

Feb 28 2025

S.C. SUPREME COURT

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STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

COURT OF COMMON PLEAS NONJURY

ALONZO T. JONES,)
APPLICANT,)
vs.)
STATE OF SOUTH CAROLINA,)
RESPONDENT.)

TRANSCRIPT
OF
RECORD

2017-CP-28-226

December 17th, 2024

B E F O R E:

THE HONORABLE DANIEL COBLE, Judge.

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

SARAH SHIPE
ESQ.
Attorney for the Applicant

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

Transcribed by Pamela E. Green, from
webEx

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I N D E X

(WHEREUPON, there were no exhibits marked or testimony taken during this hearing.)

1 P R O C E E D I N G S

2
3 THE COURT: All right. Good morning, ladies and
4 gentlemen.

5 MR. BARLOW: Morning, judge.

6 THE COURT: Mr. Barlow, Ms. Shipe.

7 All right. We are here for the Alonzo Jones PCR
8 case. I believe Mr. Jones is present via the call-in.

9 Mr. -- Ms. Shipe, let me hear from you as to just a
10 quick status update on this case.

11 MS. SHIPE: Sure. Yeah.

12 Before we get started, I just wanted to make the
13 Court aware, on October 10th, Mr. Jones made a motion to
14 the Supreme Court asking to have me relieved and appoint
15 new counsel. On November 14th the Court issued an order
16 ruling that it would not appoint new counsel and warning
17 Mr. Jones about the dangers of self-representation. The
18 order also stated that, if Mr. Jones wrote to the Court
19 within 20 days, it would relieve me as counsel and he
20 could proceed, proceed pro se.

21 Mr. Jones wrote back to the Court six days later on
22 November 20th asking again for the Court to relieve me
23 so that he could represent himself.

24 As of this morning though, the Court has not issued
25 an order relieving me as counsel and I am prepared to go

1 forward this morning.

2 THE COURT: Okay. And, Mr. Jones, I believe is he
3 the call-in?

4 Are you able to unmute yourself or anyone there with
5 him?

6 MR. JONES: Hello.

7 THE COURT: All right. Yes.

8 Can you hear us?

9 MR. JONES: Yeah, I can hear y'all.

10 THE COURT: All right. Is this Mr. Jones?

11 MR. JONES: Yes, sir.

12 THE COURT: All right. Did you hear everything your
13 attorney just said?

14 MR. JONES: Yes. Yes, sir.

15 THE COURT: All right. You filed a motion to relieve
16 her.

17 Is that correct?

18 MR. JONES: Yes, sir.

19 THE COURT: And you still want to go -- you want to
20 proceed pro se?

21 MR. JONES: No, I want to proceed with her. But I
22 want to, I want to say what I have to say too.

23 THE COURT: Well, no. You can either proceed pro se
24 or she can represent you.

25 MR. JONES: So, I'm not gon' be able to say what I,

1 say what I have to say if she representing me?

2 THE COURT: well, I'm gonna let her speak and do her
3 job.

4 MR. JONES: Uh-huh. (Affirmative).

5 But I still want to---

6 THE COURT: And so---

7 MR. JONES: ---put what I need to put on the record
8 too.

9 THE COURT: You can -- you'll be given a chance to
10 put that on the record at the appropriate time.

11 Okay?

12 MR. JONES: Okay. well, I want to proceed with her.

13 THE COURT: All right. Mr. Barlow, give me just a
14 brief -- I'm familiar with the procedure of this case
15 today. We met a few months ago for this hearing and we
16 are doing a -- the reconstruction.

17 Is that correct?

18 MR. BARLOW: Yes, Your Honor.

19 This is -- I think February 2nd of 2022 he was
20 granted an Austin -- it was issued by then Judge D. Craig
21 Brown. It was an order granting a belated appeal pursuant
22 to Austin and this was on his PCR action that was held
23 June, or excuse me, July 16th of 2015.

