Mr. Hudson immediately
6 started cooperating and giving information about who all was
7 where, and law enforcement was looking at Facebook postings
8 about what had happened, who had -- who had the bandanas, who
9 had the guns. The son of the victim, who I believe was also
10 called Johnny Cameron -- I'm not sure about that, but I think
11 so -- was actually on scene that night telling law enforcement
12 about the fact this is the information coming in on Facebook
13 about who did this.

14 And it went from there. As I stated, I started meeting
15 with Mr. Pringle and filed bond motions for him, provided him
16 with the discovery, and went over the strengths and weaknesses
17 of the case with him.

18 Q: Did you and Mr. Pringle discuss his version of the facts?

19 A: Yes. He told me that he went in the house, so he was
20 guilty of the burglary, but he denied being the shooter. The
21 State's contention the whole way along, as well as his co-
22 defendants, was that he was a -- he was the shooter, but he
23 denied that he was the shooter.

24 So that was the reason why it was also in his best
25 interest to consider possibly the *Alford* plea, because while

KAREN PARROTT - DIRECT BY MR. BARLOW

1 he would be guilty, he would be comfortable and the Court
2 would be comfortable accepting possibly the burglary plea for
3 a guilty, which would have been burglary first, which carries
4 15 years to life. Given his contention and what he was
5 telling me, it wouldn't have been appropriate for me to have
6 put him forward for a straight guilty plea on the murder since
7 he said he did not do that.

8 Q: So Mr. Pringle admitted to you that he was present that
9 night?

10 A: Yes.

11 Q: And entered the residence?

12 A: Yes.

13 Q: Did you review discovery with Mr. Pringle?

14 A: Yes.

15 Q: Okay. Did you discuss the punishments associated with
16 the offenses he was charged with?

17 A: Multiple times, and that was part of the whole issue was
18 he even asked me whether or not he could get a YOA sentence
19 for voluntary manslaughter. I explained to him that that was
20 not possible. He wanted to know if he could get a non-violent
21 man -- voluntary manslaughter. I told him there's no such
22 thing. I told him that the benefits of if they would give him
23 a voluntary manslaughter is that it is not day for day like
24 murder is, but it would still be 85 percent, and that's at
25 best. I mean sometimes if you were to get up there and act

KAREN PARROTT - DIRECT BY MR. BARLOW

1 up, then you're going to get in more trouble. You're going to
2 do more time. So it could be as much as 100 percent of it.

3 But if we could get voluntary manslaughter, it would be
4 less time possibly than otherwise, but the issue with the case
5 even -- and I explained to him this multiple times -- is that
6 with burglary being what it was and a man having been killed,
7 that's not a case where you're going to end up on the low end
8 on the burglary charge even and on the burglary sentencing.
9 You could very well get a life sentence just out of the
10 burglary conviction if you were to go to trial.

11 So the idea that you would beat the burglary charge, the
12 armed robbery charge, and the murder charge would take a very
13 strong defense. And in this case, I did not believe that
14 there was such a thing in existence, especially since he told
15 me he did the burglary.

16 Q: So what would your defense have been if you had gone to
17 trial?

18 A: It simply would have been trying to get mere presence.
19 But of course, always the counter to that is going to be the
20 hand of one is the hand of all. And that is exactly what the
21 solicitor relied on, I think, in his thinking and in my
22 discussions with him is he still believes now, because I've
23 talked with him even recently about this with this being on
24 PCR, that Mr. Pringle was the shooter, and that was the
25 State's contention.

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1 But he allowed him to do an Alford plea to hold that back
2 because of the fact that he would still get the conviction out
3 of this thing. And even if he couldn't have proven that he
4 was the shooter, his still contention was going to be the hand
5 of one is the hand of all. It doesn't matter if you stand
6 outside while they go inside and do it or if you went inside
7 and you didn't shoot him or if you were the shooter.
8 Everybody involved in that is guilty of murder.

9 Q: Did Mr. Pringle ever tell you that he did not understand
10 something?

11 A: I'm not going to say that he didn't understand, that he
12 told me that, but we went over things multiple times to where
13 -- and I never had any concern that he didn't ask me any
14 questions. I've met with him multiple times. I took his
15 phone calls multiple times. I gave him all of the discovery
16 that I had.

17 So if there was any question about his being able to tell
18 me anything, I think I would have known it. He asked me to
19 call his mom even right before he was doing his plea. So he
20 was comfortable enough to ask me to talk to his mother on his
21 behalf.

22 MR. BARLOW: Your Honor, if I may?

23 THE COURT: Yes, sir.

24 BY MR. BARLOW:

25 Q: Ms. Parrott, I'm going to show you what is -- it's

KAREN PARROTT - DIRECT BY MR. BARLOW

1 Defendant's Exhibit 1, and it's the sentencing sheets for Mr.
2 Pringle. Do you recognize those?
3 A: Yes, sir.
4 Q: Would you -- do you believe that those are the sentencing
5 sheets for Mr. Pringle?
6 A: Yes, sir.
7 Q: And we -- you and I have spoken previously about that --
8 the line that was not checked; correct?
9 A: Yes, sir.
10 Q: Do you believe that because the box was not checked that
11 he was prejudiced in any way?
12 A: No, because I had talked with him about the fact that
13 this voluntary manslaughter is a lesser-included. The armed
14 robbery is as indicted. And I also did the guilty plea
15 affidavit with him that goes into detail, including at one
16 point about the fact that something is a lesser-included. So
17 --
18 Q: So you did explain it to him?
19 A: Yes.
20 Q: Okay.
21 A: And they rely on the CDR codes anyway of it in Columbia
22 more than anything else.
23 Q: All right. Did Mr. Pringle ask you to interview his co-
24 defendants?
25 A: I don't know that he asked me specifically, but he and I

KAREN PARROTT - DIRECT BY MR. BARLOW

1 talked about what was happening with his co-defendants. I did
2 try to get to Mr. Nelson. I sent an email to his attorney,
3 which was Mr. Ralph Wilson, because as somebody who is
4 represented by counsel, I'm not allowed to contact that person
5 directly. I have to go through their attorney. At least
6 that's my ethical obligation and the way I look at it.

7 Q: Was that Mr. Johnson or Mr. Senior?

8 A: That would have been Curtis Nelson.

9 Q: Junior or Senior?

10 A: Curtis Nelson that was in here just a few minutes ago.

11 Q: I mean Ralph Wilson. Was he --

12 A: Oh, Ralph Wilson. I'm sorry. Yes, sir. Ralph Wilson,
13 Sr.

14 Q: Senior. Okay. Okay.

15 A: So I did talk with him. I talked with Marshall Weaver
16 regarding his client, which was Charlie Roberson. I think
17 Anthony Hudson was -- was represented by Matt Swilley. Those
18 were already cooperating, and I was getting that information
19 through law enforcement and through the preliminary hearings
20 and the bond hearings and as to what their positions were, and
21 the fact that they were already cooperating and pointing at
22 him led me to already know what they were going to do and what
23 they were going to say.

24 Q: Did Mr. Pringle ask you to interview Amos Cameron?

25 A: No. And there would have been no reason whatsoever to

KAREN PARROTT - DIRECT BY MR. BARLOW

1 interview Amos Cameron. Mr. Cameron came to his bond hearing,
2 was already very upset, was very angry, and made that
3 perfectly clear at the bond hearing. He was cooperating with
4 law enforcement there at the scene that night, talking about
5 what had happened and who came in as far as how many people
6 came in. There would have been nothing gained by talking to
7 Mr. Cameron. And in fact, Mr. Amos Cameron is the one who
8 says that he only wants to see Mr. Pringle in a body bag ever
9 again when they're at the end of the plea.

10 Q: Did Mr. Pringle ask you to interview Barbara McGill?

11 A: No.

12 Q: Did Mr. Pringle ask you to interview Johnnie Cameron?

13 A: No. And I believe -- I mean I'm assuming he doesn't mean
14 the decedent, since that person would already be gone, but I
15 think he means the son. And again, the son was the one who
16 was getting information off of Facebook and pointing law
17 enforcement in the direction of Mr. Pringle.

18 Q: Okay. And did Mr. Pringle ask you to interview Sgt.
19 Josey Boyle?

20 A: No.

21 Q: Did Mr. Pringle ask you to interview William Dilmer?

22 A: No. And again, that's a person who was then providing
23 law enforcement with the kites and letting them know that they
24 were -- that the defendants were sending kites. And by that,
25 I mean letters through not mail, but through other measures in

KAREN PARROTT - DIRECT BY MR. BARLOW

1 the jail to each other, and they were pressuring Charlie
2 Roberson to change his story.

3 Q: Did Mr. Pringle ask you to interview Quant Bryant?

4 A: No.

5 Q: Did Mr. Pringle ask you to interview Carl McDowell?

6 A: No. And again, Mr. McDowell was one of the first people
7 to cooperate with law enforcement, and I believe he even took
8 them around or his father helped them get him to cooperate and
9 take them around and tell them what happened.

10 Q: Did you ever tell Mr. Pringle that he would not win at
11 trial?

12 A: I did tell him it would be extremely hard. I think I did
13 tell him that, yeah, I didn't believe that he could win at
14 trial because of all of the charges that were against him. I
15 also told him that one of the things that he needed to
16 consider was that I knew his name from a previous case from
17 2014 where he had been involved in robbing a drug dealer and
18 that drug dealer had been shot, and it was a group of people
19 that all went. And I represented one of his co-defendants,
20 Michael Woods, in that case. He knew exactly who I was
21 talking about.

22 And he and I talked about the fact that in this case,
23 they -- the State was not considering him to be the mastermind
24 of this situation. Even though they considered him the
25 shooter, they didn't consider him to be the mastermind. But

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1 if they put together that he had been involved in an exact
2 situation like this just a couple of years previous, that he
3 had just gotten out of jail at DJJ doing a bid, then they
4 would consider him possibly as being more of the mastermind of
5 this situation, and I really didn't want that to be something
6 that would come out.

7 Now, would it have possibly been used in court as part of
8 the trial? No, it would have been a prior bad act. We would
9 have certainly tried to keep it out. But did it influence or
10 could it have influenced negotiations? Yes.

11 Q: Had Mr. Pringle decided to go to trial, do you think that
12 you were adequately prepared?

13 A: Yes.

14 Q: Whose decision was it to plead?

15 A: It's always the client's decision as to what goes on with
16 a case.

17 Q: Did you agree with Mr. Pringle's decision to plead?

18 A: Whenever I was able to get the offer from the solicitor
19 to do it as a voluntary manslaughter for -- and the -- and the
20 armed robbery under *North Carolina v. Alford*, I did.

21 Q: There was a claim that you failed to investigate. Was
22 there anything that you should have investigated?

23 A: I don't believe so.

24 Q: Further?

25 A: I don't believe so. I mean part of the discovery

KAREN PARROTT - DIRECT BY MR. BARLOW

1 included Charlie McDowell actually in this letter that I'm
2 sure was -- has been turned over, but written to his own
3 attorney, Mr. Weaver, because they ended up doing a search
4 warrant to go into the cells to see about the kites that were
5 being sent. But literally one of the first things is, Mr.
6 Weaver, I do swear to tell the truth, the whole truth, and
7 nothing but the truth, so help me, please.

