

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Greenville County
William Jeffrey Young, Circuit Court Judge

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OCT - 9 2013

S.C. Supreme Court

ELENIE SHAM PARKER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000734

A P P E N D I X

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STATE OF SOUTH CAROLINA)	
)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE)	2008-GS-23-9561
)	
)	
State of South Carolina)	TRANSCRIPT OF RECORD
)	
-vs-)	
)	
Eleine Isham Parker)	
)	

September 7, 2010
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD MILLER, Judge

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

Joyce Montz, Esquire
Assistant Solicitor
Attorney for the State

Frank Epps, Esquire
Attorney for Defendant

CAROLINE HISKELL
Circuit Court Reporter

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I N D E X

(There were no witnesses or exhibits presented.)

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P R O C E E D I N G S

1
2 THE CLERK: Your Honor, this is Case No.
3 2010-GS-23-1436, Adrian Javon Gray indicted for failure to
4 return rental property, pleading to failure to return
5 rental property valued at \$5,000 or more. It is a Waiver.

6 2010-GS-23-3045, Angela Michelle Mallory,
7 indicted for driving under the influence, pleading to
8 driving under the influence third offense. It is a
9 Waiver. 2010-GS-23-3046, indictment for driving under
10 suspension, pleading to the same, Your Honor. It is a
11 Waiver.

12 2009-GS-23-1554, Robert Vincent Wood,
13 indicted for manufacturing methamphetamine and possession
14 of a weapon during the commission of a violent crime,
15 pleading to possession of a weapon during the commission
16 of a violent crime and manufacturing methamphetamine
17 second. It is a True Bill.

18 2010-GS-23-1884, Robert Lee Wells, indicted
19 for forgery, pleading to forgery valued less than \$5,000.
20 It is a Waiver and there is an Order of Restitution.

21 2008-GS-23-8165, Robert Capellas, indicted
22 for transaction card fraud, pleading to the same -- I'm
23 sorry -- less than \$500 in six months by card holder. It
24 is a True Bill and there is an Order of Restitution.
25 2008-GS-23-980 indictment for breach of trust, pleading to

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1 same. It is a Waiver.

2 2008-GS-23-9561, Eleine Isham Parker,
 3 indictment for shoplifting third or above, pleading to the
 4 same. It is a True Bill. 2009-GS-8900, indictment for
 5 manufacturing methamphetamine, pleading to the same. It
 6 is a True Bill. 2010-GS-23-2106, indictment for
 7 manufacturing methamphetamine, pleading to the same. It
 8 is a True Bill. 2010-GS-23-2107, indictment for
 9 manufacturing methamphetamine, pleading to manufacturing
 10 methamphetamine/crank. It is a True Bill. 2010-GS-
 11 23-2108, indictment for financial transaction card fraud,
 12 pleading to the same. It is a True Bill. 2010-GS-
 13 23-2218, indictment for trafficking methamphetamine,
 14 pleading to trafficking methamphetamine greater than 28
 15 grams. It is a True Bill.

16 THE CLERK: Would you raise your right hands
17 to be sworn in and answer one at a time.

18 ADRIAN JAVON GRAY, ANGELA MICHELLE MALLORY,
19 ROBERT VINCENT WOOD, ROBERT LEE WELLS, ROBERT CAPELLAS,
20 ELEINE ISHAM PARKER, having been duly sworn, testified as
21 follows:

22 THE COURT: All right, jail days.

23 MR. GREGORY: Mr. Gray has 1 day, Ms. Mallory
24 has 1 day, Mr. Wood has 67 days, Mr. Wells has 119 days,
25 and Mr. Capellas is no time in jail.

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1 MS. MONTZ: Ms. Parker has a total of 40]
2 days.

3 THE COURT: In the last 24 hours, have you
4 had any drugs, alcohol or medication? Mr. Gray?

5 DEFENDANT GRAY: No, sir.

6 THE COURT: Ms. Mallory?

7 DEFENDANT MALLORY: No, sir.

8 THE COURT: Mr. Wood?

9 DEFENDANT WOOD: No, sir.

10 THE COURT: Mr. Wells?

11 DEFENDANT WELLS: I currently take shots
12 given to me.

13 THE COURT: For what?

14 DEFENDANT WELLS: Mental health.

15 THE COURT: What is it, do you know?

16 DEFENDANT WELLS: No, but it's for paranoid
17 schizophrenic.

18 THE COURT: Have you had the right number of
19 shots over the last couple of months?

20 DEFENDANT WELLS: Yes.

21 THE COURT: Do you know what you doing here
22 today?

23 DEFENDANT WELLS: It's helping me.

24 THE COURT: Does it?

25 DEFENDANT WELLS: Yes.

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1 THE COURT: Who is your lawyer?
2 MR. JOHNSON: That would be me, Your Honor.
3 THE COURT: Do you have any competency
4 questions?
5 MR. JOHNSON: No, sir, Your Honor.
6 THE COURT: I was asking him about you,
7 Mr. Johnson.
8 DEFENDANT WELLS: No.
9 THE COURT: He's a pretty good lawyer?
10 DEFENDANT WELLS: Yes.
11 THE COURT: We'll take about it later but you
12 think he's okay?
13 MR. JOHNSON: Yes, sir, Your Honor.
14 THE COURT: And how about you, Ms. Parker?
15 MS. PARKER: No, sir.
16 THE COURT: I believe I left out
17 Mr. Capellas.
18 DEFENDANT CAPELLAS: No, sir.
19 THE COURT: Have you ever been treated for
20 the abuse of alcohol, drugs or for mental illness or
21 emotional problems? Mr. Gray?
22 DEFENDANT GRAY: No, sir.
23 THE COURT: Ms. Mallory?
24 DEFENDANT MALLORY: No, sir.
25 THE COURT: Mr. Wood?

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1 THE COURT: Ms. Mallory, you're up here on
2 2010-3045 alleges you did in Greenville County March 11,
3 2010 drive a motor vehicle under the influence of alcohol,
4 drugs or any combination thereof which materially and
5 deprecative impaired your ability to drive. You got at
6 least two priors in the last 10 years. It was less than
7 10 percent, third offense, 90 days up to four years, a
8 fine of \$5075, do you understand that?

9 DEFENDANT MALLORY: Yes, sir.

10 THE COURT: You are also here on Indictment
11 2010-3046 alleges you did in Greenville County March 11,
12 2010 drive a motor vehicle while your license was
13 suspended pursuant to the DUI laws but you're pleading to
14 a non-DUI/DUS and this would be you first offense and that
15 carries up to 30 days. Do you understand that?

16 DEFENDANT MALLORY: Yes, sir.

17 THE COURT: Mr. Wood, you're up here on
18 Indictment 09-1554 alleges you did in Greenville County --
19 two counts. Count 1 alleges you did in Greenville County
20 January 1, '09 manufacture meth or provide financial or
21 other assistance to do that or you were in actual or
22 constructive possession of common ingredients used in the
23 manufacturing of meth, second offense. It carries from 5
24 to 30 years and carries a fine of \$50,000. This is a
25 Serious Offense and it means if you got convictions for

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1 DEFENDANT WOOD: Yes, sir.

2 THE COURT: What?

3 DEFENDANT WOOD: Drugs.

4 THE COURT: When was that?

5 DEFENDANT WOOD: This year.

6 THE COURT: Are you sober today?

7 DEFENDANT WOOD: Yes, sir.

8 THE COURT: When was the last time you used?

9 DEFENDANT WOOD: November 24th.

10 THE COURT: '09?

11 DEFENDANT WOOD: Yes.

12 THE COURT: How about you, Mr. Wells? Who
13 treats you for all your issues?

14 DEFENDANT WELLS: Greenville Mental Health.

15 THE COURT: How about you Mr. Capellas?

16 DEFENDANT CAPELLAS: No, sir.

17 THE COURT: How about you, Ms. Parker?

18 MS. PARKER: I went to Charter in 1993 for
19 drug abuse.

20 THE COURT: You sober today?

21 MS. PARKER: Today I am.

22 THE COURT: Now, Mr. Gray, Ms. Mallory,
23 Mr. Wells, Mr. Capellas, you each have one or more
24 indictments that have not been presented to the grand
25 jury. You have an absolute right to require the State to

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1 present those cases to the grand jury where they would
2 have to prove more probably than not that a crime was
3 committed and you did it. Do you want to give that right
4 up which would allow you to go forward today, Mr. Gray?

5 DEFENDANT GRAY: Yes, sir.

6 THE COURT: Ms. Mallory?

7 DEFENDANT MALLORY: Yes, sir.

8 THE COURT: Mr. Wells?

9 DEFENDANT WELLS: Yes, sir.

10 THE COURT: Mr. Capellas?

11 DEFENDANT CAPELLAS: Yes, sir.

12 THE COURT: Am I saying your name right?

13 DEFENDANT CAPELLAS: Yes, sir.

14 THE COURT: Mr. Gray, you're up here on
15 Indictment 2010-1436 alleges you did in Greenville County
16 between August 4 and September 24, '09 you had an '07 Ford
17 Box truck valued at more than \$5,000 in your possession by
18 virtue of a rental agreement and you failed to return the
19 truck within 72 hours after the expired -- how much does
20 this carry?

21 MR. PATEL: Up to 10 years, but with the new
22 law it's got to be over \$10,000 I believe.

23 THE COURT: You could get 10 years, do you
24 understand that?

25 DEFENDANT GRAY: Yes, sir.

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1 three or more Serious Offenses, you're eligible for life
2 in prison without parole. It's also a Violent Offense and
3 that means no parole, do you understand that?

4 DEFENDANT WOOD: Yes, sir.

5 THE COURT: I believe it could be suspended
6 under the new law. I believe that's correct.

7 In Count 2, alleges you did in Greenville
8 County January 1 '09 possess a shotgun during the
9 commission of this crime and that carries five years, do
10 you understand that?

11 DEFENDANT WOOD: Yes, sir.

12 THE COURT: Mr. Wells, you're up here on
13 Indictment 2010-1884 alleges you did in Greenville County
14 November 3 '09 forge Check No. 2004 in the amount of
15 \$782.35 on the account of Superior Drywall drawn on
16 Palmetto Bank, presented to Mutual Home Store. It carries
17 up to five years, do you understand that?

18 DEFENDANT WELLS: Yes, sir.

19 THE COURT: Mr. CAPELLAS, you're here on
20 2008-8165 alleges that you did in Greenville County on or
21 about May 10, 2008 unlawfully use a financial transaction
22 card to receive goods or services from Burger King by
23 charging on a Suntrust debit card with an account number
24 ending in 2222 belonging to Nicole Smith without her
25 commission. That carries up to one year, do you

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1 understand that?

2 DEFENDANT CAPELLAS: Yes, sir.

3 THE COURT: You're also up here on Indictment
4 2010-980 alleges you did in Greenville County between June
5 13 and July 4 of 2009 entrusted by the Waffle House with
6 the possession of US currency. You feloniously converted
7 it to you own use. Thirty days on this one, do you
8 understand that?

9 DEFENDANT CAPELLAS: Yes, sir.

10 THE COURT: Ms. Parker, you're up here on
11 Indictment '08-9561 alleges you did in Greenville County
12 October 24, '08 with two prior property offense
13 convictions you shoplifted household items from Walmart;
14 10 years, do you understand that?

15 DEFENDANT PARKER: Yes, sir.

16 THE COURT: You're also up here on '09-8900
17 alleges you did in Greenville County, June 7, '09
18 manufacture meth or you were in actual or constructive
19 possession in ingredients used to manufacture meth, first
20 offense, 15 years, \$25,000, do you understand that?

21 DEFENDANT PARKER: Yes, sir.

22 THE COURT: You're also up here on Indictment
23 2010-2106 alleges you did June 8, '09 manufacture meth or
24 provide assistance to do it or you were in possession of
25 common ingredients used in the manufacturing of meth.

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1 That's 15 years, \$25,000, do you understand that?

2 DEFENDANT PARKER: Yes, sir.

3 THE COURT: You're also up here on 2010-2107,
4 alleges you did in Greenville County on or about November
5 6, '09 manufacture meth or provide assistance to do that
6 or were in actual or constructive possession of the
7 ingredients for the manufacturing of meth. That's 15
8 years, \$25,000, do you understand that?

9 DEFENDANT PARKER: Yes, sir.

10 THE COURT: You're also up here on 2010-2108
11 alleges you did in Greenville County, June 6, '09
12 unlawfully use a financial transaction card to receive
13 goods or services from Walgreens and/or Spinx by using a
14 USAA Mastercard credit card belonging to Jennifer Winstead
15 without permission. That carries five years, do you
16 understand that?