24 Counsel Moak represented him at that. And, Your
25 Honor, this is on remand for reconstruction of that

1 hearing because the transcript is no longer available.

2 And I do want to also put on the record, Your Honor,
3 Mr. Moak -- special -- Assistant Attorney General John
4 Meadors found Mr. Moak. Unfortunately, Mr. Moak is not
5 available until January and he is one of our only
6 witnesses other than Mr. Mitchell who was the AAG at the
7 original PCR hearing that has any record of that hearing.
8 He has, I think, one and a half pages of notes.
9 Mr. Mitchell does.

10 THE COURT: Mr. Mitchell.

11 But Mr. Moak was the attorney who represented
12 Mr. Jones at the guilty plea.

13 Is that correct?

14 MS. SHIPE: No, Mr. Moak was his PCR counsel.

15 MR. BARLOW: Right.

16 THE COURT: Okay. And who was his -- and his
17 original counsel passed away?

18 MR. BARLOW: Yes, Your Honor.

19 THE COURT: Okay. So -- all right. So, Mr. Moak is
20 available though?

21 MR. BARLOW: He is, Your Honor.

22 We found him and, as you know, he's suspended from
23 the practice of law right now. But he is willing to
24 appear. He's just not available until January.

25 THE COURT: When is the next PCR term of court in

1 January?

2 MR. BARLOW: Mine is January -- it's the week of
3 January the 6th that the -- and it's in the Sixth Circuit.

4 THE COURT: Are we able to add this to that docket?

5 MR. BARLOW: I can look. That docket has already
6 been published. But I can definitely look and see about
7 adding it on.

8 THE COURT: What about the -- another -- when's the
9 next Fifth Circuit PCR?

10 MR. BARLOW: March 14th and that's with Judge
11 McFadden I think. Let me double-check that, Your Honor.
12 May be wrong on that.

13 THE COURT: Okay.

14 MR. BARLOW: It's -- no, I'm sorry. Let me correct
15 myself.

16 It's March 10th. It -- nope. Nope. April 7th
17 through the 11th is Fifth and that's with Judge Curtis.

18 THE COURT: April?

19 MR. BARLOW: Yes, sir.

20 THE COURT: But -- well, we, we have -- so the
21 witnesses will be Moak and Mr. Mitchell.

22 Is that right?

23 MR. BARLOW: Yes, Your Honor.

24 THE COURT: All right. We have -- let's just do
25 it -- I -- well, let me hear from Ms. Shipe what you --

1 I'm fine going forward with it today. I believe
2 Mr. Mitchell would be able to provide good information.
3 But if y'all want to wait for Mr. Moak.

4 Let me hear from Ms. Shipe.

5 MS. SHIPE: Thank you.

6 We're, we're prepared to go forward. I, I think
7 Mr. Jones is probably anxious to have this go ahead. But
8 I also think, you know, it's gonna be pretty difficult
9 without Mr. Moak present.

10 But to be, to be candid, I think it's gonna be
11 difficult to reconstruct this anyways because of the
12 length of time. It's been nine years since this hearing.
13 Obviously, the only witness that testified at that
14 hearing, Mr. Riley, plea counsel, is not with us anymore.

15 So I, I think it's just gonna be difficult to
16 reconstruct regardless of Mr. Moak or Mr. Mitchell's
17 presence. That's my position on it.

18 THE COURT: Yeah, I'm, I'm afraid we'll wait till
19 April and Mr. Moak's gonna say I don't remember and, you
20 know --.

21 MR. BARLOW: It's, it's my understanding, from what
22 Mr. Meadors has indicated to me, Your Honor, and, and I
23 don't want to misrepresent anything, but Mr. -- it's my
24 understanding that Mr. Moak does have an -- have a, a
25 memory as to the things that occurred. That's my

1 understanding.

2 I, I, I could definitely provide something better.
3 Mr. Meadors, unfortunately, is in -- I would have him here
4 right now. But he's in Texas right now in a two week
5 trial.