8 On December 24th, 2017, Curtis Nelson and Justin Pringle,
9 Carl and Anthony Hudson say they were stranded in Florence,
10 needed a ride home. Oh, wait a minute. Is that the one?
11 Excuse me. Yeah. We thought they were going to -- and I'll
12 skip down. We thought they were going to spend money with the
13 bootlegger, not knowing that they were going to try and rob
14 him. Justin Pringle is the one who shot and killed Mr.
15 Johnny.

16 Q: Do you stand by the counsel you provided Mr. Pringle?

17 A: Absolutely.

18 MR. BARLOW: I beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 BY MR. BARLOW:

21 Q: And you heard testimony here previously by Mr. Curtis Roy
22 Nelson, his co-defendant. What was your reason for not
23 contacting -- or you did -- excuse me. You testified that you
24 did try to contact him; correct?

25 A: I did.

KAREN PARROTT - DIRECT BY MR. BARLOW

1 Q: Okay. And what was the reason?

2 A: Because I was going to try and follow up with what was
3 possibly what he would say. If he was in any way on Justin
4 Pringle's side, then I was going to see if there was something
5 to that. But when his attorney didn't respond back to me,
6 that's the end of that conversation.

7 Q: But Mr. Pringle has -- did -- but it was your prior
8 testimony that Mr. Pringle did admit to you that he was
9 present and did enter the home?

10 A: Yes.

11 Q: Correct?

12 A: Yes.

13 Q: Would Curtis Roy Nelson's testimony do anything to help?

14 A: No. It would have simply made it -- I mean it would have
15 made me then question the whole story again, but I would have
16 had to have confronted Mr. Pringle about the fact that he had
17 told me that he had gone in. And so therefore -- and yet
18 again try and reconcile the kites that are being sent, the
19 stories that have been told, and what would have happened.

20 And as I explained to him also during my negotiations or
21 -- excuse me -- my talks with him is if you want a trial, then
22 it's a jury question as to who they believe as to what stories
23 come out. And that's a -- that's a jury question, but it's a
24 risk.

25 MR. BARLOW: I beg the Court's indulgence.

KAREN PARROTT - CROSS BY MR. JOHNSON

1 THE COURT: Yes, sir.

2 MR. BARLOW: Thank you, Ms. Parrott. Please answer any
3 questions Mr. Johnson has for you.

4 THE COURT: Yes, sir. Mr. Johnson?

5 MR. JOHNSON: Thank you, Your Honor. If it's okay, I'll
6 stay seated as well.

7 THE COURT: Yes, sir. That's fine.

8 CROSS-EXAMINATION

9 BY MR. JOHNSON:

10 Q: Ms. Parrott, you testified you can't remember the number
11 of meetings; is that correct?

12 A: I don't know.

13 Q: Okay.

14 A: I try and do my best to keep all of my notes, but that's
15 sometimes impossible.

16 Q: Okay. You said that Mr. Pringle made statements about
17 being there. Did you write that down?

18 A: Yes.

19 Q: In your notes?

20 A: They're in my -- yes, they're in my notes.

21 Q: Do you have it with you today?

22 A: I'm not sure. Let me see. I'll tell you that I wouldn't
23 have done a guilty plea for him on the burglary if I hadn't
24 thought that otherwise.

25 Okay. On June the 8th of 2018, I have a note that says I

KAREN PARROTT - CROSS BY MR. JOHNSON

1 saw defendant at the jail. I said saw D at the jail today,
2 which is defendant. He wanted to know why they were making it
3 seem like it was a drug deal gone bad at the bond hearing.
4 Told him in some ways that was better for him. The victim's
5 brother, who was at the bond hearing, was also a witness.
6 Victim himself said it wasn't, that it was a robbery from the
7 start since y'all came in with masks on.

8 He wanted to know what I thought would happen. Would he
9 walk away free? Told him it's a bad case because someone
10 died. Told him what I really think is that he learned how to
11 do this from Michael Woods at that the robbery where he got
12 juvie time for this in part. The difference was that in that
13 case the victim didn't die.

14 I also told him that he didn't learn the lesson from that
15 case, which is your co-defendants will turn on you and talk,
16 and they are doing so here. He smiled and he says, so am I
17 going to do time? I said, yeah, the question is how much? He
18 said, well, Woods is already home. I said and told him that
19 was what was different because the guy didn't die.

20 I also told him not to discuss all of this on the phone.
21 I told him I already knew that there was a connection between
22 the two before the bond hearing. I told him I would put in
23 for his preliminary hearing.

24 Q: Okay. You're kind of reading kind of fast. Where in
25 there did you record this?

KAREN PARROTT - CROSS BY MR. JOHNSON

1 A: He is smiling at me because he knows he's been caught,
2 sir.

3 Q: Okay. Well, in the notes you're saying that's where you
4 recorded that he said he was there?

5 A: Yes, sir. That's when he knew that he was there.

6 Q: Where did -- where did he say that? Do you have that in
7 the notes?

8 A: He smiled at me because he knew that what I said was
9 true.

10 Q: Okay. So it's not --

11 A: And I'll continue looking through, but that was the first
12 thing that he knew and he was admitting. And then he also
13 asked me if he could get a YOA.

14 Q: Okay.

15 A: So why would he ask me about that if he knew that he
16 wasn't involved, sir?

17 Q: Right. And all I'm asking is, was it recorded in the
18 notes that he said he was there?

19 A: I'm going to tell you that it's -- I mean that I'm going
20 to have to go through all of these notes.

21 Q: Okay.

22 A: But that's the first time that I've already gotten an
23 indication that that's where it's going.

24 Q: Okay. Do you want --

25 MR. JOHNSON: Judge, I'm happy to sit down, let her look

KAREN PARROTT - CROSS BY MR. JOHNSON

1 through her notes. I'm not trying to rush her.

2 THE COURT: I've got nowhere else to be.

3 THE WITNESS: Okay.

4 THE COURT: Do y'all want to take a break while you do
5 that, ma'am?

6 THE WITNESS: It doesn't matter.

7 THE COURT: It's up to you.

8 THE WITNESS: It doesn't matter to me, sir. I can go
9 through them.

10 THE COURT: Okay, we'll just sit here.

11 (WHEREUPON, there was a pause in the proceedings, after
12 which the proceedings resumed as follows.)

13 BY MR. JOHNSON:

14 A: He told me to get him the best offer. He wanted 15. He
15 wants his trial next term. I told him they're involved in
16 setting that. I don't know that I put it on my notes on the
17 system, but I've got -- I mean he did.

18 Q: Okay.

19 A: All right. March 6th -- 19th, I saw him at the jail,
20 discussed his case. He got his Rule 5 supplement, the motion
21 for reconsideration of his bond denial yesterday. I talked
22 with him about thinking about his whole case and the issues
23 with all of the charges, because for him to walk away totally
24 from his case free, we have to beat all of them, and I don't
25 think that's likely with the burglary and armed robbery

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1 charges.

2 The reason why I've written that is because he's told me
3 he's guilty on those. It may be possible to beat the murder
4 because they're not sure who the shooter is really and there
5 are multiple guns, but there's no question about going in the
6 house to do the robbery and not being invited there for that
7 purpose, and so many are talking. The victim's brother will
8 say they came in with guns to rob people. So to think about
9 all that.

10 He asked about PCR and getting a time cut. I explained
11 that PCR just puts a person back to square one. He is still
12 asking about 15 years and that he will take that and run.
13 Explained the years on voluntary and murder and 85% versus
14 every single day, as well as the time that burglary and armed
15 robbery carry too.

16 Q: Okay. So just to clarify, you recall it, but you didn't
17 write it down?

18 A: I don't know that I did, but I mean, yes, he did.

19 Q: Okay. Fair enough. You said you sent an email to Mr.
20 Ralph Wilson to talk to Mr. Nelson?

21 A: Yes.

22 Q: Do you have a copy of the email?

23 A: I don't.

24 Q: And you indicated discussion -- the discussion about
25 whether or not witnesses were interviewed. You said one of

KAREN PARROTT - CROSS BY MR. JOHNSON

1 them was angry, Mr. Cameron. But, of course, in talking to
2 witnesses, if they're upset at the defendant, that doesn't
3 mean that they might not have valuable information; correct?

4 A: Amos Cameron is actually a family member, apparently of
5 Mr. Pringle, and that came to me at the last moment through
6 his mother whenever I called her. But yes, Mr. Cameron didn't
7 have any sympathy whatsoever for any of the people involved
8 here. He made that clear at the bond hearing. And my
9 position on that a lot of the times is I like for family
10 members to calm down so that maybe things go a little bit
11 better in the long run. There was no calming Mr. Cameron
12 down.

13 Q: But my question was though you could still collect
14 information from people regardless of how upset they are?

15 A: My experience is, if they don't want to talk to you and
16 they don't like who your person is or who you're representing,
17 they're not going to cooperate with you.

18 Q: Do you know that until you contact them?

19 A: I've had that experience over 19 years. Yes, I do. I --

20 Q: But you didn't contact him? That was my question.

21 A: No, I have not contacted the victim -- Mr. Cameron, Amos
22 Cameron, who was also a victim basically on this.

23 Q: Okay. Fair enough. You said on Dilmer, he's the one who
24 told law enforcement about the kites. So that would actually
25 make him more valuable as someone you might want to talk to

KAREN PARROTT - CROSS BY MR. JOHNSON

1 because he's got information the State's trying to use;
2 correct?

3 A: He wrote a letter. It was turned over in Rule 5. Mr.
4 Pringle got that.

5 Q: Okay. But as your job as defense counsel, it could be
6 valuable to talk to this gentleman because Mr. Dilmer is
7 providing information, and then he changes his story to you
8 and you can use that, can't you?

9 A: Mr. Dilmer wasn't going to change his mind, but
10 obviously, if he was to change his story from what it was and
11 he'd previously given to law enforcement, even on the stand, I
12 can then cross-examine him as to the two inconsistent
13 statements.

14 Q: Right, but you don't know that unless you interview him?

15 A: But there wasn't any need to interview him considering
16 that he was going to say what he wrote to law enforcement.

17 Q: You assume?

18 A: Is that a question?

19 Q: Yes. You're assuming that?

20 A: Is that a statement or a question?

21 Q: I'm asking. You're assuming that he would say the same
22 thing?

23 A: I don't see that that person would change their story,
24 no.

25 Q: Okay. Fair enough, fair enough. On the sentencing

KAREN PARROTT - CROSS BY MR. JOHNSON

1 sheets marked as exhibits, did you notice that these were
2 blank, the boxes to where it says the charges as indicted,
3 lesser-included, the defendant waives presentment? Did you
4 notice that those are not checked?