17 DEFENDANT PARKER: Yes, sir.

18 MS. MONTZ: I have three years, Your Honor.

19 THE COURT: Three years, do you understand
20 that?

21 DEFENDANT PARKER: Yes, sir.

22 THE COURT: You're also here on Indictment
23 2010-2218 alleges you did in Greenville County on or about
24 June 7, '09 knowingly sell, manufacture, deliver or bring
25 into South Carolina or attempt to do that or that you were

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1 in actual or constructive possession of more than 28 grams
2 of methamphetamine, first offense, carries 3 to 10 years
3 or \$25,000 fine. Sentence may not be suspended; you may
4 not get probation on that and it is a Serious Offense, do
5 you understand that?

6 MS. MONTZ: Your Honor, I believe that's 7 to
7 25.

8 THE COURT: I was looking at the -- let me
9 back up and tell you that it is mandatory minimum of 7 to
10 25 years, \$50,000 fine and it may not be suspended, may
11 not get probation. It is a Serious Offense and it is a
12 non-parolable offense; do you understand that?

13 DEFENDANT PARKER: Yes, sir.

14 THE COURT: To each of you understanding the
15 nature of the charges against you and the maximum possible
16 punishment, how do you want to plead? Mr. Gray?

17 DEFENDANT GRAY: Guilty.

18 THE COURT: Ms. Mallory?

19 DEFENDANT MALLORY: Guilty.

20 THE COURT: Mr. Wood?

21 DEFENDANT WOOD: Guilty.

22 THE COURT: Mr. Wells?

23 DEFENDANT WELLS: Guilty.

24 THE COURT: Mr. Capellas?

25 DEFENDANT CAPELLAS: Guilty.

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1 THE COURT: Ms. Parker?

2 DEFENDANT PARKER: Guilty.

3 THE COURT: Has anybody forced you, coerced
4 you, threatened you or promised you anything to get you to
5 enter that plea? Mr. Gray?

6 DEFENDANT GRAY: No, sir.

7 THE COURT: Ms. Mallory?

8 DEFENDANT MALLORY: No, sir.

9 THE COURT: Mr. Wood?

10 DEFENDANT WOOD: No, sir.

11 THE COURT: Mr. Wells?

12 DEFENDANT WELLS: No, sir.

13 THE COURT: Mr. Capellas?

14 DEFENDANT CAPELLAS: No, sir.

15 THE COURT: Ms. Parker?

16 DEFENDANT PARKER: No, sir.

17 THE COURT: Do you each understand you have
18 an absolute right to a trial by jury where you'd be
19 presumed innocent unless and until the State could prove
20 you guilty beyond any reasonable doubt of each and every
21 element of each and every offense that you are charged
22 with? You'd have a right to confront and cross-examine
23 the witnesses and the evidence put up against you by the
24 State. You'd have a right to compel in court all relevant
25 and competent evidence in your own defense or you could

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1 remain silent and your silence could not be held against
2 you and you could never be compelled to incriminate
3 yourself.

4 Do you understand all those rights, Mr. Gray?

5 DEFENDANT GRAY: Yes, sir.

6 THE COURT: Ms. Mallory?

7 DEFENDANT MALLORY: Yes, sir.

8 THE COURT: Mr. Wood?

9 DEFENDANT WOOD: Yes, sir.

10 THE COURT: Mr. Wells?

11 DEFENDANT WELLS: Yes, sir.

12 THE COURT: Mr. Capellas?

13 DEFENDANT CAPELLAS: Yes, sir.

14 THE COURT: Ms. Parker?

15 DEFENDANT PARKER: Yes, sir.

16 THE COURT: Do you want to give all those
17 rights up to enter this plea? Mr. Gray?

18 DEFENDANT GRAY: Yes, sir.

19 THE COURT: Ms. Mallory?

20 DEFENDANT MALLORY: Yes, sir.

21 THE COURT: Mr. Wood?

22 DEFENDANT WOOD: Yes, sir.

23 THE COURT: Mr. Wells?

24 DEFENDANT WELLS: Yes, sir.

25 THE COURT: Mr. Capellas?

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1 DEFENDANT CAPELLAS: Yes, sir.

2 THE COURT: Ms. Parker?

3 DEFENDANT PARKER: Yes, sir.

4 THE COURT: Are you guilty, Mr. Gray?

5 DEFENDANT GRAY: Yes, sir.

6 THE COURT: Ms. Mallory?

7 DEFENDANT MALLORY: Yes, sir.

8 THE COURT: Mr. Wood?

9 DEFENDANT WOOD: Yes, sir.

10 THE COURT: Mr. Wells?

11 DEFENDANT WELLS: Yes, sir.

12 THE COURT: Mr. Capellas?

13 DEFENDANT CAPELLAS: Yes, sir.

14 THE COURT: Ms. Parker?

15 DEFENDANT PARKER: Yes, sir.

16 THE COURT: And you totally satisfied with

17 your lawyer? Mr. Gray?

18 DEFENDANT GRAY: Yes, sir.

19 THE COURT: Ms. Mallory?

20 DEFENDANT MALLORY: Yes, sir.

21 THE COURT: Mr. Wood?

22 DEFENDANT WOOD: Yes, sir.

23 THE COURT: Mr. Wells?

24 DEFENDANT WELLS: Yes, sir.

25 THE COURT: Mr. Capellas?

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1 DEFENDANT CAPELLAS: Yes, sir.

2 THE COURT: Ms. Parker?

3 DEFENDANT PARKER: Yes, sir.

4 THE COURT: And have you had enough time to
5 review the evidence the State has against you, Mr. Gray?

6 DEFENDANT GRAY: Yes, sir.

7 THE COURT: Ms. Mallory?

8 DEFENDANT MALLORY: Yes, sir.

9 THE COURT: Mr. Wood?

10 DEFENDANT WOOD: Yes, sir.

11 THE COURT: Mr. Wells?

12 DEFENDANT WELLS: Yes, sir.

13 THE COURT: Mr. Capellas?

14 DEFENDANT CAPELLAS: Yes, sir.

15 THE COURT: Ms. Parker?

16 DEFENDANT PARKER: Yes, sir.

17 THE COURT: Okay. Tell us about it.

18 MR. GREGORY: May it please the Court as to
19 Mr. Gray, on or about August 3rd, 2009, an employee with
20 the Uhaul Rental Agency located at 208 North Pointsett
21 Highway in Greenville County rented a 14-foot box truck to
22 the defendant that was due to be returned the following
23 day. The truck was not returned. The rental agency
24 placed a call to the number given by the defendant and a
25 female indicated the truck would be returned on August 6,

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1 2009. The truck was recovered on August 21, 2009 in
2 Greenville County. Another individual was driving it and
3 provided a statement that she had borrowed it from yet
4 another individual.

5 He does have a prior record and there is a
6 recommendation.

7 THE COURT: Okay. Tell me about that.

8 MR. GREGORY: He has a 2008 burglary first
9 degree. That's all his prior record and he has a
10 recommendation of extend probation for Spartanburg
11 conviction.

12 PROBATION CLERK: He is on in Spartanburg
13 County for the burglary second Violent. He got five years
14 suspended on time served and three years probation.

15 THE COURT: When did that happen?

16 MR. HOLLAND: In May of '08, I believe.

17 PROBATION CLERK: May 21st of '08 and it
18 expires in May of 2011.

19 THE COURT: How's he doing? Does it show any
20 of that?

21 PROBATION CLERK: It shows it's been office
22 visit reported in July and August.

23 THE COURT: Is all that true?

24 DEFENDANT GRAY: Yes, sir.

25 THE COURT: All right, what y'all want to

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1 tell me.

2 MR. HOLLAND: If it please the Court,
3 Mr. Gray is a 19-year old man, a nice young fellow. His
4 aunt is here with him today. He's got a one-year-old
5 daughter and he's very active in the daughter's life. He
6 lives with his grandmother and helps out around there.
7 His mother deceased when he was 13, doesn't know his
8 father. Since this last incident, he has been doing great
9 -- excuse me, since his probationary sentence in '08, he
10 has been doing great. He's been making his meeting. He's
11 been appearing regularly. He's been getting his GED and
12 planning to take that test in approximately three months.

13 He's been working doing landscaping. He kept
14 his nose clean absent this charge obviously. It's with a
15 heavy heart that he enters a guilty plea today because we
16 think there may be defenses although technically he's
17 guilty. This is a situation where four or five people
18 rent a Uhaul. He's the one that signs for it. He only
19 has the Uhaul for a day or two. He thinks it's to be
20 returned, it's not. As soon as he's contacted by the
21 Sheriff's Office there is a warrant for his arrest, he
22 turns himself in timely.

23 He's been working with me, working with
24 Spartanburg County Probation. He wants a shot to continue
25 on the right path. It's not been a year since this charge

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1 occurred. He is not gotten in any trouble since then.
2 He's had the ability to complete probation in Spartanburg
3 and it's due to expire in May of 2011.

4 We're asking the Court to please expand that
5 to give him more time under that Spartanburg probation and
6 to run any underlying charge with the five years he
7 received three years ago and let him to continue to help
8 his grandmother with whom he lives and with the daughter
9 with whom he's active in her life; continue his education
10 where one day he can be productive citizen in society.

11 THE COURT: What do you want to tell me? How
12 far did you go in school?

13 DEFENDANT GRAY: I went to the 10th grade and
14 that's when I had caught my charge so I had to go to an
15 adult education center.

16 THE COURT: Well, why haven't you got your
17 GED yet?

18 DEFENDANT GRAY: They kept telling me I
19 wasn't ready.

20 MR. HOLLAND: For what it's worth, Your
21 Honor, he's been enrolled in school since I met him some
22 four or five months ago. This is prior to me being hired.

23 THE COURT: I can't extend his probation. I
24 don't think I have the authority.

25 PROBATION CLERK: That would be a violation

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1 of that case so that would be separate.

2 THE COURT: Who do you live with?

3 DEFENDANT GRAY: My grandmother.

4 THE COURT: Do you work?

5 DEFENDANT GRAY: Yes, sir.

6 THE COURT: Does she have a phone?

7 DEFENDANT GRAY: Yes, sir.

8 THE COURT: Seven years provided upon six
9 months home incarceration, probation 30 months, get your
10 GED, random drug and alcohol testing. Good luck. You're
11 going to have to face the music in Spartanburg.

12 MR. GREGORY: Your Honor, as to Ms. Mallory,
13 on March 11, 2010 just after 2:00 a.m., officer with the
14 Greenville Police Department observed this defendant fail
15 to stop for a stop sign at Pendleton Street and Lois
16 Avenue in Greenville County. The officer initiated a
17 traffic stop and while speaking with the defendant also
18 detected an odor of alcohol emanating from the defendant.
19 The defendant also appeared confused and disoriented. The
20 officer conducted a field sobriety test in which the
21 defendant performed poorly.

22 The defendant was arrested and transported to
23 the Detention Center in which he was given an opportunity
24 to give a breath sample and she refused to do so. Only
25 after the admitted the defendant in the Detention Center

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1 the officer discovered the defendant had given a false
2 name. After performing a records check using the
3 defendant's actual identity, it was determined that the
4 defendant's license was suspended.

5 She does have a prior record and there is no
6 recommendation.

7 THE COURT: What's her prior record?

8 MR. GREGORY: 1995 defrauding innkeeper; 1996
9 fraud check; 2001 auto tampering, 13 counts of obtaining
10 goods under false pretenses; 2002 DUI; 2003 DUI, three
11 counts of DUS; 2007, 13 counts of fraud check; and 2010
12 false information to police.

13 THE COURT: Is all that true?

14 DEFENDANT MALLORY: Yes, sir.

15 THE COURT: Okay. What do you want to tell
16 me?

17 MR. LYLES: I first met Angela two years ago
18 when she came to me to represent her on a personal injury
19 case and I was surprised when I found out that she had
20 been caught driving under suspension because during that
21 case in her depositions and all that kind of stuff, she
22 always refused to drive and was very careful, so I suspect
23 that the DUI was the cause of the DUS.

24 She understands that it's gotten beyond the
25 Magistrate Court stage.

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1 THE COURT: Let me back up. I think I've
2 misstated the maximum sentence. I think I had it for over
3 between 10 and 16 so let me tell the correct sentence.
4 It's less than what I told you. Mandatory 60 days to 3
5 years and a fine of \$3800 to \$6300, do you understand
6 that?