6 THE COURT: No, that's, that's fine.

7 well, Ms. Shipe, are you able to communicate with
8 Mr. Jones privately?

9 MS. SHIPE: I, I can't do it -- I don't know. I'm
10 sorry. I'm not tech savvy enough to know how to do it
11 within this. I can, I can -- I'm sure I can get -- speak
12 with him, you know---

13 THE COURT: I mean I would---

14 MS. SHIPE: ---outside of this. But --.

15 THE COURT: I would ask him right now, but I don't
16 want to ask him while he's represented, if he wants to go
17 forward, you know. If, if defense wants to go forward,
18 the appellate, I'm -- I'll go forward today, Ms. Shipe.
19 whatever y'all want to do.

20 MS. SHIPE: Let me see if I can find -- let me see if
21 I can -- could we take a, a quick little recess and let me
22 see if I can contact him through the institution and, and,
23 and just stay in the meeting but maybe mute myself?

24 THE COURT: Okay.

25 MS. SHIPE: would that be possible?

1 THE COURT: Yep, do that.

2 MS. SHIPE: Okay.

3 THE COURT: we'll take a short little recess.

4 MS. SHIPE: Thank you, Your Honor.

5 (Whereupon, a short recess was taken at this time.)

6 THE COURT: All right. Yes. Yes, ma'am, Ms. Shipe.

7 MS. SHIPE: He, he wants to go forward today. So --.

8 THE COURT: All right. All right. Mr. Barlow---

9 MS. SHIPE: I guess we'll---

10 THE COURT: We're ready to go.

11 Mr. Barlow, you ready to go forward?

12 MR. BARLOW: Yes, Your Honor.

13 THE COURT: All right. And with the reconstruction,
14 what's the procedure for calling the witnesses and the
15 burden?

16 MR. BARLOW: So -- go ahead, Sarah.

17 MS. SHIPE: I mean I feel like it's done differently
18 every time, Russ. I'm, I'm happy to -- I'm happy to defer
19 to you. It's -- they're kind of rare. So, you've
20 probably done more of them than I have.

21 MR. BARLOW: They are very rare and typically I'm not
22 directly involved in them.

23 So -- but here, Your Honor, I'll just -- let's go
24 ahead and put on the record that the original PCR action
25 was 2014-CP-28-00302. That was before Judge G. Thomas

1 Cooper, Junior, and the hearing on that was held
2 July 16th of 2015 at the Richland County Courthouse.

3 Mr. Ronald W. Moak, Esquire, was retained by
4 applicant and was present. Applicant was not present and
5 J. Clayton Mitchell, Esquire, of the South Carolina
6 Attorney General's Office represented the respondent.

7 At the PCR hearing, Mr. Cornelius J. Riley, Esquire,
8 testified and, of course, the Court had before it Kershaw
9 County Clerk of Court records, applicant's South Carolina
10 Department of Corrections records, the PCR application,
11 the return, and the guilty plea transcript.

12 Your Honor, before that Court on that day were two
13 allegations. The two allegations were ineffective
14 assistance of counsel and failing to properly investigate
15 the charges against applicant, and ineffective assistance
16 of counsel and failing to advise applicant that he would
17 be subject or could be subject to federal prosecution.

18 Your Honor, Judge Thomas Cooper ultimately denied and
19 dismissed the application with prejudice. That order was
20 signed December 3rd, 2015, and filed December 9th, 2015,
21 and I believe that there was testimony -- well, in this
22 matter, Your Honor, I -- at, at this point I guess we
23 would ask that Mr. Mitchell kind of walk us through what
24 he remembers of the case, like who was called.

25 There -- again, there were only two allegations and I

1 will say that the second allegation, the failure to advise
2 the applicant that he could be subject to federal
3 prosecution, that was a -- the Court found that that was a
4 collateral matter and that was not proper for PCR.

5 So, we would argue that really the only allegation is
6 the failure to investigate the charges against applicant.
7 We need to walk through that and what happened with that
8 the testimony taken so that, I guess, proper review of
9 that allegation could be done by the Supreme Court.