5 A: No.

6 Q: Okay. Is that something that you usually should check
7 before a plea?

8 A: Yes.

9 Q: And you're saying my client did not ask you about that?

10 A: No, he did not.

11 Q: Did you provide a complete copy of the evidence to Mr.
12 Pringle?

13 A: Yes.

14 Q: What date did you do that?

15 A: It was along and along as I received it. So it's not
16 just one time.

17 Q: Okay. These other witnesses, when we go through talking
18 about Barbara McGill, these were people that Amos Cameron
19 listed who are present during the incident. If someone was
20 present during the incident, they could have valuable
21 information if you interviewed them. There's a chance they
22 could have provided information; true?

23 A: Mr. Johnson, this was a bootlegger's house. They don't
24 tend to want a lot of people looking into their information.
25 So I don't know that there was anything to be gained by

KAREN PARROTT - CROSS BY MR. JOHNSON

1 talking to these people whenever they were so upset. So, no,
2 I disagree with your contention.

3 Q: Okay. Did you make any statements to Mr. Pringle about
4 whether or not he could or could not win at trial?

5 A: I believe I've already answered that and told him that I
6 did not believe that was possible.

7 Q: Not possible to win at trial?

8 A: Yeah. Not all of the charges, no.

9 Q: Okay.

10 A: I told him it wasn't the strongest case on every charge,
11 but it wasn't the weakest case either.

12 Q: Okay. Regarding these witnesses, Sgt. Boyle and Quant
13 Bryant, as well as going into the letters and all, did you
14 interview anybody or any of these witnesses or anyone related
15 to all of these letters that were brought up by the State?

16 A: No, not on that level. I talked with the attorney of Mr.
17 McDowell.

18 Q: Oh, did you record that?

19 A: No.

20 MR. JOHNSON: No more questions, Your Honor.

21 THE COURT: Mr. Barlow?

22 MR. BARLOW: Very briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. BARLOW:

25 Q: Ms. Parrott, to your recollection, would you say that you

KAREN PARROTT - REDIRECT BY MR. BARLOW

1 met with Mr. Pringle greater than four times?

2 A: Yes.

3 Q: And do you write everything in your notes or just
4 summarizations?

5 A: There's -- no. These are summaries.

6 MR. BARLOW: I beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 MR. BARLOW: Nothing further, Your Honor.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: No more questions.

11 THE COURT: Thank you, ma'am.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Mr. Barlow?

14 MR. BARLOW: That's it for the State, Your Honor.

15 THE COURT: All right. Gentlemen, you know my method.

16 I've got a few ahead of this to decide. I will do so and send
17 you an email ruling.

18 MR. JOHNSON: Yes, sir. Thank you.

19 THE COURT: Thank you for your patience with me.

20 (WHEREUPON, the proceedings ended at 2:27 p.m.)

21

22 --- END REQUESTED TRANSCRIPT ---

23

24

25

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

Krystal J. Smith

Florence, South Carolina

November 25, 2022

STATE OF SOUTH CAROLINA

COUNTY OF Florence
 STATE VS.
Justin Marquise Pringle

AKA: _____
 Race: Black Sex: M Age: 20
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Scranton, SC 29591
 DL#: [REDACTED] SID#: _____

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

In disposition of the said indictment comes now the Defendant who was
 TO: Manslaughter / Voluntary manslaughter (2-36)

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST: _____

[Signature] 102584 [Signature] KARL A. PANT 15636
 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 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 2
☒ 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 SCDoc.

Credit for 434 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (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: \$ _____

Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$
 § 14-1-206 (Assessments 107.5 %) _____ \$
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$
 § 56-5-2995 (DUI Assessment) \$12 \$
 § 56-1-286 (DUI Breath Test) \$25 \$
 Proviso (Public Def/Probation) \$500 \$
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 § 14-1-213 (Drug Court Surcharge) \$150 \$
 § 50-21-114 (BUI Breath Test Fee) \$50 \$
 § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (04/2018)

N.C. v. Alford

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018-GS-21-02117

A/W#: 2017A2110201149

Date of Offense: 12/24/2017

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

DEFENDANT'S
EXHIBIT
1

KS 6-15-22

6-30 yrs CC

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: Pay \$40 PDFee

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

Presiding Judge [Signature]

Judge Code: 2141

Sentence Date: 4-12-2019

N.C. v. A Ford

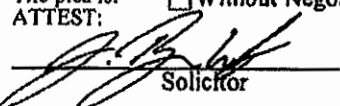
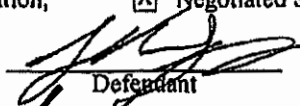
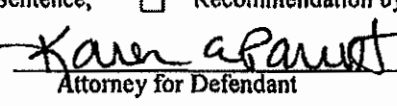
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
COUNTY OF Florence)
STATE VS.)
Justin Marquise Pringle)
AKA:)
Race: Black Sex: M Age: 20)
DOB: 12-14-1988 SS#:)
Address:)
City, State, Zip: Saranton, SC 29591)
DL#: SID#:)

INDICTMENT/CASE#: 2018-GS-21-02117
A/W#: 2018GS2102117A
Date of Offense: 12/24/2017
S.C. Code §: 16-11-0330(A)
CDR Code #: 0139

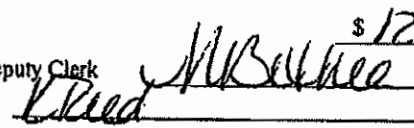
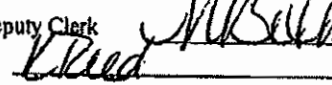
SENTENCE SHEET

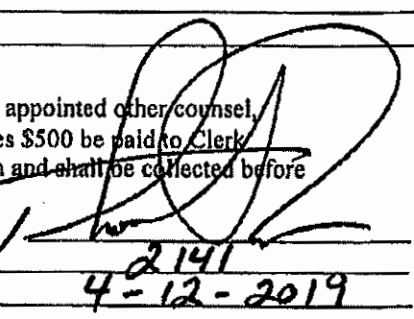
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS
TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10-30)
in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:  Solicitor 102584 SC Bar#  Defendant  Attorney for Defendant 15636 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 1
☒ 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 SCDOC.
Credit for 434 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (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: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____
*Fine: \$ _____
§ 14-1-206 (Assessments 107.5 %) \$ _____
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
§ 56-5-2995 (DUI Assessment) \$12 \$ _____
§ 56-1-286 (DUI Breath Test) \$25 \$ _____
Proviso (Public Def/Probation) \$500 \$ _____
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____
§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ 3.75
TOTAL \$ 128.75
Clerk of Court/ Deputy Clerk 
Court Reporter: 
SCCA/217 (04/2018)

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____
☐ Appointed PD or appointed other counsel.
§ Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge 
Judge Code: 2141
Sentence Date: 4-12-2019

L7 30 yrs cc

2018-2117

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF FLORENCE

State of South Carolina

AFFIDAVIT OF DEFENDANT FOR
GUILTY PLEA

-vs-

Justin Pringle

Defendant

N.C. v. Arford

The Defendant states to the Court that the Defendant wants to plead guilty to the following charge(s): Voluntary manslaughterArmed Robbery

In connection with the plea, I certify that the answers to the following questions are true:

BACKGROUND OF DEFENDANT

- 1) How old are you? 20
- 2) How far did you go in school? GED
- 3) (a) Can you read and write the English language? ☒ YES ☐ NO
- (b) Are you able to read and understand this form? ☒ YES ☐ NO
- (c) If not, who is explaining it to you and filling out your answers?

Name of person: _____

- 4) What kind of work do you do? New York
- 5) Have you ever been treated for abuse of alcohol or drugs or for mental illness?
☐ YES ☒ NO

If so, when? _____

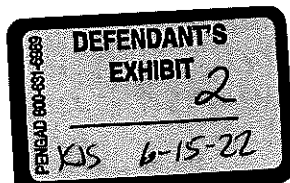
For How long? _____

Did you successfully complete the program? ☐ YES ☐ NO

- 6) Have you taken any medication, drugs or alcohol in the last 24 hours?
☐ YES ☒ NO

If yes, What? _____

How much? _____



When? _____

Does this affect your ability to know and understand what you are doing here today? _____ YES _____ NO

- 7) Are you today under the influence of any medications, drugs or alcohol?
_____ YES _____ ☒ NO
- 8) Are you today aware of any physical, emotional or nervous problem that might keep you from understanding what you are doing?
_____ YES _____ ☒ NO
- 9) Have you ever been ordered by a Judge to submit to a mental evaluation to determine your competency to stand trial?
_____ YES _____ ☒ NO

WAIVER OF CONSTITUTIONAL RIGHTS

- 1) Do you understand that you have a right to remain silent, that is your rights against self incrimination? You cannot be compelled or forced to testify or give evidence against yourself. Do you understand this right?

_____ ☒ YES _____ NO

Do you wish to give up this right and plead guilty?

_____ ☒ YES _____ NO

- 2) Do you understand that you have right to a jury trial; you have a right to have a jury decide whether or not you are guilty beyond a reasonable doubt? They would base their decision upon evidence which the state presents and on any evidence you might wish to introduce. In a trial, you would be presumed innocent, and the state would have to produce evidence that would convince all 12 members of the jury that you were guilty beyond a reasonable doubt. Do you understand this right?

_____ ☒ YES _____ NO

Do you wish to give up your right to a jury trial and plead guilty?

_____ ☒ YES _____ NO

- 3) Do you understand that you have the right to confront and be confronted by the witnesses against you, that is, the right to see, hear and cross examine any witness that may be called against you during the trial and the right to subpoena and call witnesses in your own behalf? Do you understand these rights?

_____ ☒ YES _____ NO

Do you wish to give up these rights and plead guilty? _____ ☒ YES _____ NO

- 4) If your case has not been before the grand jury, you have the right to have the case presented to the grand jury. After hearing evidence, 12 of the 18 people on the grand jury would have to agree that you were probably guilty before the charge(s) against you could be reported out as a True Bill ready for trial. A grand jury might return a No Bill, which would mean that the charge(s) would be dismissed. Do you understand this right?

_____ YES _____ NO

Do you wish to give up your right to have the grand jury examine your case?

☐ YES ☒ NO

- 5) Do you understand that when you plead guilty you give up these constitutional rights?

☒ YES ☐ NO

Is that what you want to do? ☒ YES ☐ NO

Do you understand that you will not get a jury trial if you plead guilty?

☒ YES ☐ NO

NATURE OF THE CHARGE(S) AND CONSEQUENCES OF PLEADING GUILTY

- 1) Has your attorney discussed with you the charge(s) and possible punishment for the charge(s)?

☒ YES ☐ NO

- 2) What acts did you do which causes you to think that you are guilty of the charge(s) to which you now want to plead guilty?

NC. v. Ayford

- 3) Are you pleading guilty for any reason other than the fact that you are guilty?

☐ YES ☒ NO

NC. v. Ayford

If so, what is the other reason?

- 4) As you understand, the maximum possible punishment for this charge is:

negotiated sentence 30 years (30 years even)

- 5) If an offense with graduated penalties: Do you understand that if you plead guilty to this offense and you are convicted at a later time of the same crime, the punishment will be higher the next time?

☐ YES ☒ NO

- 6) Do you have any questions about the nature of the charge(s) against you and the possible punishment?

☐ YES ☒ NO

If so, please write your question(s) here:

- 7) Do you understand that when you plead guilty you admit the truth of the charge(s) against you?

violated the conditions of that program you could have that supervision revoked and be required to serve up to one year in prison as a result?