7 DEFENDANT MALLORY: Yes, sir.

8 THE COURT: Understanding that, do you want
9 to change any of the answers to any of the questions I've
10 asked?

11 DEFENDANT MALLORY: No, sir.

12 THE COURT: Okay, go ahead, Mr. Lyles.

13 MR. LYLES: So anyway I believe her alcohol
14 consumption is one of the reasons she made the mistake of
15 driving that night. He's a hard working. He helps takes
16 care of her mother who is in the courtroom. She's now in
17 a stable relationship with a man and I think she's on a
18 good trajectory now.

19 THE COURT: She's looking at 60 days in jail.
20 Are you ready to do 60 days in jail and get credit for
21 that or do a longer period of time on home incarceration?

22 MR. LYLES: She doesn't really have the money
23 to pay the home incarceration fees.

24 THE COURT: She's going to have to pay a
25 bunch of fines and fees.

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1 MR. LYLES: She's telling me she's like to do
2 home incarceration.

3 THE COURT: You got the money? It's \$8 a
4 day.

5 DEFENDANT MALLORY: I can do that.

6 THE COURT: We'd rather have you pay for your
7 criminal behavior rather than have all of us pay for it.

8 DEFENDANT MALLORY: Yes, sir.

9 THE COURT: You graduate from high school?

10 DEFENDANT MALLORY: I have a GED and two
11 years of college.

12 THE COURT: Three years provided upon 90 days
13 home incarceration, the balance is suspended; three years
14 and a fine of \$6300 provided upon 90 days HIP and \$2200,
15 the balance is suspended on probation for 30 months,
16 substance abuse counseling, random drug and alcohol
17 testing, attend MAD 30 days, HIP on the other one
18 concurrent.

19 (Whereupon, Mr. Wood, Wells and Capellas pled
20 on this date.)

21

22

23

24

25

State versus Eleine Parker

1 MS. MONTZ: Your Honor, Investigator Owens is
2 up here from the Sheriff's Office on this case as well.

3 THE COURT: I just had an in camera
4 conference concerning Mr. Wood that had nothing to do with
5 Ms. Parker. I wanted to put that on the record so there
6 wouldn't be any inference of any ex parte communication.

7 MS. MONTZ: May it please the Court, Your
8 Honor, the first incident occurred on or about June 6th of
9 2009. This defendant and a co-defendant used a stolen
10 mastercard at Walgreen's on East North Street in
11 Greenville County in the amount of \$600.51. They were
12 caught on video at the store as the people using the card.
13 They also used the card at a Spinx station here in
14 Greenville County in the amount of \$31.01. The victim did
15 give a statement. This was a Jennifer Winstead where the
16 defendant and the co-defendant had been at her house and
17 had access to he purse where the credit card had been.

18 The next incident occurred the next day on or
19 about June 7, 2009. The defendant was a passenger in a
20 car stopped for no tail lights at North Pleasantburg and
21 Wade Hampton in Greenville County. The driver was
22 arrested for DUS. Items used to manufacture meth were
23 found in the car. In the defendant's purse was an
24 actively cooking bottle of meth that was inside a Mountain
25 Dew bottle. This did have lithium strips and it was

State versus Eleine Parker

1 boiling. This entire fluid was analyzed as 140.90 grams
2 of methamphetamine per the Greenville Crime Lab. Hazmat
3 was called to the scene.

4 The defendant was also found in possession of
5 2.63 grams of dried meth in her purse as well as some
6 marijuana, phentermine, tramadol, Oxycodone, hydrocodone
7 and alprazolam. She was arrested at that time.

8 She was released after 10 days but the next
9 day a home health care nurse was taking care of the
10 defendant's mother. She did call in what she believed to
11 be a meth lab at the defendant's home. The fire
12 department and DEA came out. A search warrant was
13 executed at (ph) e in Greenville County.
14 DEA and hazmat crew arrived on the scene to take care of
15 it. Defendant's mother was taken by EMS to the emergency
16 room due to stress and other medical needs.

17 Twenty-one items used to make methamphetamine
18 were found in the garage as well as marijuana and white
19 residue in one of the bedrooms. The defendant was in jail
20 from the arrest the day before. She did give a statement
21 while she was in jail. The hazmat team assures me that
22 they did clear all items regarding methamphetamine on that
23 date.

24 Your Honor, defendant was released 10 days
25 after the June 8th incident. On November 6, 2009,

State versus Eleine Parker

1 officers again went to this residence, (ph)
2 in Greenville County to serve an arrest warrant on
3 her. The defendant did give consent to search. Officers
4 found meth lab ingredients in the garage again and called
5 for back-up and again a meth lab clean-up crew.

6 Officers found chemicals, equipment and other
7 items related to the produce of meth. This time 24 items
8 were found. The defendant was arrested at that time. She
9 did try to plead in front of you on June 7th of this year.
10 That plea did not go through. She was carded again for a
11 time after that. She did not show. She is concurrent
12 incarcerated on a bench warrant from that time when she
13 was arrested on the bench warrant. She, again, was found
14 in possession of methamphetamine. The State is dismissing
15 that possession of meth charge as well as approximately 10
16 other charges, Your Honor.

17 THE COURT: Does she have a prior criminal
18 history?

19 MS. MONTZ: Yes, Your Honor. 1994
20 solicitation to buy drugs; 1995 possession of drug
21 paraphernalia; '99 possession of marijuana; 2005
22 possession of drug paraphernalia and shoplifting; 2008
23 shoplifting. And, Your Honor, I left off the facts on the
24 shoplifting which wasn't my charge, Your Honor.

25 THE COURT: Just finish out her record and

State versus Eleine Parker

1 then you can get back to that.

2 MS. MONTZ: That's it, Your Honor.

3 Shoplifting in '05 and '08.

4 THE COURT: Tell me the shoplifting.

5 MS. MONTZ: Your Honor, this occurred on or
6 about October 24, 2008. The defendant was observed by the
7 Asset Protection Associate at Walmart located at 1451
8 Woodruff Road in Greenville County checking a receipt that
9 she had brought in with her and placing various items in
10 her shopping cart. Thereafter, she paid for some of the
11 items but not all of them and she attempted to return the
12 items she had just selected while she was inside the store
13 while using the receipt she had brought with her.

14 Your Honor, this is a third or subsequent
15 offense.

16 THE COURT: Is all that true?

17 MR. EPPS: Your Honor, for the record, I need
18 to explain one thing. Ms. Montz said she was found in
19 possession of meth when she was arrested on the bench
20 warrant. This is not accurate. She was found to be in
21 possession of meth approximately two weeks before that
22 June 7th plea when they were looking for Tony Graysley who
23 was a friend of hers and they searched her car and found
24 meth then. She did not have any meth when they arrested
25 her on the bench warrant ---

State versus Eleine Parker

1 THE COURT: Okay. I'll take your version of
2 that. How about all the facts -- they're not saying
3 you've been convicted on that anyway. They're going to
4 throw that out.

5 MS. MONTZ: Right.

6 DEFENDANT PARKER: Well, first thing ---

7 THE COURT: This is not your time to talk
8 about that.

9 MR. EPPS: Just tell him about the facts.

10 THE COURT: Is what she told me true about
11 what they said you did?

12 DEFENDANT PARKER: Yes, except for the
13 shoplifting third.

14 THE COURT: Tell me about the shoplifting.
15 Tell me your version of the facts.

16 DEFENDANT PARKER: It never came to court
17 because they took all three of my receipts at that time
18 like the undercover guy at Walmart and I didn't actually
19 even steal anything.

20 THE COURT: Well, you don't actually have to
21 get out of the store.

22 DEFENDANT PARKER: But they actually -- they
23 never produced the receipts, the three receipts that were
24 my receipts from Walmart.

25 THE COURT: Well, do you want a jury trial on

State versus Eleine Parker

1 that case?

2 DEFENDANT PARKER: No.

3 THE COURT: Are you guilty of it? What did
4 you do? Tell me what your version of the facts is.

5 DEFENDANT PARKER: I'm guilty.

6 THE COURT: No, tell me what -- Ms. Parker,
7 just tell me your version of the facts. You're under oath
8 so tell me what you did.

9 DEFENDANT PARKER: I didn't actually steal
10 anything.

11 THE COURT: Tell me what you did.

12 DEFENDANT PARKER: I went in through the Lawn
13 and Garden and I had stuff to return. The lady that was
14 working at the Lawn and garden she's supposed to give you
15 little stickers. Well, she didn't have any little
16 stickers and she said just go on honey through. So I had
17 a child with me also, a two year old, and I went right in
18 at the toys first and I got a couple of things and then I
19 went to the return and then they just grabbed me up.

20 THE COURT: What did you do with the toys
21 that you picked up?

22 DEFENDANT PARKER: I was going to buy them.

23 THE COURT: Where were they?

24 DEFENDANT PARKER: I was in the toy section
25 and I put them in the buggy. I was going to return the

State versus Eleine Parker

1 other ---

2 THE COURT: I'm not accepting that guilty
3 plea.

4 MR. EPPS: Can we go forward on everything
5 else?

6 THE COURT: Yeah.

7 DEFENDANT PARKER: And they never would
8 present me with my receipts again.

9 THE COURT: Well, you can tell a jury about
10 that.

11 Everything else true?

12 THE COURT: Y'all have a recommendation?

13 MS. MONTZ: There is no recommendation but I
14 did want to speak on behalf of the Sheriff's Office at the
15 appropriate time.

16 THE COURT: Okay.

17 MS. MONTZ: Your Honor, Investigator Owens is
18 here on behalf of the Sheriff's Office. They been dealing
19 with Ms. Parker and her meth labs for a long period of
20 time. A co-defendant, Floyd Granger pled in front of
21 your, he received 12 years. This November 6, '09 meth lab
22 was after he was no longer involved. That last meth lab
23 he had no involvement in. He pled and got his 12 years so
24 the Sheriff's Office feels as though she should get more
25 time that he did based on the fact that she continued to

State versus Eleine Parker

1 do it and again put hazardous chemicals and conditions out
2 there. She had two young children who were in and out of
3 that house as well, Your Honor.

4 THE COURT: What was his record?

5 MS. MONTZ: I don't have his record with me.

6 DEFENDANT PARKER: Pharmacy robberies, bank
7 robberies.

8 MR. EPPS: His record was more substantial.

9 THE COURT: All right, Mr. Epps.

10 MR. EPPS: Your Honor, Ms. Parker has had a
11 pill addiction for virtually all of her adult life and
12 that's the basis for the previous property crimes that she
13 had. In 2007, early 2008, her marriage completely
14 disintegrated. She has two sons, one 13 and one is 5 now.
15 They were younger than that then. As her marriage
16 disintegrated, she took up with Randy Granger who is Floyd
17 Granger. She took up with him who had been her boyfriend
18 in high school. He moved in her house. As her mother
19 will tell you in a minute, he had complete control of
20 their house and she got addicted to meth. And since she's
21 been addicted to meth, she's been feeding her meth
22 addiction and she's done everything she could to get meth.
23 She ran out of here, Judge, frankly, that day
24 of the plea and went on a binge. Obviously, any sentence
25 she gets, she ought to get ATU as part of it.

State versus Eleine Parker

1 Judge, these three meth labs as they're
2 described the cooking of the meth in the car, frankly, is
3 the most serial thing I've ever heard. Obviously, that
4 cooking started at the house where that meth lab was.
5 There is no excuse for having a meth lab at your house but
6 they did it. And then the second meth lab, I don't know
7 exactly what was going on there. I'm not naive enough not
8 to know that she hadn't found somebody else to help her
9 get meth when Randy Granger went to jail. I think she
10 would admit that.

Dwitness

11 Your Honor, this is a completely addiction
12 related crime. Her mother is in the courtroom with a
13 family friend. Her mother used to run a steakhouse with
14 her father out on Wade Hampton Boulevard. I've talked to
15 he callously since then. If you might remember, Nick
16 Theodore who was a family friend was up here before for
17 this plea. He couldn't be here today because Ms. Levine
18 is down in Columbia and couldn't be here. He's called me
19 countless times wanting to do whatever he could for this
20 young lady.

21 Judge, she's got to get seven years, but the
22 thing I'll say about that is this is that liquid meth.
23 It's the same as in Mr. Wood case that we just heard and
24 they had thrown out 300 grams of. This would have cooked
25 down ---

State versus Eleine Parker

1 THE COURT: Other than she had 13 some in
2 addition -- how many did she have in addition to the 195
3 grams?

4 MS. MONTZ: She had 2.63 grams of dried on
5 her.

6 MR. EPPS: Your Honor, what she had in that
7 bottle would have cooked down to I think 3 and 5 grams of
8 meth. As Mr. Warder eluded to earlier, the issue of that
9 liquid meth is an issue that, frankly, hadn't been decided
10 in the South Carolina courts. In Federal Courts they
11 would not count it as meth because it's not ingestible in
12 that form.