10 THE COURT: All right. Mr. Mitchell, can you hear
11 us?

12 MR. MITCHELL: Yes.

13 THE COURT: All right. You can -- and you're an
14 officer of the Court. So I'm not gonna put you under
15 oath.

16 If you will, just give a brief background of, of what
17 happened with those (sic) case, kind of your role, and
18 what you remember from.

19 MR. MITCHELL: All right. Yeah. So, I do remember
20 this case when it went forward.

21 I took pretty detailed notes when I was doing these
22 and I've got, like Mr. Barlow said, like a page and a half
23 or probably a page and a quarter of notes of what happened
24 and that's mostly all reflected in the order that was
25 written.

1 So, the way it would of gone, this would of been with
2 Judge Cooper. Mr. Moak represented Mr. Jones. I would of
3 put the caption on the record. I would of given a, a
4 brief opening of just detailing the issues and the
5 introduction to the case when I called it. I would of
6 noted that Mr. Jones was not present at the hearing and
7 that efforts were made to have him included and that we
8 were not able to work that out.

9 So, the matter went forward without him, without his
10 testimony, and Mr. Moak then called Neal Riley who
11 represented Mr. Jones in his guilty plea and I'll just
12 kind of read through my notes.

13 He, he gave a -- Mr. Riley gave a background that he
14 pled in April of 2013. He was originally charged,
15 Mr. Jones was, with being a felon in possession. But he
16 did not have a felony. So, I believe the charge was
17 changed to unlawfully carrying a pistol.

18 Mr. Riley testified he was advised of collateral
19 consequences. He was asked about the federal prosecution.
20 Mr. Riley responded he didn't know the Feds were
21 investigating Mr. Jones for any issues.

22 As to the failure to investigate the gun, Mr. Riley
23 testified -- that was the allegation that the gun was not
24 processed and that it was not reviewed. Mr. Riley
25 testified he did not check the gun, not check for the gun

1 is what I have written.

2 He testified there was no dispute of whether a gun
3 was present. He testified Mr. Jones was happy with the
4 sentence, which I believe is just one year. Mr. Riley
5 testified that Mr. Jones was eager to take the guilty plea
6 and that he believed he would still have taken the plea.
7 That was the -- my notes from the direct examination.

8 I then crossed him on the charges being reduced
9 identifying that he wasn't actually a felon at the time.
10 So the charge should be reduced and how that went. And
11 then I asked him about dual sovereignty of whether it was
12 proper for law -- federal law enforcement to pursue
13 charges.

14 Mr. Riley believed that it was but he didn't know
15 anything about any other investigation. So, he did not
16 advise him of kind of the theoretical investigation that
17 could be out there.

18 Mr. Riley testified that it was his practice to
19 advise of collateral consequences. Mr. Riley testified
20 that he's normally contacted before any state charges are
21 upgraded to federal. He didn't think of any federal
22 interests.

23 He believed Mr. Jones had a pending charge in a
24 different jurisdiction on a drug charge. I believe that's
25 all the cross at least from my notes.

1 There was a redirect done by Mr. Moak. He asked
2 what's the procedure basically for if the -- if there are
3 federal charges involved and Mr. Riley testified that the
4 solicitor, solicitor will usually take a hands-off
5 approach and wait for the federal charges to resolve
6 themselves and then usually dismiss the state charges.

7 So, that's kind of a reading of my notes. I got a
8 little bit more in the order I think in that Mr. -- it's a
9 little better organized.

10 So, there's the failure to investigate, kind of the
11 facts of the case. Mr. Riley testified that applicant was
12 originally charged with being a felon in possession of a
13 firearm. But that charge was dropped because he did not
14 have a requisite felony conviction.

15 Mr. Riley testified there was no dispute about
16 whether there was a gun found on applicant. He testified
17 that applicant was eager to plead guilty and was happy
18 with the sentence.