YES NO

- 8) Do you understand the charge(s) you are pleading guilty to are also considered violent offenses under South Carolina law?

YES NO

- 9) Do you understand that the violent distinction affects parole eligibility?

YES NO

- 10) Do you understand that a second conviction for a violent offense would render you ineligible for parole?

YES NO

- 11) Understanding all of that, do you still wish to plead guilty?

YES NO

PLEA NEGOTIATIONS

- 1) Has any plea agreement been made by you with the Solicitor's Office?

YES NO

If so, exactly what do you understand the agreement to be? _____

negotiated 30 yrs

- 2) Do you understand that the recommendation of the attorneys is not binding on the court and that the Judge could still sentence you up to the maximum if he/she felt it appropriate?

YES NO

- 3) Do you still wish to plead guilty? YES NO

VOLUNTARINESS OF PLEA

- 1) Has anyone promised you anything or held out any hope of reward to get you to plead guilty? YES NO

If yes, explain: _____

- 2) Has anyone threatened you or used force to get you to plead guilty?

YES NO

- 3) Has anyone used any pressure or intimidation to cause you to plead guilty?
 _____ YES NO
- 4) Have you had enough time to make up your mind as to whether or not you want to plead guilty?
 YES _____ NO
- 5) Are you pleading guilty of your own free will and accord?
 YES _____ NO

SATISFACTION WITH ATTORNEY

- 1) Has your attorney reviewed this form with you and answered any questions you have about it?
 YES _____ NO
- 2) Are you satisfied with the manner in which your attorney has advised and represented you?
 YES _____ NO
- 3) Have you talked with your attorney as often and for as long as you feel necessary for him/her to properly represent you?
 YES _____ NO
- 4) Do you need more time to talk with your attorney?
 _____ YES NO
- 5) Have you understood your talks with your attorney?
 YES _____ NO
- 6) Has your attorney done everything for you that you feel he/she could have done or should have done?
 YES _____ NO
- 7) Has your attorney done anything in this case that you feel he/she should not have done?
 _____ YES NO

If yes, explain: _____

- 8) Are you completely satisfied with your attorneys services?
 _____ YES _____ NO
- 9) Do you have any complaints you want to make about your attorney, the solicitor or any of the police officers?
 _____ YES NO
- 10) Do you understand that you have a right to appeal your guilty plea and the sentence of the court and you must do so within 10 days of the sentence?
 YES _____ NO

CONCLUDING QUESTIONS

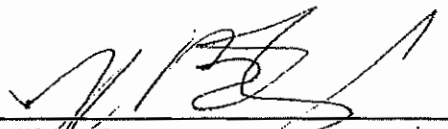
- 1) Do you understand all of these questions?
 YES NO

If not, which ones do you not understand? _____

- 2) Do you now want to plead guilty?
 YES NO

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY, this 12

Day of April, 20 19.



DEFENDANT

CERTIFICATE OF COUNSEL

- 1) Print your name and telephone number. Karen Parrott
843-665-3055
- 2) I represent the Defendant in this case.
- 3) I have read and fully explained to the Defendant the allegations contained in the indictment(s) in this case.
- 4) To the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
- 5) I have explained to the Defendant the charge(s) contained in the indictment(s), the possible punishment and his/her constitutional rights including his/her right to a jury trial.
- 6) I have explained to the Defendant the right to have this case submitted to the grand jury for its consideration.
- 7) In my opinion, the Defendant understands the charge, the punishment and the constitutional rights in this case.
- 8) The defendant has indicated to me that he/she wishes to plead guilty.
- 9) The plea of guilty offered by the Defendant to count(s) Vol. 1
1st A/R accords with my understanding of the facts that the Defendant has related to me, is consistent with my advice to the Defendant, and, in my opinion, is voluntarily and understandingly made.

SIGNERD BY ME IN PRESENCE of the Defendant and after full discussion of the contents of this certificate with the Defendant, this 1st day of April, 20 19.

Karen Parrott
ATTORNEY FOR THE DEFENDANT

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Justin M. Pringle, #379795,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT

CASE NO. 2019-CP-21-3035

**ORDER OF DISMISSAL
WITH PREJUDICE**

Presiding Judge:
Applicant's Attorney:
Respondent's Attorney:
Plea Counsel:
Date of Hearing:
Court Reporter:

Hon. George M. McFaddin, Jr.
Ola A. Johnson, Esq.
D. Russell Barlow, II, Esq.
Karen E. Parrott, Esq.
June 15, 2022
Krystal J. Smith

2024 JUL 23 PM 3:10
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

The matter before this Court is an action for post-conviction relief (PCR) commenced by Justin M. Pringle (Applicant) on October 28, 2019, asserting various allegations of ineffective assistance of counsel. Respondent, the State of South Carolina, made its Return filed on January 21, 2020, requesting an evidentiary hearing. Applicant filed an amended PCR application on August 27, 2020.

An evidentiary hearing was convened before the Honorable George M. McFaddin, Jr., on June 15, 2022, at the Florence County Courthouse. Applicant was present and represented by Ola A. Johnson, Esquire (PCR Counsel). D. Russell Barlow, II, Esquire, represented Respondent. At the hearing, Applicant proceeded on the claims in his original and amended application.¹ In

¹ Applicant indicated he was not proceeding on number ten from the amended application.

support of these claims, Applicant testified on his own behalf and presented testimony from Curtis Nelson² (Nelson). Respondent presented testimony from Karen Parrott (Plea Counsel).

Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

The records before this Court establish Applicant is presently confined in the South Carolina Department of Corrections (SCDC). In November 2018, the Florence County Grand Jury indicted Applicant for Murder, Armed Robbery, Burglary—1st Degree, and Criminal Conspiracy (2018-GS-21-2117). Applicant was represented by Assistant Public Defender Karen Parrott. Assistant Solicitor J. Ryan White prosecuted the case.

On April 12, 2019, Applicant pleaded guilty under Alford³ to the lesser-included offense of Voluntary Manslaughter and Armed Robbery before the Honorable Thomas A. Russo. Applicant pleaded guilty with negotiated concurrent sentences of thirty (30) years for each charge. Judge Russo accepted Applicant's guilty plea and sentenced him as negotiated.

Plea Counsel filed a timely Notice of Appeal, along with a statement pursuant to Rule 203(d)(1)(B)(iv), SCACR, with the Court of Appeals on April 16, 2019. The Court of Appeals dismissed the appeal by Order filed on July 31, 2019, for failing to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv), SCACR. The Remittitur was returned to the circuit court on August 16, 2019.

² Curtis Nelson was a co-defendant in this case.

³ North Carolina v. Alford, 400 U.S. 25 (1970).



FACTS GIVING RISE TO THE CONVICTION⁴

The crime Applicant was convicted of occurred on Christmas Eve in 2017. Applicant and four co-defendants loaded up in a vehicle and drove to Johnny Cameron's (Victim) residence in Lake City with the intent to rob Victim. (Plea Tr. pp. 13–14). When they arrived at Victim's home, two co-defendants remained in the vehicle, while Applicant and the two other co-defendants went and knocked on Victim's door. (Plea Tr. p. 14). When Victim answered the door, he and a co-defendant got into a struggle. Id. During the struggle, gunshots were fired, and Victim was fatally hit three times. Id.

Investigator Tilton with the Florence County Sheriff's Department investigated the case. Investigator Tilton was able to identify and detain three of Applicant's co-defendants. Id. All three co-defendants identified Applicant as the shooter. Id. The co-defendants indicated that all three men who got out of the car at Victim's home were armed with handguns. Id. Applicant was armed with a .40 caliber handgun, and the other two co-defendants were armed with a .380 caliber handgun and a nine-millimeter handgun. Id. In this case, the pathologist would have testified that all three shots that killed the Victim were consistent with a .40 caliber handgun. Id.

On that Christmas Eve night after Victim was murdered, Applicant did not return to his mother's home, where he was living at the time. (Plea Tr. pp. 14–15). Law enforcement began searching for Applicant but was unable to locate him. (Plea Tr. p. 15). Law enforcement went to speak with Applicant's mother, and she called Applicant in their presence on speakerphone. Id. In that phone call, Applicant claimed to be at the beach, informed his mother that he was not returning, and hung up on her. Id. Ultimately, the marshal's task force located and arrested Applicant in Ohio, where he was extradited back to South Carolina. Id.

⁴ This summary is taken from the plea transcript with slight modifications.

CURRENT ACTION BEFORE THIS COURT

In his application for post-conviction relief, Applicant alleged he was being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel:
 - a. Involuntary guilty plea;
 - b. Failure to investigate; and
 - c. Failure to move to quash the indictment.

On August 27, 2020, Applicant, through PCR Counsel, filed amendments to his application for post-conviction relief and alleged the following:

1. Prior to the guilty plea, Applicant's counsel failed to explain the details of the Applicant's guilty plea and sentencing to applicant.
2. Applicant's counsel failed to provide a copy of the state's evidence to the Applicant.
3. Applicant's counsel failed to meet with applicant a sufficient number of times to properly review the evidence.
4. Applicant's counsel failed to ensure that the sentencing sheets were properly filled out to indicate the status of the charges.
5. Applicant's counsel failed to interview co-defendants Curtis Nelson and Anthony Hudson regarding these charges.
6. Applicant's counsel failed to interview Amos Cameron or Barbara McGill, who were present during the incident.
7. ~~Applicant's counsel failed to interview Johnny Cameron, who provided information to law enforcement.~~⁵
8. Applicant's counsel failed to interview Sgt. Josie Royal and inmate William Dilmer and Quant Bryant regarding a letter related to co-defendant Curtis Nelson.
9. Applicant's counsel failed to interview inmate Carl McDowell regarding a letter reported as being from applicant.
10. ~~Applicant's counsel failed to retain a ballistics expert or a DNA expert to review the evidence in this case.~~⁶
11. Applicant's counsel coerced the applicant into entering the guilty plea by stating to the applicant that he could not "win a trial."

Applicant proceeded on all of the amended allegation claims at his evidentiary hearing.

⁵ Allegation number seven was stricken from the record as it was a mistake. Johnny Cameron was the murdered Victim in this case, so Plea Counsel could not be deficient for not interviewing the decedent. See Plea Tr. pp. 15–16.

⁶ As noted *supra* fn. 1, Applicant withdrew allegation number ten.

SUMMARY OF RELEVANT PCR EVIDENTIARY TESTIMONY

APPLICANT'S TESTIMONY

On direct examination, Applicant testified that Plea Counsel never discussed the details of his plea and the sentencing that he would face. (PCR Tr. pp. 6–7). Applicant testified that Plea Counsel only met with him three or four times, and she provided him with his discovery. (PCR Tr. p. 7). Applicant testified that he felt Plea Counsel did not meet with him a sufficient number of times. Id. Applicant testified that he was confused and had a question about his sentencing sheets not being "filled out properly," but Plea Counsel did not answer his question. (PCR Tr. pp. 7–8).