13 Law enforcement and prosecutors in South
14 Carolina go back and forth on it all the time. I
15 researched in an spent a couple of hours looking for
16 anything in South Carolina law that would give me any
17 guidance and there isn't any. What I explained to
18 Ms. Parker is that stuff counts as meth under South
19 Carolina law as it exists to I also said, you know, with
20 three meth labs she was going to get seven years either
21 way if not more.

22 Judge, she has children that she needs to see
23 at some point before they grown into middle-aged me. Her
24 mother wants to speak and I would ask you to consider the
25 minimum sentence which, in this case, is seven years.

State versus Eleine Parker

1 THE COURT: I'll be happy to listen.

2 MR. EPPS: You have to say your name.

3 MS. ISHAM: My name is (inaudible) Isham.

4 THE COURT: Yes, ma'am.

5 MS. ISHAM: I just have to deal with how
6 could a soccer mom be in such disarray and it's because
7 she was a battered wife. She fell in the hands of a drug
8 lord who was Randy Granger who got her into this drug
9 addiction. She was a drug addict and not a trafficker.
10 And I know my daughter needs to be rehabilitated to be a
11 mother to the children who cry every night. Her five year
12 old cries every night for her. She is a wonderful
13 daughter who has been taking care of me. I never thought
14 I'd get sick and end up in a nursing home. When I was in
15 the nursing home, Randy Granger took over my home, took
16 over my daughter. When I came out of the nursing home, I
17 realized this man was no good, asked him to leave a
18 million times. I had a restraining order against him and
19 when I asked him to leave again, he picked up a butcher
20 knife and at that time I was going to call 911 but I was
21 afraid. I was afraid of the drug people that I had read
22 about and I was so scarred and I didn't know how to deal
23 with this.

24 I was on dialysis for 10 months and my
25 daughter took very good care of me. She's my caregiver.

State versus Eleine Parker

1 I'd just like for her to have a chance to be with her sons
2 and to be with me, and I love her very much and if you
3 could please have mercy upon me and to her, I would be
4 most obliged to you, Judge. She is a wonderful person and
5 she never hurt a flea and she was under the influence of
6 the drugs and I wish somebody would come up with a cure
7 for the disease.

8 THE COURT: That's what we're trying to do.
9 We're doing everything we know how to do.

10 MS. ISHAM: I just wish she could have rehab
11 to get well.

12 THE COURT: Okay. Anything you want to tell
13 me.

14 DEFENDANT PARKER: I just want to tell you
15 that I have 11 years of college and I have a biology
16 degree and I know better than this. I have an RN degree,
17 a surgical tech degree and my life -- in a year-and-a-half
18 my life spiraled totally out of control. I would just
19 like for you -- I just keep on thinking about my sons and
20 I know -- I'm not trying to make any excuses for what I've
21 done, I just ask that you show leniency.

22 THE COURT: What was the other guy's record?

23 MS. MONTZ: I've got it in my office. If you
24 want to take five minutes.

25 MR. EPPS: If you want to hold off, we can

State versus Eleine Parker

1 come back.

2 THE COURT: Well, let's find out. I'd like
3 to compare apples to apples. I'll tell you what to do,
4 we'll bring Mr. Wood out here and we'll do him while,
5 Joyce, you go get the record.

6 (Whereupon, there was a break in the plea of
7 Ms. Eleine Parker.)

8 (Eleine Parker plea continued.)

9 THE COURT: Ms. Montz, tell me about the
10 co-defendant's record.

11 MS. MONTZ: Your Honor, his prior record is
12 1995 bank robbery in Federal Court; '94 and '06 DUIs. I
13 believe he did 51 months on the bank robbery.

14 THE COURT: And then he pled to what?

15 MS. MONTZ: He pled here to the FTC fraud in
16 which he was the co-defendant to Ms. Parker as well as the
17 meth lab in the car and one of the meth labs at the house.
18 He also had a possession of heroine and a PWID meth.

19 MR. EPPS: I was here, he pled to that
20 trafficking charge.

21 MS. MONTZ: Yes, sir.

22 MR. EPPS: The exact same charge.

23 THE COURT: How much does the FTC carry?

24 MS. MONTZ: Your Honor, three years.

25 THE COURT: I'm going to give you -- there is

State versus Eleine Parker

1 a number of cases which calls out for the minimum. On the
2 trafficking, I'm going to give you 9 years. On Indictment
3 2010-2107, I'm going to give you 15 years provided upon
4 the service of 9 years. The balance is suspended,
5 probation for three; substance abuse counseling, random
6 drug and alcohol testing; 15 suspended during probation on
7 the other for manufacturing and three years concurrent on
8 the FTC.

9 MR. EPPS: Thank you.

10 THE COURT: Good luck to you.

11 ---END OF TRANSCRIPT RECORD---

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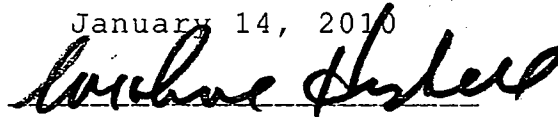
25

State versus Eleine Parker

1 I, the undersigned Caroline Hiskell, Official
2 Court Reporter for the Thirteenth Judicial Circuit of the
3 State of South Carolina, do hereby certify that the
4 foregoing is a true, accurate, and complete transcript of
5 record of all the proceedings had and evidence introduced
6 in the trial of the captioned case, relative to appeal, in
7 the Circuit Court of Greenville County, South Carolina on
8 the 7th day of September, 2010

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

11
12 January 14, 2010

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The South Carolina Court of Appeals

The State,

Respondent

v.

Elanie Parker,

Appellant.

The Honorable Edward W. Miller
 Greenville County
 Trial Court Case No. 2009-GS-23-08900
 2010-GS-23-02106
 2010-GS-23-02107
 2010-GS-23-02108
 2010-GS-23-02218

ORDER

Appellant is attempting to appeal from a guilty plea. Pursuant to Rule 203(d)(1)(B)(iv), SCACR, Appellant is required to provide "a written explanation showing that there is an issue(s) which can be reviewed on appeal . . . including how the issue(s) was raised below and the ruling of the lower court on that issue(s)." After careful review, we find Appellant failed to show how any issue was preserved for our review. Therefore, the appeal is dismissed.

 C.J.

Columbia, South Carolina

cc: Chief Appellate Defender Robert M. Dudek
 Frank L. Eppes, Esquire
 Assistant Deputy Attorney General Salley W. Elliott
 The Honorable Paul B. Wickensimer

FILED

11/24/10

FORM 5

STATE OF SOUTH CAROLINA)
County of GREENVILLE)

IN THE COURT OF COMMON PLEAS

ELENIE ISHAM PARKER 342603)
Full name and prison number (if any) of Applicant)

2011-CP-23- 3619

v.)
State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

FILED CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSHER
2011 MAR 27 A.M. 08

INSTRUCTIONS B 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 Goodman Correctional Inst., 4556 Broad River Road, Columbia, SC
2. Name and location of Court which imposed sentence General Sessions Greenville, SC
3. Name(s) of co-defendant(s) (if any) Randy Granger
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
2008_GS-23-9561, 2009-GS-23-8900, 2010-GS-23-2106

- (b) _____
- (c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

- (a) ~~15 yrs, suspended on 9yrs~~ _____
- (b) 9yrs concurrent _____
- (c) _____

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty xx _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____

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

yes _____

8. If you answered Ayes@ to (7), list:

- (a) the name of each Court to which you appealed:
 - i. South Carolina Court of Appeals _____
 - ii. _____
 - iii. _____
- (b) the result in each such Court to which you appealed:
 - i. Appeal Dismissed _____
 - ii. _____
 - iii. _____
- (c) the date of each such result:
 - i. 11-24-10 _____
 - ii. _____
 - iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. _____
 - ii. _____
 - iii. _____

9. If you answered Ano@ to (7), state your reasons for not so appealing:

- (a) _____

(b) _____

(c) _____

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

(a) lack of effective representation

(b) _____

(c) _____

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

(a) never spent any time preparing for case, never saw

(b) or discussed discovery, drug weight never investigate

(c) search properly never challenged, was detoxing from

(c) drugs at time of plea

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 Ayes@ 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?

no

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) _____
- (b) _____
- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? xx
- (b) your trial, if any? _____
- (c) your sentencing? xx
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____
18. If you answered Ayes@ to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Frank Eppes
P.O. Box 10066
Greenville, SC 29603
- ii. _____
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. plea and sentencing
- ii. _____
- iii. _____

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

New trial, have plea set aside

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

no

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of Greenville)

VERIFICATION

I, Elenic T Parker by and through her attorney, 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.

Richard L. Ward

SWORN to and subscribed before me this 27th day of May, 2011.

Dina Collins (L.S.)
Notary Public

My Commission Expires: 10-13-11

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.

Applicant

SWORN or affirmed to and subscribed before me this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	C.A. No. 2011-CP-23-3619
COUNTY OF GREENVILLE)	
)	
Elenie Isham Parker,)	
S.C.D.C. No. 342603,)	
)	
Applicant,)	
)	RETURN
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

In response to the post-conviction relief application filed May 27, 2011, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the June 2010 term of General Sessions for three (3) counts of manufacturing methamphetamine (2009-GS-23-8900 and 2010-GS-23-2106, -2107), financial transaction card fraud (2010-GS-23-2108), and trafficking methamphetamine (2010-GS-23-2218). Frank L. Eppes, Esquire represented the Applicant.

On September 7, 2010, the Applicant pled guilty. The Honorable Edward W. Miller sentenced the Applicant to concurrent terms of fifteen (15) years suspended on service of nine (9) years and three (3) years probation for one count of manufacturing methamphetamine,¹ fifteen (15) years with the balance suspended during probation for the other two counts of

¹ 2010-GS-23-2107.

manufacturing methamphetamine, three (3) years for financial transaction card fraud, and nine (9) years for trafficking methamphetamine.

A notice of appeal was filed on the Applicant's behalf at the South Carolina Court of Appeals. By order filed November 24, 2010, the Court of Appeals dismissed the appeal based on the Applicant's failure to provide a written explanation as to what issues could be reviewed. See Rule 203(d)(1)(B)(iv), SCACR.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, and the order of dismissal from the South Carolina Court of Appeals. The plea transcript will be forwarded upon receipt.

II.

In her application for post-conviction relief the Applicant alleges she is being held in custody unlawfully for the following reason:

1. Ineffective assistance of counsel:
 - a. "[N]ever spent any time preparing for case, never saw or discussed discovery, drug weight never investigate search propey never challenged, was detoxing from drugs at time of plea."

III.

The Respondent asserts the Applicant's allegation that her attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v.

Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel “rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305

S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

The Respondent denies each allegation not expressly admitted, qualified or explained.

V.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held on the issues raised in the PCR application.

Respectfully submitted,

ALAN WILSON
Attorney General


JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

KAREN C. RATIGAN
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for Respondent

September 20, 2011

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
)
)
 ELENIE ISHAM PARKER, 342603)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS

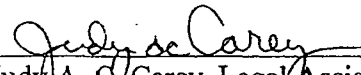
2011-CP-23-3619

AFFIDAVIT OF SERVICE BY MAIL

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

**Elenie Isham Parker, 342603
 Graham Correctional Institution
 4450 Broad River Road
 Columbia SC 29210**

DATED this 20th day of September, 2011.



 Judy A. C. Carey, Legal Assistant
 For Respondent

I N D E X

ELENIE ISHAM PARKER PCR

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Ms. Ratigan's Recitation of Procedural Background.....3

W I T N E S S E S

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Mr. Frank Eppes., Esquire:

Page:

Direct by Ms. Ratigan.....11

Cross by Mr. Warder.....15

E X H I B I T S

Applicant's Exhibits:

Marked:

Received:

(None)

Respondent's Exhibits:

Marked:

Received:

(None)

Court's Exhibits:

Marked:

Received:

(None)

Reporter's Certification.....19

Reporter's Note: This transcript may contain quoted material. Such material is reproduced as read or quoted by the speaker.

February 14, 2013

2:38 P.M.

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(Off-The-Record Comments)

THE COURT: Yes, ma'am?

MS. RATIGAN: Thank you, Your Honor. May it please the Court?