19 As to the issue of whether applicant could be subject
20 to federal prosecution, the allegation was that he was not
21 advised -- this is what Mr. Mark -- Moak, how he presented
22 it. Applicant alleged that he was not advised that he
23 could be subject to federal prosecution from the incident.
24 He alleged that, if he had known this, he would not have
25 pleaded guilty.

1 Mr. Riley testified he did not know federal
2 authorities were investigating the case. He noted that
3 the, like I said, solicitor will usually take a hands-off
4 approach and wait to see if the defendant is convicted in
5 Federal Court before moving forward with the state
6 charges. He noted that state charges are usually not
7 proessed in this situation if the defendant is convicted in
8 Federal Court.

9 Yeah, I -- and I do remember this part. Mr. Riley
10 testified he did not believe this sort of incident would
11 draw the attention of federal authorities and, therefore,
12 had no reason to consider it cause that was kind of my
13 view on it. It's not something that would of prompted him
14 to think about that.

15 And then he did testify about the doctrine of dual
16 sovereignty and those were the allegations presented.
17 That's my recollection of the testimony of how it went on
18 the two issues.

19 I looked back. I didn't have a note about how the
20 order or how Judge Cooper ruled. I looked back at Mr.
21 Moak's ODC order from 2016 and it said that Judge Cooper
22 ruled from the bench denying the application. I don't
23 recall that but that was in the order.

24 So, that, that very well may have been the case.
25 Judge Cooper had a tendency not to take things under

1 advisement and he was the -- we basically had like six out
2 of eight terms with Judge Cooper. So, I was quite
3 familiar with how he was doing things.

4 But that's my recollection of everything. That's
5 what I pieced together from my notes. I don't think it
6 would of been a very long hearing and that's the order of
7 things. Mr. Moak called Mr. Riley. Mr. Riley testified
8 as to those issues and I did some cross-examination. He
9 did a redirect and then we likely would of both just kind
10 of given a final, you know, brief summation of what we
11 believed the arguments were.

12 Mr. Moak would of argued, you know, in applicant's
13 favor that he -- failing to investigate the gun and then
14 in failing to advise on the federal -- possibility of the
15 federal charges. I would of argued consistent with the
16 order and, from that, that's all I recall of this.

17 I do recall that the case had been on previous
18 rosters and it was continued in order to attempt to figure
19 out a way to get Mr. Jones available for testimony. So,
20 it, it had been on before. But that -- I couldn't say how
21 many times or anything.

22 THE COURT: All right. Thank you, Mr. Mitchell.

23 Ms. Shipe, do you have any follow-up questions for
24 Mr. Mitchell about his recollection?

25 MS. SHIPE: I mean I, I guess -- I think he -- I mean

1 I think you answered everything I would of probably asked
2 as far as like he was the only person that gave testimony
3 to your recollection. Mr. Riley was the only witness.

4 I know the order says that but that's also what you
5 remember?

6 MR. MITCHELL: That's correct. There's definitely no
7 one else.

8 MS. SHIPE: Okay. And then -- and as far -- I mean
9 you don't have any other recollection, outside of your
10 notes, as to any other questions that you might of asked
11 Mr. Riley?

12 MR. MITCHELL: No, I believe -- and I don't know.
13 Y'all may want to make this an exhibit.

14 Just the way I did it, I, I take notes and then I
15 draw a line and kind of do a star and then have some notes
16 on the side and that's what a -- that would of been my
17 guide just to kind of go through what I would of asked.

18 MS. SHIPE: Uh-huh. (Affirmative).

19 MR. MITCHELL: But, no, I don't have any other
20 recollection of any other questions that I would of asked
21 him.

22 MS. SHIPE: Okay. Okay.

23 MR. BARLOW: And, Sarah, do you want to make his --
24 well, it's kind of up to him since it's his work product.

25 But do you want to make his notes -- he just said we

1 could --

2 MS. SHIPE: I mean---

3 MR. BARLOW: -- as an exhibit?

4 MS. SHIPE: ---I think we, we should.

5 MR. BARLOW: Okay.

6 MS. SHIPE: I think we should.

7 THE COURT: Mr. Mitchell, will you just confirm that
8 you're okay with that and there's no -- any privileged
9 information in there and just confirm?