Applicant testified that Plea Counsel never interviewed or justified why she did not interview co-defendants Curtis Nelson and Anthony Hudson. (PCR Tr. p. 8). Applicant testified that Plea Counsel did not hire a private investigator. Id. Applicant testified that Plea Counsel never told him anything about interviewing Amos Cameron, Barbara McGill, or Johnnie Cameron. Id. Applicant testified that Plea Counsel never told him anything about interviewing Sgt. Josie Boyle, inmate William Dilmer, or Quant Bryant regarding letters being seized and used by the State. (PCR Tr. p. 9). Applicant testified that Plea Counsel never told him anything about interviewing Carl McDowell regarding letters attributed to Applicant. Id.

Applicant testified that Plea Counsel told him he would lose at trial, and when someone says that to you, then they are not "trying to fight for you." Id. Applicant testified that he wanted Plea Counsel to interview his co-defendants. Id.

On cross-examination, Applicant testified that he met with Plea Counsel three or four times. (PCR Tr. p. 11). Applicant testified that he recalled reviewing discovery with Plea Counsel. Id. Applicant testified that he and Plea Counsel did not review all the evidence the State had against him, just the evidence she had when they reviewed it. (PCR Tr. p. 12). Applicant testified

that he recalled Plea Counsel discussed the elements of the crimes he was charged. Id. When questioned whether Plea Counsel discussed possible defenses with Applicant, he responded that his "defense was going to trial." Id. Applicant testified that Plea Counsel "was supposed to have been making a plan, but she ain't never came back. She was just, like, you need to take this plea right here." Id.

Applicant testified that his sentencing sheets were not filled out correctly. Id. Applicant testified that he could not remember how that prejudiced him because he had not seen the sentencing sheets in a while. (PCR Tr. pp. 12–13). Applicant was shown Defendant's Exhibit No. 1, his sentencing sheets, and he testified that the sentencing sheets he had in his possession were different because they did not have "checks in the boxes or none of that." (PCR Tr. p. 13). Applicant testified that he did not have the sentencing sheets he was referring to in court with him. Id.

Applicant testified that he asked Plea Counsel to interview his four co-defendants and that it was her job to have interviewed them. (PCR Tr. pp. 13–14). Applicant testified that he did not have co-defendants in his case but agreed that four people were charged with him out of the same event. Id. Applicant was questioned as to whether he asked Plea Counsel to interview all the people stated in his amended application, to which he answered in the affirmative. (PCR Tr. pp. 13–16).

Applicant testified that it was his signature on the affidavit of defendant for guilty plea that Plea Counsel reviewed with him. (PCR Tr. p. 18; see also Def. Ex. No. 2). Applicant testified that he did not remember telling the plea judge he was satisfied with Plea Counsel's representation. (PCR Tr. p. 18). Applicant testified that he did not remember telling the plea judge no one was



forcing him to plead guilty. Id. Applicant testified that he did not remember telling the plea judge he was pleading guilty of his own free will. (PCR Tr. p. 19).

On redirect examination, the following colloquy occurred while Applicant reviewed Defense Exhibit. No. 1:

- Q: Just, Mr. Pringle, going back to the sentencing sheets that were marked Defense Exhibit 1, do you recall reviewing these boxes about whether or not the charges indicted or whether or not it's a waiver of presentment and being confused about that on those sheets because they're not marked? Do you recall that?
- A: Yes, sir.
- Q: Okay. So you reviewed the boxes on the sentencing sheets, and are any of them marked?
- A: No, sir.
- Q: So it didn't tell you whether or not it was as indicted or whether or not it was a waiver of presentment?
- A: Yes, sir.
- Q: And were you confused by that?
- A: Yes, sir.
- Q: Okay. And did you ask your attorney to explain that to you?
- A: Yes, sir.
- Q: Did she fail to do that?
- A: Yes, sir.

(PCR Tr. pp. 19–20).

CURTIS NELSON'S TESTIMONY

On direct examination, Curtis Nelson (Curtis), a co-defendant, testified that he was present when Victim was murdered, and Applicant was not present. (PCR Tr. p. 21). Curtis testified that Applicant was not involved in Victim's murder. (PCR Tr. pp. 21–22). Curtis testified that he would have shared that information with Plea Counsel if she had asked him. (PCR Tr. p. 21). Curtis testified that Plea Counsel never attempted to contact him. Id.

On cross-examination, Curtis testified that he was not one of the initial three co-defendants law enforcement picked up; rather, he was picked up in a home invasion in Darlington County.



(PCR Tr. p. 23). Curtis testified that he never gave a statement to anyone that implicated Applicant in the murder of Victim. (PCR Tr. pp. 23–24).

PLEA COUNSEL'S TESTIMONY

On direct examination, Plea Counsel testified that she was appointed in this case. (PCR Tr. p. 25). Plea Counsel testified that Applicant was arrested in February of 2018, and her notes indicate their first phone call was on March 6th, so she was appointed within a month after Applicant's arrest. Id. Plea Counsel testified that she represented Applicant for a little over one year. Id. Plea Counsel testified that she could not give a definitive number on the times she met with Applicant, but she had "eight pages worth of notes from [her] telephone calls with him, meetings with him, sending him discovery, and working on his behalf on this case." Id.

Plea Counsel testified that Applicant's version of the facts was as follows:

[Applicant] told me that he went in the [Victim's] house, so he was guilty of the burglary, but he denied being the shooter. The State's contention the whole way along, as well as his co-defendants, was that he was a -- he was the shooter, but he denied that he was the shooter. So that was the reason why it was also in his best interest to consider possibly the Alford plea, because while he would be guilty, he would be comfortable and the Court would be comfortable accepting possibly the burglary plea for a guilty, which would have been burglary first, which carries 15 years to life. Given his contention and what he was telling me, it wouldn't have been appropriate for me to have put him forward for a straight guilty plea on the murder since he said he did not do that.

(PCR Tr. pp. 27–8). Plea Counsel testified that Applicant admitted that he was present the night of Victim's murder. (Plea Tr. p. 28).

Plea Counsel testified that she reviewed discovery with Applicant multiple times. Id. Plea Counsel testified that Applicant wanted a YOA sentence on voluntary manslaughter, and she explained that it was impossible. Id. Plea Counsel testified that Applicant inquired if he could get non-violent voluntary manslaughter, and she explained that there was no such thing. Id. Plea

Counsel testified that if Applicant got voluntary manslaughter, the benefit would be that it would be 85% and not day for day like murder. Id. Plea Counsel testified that she explained to Applicant that because a man was killed during the burglary, he could get life on the charge. (PCR Tr. p. 29). Plea Counsel testified that their defense at trial would be a mere presence, but the counter to that is the hand of one is the hand of all. Id. Plea Counsel testified that Applicant may not have understood everything, but she went over everything multiple times with him, and if Applicant had a question, she was sure he would have asked her. (PCR Tr. p. 30).

Plea Counsel testified that the sentencing sheets entered as Defense Exhibit No. 1 were indeed Applicant's sentencing sheets. (PCR Tr. pp. 30–31). Plea Counsel was asked if the boxes not being checked prejudiced Applicant, and she replied, "No, because I had talked with him about the fact that this voluntary manslaughter is a lesser included. The armed robbery is as indicted. And I also did the guilty plea affidavit with him that goes into detail, including at one about the fact that something is a lesser-included." (PCR Tr. p. 31).

Plea Counsel testified that she did not recall Applicant explicitly asking her to interview all of the co-defendants. (PCR Tr. pp. 31–32). Plea Counsel testified that she spoke to Curtis Nelson's attorney, Ralph Wilson Sr., and Charlie Roberson's attorney, Marshall Weaver. (PCR Tr. p. 32). Plea Counsel testified that she received information through law enforcement, preliminary hearings, and bond hearings on the positions of the three co-defendants cooperating with law enforcement. Id. Plea Counsel testified that because the three co-defendants were cooperating with law enforcement, she already knew their positions and that they were all pointing at Applicant as the person who pulled the trigger. Id.

Plea Counsel testified that there was no reason for her to interview Amos Cameron because he was very angry and upset and made that perfectly clear at his bond hearing. (PCR Tr. pp. 32–

33). Plea Counsel testified that nothing would have been gained by talking to Amos Cameron because he only wanted to see Applicant in a body bag. (PCR Tr. p. 33). Plea Counsel testified that Applicant did not ask her to interview Barbara McGill or Sgt. Josie Boyle. Id. Plea Counsel testified that Applicant did not ask her to interview William Dilmer, and Mr. Dilmer was someone who was providing law enforcement with kites Applicant was sending to Charlie Roberson telling him to change his story. (PCR Tr. pp. 33–34). Plea Counsel testified Applicant did not ask her to interview Quant Bryant. (PCR Tr. p. 34). Plea Counsel testified that Applicant did not ask her to interview Carl McDowell, and Mr. McDowell was the first to cooperate with law enforcement. Id.

Plea Counsel was asked if she told Applicant he could not win at trial, and she replied with the following:

I did tell him it would be extremely hard. I think I did tell him that, yeah, I didn't believe that he could win at trial because of all of the charges that were against him. I also told him that one of the things that he needed to consider was that I knew his name from a previous case from 2014 where he had been involved in robbing a drug dealer and that drug dealer had been shot, and it was a group of people that all went. And I represented one of his co-defendant, Michael Woods, in that case. He knew exactly who I was talking about. And he and I talked about the fact that in this case, they the State was not considering him to be the mastermind of this situation. Even though they considered him the shooter, they didn't consider him to be the mastermind. But if they put together that he had been involved in an exact situation like this just a couple of years previous, that he had just gotten out of jail at DJJ doing a bid, then they would consider him possibly as being more of the mastermind of this situation, and I really didn't want that to be something that would come out. Now, would it have possibly been used in court as part of the trial? No, it would have been a prior bad act. We would have certainly tried to keep it out. But did it influence or could it have influenced negotiations? Yes.

(PCR Tr. pp. 34–35). Plea Counsel testified that she was adequately prepared to defend Applicant if they had gone to trial. (PCR Tr. p. 35).



Plea Counsel testified it was Applicant's choice to plead guilty. Id. Plea Counsel testified that she agreed with the decision to plead guilty once she got the solicitor's office to do it as voluntary manslaughter and armed robbery under Alford. Id. Plea Counsel testified that there was nothing further to investigate. (PCR Tr. pp. 35–36). Plea Counsel testified that she stood by her representation of Applicant. (PCR Tr. p. 36).

Plea Counsel testified that she did contact Curtis Nelson's attorney, but that attorney never contacted her back, and she cannot make contact with someone who is represented by counsel. Plea Counsel further testified Curtis Nelson would not have helped Applicant and provided the following:

It would have simply made it -- I mean it would have made me then question the whole story again, but I would have had to have confronted Mr. Pringle about the fact that he had told me that he had gone in. And so therefore -- and yet again try and reconcile the kites that are being sent, the stories that have been told, and what would have happened. And as I explained to him also during my negotiations or excuse me -- my talks with him is if you want a trial, then it's a jury question as to who they believe as to what stories come out. And that's a -- that's a jury question, but it's a risk.

(PCR Tr. p. 37).