The last case of the afternoon is *Elenie Parker vs. The State*.

The docket number is 2011-CP-23-3619. Ms. Parker was indicted for three counts of manufacturing methamphetamine and one count each of financial transaction card fraud and trafficking methamphetamine.

She was represented on this charge by Mr. Eppes, who is seated to my left.

On September 7th of 2010 she pled guilty before Judge Miller. She received concurrent sentences of fifteen (15) years suspended on service of nine (9) years and three (3) years' probation for one count of manufacturing and, then, fifteen (15) years with the balance suspended during probation for the other two counts of manufacturing.

Concurrent three (3) years for financial transaction card fraud and concurrent nine (9) years for trafficking.

A notice of appeal was filed at the Court of Appeals on November 24th 2010. That matter was dismissed based on failure to provide any meritorious issue for appeal. That would be under Rule 203.

This application was timely and the State is ready to proceed.

THE COURT: All right. Are you ready to proceed?

MR. WARDER: Ready to proceed, Your Honor.

THE COURT: Call your first witness.

MR. WARDER: We call Ms. Parker, Your Honor.

1 THE COURT: All right.

2 (Off-The-Record Comments)

3 (The witness stepped forward to be sworn.)

4 (Whereupon,

5 ELENIE ISHAM PARKER

6 first being duly sworn, testified as follows:)

7 (Off-the-Record Comments)

8 MADAM CLERK: Please, state your full name for the record.

9 THE WITNESS: Elenie Isham Parker.

10 THE COURT: You may proceed.

11 DIRECT EXAMINATION by MR. WARDER:

2:39 P.M.

12 Q. Ms. Parker, you're presently incarcerated in where?

13 A. Excuse me?

14 Q. Where are you incarcerated at?

15 A. At Lee Correctional.

16 Q. For the offense for the sentence you received here in Greenville
17 County when Mr. Eppes was your lawyer?

18 A. Yes, sir.

19 Q. Okay. And, at the time you went to court, how long had Mr. Eppes
20 been representing you?

21 A. I think it was about eight (8) or nine (9) months.

22 Q. Okay. And during that time did you and him -- had discussed
23 everything?

24 A. Uh-huh (affirmative). We had met I think twice.

25 Q. Okay. You met two (2) times?

1 A. Uh-huh (affirmative).

2 Q. How long were those meetings?

3 A. Not really that long. And — and we didn't really talk about a lot of the
4 technical aspects, just...

5 Q. Okay. When you say you didn't talk about the technical aspects, did
6 you talk about the facts of the case?

7 A. We talked about the facts, yes.

8 Q. Okay. Did you go over the discovery at all?

9 A. I know we didn't go over the discovery, no, sir.

10 Q. Okay. Did — if you met two times, when did you decide to plead
11 guilty?

12 A. Well, the last time I went up, when you would say that we were
13 probably — I was advised that we were going to have to take a plea because I kept
14 on saying, "Well, why won't you just try a jury trial? And he said that the first thing
15 was that I tried to help the —

16 (Off-The-Record Comments)

17 A. If I tried to work for the law enforcement agency and work with some of
18 the agents there. And, then, if I didn't do it, we were going to have to take a plea.

19 Q. Okay. You tried to — to give the agents some information?

20 A. I did, but they wanted me to wear wires and do a lot of things that I just
21 didn't feel safe doing.

22 Q. Okay. You pled guilty to trafficking in methamphetamine for a bottle of
23 substance that was found in your car?

24 A. Yes, sir.

25 Q. And your car was stopped for what reason?

1 A. It was stopped for non-illuminating license plate.

2 Q. Okay. When you say non-illuminating, did it have — did it have tag
3 lights on the license plate?

4 A. It had tag lights, but they said that they were not bright enough.

5 Q. Okay. So the tag lights were too dim and your car was stopped?

6 A. Yes, sir.

7 Q. Did you discuss that with Mr. Eppes?

8 (Brief Pause)

9 A. Yeah, I think we did discuss that, yes.

10 Q. Okay. You — you pled guilty to the -- the bottle of liquid. Tell us what
11 was in the bottle.

12 A. It was -- it wasn't just -- it was the stuff to make meth with.

13 Q. Okay.

14 A. And I hadn't really even -- I mean, I know there's Coleman's fuel
15 (phonetic) and a lot of other stuff, but it wasn't the actual drug.

16 Q. Okay. Did you — did you mix it up? Were you the one that — that —

17 A. No, sir.

18 Q. You pled to trafficking to meth or -- or manufacturing and possession
19 of meth. Were you manufacturing meth?

20 A. No, sir.

21 Q. What did you do?

22 A. I had bought bottles -- boxes of Sudafed.

23 Q. Okay. And the Sudafed and some solvent went into this bottle?

24 A. Uh-huh (affirmative).

25 Q. Okay. No -- no meth or anything had precipitated out of the...?

1 A. No.

2 Q. Okay. And in court they gave the weight of the bottle?

3 A. Yes, sir.

4 Q. Of — of whatever was in the bottle?

5 A. Yes, sir.

6 Q. Did you discuss with him the -- whether that was meth --

7 methamphetamine and what the -- whether that -- what it would have yield had it
8 yielded methamphetamine?

9 A. Well, that's what I kept on asking Mr Eppes was -- I didn't understand
10 how they were going to put that amount of drugs -- the -- the amount that they were
11 saying of how many grams it was.

12 I knew that it wasn't that much grams of -- of drugs, so, I didn't
13 understand why we couldn't investigate that more.

14 Q. Okay. If the meth had -- had -- had been processed to formed --
15 and finally formed methamphetamine and settled out, do you have any idea how
16 much it would have made?

17 A. I don't know. I mean, I know that my co-defendant had done it
18 previous and it -- it ended up being like less than a eightball (phonetic), which I think
19 is like three and half (3 ½) grams, so...

20 Q. Okay. You pled guilty to -- to possession of over 28 grams?

21 A. Yes, sir.

22 Q. Would 28 grams of meth ever came out of that bottle?

23 A. No, sir.

24 (Brief Pause)

25 Q. Now there was some -- some other charges, but the one that you got

1 the -- the sentence on was the one for the --

2 A. Trafficking.

3 Q. -- the one you got the nine (9) years -- fifteen -- was it 15

4 suspended to nine (9)?

5 A. Uh-huh (affirmative).

6 Q. That was on the -- and that's the -- the -- the conviction you want to

7 get set aside?

8 A. Yes, sir.

9 (Brief Pause)

10 Q. The -- the fellow that made the meth and the co-defendant was a

11 fellow named Randy Grainger (phonetic)?

12 A. Uh-huh (affirmative), yes, sir.

13 Q. Would he have been a witness to what the -- the -- the yield would

14 have been off of that bottle?

15 A. He would know what the yield would be, yes, sir.

16 Q. And did you talk about needing him to -- to tell what the yield was?

17 A. No, sir.

18 Q. Did you talk about any expert witnesses on what the yield would have

19 been had it went to methamphetamine?

20 A. No, sir.

21 (Brief Pause)

22 Q. Did you believe that bottle would have yielded a trafficking amount of

23 methamphetamine?

24 A. No, sir.

25 MR. WARDER: Thank you. That's all the questions I have.

1 THE COURT: Yes, ma'am?

2 MS. RATIGAN: Thank you, Your Honor.

3 CROSS EXAMINATION by MR. WARDER:

2:45 P.M.

4 Q. So your testimony today is you only had two meetings with Mr. Eppes?

5 A. Yes, sir — yes, ma'am.

6 Q. And that you talked about the facts, but you never talked about any of
7 the State's evidence?

8 A. Yes, ma'am.

9 Q. So, during these two meeting, you just talked about facts? You didn't
10 talk about anything else?

11 A. We talked mainly about that I needed to work for the police officers.

12 (Brief Pause)

13 Q. And you had at least ten (10) other charges; is that correct, various
14 charges?

15 A. Yeah. I think there was like — it was a possession of a pill without a
16 prescription and they — that was eight (8) charges because each pill they charged
17 me for one. So that was —

18 Q. And did Mr. Eppes have you on all those charges as well?

19 A. Yes.

20 Q. And did he explain to you the minimum and maximum sentences you
21 could get on all these charges?

22 A. I think it was fifteen (15) years.

23 Q. But he went over with you kind of the worst-case scenario on all these
24 charges; would that be fair to say?

25 A. Yes.

1 Q. Okay. Now, when you went to court that day, did you know that there
2 was no recommendation?

3 (Brief Pause)

4 A. I thought that they were recommending like seven (7) years.

5 Q. And why did you think that? Was that something Mr. Eppes told you?
6 Or is that just what you were wishing for?

7 (Brief Pause)

8 A. I don't really remember.

9 Q. Okay.

10 (Brief Pause)

11 Q. And, when you went to court, did you know that the State was going to
12 dismiss all these other charges against you?

13 A. Yes.

14 Q. Okay. Now, in talking about the case with Mr. Eppes, did he explain
15 to you that the State charges based on the volume of the liquid; whether or not
16 there's any actual meth that comes out? Did you all talk about that?

17 A. We didn't go into the chemical composition -- like all that.

18 Q. Okay.

19 (Brief Pause)

20 Q. Well, you testified that you didn't understand how the State was getting
21 that amount since none of the meth had come out, right?

22 A. Yes, ma'am.

23 Q. And is that something you talked about with Mr. Eppes, "I don't
24 understand how the State is getting this amount?"

25 A. Yes, ma'am.

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Q. And what was his response when you asked him that question?

A. That with meth cases that they can do different things. That they can
— you know, because...

MS. RATIGAN: That's all I have, Your Honor.

THE COURT: Any redirect?

MR. WARDER: No, Your Honor.

THE COURT: Thank you. You may step down.

(Witness complied with the request.)

THE COURT: Any other witness from the Plaintiff?

MR. WARDER: I guess I — no, no other witness.

THE COURT: Yes, ma'am?

MS. RATIGAN: Your Honor, the State would call Mr. Eppes.

(The witness stepped forward to be sworn.)

(Whereupon,

FRANK L. EPPES, ESQUIRE

first being duly sworn, testified as follows:)

MADAM CLERK: Please state your full name for the record.

THE WITNESS: My name is Frank L Eppes.

DIRECT EXAMINATION by MS. RATIGAN:

2:49 P.M.

Q. Do you recall representing Ms. Parker on these charges?

A. I do.

Q. And did you represent her on these charges and the ones that were
also not pressed?

A. I believe I represented her on everything that was then pending.

1 Q. Okay. Did you file the usual Rule Brady and Rule 5 discovery
2 motions?

3 A. I filed Brady and Rule 5 motions, yes.

4 Q. Did you review those -- that material with Ms. Parker?

5 A. Did I review it page-for-page with her? I do not remember. Did I
6 discuss with her what I considered to be the most important parts of it? Yes.

7 Q. And did she tell you kind of her version of events?

8 A. Yes.

9 (Brief Pause)

10 Q. Do you recall how many times you would have met with her?

11 A. I don't know how many times I met with her. I spoke with she, her
12 mother, and others a lot of times; probably by the telephone much more than I met
13 with her.

14 (Brief Pause)

15 Q. Okay. Did you ever talk to Ms. Parker about working with the police
16 and trying to work out some of these charges?

17 A. Absolutely.

18 Q. Okay. And what ended up happening with that?

19 A. Not much. My memory is that she tried for a while, but that's not the
20 kind of thing I put in my notes. So nothing substantive or helpful ever came of it.

21 (Brief Pause)

22 Q. Okay. And Ms. Parker's states that the initial stop was predicated on a
23 -- on basically a weak tag light; is that correct?

24 A. I knew at the time -- my memory now is that it was -- they were kind of
25 running all over the road and the officer thought something was going on and had a

1 reason to stop them.

2 (Brief Pause)

3 Q. Were there any viable *Workman* (phonetic) and search and seizure
4 type of issues in the case?

5 A. I didn't believe so. They -- the bottle of liquid was the big problem with
6 the trafficking case.

7 Q. And was that -- that was found in the car; is that right?

8 A. There was a -- I think it was a 7-Up bottle full of liquid that was
9 percolating meth or about to percolate meth.

10 (Brief Pause)

11 A. Field-tested positive.

12 Q. Okay.

13 (Brief Pause)

14 Q. Had any meth precipitated at that point or was it all still in solution? Do
15 you remember?

16 A. As -- as far as I know, it was all solution.

17 Q. Did you discuss with Ms. Parker about how the State will charge the
18 whole solution and not just the precipitant? Did you all have a conversation along
19 those lines?