10 But if, if not, we would of -- appreciate making that
11 an exhibit.

12 MR. MITCHELL: No, I was thinking that'd probably be
13 the best way to do it. I mean it's, it's mostly what's in
14 the order. But it is probably, you know, a little -- more
15 evidence that it was taken that -- contemporaneously with
16 the hearing. There's not much in that that's not in the
17 order. But it, it is my notes from the hearing live.

18 So, yeah, no problem with that at all.

19 THE COURT: Okay. Great. If you'll just maybe email
20 a copy to the attorneys and then Mr. Barlow will make sure
21 it gets filed as an exhibit with the file.

22 MR. MITCHELL: Okay. I think they both have a copy
23 and Mr. Barlow sent it to me yesterday. So, I know he's
24 got a copy.

25 THE COURT: Perfect.

1 Ms. Shipe, any other follow-up questions for Mr.
2 Mitchell?

3 MS. SHIPE: I don't have any follow-up questions. I,
4 I have a, a very short argument when, when it's
5 appropriate.

6 THE COURT: Mr. Barlow, anything -- follow-up with
7 Mr. Mitchell?

8 MR. BARLOW: No, Your Honor.

9 THE COURT: All right. Anybody object to having Mr.
10 Mitchell be excused from this hearing at this point?

11 MS. SHIPE: Not, not for me.

12 THE COURT: All right. Thank you, Mr. Mitchell. We
13 appreciate you being here.

14 MR. MITCHELL: Thank you-all. Appreciate it.
15 Bye-bye.

16 MR. BARLOW: Thank you.

17 THE COURT: Yes, ma'am, Ms. Shipe, I'm happy to hear
18 from you.

19 MS. SHIPE: I, I can appreciate that Mr. Mitchell has
20 good recall and that he has notes. I still think good
21 recall after nine plus years is gonna be subject to a lot
22 of forgetfulness.

23 We obviously can't do anything about the availability
24 of Mr. Riley. That's out of all of our hands, and just in
25 fairness to Mr. Jones, I think it's gonna be difficult to

1 have meaningful appellate review with just, you know, the
2 AG, Mr. Mitchell's recollection of the events.

3 That -- that's my argument. Just according to
4 Ladson, State v. Ladson, I just think too much time has
5 passed and we don't have a witness. But I can appreciate
6 Mr. Mitchell's recall.

7 THE COURT: Okay. Thank you.

8 Mr. Barlow.

9 MR. BARLOW: And, Your Honor, I, I would -- I would
10 tend to agree with Ms. Shipe on, on this issue except that
11 here we are. I, I realize that it's nine years out. But
12 it, it really is only two issues. It's one issue of
13 failure to investigate and it's -- the other issue is, is
14 an issue that's not even proper for PCR.

15 So, you know, I would say that, with his notes and
16 what he's testified to, I think that we have plenty for
17 the -- a Court to review because that's all that happened.
18 So, that's what we would stand on, Your Honor.

19 THE COURT: All right. Let me, let me take this
20 under advisement. I review kind of the case file y'all
21 presented so far as well as what -- as well as what I've
22 heard today as well as Mr. Mitchell notes.

23 So, let me take this under advisement and I'll try to
24 get something to you-all shortly. If, if y'all think
25 y'all need something else for me, let me know. But let me

1 take this under advisement.