On cross-examination, Plea Counsel testified that her notes reflected the following:

Okay. On June the 8th of 2018, I have a note that says I saw [Applicant] at the jail. I said saw D at the jail today, which is defendant. [Applicant] wanted to know why they were making it seem like it was a drug deal gone bad at the bond hearing. Told him in some ways that was better for him. The victim's brother, who was at the bond hearing, was also a witness. Victim himself said it wasn't, that it was a robbery from the start since y'all came in with masks on. [Applicant] wanted to know what I thought would happen. Would he walk away free? Told him it's a bad case because someone died. Told him what I really think is that he learned how to do this from Michael Woods at that the robbery where he got juvie time for this in part. The difference was that in that case the victim didn't die. I also told him that he didn't learn the lesson from that case, which is your co-defendants will turn on you and talk, and they

are doing so here. He smiled and he says, so am I going to do time? I said, yeah, the question is how much? He said, well, Woods is already home. I said and told him that was what was different because the guy didn't die. I also told him not to discuss all of this on the phone. I told him I already knew that there was a connection between the two before the bond hearing. I told him I would put in for his preliminary hearing.

(PCR Tr. pp. 38–39). Plea Counsel testified that she knew Applicant was present and in Victim's house when Applicant smiled at her. (PCR Tr. p. 40). Plea Counsel continued to look through her notes for where she recorded Applicant told her he was present at the crime and stated the following:

All right. March 6th -- 19th, I saw him at the jail, discussed his case. He got his Rule 5 supplement, the motion for reconsideration of his bond denial yesterday. I talked with him about thinking about his whole case and the issues with all of the charges, because for him to walk away totally from his case free, we have to beat all of them, and I don't think that's likely with the burglary and armed robbery charges. The reason why I've written that is because he's told me he's guilty on those. It may be possible to beat the murder because they're not sure who the shooter is really and there are multiple guns, but there's no question about going in the house to do the robbery and not being invited there for that purpose, and so many are talking. The victim's brother will say they came in with guns to rob people. So to think about all that. He asked about PCR and getting a time cut. I explained that PCR just puts a person back to square one. He is still asking about 15 years and that he will take that and run. Explained the years on voluntary and murder and 85% versus every single day, as well as the time that burglary and armed robbery carry too.

(PCR Tr. pp. 41–42).

Plea Counsel testified that Amos Cameron was Applicant's family member and that he had no sympathy for any of the parties involved. (PCR Tr. p. 43). Plea Counsel testified that in her experience, people who are mad at a person you represent will not help your client's case. Id. Plea Counsel testified that she did not contact Amos Cameron. Id. Plea Counsel testified that she did



not interview William Dilmer because she had his statement that he provided to law enforcement, and she did not think he would change his story. (PCR Tr. pp. 43–44).

Plea Counsel testified that she did not notice the check mark boxes were blank on the sentencing sheets. (PCR Tr. pp. 44–45). Plea Counsel testified that it was something she usually checked for before a plea. (PCR Tr. p. 45). Plea Counsel testified that Applicant did not ask her about the check marks on the sentencing sheets. (PCR Tr. p. 45). Plea Counsel testified that, in her opinion, she would not have gained anything useful in interviewing Barbara McGill. (PCR Tr. pp. 45–46). Plea Counsel testified that she did tell Applicant that he would likely not win on all the charges at trial because some were weak cases and others were strong cases. (PCR Tr. p. 46).

On redirect examination, Plea Counsel testified that her notes were just summarizations and not verbatim of her meetings. (PCR Tr. pp. 46–47).

STANDARD OF REVIEW

The Uniform Post–Conviction Procedure Act⁷ (the Act) provides that any person who has been convicted of a crime may seek post–conviction relief based upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available

⁷ S.C. Code Ann. §§ 17–27–10 to –160.

under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is insufficient to warrant granting relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. Strickland v. Washington, 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness and (2) the applicant sustained prejudice due to counsel's deficient performance. Id. at 687-88; Cherry V. State, 300 S.C. 115, 117—18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002) (explaining that "[without proof of both deficient performance and prejudice to the defense... it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985), extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel. See Padilla v. Kentucky, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel's performance under the first prong of Strickland remains unchanged; the applicant must show that counsel's representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58–59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56.

However, the second, or "prejudice" prong "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." Id. at 58–59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

This inquiry "focuses on a defendant's decisionmaking" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have



still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999) (emphasis added).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and observed the witnesses, which allowed the Court to evaluate and scrutinize their credibility.

Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. See Rule 71.1(e), SCRPC (stating that in a post-conviction relief action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."); Lucero v. State, 414 S.C. 238, 244, 777 S.E.2d 409, 412 (Ct. App. 2015) ("In a PCR proceeding, the applicant bears the burden of establishing that he or she is entitled to relief."); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) ("The burden of proof is on the Applicant in post-conviction proceedings to prove the allegations in his application.").

Accordingly, set forth below are the relevant findings of facts and conclusions of law as required by § 17-27-80 of the South Carolina Code:

INITIAL FINDINGS

As a matter of general impression, this Court finds Plea Counsel's testimony at the evidentiary hearing credible and persuasive, where she presented well-recalled testimony of relevant background, facts, and discussions leading up to and during the plea hearing. Also, this

Court finds Nelson's testimony not credible or persuasive. This Court further finds applicable the strong presumption that at all stages of Plea Counsel's representation of Applicant, she rendered adequate assistance and exercised reasonable professional judgment in her representation. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, *supra*). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689; see Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

From the record, this Court makes the following findings: 1. Applicant understood the charges and sentences he faced at his plea hearing (Plea Tr. pp. 4–5); 2. Applicant understood the details and circumstances of an Alford plea (Plea Tr. pp. 5–8); 3. Applicant clearly indicated he was satisfied with Plea Counsel (Plea Tr. p. 13); 4. Applicant understood his right to a jury trial and that he waived those rights by pleading guilty (Plea Tr. pp. 9–12); 5. Applicant indicated no promises were made to him, and his decision to plead guilty was voluntary (Plea Tr. pp. 12–13); 6. Applicant was not under the influence of drugs or alcohol, which may affect his ability to understand the plea proceedings (Plea Tr. p. 13); 7. Applicant understood the sentencing range (Plea Tr. p. 12); 8. Applicant was clearly advised of his right to appeal (Plea Tr. pp. 11–12); 9. Applicant agreed with the allocation of the facts surrounding the State's case against him, and he still wanted to plead guilty (Plea Tr. pp. 13–16); 10. Applicant's plea was qualified as freely, knowingly, and voluntarily entered into (Plea Tr. p. 16).

INEFFECTIVE ASSISTANCE OF PLEA COUNSEL ALLEGATIONS ON THE MERITS

Allegation 2: Failure to Provide a Copy of Discovery

Applicant alleges Plea Counsel was constitutionally ineffective for failing to provide him with a copy of discovery. This Court finds this allegation is without merit.

An applicant who alleges his or her defense attorney was ineffective in failing to spend more time preparing or providing a copy of the discovery materials must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)), abrogated on other grounds by Smalls, 422 S.C. 174, 810 S.E.2d 836. Furthermore, an applicant must also show how the new evidence or defenses would have resulted in a different outcome. Id. (citing David v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

PCR Evidentiary Hearing

On direct examination, Applicant testified that Plea Counsel did provide him with a copy of his discovery. (PCR Tr. p. 7).

On cross-examination, Applicant testified that he recalled Plea Counsel reviewing and providing discovery to him, just not the entire file. (PCR Tr. pp. 11-12). However, Applicant then testified that he did not know what was not provided in his discovery. (PCR Tr. p. 12).

On direct examination, Plea Counsel testified that she provided and reviewed discovery with Applicant. (PCR Tr. pp. 27-28).

Findings

Without presenting further proof of Plea Counsel's alleged failure to review all the discovery with him or provide him with a copy, Applicant has failed to overcome the strong presumption that Plea Counsel rendered adequate assistance. See Butler, supra. In addition,



Applicant has not presented any new evidence or defenses that could have been discovered by Plea Counsel's further review of the discovery, nor has he explained how further review would have changed his decision to plead guilty, and instead, he would have gone to trial. Hill, 474 U.S. at 59; see Harris v. State, 377 S.C. 66, 75–76, 659 S.E.2d 140, 145–46 (2008) (holding an applicant must show what new evidence or other defenses he would have asked counsel to pursue had counsel more thoroughly gone over the discovery materials with him) (citing Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998)), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836. Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Moreover, to whatever extent Applicant was not entirely satisfied with Plea Counsel's preparation and review of discovery, he was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea.

Based on the foregoing, this Court finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that, but for Plea Counsel's errors or omissions, he would not have pled guilty and would have insisted on going to trial. See Hill, supra.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3: Failure to Meet a Sufficient Number of Times

Applicant alleges Plea Counsel was constitutionally ineffective for failing to meet with him a sufficient number of times. This Court finds this allegation is without merit.

Federal case law holds that there is no constitutional minimum number of meetings between attorneys and their clients to satisfy competency. Campbell v. Polk, 447 F.3d 270, 279 fn.2 (4th Cir. 2006) (no constitutional minimum number of meetings to satisfy competency); United States v. Olson, 846 F.2d 1103, 1108 (7th Cir. 1988) (reciting that there is no constitutional minimum number of meetings between attorney and client and observing that an experienced attorney may get more out of a single meeting than a neophyte). "Brevity of time spent in consultation, without more, does not establish that counsel was ineffective." Easter v. Estelle, 609 F.2d 756, 759 (5th Cir. 1980) (holding it is not enough to merely show that counsel only met with his client twice before trial as long as counsel devoted sufficient time to ensure an adequate defense and to become thoroughly familiar with the facts of the case and the law applicable to the case, and holding the record revealed that counsel was so prepared.).

South Carolina case law has established that even if Plea Counsel only met with his client very briefly, that alone does not establish that he was unprepared or ineffective at trial. See Harris v. State, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008) (citing Easter) ("First, there is no question that counsel met with [Applicant] on several occasions prior to the first trial. Even if the meetings were brief, this fact alone is not indicative of inadequate trial preparation.")

PCR Evidentiary Hearing

On direct examination, Applicant testified that Plea Counsel met with him three or four times. (PCR Tr. p. 7).



On cross-examination, Applicant testified to the same that Plea Counsel only met with him three or four times. (PCR Tr. p. 11).

On direct examination, Plea Counsel credibly testified that she could not give a number as to how many times she met with Applicant, but she had "eight pages worth of notes from [her] telephone calls with him, meetings with him, sending him discovery, and working on his behalf on this case." (PCR Tr. p. 25).

Findings

This Court finds Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland). Plea Counsel's credible testimony indicates she met with Applicant several times. Applicant failed to present "any evidence of how additional preparation or communication would have resulted in a different outcome." Smith v. State, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (Ct. App. 2012); see Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998) (explaining that, where an applicant failed to present any evidence of what counsel could have discovered or what other defenses he would have requested counsel pursue had counsel more fully prepared for the trial, applicant failed to show his counsel's lack of preparation prejudiced him); Harris v. State, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008) (finding that, when there is evidence counsel met with a defendant in preparation for trial and there is no evidence additional preparation on the part of counsel would have affected the outcome at trial, counsel cannot be said to have been ineffective), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).