20 A. I know I had a conversation with her. I feel like every conversation we
21 had -- and I -- I could be mis-remembering this -- but every conversation we had
22 was there's a hundred (100) plus grams of solution in that bottle. And, if you are
23 convicted of a hundred (100) plus grams, you'll get a 25-year sentence.

24 And I felt like with the state of the law, that it was not a risk worth
25 taking particularly in the light of all the other charges and the fact that she had been

1 --- they had found, in her mother's house, an operating meth lab two days after this
2 meth lab.

3 And, then, in -- I looked at my notes today to refresh myself. And,
4 then, in November, they caught -- they found yet a second meth lab in the house.

5 (Brief Pause)

6 Q. And did you explain to Ms. Parker your belief that was just not worth
7 rolling the dice?

8 A. Yes. I explained to Ms. Parker my concern that, by challenging the
9 trafficking case, we would not get a better result. And that, if she challenged the
10 trafficking case, and the law came down against her, she would get 25 years in jail.

11 (Brief Pause)

12 Q. In your opinion, was there any -- would there have been any value in
13 retaining an expert witness to talk about the -- you know, percentage of meth in
14 solution versus not?

15 A. No. At that stage, no. If we had gone to trial, yes. But everybody
16 around it, the lab guys at SLED, or whoever we were talking to at the sheriff's
17 department, the officers, as well as the solicitor that was prosecuting the case,
18 everybody understood enough about the process to know that it came down to two
19 and half (2 ½), three grams (3) of meth.

20 Q. Did you explain to Ms. Parker she was pleading guilty that day without
21 any kind of recommendation?

22 A. I explained to Ms. Parker that, given the parameters of the situation,
23 and the fact that the trafficking charge carried a Level 7. And Floyd Grainger
24 (phonetic), who was her co-defendant, had gotten twelve (12) years, that I was
25 going to argue very strenuously that she was just along for the ride, despite the fact

1 that the hand of one is the hand of all, and that she should get seven (7) years.

2 (Brief Pause)

3 A. But -- but I was going to argue that. I didn't tell her that there was a
4 recommendation because there was not a recommendation.

5 Q. And did you promise her she was going to get that seven (7) or that's
6 what you were going to shoot for?

7 A. I never promise my clients anything.

8 (Brief Pause)

9 MS. RATIGAN: That's all I have, Your Honor.

10 THE COURT: Yes, sir, cross-examination?

11 MR. WARDER: Yes.

12 CROSS EXAMINATION by MR. WARDER:

2:55 P.M.

13 Q. The -- the problem on how to deal with un-precipitated meth is -- is it's
14 treated different in different counties in South Carolina?

15 A. It's a disaster. In my view, it is a disaster. There are some
16 prosecutors that you can convince that it ought to be treated like three (3) grams of
17 meth.

18 The prosecutor that we had in this case -- in my view, the entire
19 Thirteenth Circuit Solicitor's Office, treats the liquid as if it is whatever the volume of
20 the liquid is.

21 It is -- there are -- most of the law that I was able to find was in federal
22 circuits and some federal circuits had adopted a standard of -- I believe the
23 standard is marketable drugs as opposed to un-digestible or un-marketable drugs.
24 The Fourth Circuit has not adopted that yet. And I have no idea how South Carolina
25 will come down on it.

1 Q. And you didn't know at the time of -- of the plea and -- and you really
2 don't know today?

3 A. I don't think the law has been settled here. It is a very frustrating thing
4 to deal with.

5 Q. And -- and, when you said what the -- that the policemen all knew,
6 you were, in fact, talked to the officers involved in this -- in this case?

7 A. I believe I spoke to -- I know I spoke to the officers that were involved
8 in this case about different things. I -- I know I spoke to Ms. Motts (phonetic) on
9 numerous occasions about what the meth would boil down to, what the solution
10 would boil down to. But I can't tell you specifically that I talked to the officers about
11 it.

12 Q. And -- and you were trying to give Ms. Parker good advice?

13 A. I was doing what I always do, giving Ms. Parker the best advice I know
14 how to give, given all the facts and circumstances.

15 Q. Well, these people weren't just clients; they were really friends?

16 A. Ms. Parker's mother and her father were very good friends of my
17 father's. And I took the case because I felt like she needed -- she was in bad
18 trouble and needed somebody to help her. Yes, that's true.

19 Q. And you saw the dilemma, but -- but you kind of came down on kind of
20 the side that we should -- we should plead to it rather than to try this case?

21 A. My advice to her was that she had a real risk of getting a 25-year
22 sentence if she did not take the plea offer. I would have had real concerns in the --
23 and the environment on methamphetamine, you know, changes yearly. But, at that
24 time, people with meth labs were always getting hammered.

25 Q. And I guess you were also somewhat concerned about the -- the

1 fairness of somebody who really had two (2) to three (3) grams of what would have
2 been real meth pleading to 28 grams just because it would have been solution?

3 A. If -- if -- if that charge had been a stand-alone charge, or if Ms. Isham
4 had -- you know, had a prosecutor who said, "You're going to have to plead to
5 trafficking over a hundred (100) grams," my advice may have been different.

6 But coupled with two meth labs, multiple other charges, I felt like the
7 advice I gave was appropriate.

8 (Brief Pause)

9 Q. Did you ever consult an expert at any time about what the -- the real
10 yield would have been with the process they were using? How efficient it would
11 have been?

12 A. I may have asked one of my clients that cooks it. But I'm not sure that
13 I spoke to a chemist.

14 Q. Might have talked to an hands-on expert?

15 A. I may have talked to an hands-on expert, yes, sir. I have other clients
16 that have been charged with similar crimes.

17 (Brief Pause)

18 MR. WARDER: Thank you.

19 THE COURT: Yes, sir. Any redirect?

20 MS. RATIGAN: No redirect and the State would rest at this time,
21 Your Honor.

22 THE COURT: Thank you, Mr. Eppes.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Any objection to Mr. Eppes being released?

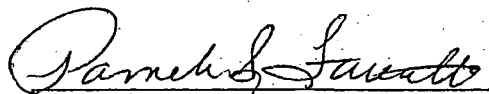
25 MS. RATIGAN: Not at all.

REPORTER'S CERTIFICATE

I, the undersigned, **PAMELA S. FAUCETTE**, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that I acted as the Court reporter at the foregoing proceeding; that the foregoing pages, numbered 1 through 18, were transcribed by me and represent a complete and accurate transcription of said proceeding to the best of my knowledge and belief.

I do further certify that I am not of counsel for or in the employment of either of the parties to this action, nor am I interested in the results of this action.

May 27, 2013



Pamela S. Faucette
Official Court Reporter
Seventh Judicial Circuit

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Elenie Isham Parker,)
 S.C.D.C. No. 342603,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 C.A.No. 2011-CP-23-3619

ORDER OF DISMISSAL

FILED-CLERK OF COURT
 GREENVILLE CO S.C.
 PAUL B. WICKENHISMER
 2013 APR -2 P 1:51

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 27, 2011. The Respondent made its return on September 20, 2011. An evidentiary hearing into the matter was convened on February 14, 2013 at the Greenville County Courthouse. The Applicant was present at the hearing and represented by Richard H. Warder, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on her own behalf at the PCR hearing. Also testifying was the Applicant's plea counsel, Frank L. Eppes, Esquire. The Court had before it the transcript of the guilty plea hearing, the records of the Greenville County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the Respondent's return, and the appellate records.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The Applicant was indicted by the Greenville County Grand Jury for three (3) counts of manufacturing methamphetamine

WJE 1

(2009-GS-23-8900 and 2010-GS-23-2106, -2107), financial transaction card fraud (2010-GS-23-2108), and trafficking methamphetamine (2010-GS-23-2218). She was represented by Frank L. Eppes, Esquire.

On September 7, 2010, the Applicant pled guilty.¹ The Honorable Edward W. Miller sentenced the Applicant to concurrent terms of fifteen (15) years suspended on service of nine (9) years and three (3) years probation for one count of manufacturing methamphetamine (2010-GS-23-2107), fifteen (15) years with the balance suspended during probation for the other two counts of manufacturing methamphetamine, three (3) years for financial transaction card fraud, and nine (9) years for trafficking methamphetamine.²

A notice of appeal was filed at the South Carolina Court of Appeals. By order filed November 24, 2010, the Court of Appeals dismissed the appeal based on the Applicant's failure to provide a written explanation as to what issues could be reviewed. See Rule 203(d)(1)(B)(iv), SCACR.

ALLEGATIONS

In her application, the Applicant alleges she is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel:
 - a. "[N]ever spent any time preparing for case, never saw or discussed discovery, drug weight never investigate search propery never challenged, was detoxing from drugs at time of plea."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the

¹ The plea judge did not accept the Applicant's guilty plea to shoplifting, third or greater offense (2008-GS-23-9561). (Plea transcript, p.45).

² The State not prossed ten charges in consideration of the Applicant's guilty plea. (Plea transcript, p.42).



testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

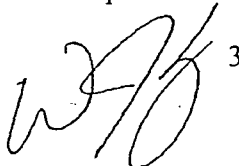
Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges she received ineffective assistance of counsel. In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel’s ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

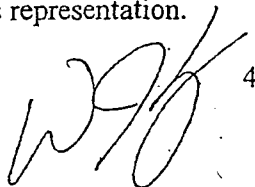
The Applicant stated she had two briefs meetings with plea counsel before she pled guilty. The Applicant stated they discussed the facts of the case but not the discovery materials. The Applicant stated there was no solid methamphetamine in the bottle in her car because it was a liquid mixture. The Applicant stated she asked plea counsel about why she was charged with the entire weight of the mixture and plea counsel told her the State could do “different things”

 3

with methamphetamine cases. The Applicant stated plea counsel told her the maximum sentences she was facing but did not know she was pleading guilty without a sentence recommendation. The Applicant stated she believed she was pleading guilty in exchange for a seven year sentence but did not know why she believed this.

Plea counsel testified he filed discovery motions, received those materials, and discussed them with the Applicant. Plea counsel testified they also discussed the Applicant's version of events. Plea counsel testified he had numerous telephone conversations with both the Applicant and her mother. Plea counsel testified trafficking methamphetamine charge was from a bubbling bottle of solution that was in the Applicant's car and field-tested positive. Plea counsel testified there was about a hundred grams of solution in the bottle and he told the Applicant she could get a twenty-five year sentence if convicted on this charge. Plea counsel testified the Thirteenth Circuit Solicitor's Office calculates the weight from both the liquid and the solid. Plea counsel testified there was no reason to consult an expert about the liquid versus solid issue. Plea counsel testified he told the Applicant this was a risky case to bring to trial, especially because she was arrested for two subsequent methamphetamine labs. Plea counsel testified he told the Applicant there was no sentence recommendation in this case but that he would ask for a seven year sentence because her co-defendant received twelve years. Plea counsel testified he did not promise the Applicant she would receive a seven year sentence.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet her burden of proof. This Court finds the Applicant's testimony is not credible, while also finding plea counsel's testimony is credible. This Court further finds plea counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation.

A handwritten signature in black ink, appearing to be 'WJH', is written over the number '4'.

The Applicant admitted to the plea judge both that she was guilty and that the facts recited by the solicitor (about the charges she pled guilty to) were true. (Plea transcript, p.16; pp.43-44). The Applicant also told the plea judge that she understood the trial rights she was waiving in pleading guilty, was satisfied with counsel, and had not been coerced in any way. (Plea transcript, pp.14-17).

This Court finds the Applicant failed to meet her burden of proving plea counsel did not properly challenge the weight of the methamphetamine mixture. Plea counsel testified the trafficking methamphetamine charge stemmed from a bubbling bottle of the mixture found in the Applicant's car when she was pulled over by police. Plea counsel testified the weight of the entire mixture was over 100 grams. This Court notes the State listed the weight as 140.90 grams during the plea hearing. (Plea transcript, p.40). Trial counsel testified the State calculated the weight from both the liquid and any precipitated solid. Trial counsel testified that, as the Applicant was arrested for two subsequent methamphetamine labs, he advised her that it was too risky to take this case to trial. This Court finds plea counsel's testimony is credible. This Court also finds plea counsel articulated a valid strategic reason he advised the Applicant to enter a guilty plea. See Roseboro v. State, 317 S.C. 292, 294, 454 S.E.2d 312, 313 (1995) (finding where trial counsel articulates a valid reason for employing a certain strategy, such conduct should not be deemed ineffective assistance of counsel). This Court further finds the Applicant has failed to cite any authority to support her argument that the liquid portion of the methamphetamine mixture cannot be considered in determining the overall weight. There is no such language in the statute. S.C. Code Ann. § 44-53-375 (Supp. 2012); see also Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (holding in a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in their application).