2 All right. Thank you, Mr. Jones, for being here
3 today.

4 MR. BARLOW: Thank you, Your Honor.

5 THE COURT: All right. Thank you-all.

6 MS. SHIPE: Thank you.

7 THE COURT: All right. Thank you, Mr.---

8 MR. JONES: Hello.

9 THE COURT: Yes, sir, Mr. Jones.

10 MR. JONES: Yeah, I want to -- can -- I want to, I
11 want to speak too.

12 Can I speak?

13 THE COURT: All right. You can speak. You can
14 speak. Just remember everything you say is being recorded
15 and it could potentially---

16 MR. JONES: Yes, sir.

17 THE COURT: ---be used against you.
18 Okay?

19 MR. JONES: Yes, sir.

20 All right. The whole argument---

21 THE COURT: And your attorney would probably advise
22 you not to speak. But, you know, here we are. So you can
23 go right ahead.

24 MR. JONES: I mean, I mean here's the -- what's my --
25 my appli -- my PCR application.

1 I had got locked up. I sent you a motion to dismiss
2 this whole case because I got locked up on August of 2000
3 and, and, and 12 for the felony possession of firearm.

4 On -- I don't know if you got it. I told them to
5 forward, forward, forward it -- forward, forward it -- my
6 motion to you.

7 On January 7th, 2013, the ATF agent, Lee Rapley
8 (phonetic), took possession of the weapon from the Camden
9 Police Department. On February, 2020 -- I mean 2013, I
10 got indicted in the state for unlawful possession of a
11 fire, firearm.

12 On April 9th, 2013, I pled guilty. That was the
13 purpose of the -- purpose of the PCR hearing. Mr. Moak
14 didn't argue it right. That was the purpose of the PCR
15 hearing because the ATF took subject matter over the, the
16 weapon.

17 So, the, the Kershaw County didn't have jurisdiction
18 over it no more to even prosecute me for the weapon. That
19 was the purpose of the PCR hearing because the AFT took
20 the weapon from the Camden Police Department before I even
21 pled guilty. They didn't even have the weapon in they
22 possession.

23 THE COURT: Okay.

24 MR. JONES: So, that was the purpose of the PCR
25 hearing.

1 So when Mr. Moak -- it was never, it was never, it
2 was never to investigate the case. It was that the, that
3 the, the police department, Camden Police Department,
4 didn't have the evidence when it was time for me to plead
5 guilty.

6 So, when I went back to Brett Perry, Brett Perry say
7 he didn't even know that the Camden Police Department gave
8 the evidence up before I even pled guilty. He said that
9 the cop, Damon Burrows, came to him and try to told --
10 tell him that I was -- he was trying to get me to work for
11 him.

12 So, I guess he was mad or whatever because I went
13 and -- I wouldn't work for him and I didn't have no
14 charge -- no other drug charge in no other jurisdiction.

15 That was my whole argument --

16 THE COURT: All right.

17 MR. JONES: -- that the, that the ATF took the weapon
18 before I, I even was indicted. I got indicted in February
19 of 2000 -- 2013. The ATF agent, Jessie Lee Rapley, took
20 the weapon in his, in his possession on January 7th,
21 2013. So, that's where -- that was my whole argument.

22 So, I don't, I don't understand how can they -- I, I
23 mean as you being a, a judge, I, I need -- I need some
24 explaining on how can they -- how, how can they do that,
25 how can they give up the jurisdiction and then come indict

1 me and then give me time for it and then the Feds had the
2 weapon the whole time.

3 THE COURT: All right. All right. Well, let me, let
4 me take this under advisement, Mr. Jones. I'm gonna
5 review everything and I'll get a decision to you shortly.
6 Okay?

7 MR. JONES: Uh-huh. (Affirmative).

8 And did -- I want to know did you get my motion
9 because of my motion has everything that I'm explaining to
10 you in that?

11 I asked them to forward it to you.

12 THE COURT: I will double-check and see if I received
13 it.

14 MR. JONES: Okay.

15 THE COURT: Okay. All right. Thank y'all very much.

16 MS. SHIPE: Thank you.

17 MR. JONES: All right.

18 THE COURT: All right. Thank y'all.

19 Have a good day.

20

21 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Nonjury for Kershaw County, South Carolina, on the 17th day of December, 2024.

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

January 24th, 2025



PAMELA E. GREEN, Court Reporter