Moreover, to whatever extent Applicant was not entirely satisfied with the amount of time spent in consultation with Plea Counsel, he was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea. This Court further finds Applicant has failed to meet his burden of showing Plea Counsel was constitutionally ineffective for failing to meet with Applicant a sufficient number of times. See Campbell, Olson, and Easter, supra.

Based on the foregoing, this Court finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that, but for Plea Counsel's errors or omissions, he would not have pled guilty and would have insisted on going to trial. See Hill, supra.

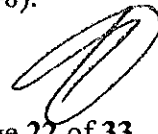
Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 4: Failure to Ensure that the Sentencing Sheets Were Properly Filled Out to Indicate the Status of the Charges

Applicant alleges Plea Counsel was constitutionally ineffective for failing to ensure the sentencing sheets were properly filled out to indicate the status of the charges. This Court finds this allegation is without merit.

PCR Evidentiary Hearing

On direct examination, Applicant testified that the sentencing sheets were not filled out properly, and he asked Plea Counsel about it. Applicant testified that Plea Counsel never explained the sentencing sheets to him. (PCR Tr. pp. 7–8).



On cross-examination, Applicant was given Defendant's Exhibit No. 1, and testified that those sentencing sheets were not the sentencing sheets he had, but he did not have them with him. (PCR Tr. p. 13).

On direct examination, Plea Counsel testified that Defendant's Exhibit No. 1 was the sentencing sheets for Applicant. Plea Counsel testified that the unchecked box did not prejudice Applicant because it was a lesser included offense, which she explained to Applicant. (PCR Tr. p. 19).

On recross-examination, Applicant again testified that Defendant's Exhibit No. 1 was not the sentencing sheets he had. (PCR Tr. p. 20).

Findings

This Court finds Plea Counsel's testimony **credible** and Applicant's testimony **not credible**. This Court further finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that, but for Plea Counsel's errors or omissions, he would not have pled guilty and would have insisted on going to trial. See Hill, supra.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 5: Failure to Interview Co-Defendants Curtis Nelson and Anthony Hudson

Allegation 6: Failure to Interview Amos Cameron or Barbara McGill

Applicant alleges Plea Counsel was constitutionally ineffective for failing to interview co-defendants Curtis Nelson and Anthony Hudson. Additionally, Applicant alleges Plea Counsel was

constitutionally ineffective for failing to interview Amos Cameron and Barbara McGill. This Court finds these allegations are without merit.

At a minimum, counsel must interview potential witnesses and make independent investigations regarding the facts and circumstances of the case. Ard. v. Catoe, 372 S.C. 318, 642 S.E.2d 590 (2007). To show counsel was ineffective by failing to call a witness, the witness(es) must be produced at the PCR evidentiary hearing, or their testimony must otherwise be presented, consistent with the rules of evidence. Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). Mere speculation regarding the witness's testimony is insufficient to establish prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993).

"In most PCR cases in which the applicant seeks relief for trial counsel's failure to call witnesses, the PCR court's analysis—and the analysis by the appellate court—is focused on the strategic considerations of counsel in balancing the potential benefits of calling a particular witness against the identifiable risks." Buckson v. State, 423 S.C. 313, 320, 815 S.E.2d 436, 440 (2018).

Counsel's performance is not deficient if he decided not to present a witness as a tactical and strategic move, nor if the witness was unlikely to appear or present testimony that could have made a difference at trial. See, e.g., Smith v. State, 404 S.C. 493, 502, 745 S.E.2d 378, 383 (2012) (finding that counsel was not deemed ineffective when petitioner failed to introduce any evidence that established prejudice to the petitioner); Edwards v. State, 392 S.C. 449, 457-58, 710 S.E.2d 60, 65 (2011) (stating that counsel was not ineffective because the witness could not withstand cross-examination due to his prior vacillation and the cumulative nature of his testimony and he knew the petitioner's statement to the police would be entirely consistent with the supposed witness's statement at trial); Glover, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995) (finding that



counsel was not deficient by failing to call alibi witnesses when two witnesses who testified at PCR hearing did not establish the alibi).

Further, prejudice will generally be found if the testimony was significant and favorable enough to the Applicant so that the trial proceedings results may have been different because of the testimony. See, e.g., Lounds v. State, 380 S.C. 454, 670 S.E.2d 646 (2008) (finding that counsel was deficient by failing to call witnesses, for no other reason than lack of preparation, that may have corroborated or bolstered defendant's credibility so that the findings at trial could have been favorable to the defendant); Thomas v. State, 308 S.C. 123, 417 S.E.2d 531 (1992) (finding that uncalled witness' testimony would have cast doubt on the sole witness' identification of the petitioner and, thus, would have made a difference at trial).

PCR Evidentiary Hearing

Curtis Nelson and Anthony Hudson

On direct examination, Plea Counsel testified that she spoke to Curtis Nelson's attorney, Ralph Wilson Sr., and Charlie Roberson's attorney, Marshall Weaver. (PCR Tr. p. 32). Plea Counsel testified that she received information through law enforcement, preliminary hearings, and bond hearings on the positions of the three co-defendants cooperating with law enforcement. Id. Plea Counsel testified that because the three co-defendants were cooperating with law enforcement, she already knew their positions and that they were all pointing at Applicant as the person who pulled the trigger. Id.

Amos Cameron and Barbara McGill

On direct examination, Plea Counsel testified that there was no reason for her to interview Amos Cameron because he was very angry and upset and made that perfectly clear at his bond hearing. (PCR Tr. pp. 32–33). Plea Counsel testified that nothing would have been gained by

talking to Amos Cameron because he only wanted to see Applicant in a body bag. (PCR Tr. p. 33). Plea Counsel testified that Applicant did not ask her to interview Barbara McGill. Id.

Findings

This Court finds Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, supra. This Court finds Plea Counsel's credible testimony on these witnesses forecloses any finding of deficiency on her part. Furthermore, prejudice from Plea Counsel's failure to interview or call witnesses cannot be shown where the witnesses do not testify at the PCR evidentiary hearing. Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Bassette v. Thompson, 915 F.2d 932 (4th Cir.1990), cert. denied, 499 U.S. 982 (1991). In order to show prejudice from the failure to contact an allegedly favorable witness, a PCR applicant must present the testimony of that witness at the PCR hearing. Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995). The applicant's mere speculation as to what a witness's testimony would have been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993).

Moreover, to whatever extent Applicant was not entirely satisfied with Plea Counsel's representation, he was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea.

Based on the foregoing, this Court finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that, but for Plea Counsel's errors or omissions, he would not have pled guilty and would have insisted on going to trial. See Hill, supra.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 8: Failure to Interview Sgt. Josie Boyle, Inmate William Dilmer, and Quant Bryant Regarding a Letter Related to Co-Defendant Curtis Nelson

Allegation 9: Failure to Interview Inmate Carl McDowell Regarding a Letter Reported as Being From Applicant

Applicant alleges Plea Counsel was constitutionally ineffective for failing to interview Sgt. Josie Boyle, inmate William Dilmer, and Quant Bryant regarding a letter related to co-defendant Curtis Nelson. Applicant also alleges Plea Counsel was constitutionally ineffective for failing to interview inmate Carl McDowell regarding a letter reported as being from Applicant. This Court finds these allegations are without merit.

At a minimum, counsel must interview potential witnesses and make independent investigations regarding the facts and circumstances of the case. Ard. v. Catoe, 372 S.C. 318, 642 S.E.2d 590 (2007). To show counsel was ineffective by failing to call a witness, the witness(es) must be produced at the PCR evidentiary hearing, or their testimony must otherwise be presented, consistent with the rules of evidence. Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). Mere speculation regarding the witness's testimony is insufficient to establish prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993).

"In most PCR cases in which the applicant seeks relief for trial counsel's failure to call witnesses, the PCR court's analysis— and the analysis by the appellate court— is focused on the strategic considerations of counsel in balancing the potential benefits of calling a particular witness against the identifiable risks." Buckson v. State, 423 S.C. 313, 320, 815 S.E.2d 436, 440 (2018).



Counsel's performance is not deficient if he decided not to present a witness as a tactical and strategic move, nor if the witness was unlikely to appear or present testimony that could have made a difference at trial. See, e.g., Smith v. State, 404 S.C. 493, 502, 745 S.E.2d 378, 383 (2012) (finding that counsel was not deemed ineffective when petitioner failed to introduce any evidence that established prejudice to the petitioner); Edwards v. State, 392 S.C. 449, 457-58, 710 S.E.2d 60, 65 (2011) (stating that counsel was not ineffective because the witness could not withstand cross-examination due to his prior vacillation and the cumulative nature of his testimony and he knew the petitioner's statement to the police would be entirely consistent with the supposed witness's statement at trial); Glover, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995) (finding that counsel was not deficient by failing to call alibi witnesses when two witnesses who testified at PCR hearing did not establish the alibi).

Further, prejudice will generally be found if the testimony was significant and favorable enough to the Applicant so that the trial proceedings results may have been different because of the testimony. See, e.g., Lounds v. State, 380 S.C. 454, 670 S.E.2d 646 (2008) (finding that counsel was deficient by failing to call witnesses, for no other reason than lack of preparation, that may have corroborated or bolstered defendant's credibility so that the findings at trial could have been favorable to the defendant); Thomas v. State, 308 S.C. 123, 417 S.E.2d 531 (1992) (finding that uncalled witness' testimony would have cast doubt on the sole witness' identification of the petitioner and, thus, would have made a difference at trial).

PCR Evidentiary Hearing

On direct examination, Plea Counsel testified that Applicant did not ask her to interview William Dilmer, and Mr. Dilmer was someone who was providing law enforcement with kites Applicant was sending to Charlie Roberson telling him to change his story. (PCR Tr. pp. 33-34).

Plea Counsel testified that Applicant did not ask her to interview Sgt. Josie Boyle. (PCR Tr. p. 33). Plea Counsel testified Applicant did not ask her to interview Quant Bryant. (PCR Tr. p. 34). Plea Counsel testified that Applicant did not ask her to interview Carl McDowell, and Mr. McDowell was the first to cooperate with law enforcement. Id.

Findings

This Court finds Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, *supra*. This Court finds Plea Counsel's **credible** testimony on these witnesses forecloses any finding of deficiency on her part. Furthermore, prejudice from Plea Counsel's failure to interview or call witnesses cannot be shown where the witnesses do not testify at the PCR evidentiary hearing. Underwood v. State, 309 S.C. 560, 425 S.E.2d 20 (1992); Bassette v. Thompson, 915 F.2d 932 (4th Cir.1990), cert. denied, 499 U.S. 982 (1991). In order to show prejudice from the failure to contact an allegedly favorable witness, a PCR applicant must present the testimony of that witness at the PCR hearing. Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995). The applicant's mere speculation as to what a witness's testimony would have been cannot, by itself, satisfy his burden of showing prejudice. Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993).

Moreover, to whatever extent Applicant was not entirely satisfied with Plea Counsel's representation, he was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea.