5

This Court finds the Applicant failed to meet her burden of proving plea counsel should have consulted an expert regarding the issue surrounding the weight of the methamphetamine mixture. As such an expert did not testify at the PCR hearing, this Court cannot speculate about what impact expert testimony would have had upon this case. See Dempsey v. State, 363 S.C. 365, 370, 610 S.E.2d 812, 815 (2005) (finding that, as the applicant failed to have an expert testify at the evidentiary hearing, "any finding of prejudice is merely speculative").

This Court finds the Applicant failed to meet her burden of proving she was misadvised about the sentence she would receive if she pled guilty. Plea counsel testified he told the Applicant there was no sentence recommendation. Plea counsel also testified he told the Applicant he would ask for a seven year sentence but never made any promises that she would receive such a sentence. This Court finds plea counsel's testimony on this issue is more credible. This Court notes the plea judge advised the Applicant of the maximum sentence she could receive. (Plea transcript, pp.11-13). This Court further notes the State advised there was no sentence recommendation in this case and the Applicant did not object or interject. (Plea transcript, p.46). While the Applicant may have hoped she would receive a seven year sentence, this Court finds plea counsel did not promise she would receive such a sentence. See Holden v. State, 713 S.E.2d 611, 617, 393 S.C. 565, 575-76 (2011) (citing Roddy v. State, 339 S.C. 29, 36, 528 S.E.2d 418, 422 (2000)) ("Wishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentences, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made.").

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence



that plea counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that she was prejudiced by plea counsel’s performance.

This Court concludes the Applicant has not met her burden of proving counsel failed to render reasonably effective assistance. This Court also concludes the Applicant has failed to meet her burden of proving her guilty plea was not knowing and voluntary. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet her burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations before or during her guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel’s representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that she must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if she wants to secure appropriate appellate review. Her attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely

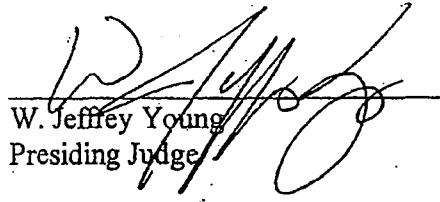
 7

filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 15 day of March, 2013.


W. Jeffrey Young
Presiding Judge

Sumter, South Carolina.

ARREST WARRANT

M-0699510

STATE OF SOUTH CAROLINA
County/ Municipality of Greenville

Greenville

THE STATE against Elenie Isham Parker

Address: Greenville, SC 29607.

Phone: _____ SSN: _____
Sex: F Race: W Height: 5 4" Weight: 126
DL State: _____ DL #: _____

DOB: _____ Agency ORI #: SC0230200
Prosecuting Agency: Greenville Police Department
Prosecuting Officer: Nathan Melech Cutler - 0613
Offense: Drugs / manufacture, distribution, etc. of methamphetamine, 1st

Offense Code: 3198
Code/Ordinance Sec: 3198

This warrant is CERTIFIED FOR SERVICE in the _____ County/ _____ Municipality of _____
is to be arrested and brought before me to be dealt with according to the law. The accused (L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Elenie I. Parker on 06/08/2009 #382

Signature of Constable/ Law Enforcement Officer

RETURN WARRANT TO:

City Of Greenville
426 North Main Street
P O Box 488
Greenville, SC 29601

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
County/ Municipality of Greenville

AFFIDAVIT

ORIGINAL

Form 4
S.C. Annotated
April 21, 2003
SCCA 518

Personally appeared before me the affiant Nathan Melech Cutler

being duly sworn deposes and says that defendant Elenie Isham Parker

did within this county and state on or about 06/07/2009

State of South Carolina (or ordinance of _____ County/ Municipality of Greenville) violate the criminal laws of the

in the following particulars: DESCRIPTION OF OFFENSE: Drugs / manufacture, distribution, etc. of methamphetamine, 1st

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

AFFIANT STATED THAT ON 6-7-09 A CO-DEFENDANT WAS PLACED UNDER ARREST FOR DUS. THE ACCUSED, ELENIE ISHAM PARKER, WAS A PASSENGER IN THE VEHICLE AND UPON CONDUCTING A PROTECTIVE SEARCH OF THE ACCUSED, ACCUSED WAS FOUND TO HAVE 23 DIFFERENT TYPES OF PRESCRIPTION DRUGS IN HER PURSE. ALSO IN THE VEHICLE WAS 2.8 GRAMS OF METHAMPHETAMINE AND A MOUNTAIN DEW BOTTLE WITH METH ACTIVELY COOKING AND A SYRINGE. THIS INCIDENT OCCURRED AT N. PLASANTBURG DRIVE AND WADE HAMPTON BLVD. WHICH IS WITHIN 1/2 MILE OF BOB JONES UNIVERSITY.

Signature of Affiant

STATE OF SOUTH CAROLINA
County/ Municipality of Greenville

Greenville

Affiant's Address 4 MCGEE STREET GREENVILLE, SC 29601-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICERS OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affiant that there are reasonable grounds to believe that

on or about 6/7/2009 defendant Elenie Isham Parker

did violate the criminal laws of the State of South Carolina (or ordinance of _____ County/ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / manufacture, distribution, etc. of methamphetamine, 1st

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 06/08/2009

Signature of Issuing Judge John Barksdale

(L.S.)

Judge Code: 6361

Judge's Address 426 North Main Street Greenville, SC 39601-

Judge's Telephone (864) 467-2405

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

WITNESSES

Nathan Cutler

Greenville Police Department

6/8/2009

C. D. Paul

ARREST WARRANT NUMBER

M069510

ACTION OF GRAND JURY

TRUE BILL

Ann Swarrette

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009 JS-23-
JLK 000900

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June TERM 2009⁰

THE STATE

VS.

ELENIE ISHAM PARKER

Indictment for

3198

MANUFACTURING METHAMPHETAMINE

VIOLATION § 44-53-0375

WITNESSES

Clerk receive driver's license

\$ NO

explain *not with her*

+ [Signature]

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MANUFACTURING METHAMPHETAMINE

At a Court of General Sessions, convened on **JUN 22 2010** the Grand Jurors of Greenville
County present upon their oath:

That ELENIE ISHAM PARKER did in Greenville County, on or about the 7th day of June, 2009, knowingly manufacture methamphetamine or did knowingly provide financial assistance or otherwise attempt, aid, abet or conspire to manufacture methamphetamine or was knowingly in actual or constructive possession of the common ingredient(s) and/or supplies used in the manufacturing of methamphetamine. This is in violation of § 44-53-375 of the South Carolina Code of Laws (1976) as amended.

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

James M. ...
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.
Elenie Isham Parker
AKA:
Race: Sex: F Age: 37
DOB: SS#
Address:
City, State, Zip: Greenville, SC 29607
DL#: SID#

INDICTMENT/CASE#: 2009GS2308900
A/W#: M069510
Date of Offense: 6/7/2009
S.C. Code §: 44-53-0375(b)(1)
CDR Code #: 3198

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Manufacturing Methamphetamine/crank

CONVICTED OF or PLEADS

in violation of § 44-53-0375 of the S.C. Code of Laws, bearing CDR Code # 3198
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC) §17-25-45 w/minor 1st or Lewd Act.

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Joyce K. Monts, SC Bar# 65331, Defendant; Plaintiff; Attorney for Defendant, SC Bar# 7839

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 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:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 40 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 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
days/hours Public Service Employment

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:

Recipient:
*Fine:

Table with 3 columns: Description, Amount, Total. Rows include various surcharges like § 14-1-206, § 14-1-211(A)(1), § 14-1-211(A)(2), § 56-5-2995, § 56-1-286, Proviso 47.9, § 14-1-212, § 14-1-213, § 50-21-114, § 56-5-2942(J), Proviso 90.5, § 44-53-450(C), % to County.

Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

TOTAL
Clerk of Court/ Deputy Clerk Paul B. Wislerman
Court Reporter: Ashell
SCCAV217 (06/2010)

Presiding Judge: [Signature]
Judge Code: 2130
Sentence Date: 8-2-2010 9-7-10

ARREST WARRANT

11-17-09

1-519533

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

THE STATE 01-09-091562
against

Elenie Isham Parker

Address: Greenville, SC 29615-

Phone: SSN: Sex: F Race: W Height: 5 4 Weight: 126

DL State: SC DL #: DOB: Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: Chris Marchi - 0221

Offense: Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

Offense Code: 3014 Code/Ordinance Sec: 44-53-0375(B)(1)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Elenie Parker on 11/17/09

RWM Snow 48451522
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: West Greenville Summary Court 6247 White Horse Road Greenville, SC 29611

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Greenville)

AFFIDAVIT

ORIGINAL

NO S.C. April 21, 2003 BY General SOCCA 518

Personally appeared before me the affiant Chris Marchi who being duly sworn deposes and says that defendant Elenie Isham Parker did within this county and state on or about 06/08/2009 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 06-08-09, the defendant one Elenie I. Parker, et al. and co-defendants were found to have combined, conspired, confederate, and have tacit understanding in the manufacturing of Methamphetamines. As a result of a lawful search at the defendant's residence of the affiant found items, equipment, chemical both known and unknown, and drug paraphernalia associated with the manufacture and production of Methamphetamines. This did occur within Greenville Co. and is in violation of S.C. Code of Law 44-53-375

COMPUTER ENTERED
NOV 10 2009
STATE OF SOUTH CAROLINA
 County/ Municipality of
Greenville

GREENVILLE COUNTY SHERIFF'S OFFICE

Signature of Affiant
Affiant's Address 4 Megee Street Greenville, SC 29601-
Affiant's Telephone 435/221

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/8/2009 defendant Elenie Isham Parker did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me)

on 10/29/2009)
Judge's Address)
Judge's Telephone)
Issuing Court: Magistrate Municipal Circuit)
Judge Code: 5701)

ORIGINAL

ORIGINAL

ORIGINAL

WITNESSES

Be

Chris Marchi

Greenville County Sheriffs Office

11/6/2009

ARREST WARRANT NUMBER

1519533

ACTION OF GRAND JURY

TRUE BILL

Anna S. Soderette

FOREMAN GRAND JURY

Foreperson of Grand Jury

VEROICT

Foreperson of Petit Jury

Date:

DOCKET NO. 201 JS-23-
JLK

002106

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June TERM 2010

THE STATE

vs.

ELENIE ISHAM PARKER

Indictment for

3198

MANUFACTURING METHAMPHETAMINE

VIOLATION §44-53-0375

RE SUSPENDS

Did Clerk receive driver's license?

YES NO

If no, explain

Elenie Parker
Clerk

RECEIVED

MAR 17 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MANUFACTURING METHAMPHETAMINE

At a Court of General Sessions, convened on **JUN 22 2010** the Grand Jurors of Greenville

County present upon their oath:

That ELENIE ISHAM PARKER did in Greenville County, on or about the 8th day of June 2009, knowingly manufacture methamphetamine or did knowingly provide financial assistance or otherwise attempt, aid, abet or conspire to manufacture methamphetamine or was knowingly in actual or constructive possession of the common ingredient(s) and/or supplies used in the manufacturing of methamphetamine. This is in violation of § 44-53-375 of the South Carolina Code of Laws (1976) as amended.

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

Joyce Monte
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Elenie Isham Parker

AKA:

Race: Sex: F Age: 37

DOB: SS#:

Address:

City, State, Zip: Greenville, SC 29615

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Manufacturing Methamphetamine/crank

Fax: Jul 29 2010 03:32pm P002/006
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS2302106

A/W#: 1519533

Date of Offense: 6/8/2009

S.C. Code § : 44-53-0375

CDR Code #: 3014

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 44-53-0375 of the S.C. Code of Laws, hearing CDR Code # 3198

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

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: Joyce K. Works 65331 Elenie Parker 7839
Works, Joyce K. 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 15 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:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 40 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 (Criminal 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
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Publie Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$

TOTAL

Clerk of Court/ Deputy Clerk: Paul B. Wooten

Court Reporter: Hiskell

SCCA/217(06/2010)

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: _____

Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2130

Sentence Date: 8-2-2010 9-7-10

ARREST WARRANT

11-17-09

J-991920

STATE OF SOUTH CAROLINA

County/ Municipality of

Greenville

THE STATE 01-09--175129
against

Elenie Isham Parker

Address:

Greenville, SC 29615-

Phone: _____ SSN: _____
Sex: F Race: W Height: 5 4 Weight: 126

DL State: SC DL #: _____

DOB: _____ Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: Chris Marchi - 0221

Offense: Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

Offense Code: 3014

Code/Ordinance Sec: 44-53-0375(B)(1)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant ELENIE PARKER on 11/16/09

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

West Greenville Summary Court
6247 White Horse Road
Greenville, SC 29611

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
Greenville)

AFFIDAVIT

ORIGINAL

Approved by
S. J. Gray General
April 21, 2009
SCCA 518

Personally appeared before me the affiant Chris Marchi who being duly sworn deposes and says that defendant Elenie Isham Parker did within this county and state on or about 11/06/2009 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

As a result of a lawful search of the defendant's residence- Greenville, S.C. 29615, the defendant one Elenie Isham Parker was found to be in possession of items, equipment, chemicals both known and unknown, and drug paraphernalia associated with and commonly used in the production and manufacturing of Methamphetamine. This did occur within Greenville Co. and is in violation of S.C. Code of Law 44-53-375.