Based on the foregoing, this Court finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to

present specific and compelling evidence that, but for Plea Counsel's errors or omissions, he would not have pled guilty and would have insisted on going to trial. See Hill, supra.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Involuntary Guilty Plea

Allegation 1: Failure to Explain the Guilty Plea and Sentencing Details.

Allegation 11: Plea Counsel Coerced Applicant into Pleading Guilty

Applicant alleges his guilty plea was involuntary. Specifically, Applicant alleges Plea Counsel was constitutionally ineffective for failing to explain the guilty plea and sentencing details, and Plea Counsel coerced Applicant into pleading guilty because she told him he would lose at trial. This Court disagrees and finds these allegations are without merit.

The voluntariness of a guilty plea "is not determined by an examination of the specific inquiry made by the sentencing judge alone but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing." Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984). In evaluating an allegation on PCR that a guilty plea was based on inaccurate advice of counsel; the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing. Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997); cf. Rayford v. State, 314 S.C. 46, 443 S.E.2d 805 (1994) (finding that where the transcript of the guilty plea proceeding refuted applicant's claim that he did not understand the terms of a plea bargain, granting PCR was inappropriate notwithstanding applicant's claim his lawyer misadvised him).

This Court finds the combination of the record and Plea Counsel's credible testimony at

the evidentiary hearing provides Applicant knew the nature of the charges against him, the terms of the plea agreement, and the consequences of pleading guilty pursuant to the requirements of Boykin. Moreover, the plea colloquy cured any alleged deficiency regarding Plea Counsel's advice. The plea transcript reflects that Applicant entered his plea knowingly and voluntarily, engaged in an intelligent colloquy with the plea court, and gave appropriate responses to the plea court's questions. Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea as provided *supra*. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so).

Moreover, Applicant did not allege any facts tending to prove he was prevented from informing the plea court that Plea Counsel failed to properly prepare and investigate or failed to review discovery with Applicant. In fact, the record refutes Applicant's allegations. Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty.

Based on the foregoing, this Court finds Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Plea Counsel failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that, but for Plea Counsel's errors or omissions, he would not have pled guilty and would have insisted on going to trial. See Hill, *supra*.



Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.



[CONCLUSION AND SIGNATURE PAGE FOLLOWS]

CONCLUSION

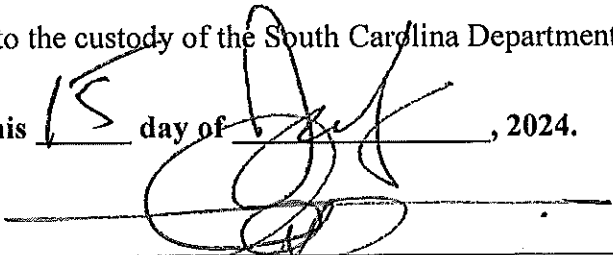
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be **denied and dismissed with prejudice**.

This Court notifies the Applicant that he 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, 409 S.E.2d 395 (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 PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

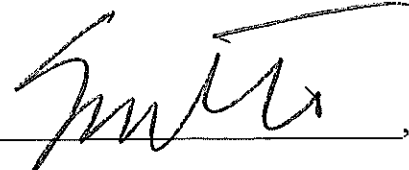
IT IS THEREFORE ORDERED:

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 South Carolina Department of Corrections.

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



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


_____, South Carolina

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP2103035

Justin Marquise Pringle

2024 JUL 23 PM 3:19 South Carolina State Of

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order: _____

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

7/23/2024

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

CERTIFIED: A TRUE COPY

This judgment was entered on July 23rd, 2024, and a copy mailed first class or placed in the appropriate attorney's box on July 24th, 2024, to attorneys of record or to parties (when appearing pro se) as follows:

[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

Ola A. Johnson PO Box 549 Lexington, SC 29071
Dayne C. Phillips 1614 Taylor Street Suite D Columbia, SC
29201

D. Russell Barlow II PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Doris P O'Hara

Court Reporter

Doris Poulos O'Hara - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

The Honorable George M. McFaddin Jr.

Case No. 2019-CP-21-3035

Justin M. Pringle #379795,

Petitioner,

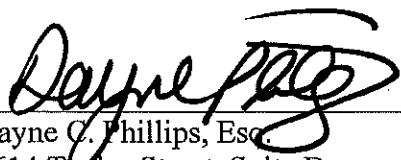
v.

State of South Carolina,

Respondent.

NOTICE OF APPEAL

Petitioner Justin M. Pringle appeals the Honorable George M. McFaddin's Order Denying his Application for Post-Conviction Relief filed on July 23, 2024.


Dayne C. Phillips, Esq.
1614 Taylor Street, Suite D.
Columbia, SC 29201

ATTORNEY FOR PETITIONER

August 2, 2024

Other Counsel of Record:

D. Russell Barlow II, Assistant Attorney General
South Carolina Attorney General's Office
PO Box 11549
Columbia, SC 29211

cc:

Doris Poulos O'Hara, Florence County Clerk of Court

FILED
2024 AUG -9 PM 2:32
CLERK OF COURT
FLORENCE COUNTY, SC

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

The Honorable George M. McFaddin Jr.

Case No. 2019-CP-21-3035

Justin M. Pringle #379795,

Petitioner,

v.

State of South Carolina,

Respondent.

2024 AUG -9 PM 2:32

FILED

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Assistant Attorney General D. Russell Barlow II, and Doris Poulos O'Hara, Florence County Clerk of Court, by depositing a copy in the United States Mail, postage prepaid, on **August 5, 2024**, addressed to the following parties:

D. Russell Barlow II, Esquire, SC Attorney General's Office
PO Box 11549, Columbia, SC 29211

Doris Poulos O'Hara, Florence County Clerk of Court
181 N. Irby Street MSC-E, Florence, SC 29501

Courtney Powers

Courtney Powers
Paralegal for Dayne Phillips, Esq.
1614 Taylor Street, Suite D.
Columbia, SC 29201

August 5, 2024

WITNESSES

Roger W. Tilton Florence County Sheriff

White

ARREST WARRANT NUMBER

2017A2110201149 2018GS2102117A
2018GS2102117B 2018GS2102117C

ACTION OF GRAND JURY

TRUE BILL

[Signature]

Foreperson of Grand Jury

Date: 11-22-18

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2018-GS-21-02117

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2018

THE STATE

vs.

JUSTIN MARQUISE PRINGLE

Indictment for

MURDER;
ARMED ROBBERY;
BURGLARY—FIRST DEGREE; AND
CRIMINAL CONSPIRACY

CERTIFIED: A TRUE COPY

[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

2018 MAY 20 PM 12:47

DORIS POULOS OTIARA
CLERK & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 MURDER;
 ARMED ROBBERY;
 BURGLARY—FIRST DEGREE; AND
 CRIMINAL CONSPIRACY

At a Court of General Sessions, convened on NOVEMBER 20, 2018 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

CDR: 0116 16-03-0010,0020

That JUSTIN MARQUISE PRINGLE did in Florence County, on or about December 24, 2017, willfully, feloniously, and intentionally kill the victim, Johnny Cameron, with malice aforethought, either express or implied, by means of a gunshot, and the victim did die as a proximate result thereof on or about December 24, 2017 in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO- ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That JUSTIN MARQUISE PRINGLE did in Florence County on or about December 24, 2017, while armed with a deadly weapon, to wit: a handgun, take and carry away personal property of Johnny Cameron from or in the immediate presence of Johnny Cameron with intent to deprive Johnny Cameron of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

COUNT THREE - BURGLARY—FIRST DEGREE

CDR: 0079 C/L 16-11-311, 16-1-80,16-1-60

That JUSTIN MARQUISE PRINGLE did in Florence County on or about December 24, 2017, willfully and unlawfully attempt to enter the dwelling of Johnny Cameron located at [REDACTED] Lake City, SC, without consent and with the intent to commit a crime therein, and the defendant entered or remained during the nighttime and was armed with a deadly weapon in violation of the Common Law and Section 16-11-311, S. C. Code of Laws, 1976, as amended.

CERTIFIED: A TRUE COPY

[Signature]
 CLERK OF COURT C.P. & G.S.
 FLORENCE COUNTY, S.C.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR MURDER; ARMED ROBBERY; BURGLARY—FIRST DEGREE; AND CRIMINAL CONSPIRACY, WITH THE AFORESAID NAME(S) OF JUSTIN MARQUISE PRINGLE SHOWN THEREON:

COUNT FOUR- CRIMINAL CONSPIRACY

CDR: 0049 16-17-0410

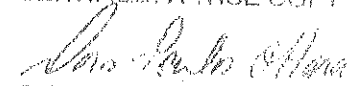
That JUSTIN MARQUISE PRINGLE did in Florence County on or about December 24, 2017 combine with Curtis Roy Nelson, and/or with other persons, for the purpose of accomplishing a criminal or unlawful object or an object that is neither criminal nor unlawful through criminal or unlawful means, to wit: Armed Robbery, in violation of Section 16-17-410, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

CERTIFIED: A TRUE COPY



CLERK OF COURT C.R. & U.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF Florence

STATE VS.

Justin Marquise Pringle

AKA:

Race: Black Sex: M Age: 20

DOB: SS#:

Address:

City, State, Zip: Scranton, SC 29591

DL#: SID#:

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

In disposition of the said indictment comes now the Defendant who was

TO: Manslaughter / Voluntary manslaughter

(2-30)

in violation of § 16-03-0050

of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

102584

SC Bar#

Defendant

Attorney for Defendant

15636

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 2☒ 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 SCDoc.Credit for 434 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk W. B. WhiteCourt Reporter: Creed

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018-GS-21-02117

A/W#: 2017A2110201149

Date of Offense: 12/24/2017

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0050

of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

102584

SC Bar#

Defendant

Attorney for Defendant

15636

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

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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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk W. B. WhiteCourt Reporter: Creed

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018-GS-21-02117

A/W#: 2017A2110201149

Date of Offense: 12/24/2017

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0050

of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

102584

SC Bar#

Defendant

Attorney for Defendant

15636

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 2☒ 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 SCDoc.Credit for 434 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk W. B. WhiteCourt Reporter: Creed

SCCA/217 (04/2018)

PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other:

Pay \$40 PDF fee☐ Appointed PD or appointed other counsel, §Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2141Sentence Date: 4-12-2019CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

COUNTY OF Florence
STATE VS.
Justin Marquise Pringle
AKA: _____
Race: Black Sex: M Age: 20
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: Scranton, SC 29591
DL#: [REDACTED] 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: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10-30)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST: [Signature] 102584 [Signature] Karen against 15036
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 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 1
☒ 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 SCDOC.

Credit for 434 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (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: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5 %) _____ \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2018-GS-21-02117

A/W#: 2018GS2102117A

Date of Offense: 12/24/2017

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10-30)

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST: [Signature] 102584 [Signature] Karen against 15036
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 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Count 1
☒ 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 SCDOC.

Credit for 434 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (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: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5 %) _____ \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (04/2018)

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.

§Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge [Signature]

Judge Code: 2141

Sentence Date: 4-12-2019

CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.
[Signature]

L-7 36 v/s CC