CONDITIONS ENTERED
STATE OF SOUTH CAROLINA

County/ Municipality of
Greenville NOV 03 2009

GREENVILLE COUNTY
SHERIFF'S OFFICE

Signature of Affiant [Signature] 433/221
Affiant's Address 4 Mcgee Street
Greenville, SC 29601-
Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 11/6/2009 defendant Elenie Isham Parker did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, distribution, etc. of methamphetamine or cocaine base, 1st

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable

Sworn to and subscribed before me on 11/06/2009 Judge's Address _____
[Signature] (L.S.) Judge's Telephone _____
Signature of Issuing Judge
Vilvin Garrison
Judge Code: 5946 Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

7:10 PM NOV - 6 2009
Greenville County
Sheriffs Office

WITNESSES

[Signature]

Chris Marchi

Greenville County Sheriffs Office

11/6/2009

ARREST WARRANT NUMBER

J991920

ACTION OF GRAND JURY

TRUE BILL

Ann Stoverette

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 201 S-23-

JLK

002107

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June TERM 2010

THE STATE

vs.

ELENIE ISHAM PARKER

DL SUSPENDS

Did Clerk receive driver's license?

YES _____ NO _____

If no, explain _____

[Signature]
Defendant

Indictment for

3198

MANUFACTURING METHAMPHETAMINE

VIOLATION §44-53-0375

RECEIVED

MAR 17 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MANUFACTURING METHAMPHETAMINE

At a Court of General Sessions, convened on JUN 22 2010 the Grand Jurors of Greenville
County present upon their oath:

That ELENIE ISHAM PARKER did in Greenville County, on or about the 6th day of November 2009, knowingly
manufacture methamphetamine or did knowingly provide financial assistance or otherwise attempt, aid, abet or
conspire to manufacture methamphetamine or was knowingly in actual or constructive possession of the common
ingredient(s) and/or supplies used in the manufacturing of methamphetamine. This is in violation of §44-53-375
of the South Carolina Code of Laws (1976) as amended.

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

Joyce Monts
SOLICITOR

Fax: Jul 29 2010 03:33pm P003/006
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)
STATE VS.)
Elenie Laham Parker)
AKA: _____)
Race: _____ Sex: F Age: 37)
DOB: _____ SS#: _____)
Address: _____)
City, State, Zip: Greenville, SC 29615)
DL#: _____ SID#: _____)

INDICTMENT/CASE#: 2010GS2302107
A/W#: J991920
Date of Offense: 11/6/2009
S.C. Code § : 44-53-0375
CDR Code #: 3014

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Manufacturing Methamphetamine/crank

CONVICTED OF or PLEADS

In violation of § 44-53-0375 of the S.C. Code of Laws, bearing CDR Code # 3198
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45.
w/minor 1st or Lowd Act)

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: James Monte 65331 Elenie Parker Paul Ziegler 7839
Monte/Joyce K. 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 15 ~~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 9 ~~days~~ months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3

~~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:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 40 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 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered PTOP
Total \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPS _____

Recipient: _____
*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforc. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(F) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
% to County (if paid in installments)		\$
TOTAL		

_____ 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: _____

Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk _____
Court Reporter: Higley
SCCA/217 (06/2010) Paul B. Wahlenstein

Presiding Judge _____
Judge Code: 2130
Sentence Date: 7-7-10

Probation begins after completion of any early release program.

ARREST WARRANT

M-380893 6360

STATE OF SOUTH CAROLINA

County/ Municipality of 10-19-09

Greenville

THE STATE 09-46884 against

Elenie Isham Parker

Address:

Greenville, SC 29607-

Sex: F Race: W Height: 5 41 Weight: 126

DL State: DL #:

DOB: Agency ORI #: SC0230200

Prosecuting Agency: Greenville Police Department

Prosecuting Officer: Nathan Melech Cutler - 0613

Offense: Drugs / Trafficking in ice, crank or crack - 100 g or more, but less than 200 g

Offense Code: 0368

Code/Ordinance Sec: 44-53-0375(C)(3)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of Greenville

The accused is to be arrested and brought before me to be dealt with according to the law.

L.T. Sumner (L.S.) Signature of Judge

Date: 10/18/09

RETURN

A copy of this arrest warrant was delivered to defendant Elenie PARKER on 10-10-09

Signature of Constable/Law Enforcement Officer #72 #563

RETURN WARRANT TO:

City Of Greenville 426 North Main Street P O Box 488 Greenville, SC 29601

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA) County/ Municipality of Greenville

AFFIDAVIT

ORIGINAL

Noted By Ad. 003 SCCA 318

Personally appeared before me the affiant Nathan Melech Cutler being duly sworn deposes and says that defendant Elenie Isham Parker did within this county and state on or about 06/07/2009 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Greenville) in the following particulars:

DESCRIPTION OF OFFENSE Drugs / Trafficking in ice, crank or crack - 100 g or more, but less than 200 g

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

AFFIANT STATED THAT ON 6-7-09 A CO-DEFENDANT WAS PLACED UNDER ARREST FOR DUS. THE ACCUSED, ELENIE ISHAM PARKER, WAS A PASSENGER IN THE VEHICLE AND UPON CONDUCTING A PROTECTIVE SEARCH OF THE ACCUSED, ACCUSED WAS FOUND TO HAVE 23 DIFFERENT TYPES OF PRESCRIPTIONS DUGS IN HER PURSE. ALSO IN THE VEHICLE WAS 2.8 GRAMS OF METHAMPHETAMINE AND A MOUNTAIN DEW BOTTLE WITH METH ACTIVELY COOKING. FURTHER INVESTIGATION FROM LAB RESULTS DID FIND THE AMOUNT OF METH COOKING TO BE 140.9 GRAMS. SAID INCIDENT OCCURRED WITHIN THE CITY LLIMITS OF GREENVILLE.S.C.

Nathan Cutler 613 Signature of Affiant

STATE OF SOUTH CAROLINA) County/ Municipality of Greenville

Affiant's Address 4 MCGEE STREET GREENVILLE, SC 29601- Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/7/2009 defendant Elenie Isham Parker did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Greenville) as set forth below.

DESCRIPTION OF OFFENSE: Drugs / Trafficking in ice, crank or crack - 100 g or more, but less than 200 g

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 06/08/2009 Judge's Address 426 North Main Street Greenville, SC 39601- Judge's Telephone (864)467-2405 Issuing Court: Magistrate Municipal Circuit

Signature of Issuing Judge John Barksdale Judge Code: 6361

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

WITNESSES

Nathan Cutler

Greenville Police Department

10/10/2009

[Signature]

ARREST WARRANT NUMBER

M380893

ACTION OF GRAND JURY

TRUE BILL

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-3-23-
JLK 002218

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2010

THE STATE

vs.

ELENIE ISHAM PARKER

DL SUSPENDS

Did Clerk receive driver's license?

YES _____ NO _____

If no, explain _____

[Signature]

Defendant

Indictment for

0368

TRAFFICKING METHAMPHETAMINE

VIOLATION §44-53-0375

RECEIVED

MAR 25 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING METHAMPHETAMINE

At a Court of General Sessions, convened on **JUN 22 2010** the Grand Jurors of Greenville
County present upon their oath:

That ELENIE ISHAM PARKER did in Greenville County, on or about the 7th day of June 2009, knowingly sell,
manufacture, deliver or bring into the State of South Carolina or did knowingly provide financial assistance or
otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in
actual or constructive possession of more than more than 100 grams of Methamphetamine. This is in violation of
§44-53-375 of the South Carolina Code of Laws (1976) as amended.

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

Jane Minto

SOLICITOR

Fax: Jul 29 2010 03:33pm P005/006
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)
STATE VS.)
Elenie Isham Parker)
AKA:)
Race: Sex: F Age: 37)
DOB: SS#:)
Address:)
City, State, Zip: Greenville, SC 29607)
DL#: SID#:)

INDICTMENT/CASE#: 2010GS2302218
A/W#: M380893
Date of Offense: 6/7/2009
S.C. Code § : 44-53-0375(C)(3)
CDR Code #: 0368

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazard Yes No
In disposition of this said indictment comes now the Defendant who was
TO: Trafficking Methamphetamine/crank > 28 grams

CONVICTED OF or PLEADS

In violation of § 44-53-0375 of the S.C. Code of Laws, bearing CDR Code # 0392
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

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: Joyce K. Meigs 65331 Elenie Parker Trish Egan 7839
Meigs, Joyce K. 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 9 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. RECOMM END ATU
 CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 100 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 (Criminal
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 _____

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
Fines may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____
*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Poe)	\$50	\$
§ 56-5-2942(F) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
1% to County (if paid in installments)		\$
TOTAL		\$

Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition.
 Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Paul B. Wierman
Court Reporter: Hickell
SCCA/217 (06/2010)

Presiding Judge [Signature]
Judge Code: 130
Sentence Date: 8-2-2010 9-7-10

WITNESSES

Michael Rainey *MR*

Greenville County Sheriffs Office

6/16/2009

ARREST WARRANT NUMBER

1478452

ACTION OF GRAND JURY

TRUE BILL

Ann Swerette

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2010 3-23- JLK 002108

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June TERM 2010

THE STATE

vs.

ELENIE ISHAM PARKER

Indictment for

2349

FINANCIAL TRANSACTION CARD FRAUD

VIOLATION §16-14-0060

RECEIVED

MAR 17 2010

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

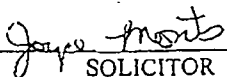
INDICTMENT FOR
FINANCIAL TRANSACTION CARD FRAUD

At a Court of General Sessions, convened on **JUN 22 2010** the Grand Jurors of Greenville

County present upon their oath:

That ELENIE ISHAM PARKER did in Greenville County, on or about the 6th day of June 2009, willfully, unlawfully and knowingly, with intent to defraud, use a financial transaction card, to wit: receive goods and/or services from WALGREEN'S and/or SPINX in the amount of more than Five Hundred Dollars (\$500) by charging on a USAA MasterCard credit card, with the account number ending in 0523, belonging to JENNIFER WINSTEAD. This is in violation of §16-14-0060 of the South Carolina Code of Laws (1976) as amended.

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



SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE VS)
Elenie Isham Parker)
 AKA: _____)
 Race: _____ Sex: F Age: 37)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: Greenville, SC 29615)
 DL#: _____ SID#: _____)

Fax: Jul 29 2010 03:33pm P004/006
 IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS2302108
 A/W#: I478452
 Date of Offense: 6/15/2009
 S.C. Code §: 16-14-0060(A)(1-5)
 CDR Code #: 2349

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: FINANCIAL / Financial Transaction Card fraud value more than \$500 in six month period, by cardholder

in violation of § 16-14-0060(A)(1-5) of the S.C. Code of Laws, bearing CDR Code # 2349
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

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: Joyce K. Motts 05331 Elenie Parker 7889
 Motts, Joyce K. 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 3 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:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 40 0.0005
 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 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____
 *Fine: _____

§ 14-1-206 (Assessments 107.5%)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(D) (Vehicle Assessment)	\$40/ca	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	<u>5</u>
§ 44-53-450(C) (Conditional Discharge)	\$350	\$	
3% to County (if paid in installments)		\$	
TOTAL		\$	

_____ 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: _____

Condition Discharge, § 44-53-450(C) requires
 \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk Paul B. Wroblewski
 Court Reporter: Hickell
 SCCA/217 (06/2010)

Presiding Judge J. C. ...
 Judge Code: 2130
 Sentence Date: 8-2-2010 9-7-10