

RECEIVED

DEC 28 2012

S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

JOCASTARIUS TIMPSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212311

APPENDIX

WANDA H. CARTER
Deputy Chief Appellate Defender
South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

KAELOE E. MAY
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....i

GUILTY PLEA TRANSCRIPT 1

APPLICATION FOR POST-CONVICTION RELIEF..... 21

POST-CONVICTION RELIEF HEARING TRANSCRIPT 35

ORDER OF DISMISSAL..... 48

INDICTMENTS..... 54

INDEX

	PAGE
Guilty Plea Hearing	3
Certificate of Reporter	20

EXHIBITS

No	DESCRIPTION	ID	EV
	No Exhibits Were Presented During the Hearing		

State v. Jocastrius Timpson

2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563

Guilty Plea Hearing (September 24, 2009)

3

1 (WHEREUPON, court convened with all parties present,
2 and the following proceedings were had commencing at
3 approximately 12:21 p.m.)

4 THE COURT: Yes, sir?

5 MR. CAMPBELL: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. CAMPBELL: Your Honor, before you stands
8 Jocastrius Timpson. He's been charged in several
9 indictments. I'll start with the first, 2008-2996
10 kidnaping, 2008-2995 a count of kidnaping, 2008-2991
11 armed robbery, 2008-2669 armed robbery, 2008-2668
12 conspiracy, 2009-1563 ABWIK, 2008-2988 armed robbery,
13 2009-1345 a count of armed robbery, 2008-2994 a count of
14 armed robbery, 2008-2992 armed robbery, 2008-2989 armed
15 robbery and 2008-2993 armed robbery.

16 THE COURT: Okay. And all of these have been
17 true-billed?

18 MR. CAMPBELL: Yes, sir.

19 THE COURT: And there's no recommendations; is
20 that right?

21 MR. CAMPBELL: There's no recommendation from
22 the State.

23 THE COURT: All right.

24 Mr. Timpson, if you would raise your right hand.

25 JOCASTRIUS TIMPSON,

State v. Jocastrius Timpson

2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563

Guilty Plea Hearing (September 24, 2009)

4

1 Being first duly sworn, testified as follows:

2 DEFENDANT: Yes, sir.

3 THE COURT: Okay. You can put your hand down,
4 but you really need to speak up, okay?

5 DEFENDANT: All right.

6 THE COURT: First, how old are you?

7 DEFENDANT: Nineteen.

8 THE COURT: Okay. How far did you go in
9 school?

10 DEFENDANT: Eleventh grade.

11 THE COURT: Have you had any drugs or alcohol
12 within the last twenty-four hours?

13 DEFENDANT: No, sir.

14 THE COURT: How long have you been held at the
15 jail?

16 DEFENDANT: Like a year and ten days.

17 THE COURT: Can y'all figure that out for me?

18 MR. CAMPBELL: Yes, sir.

19 MR. BYERHOLDT: It's three hundred and seventy
20 five days, Your Honor.

21 THE COURT: Okay.

22 MR. CAMPBELL: For the Court's record, Your
23 Honor, he's been arrested since 9/18/08, been
24 incarcerated since then.

25 THE COURT: All right. Well, I'm going to do

State v. Jocastrius Timpson

2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563

Guilty Plea Hearing (September 24, 2009)

5

1 the three seventy-five. I think that's probably ...

2 MR. BYERHOLDT: It may be a little high. It
3 would be three ---

4 THE COURT: That's all right.

5 MR. BYERHOLDT: Three seventy-one.

6 MADAM CLERK: I got three seventy-two.

7 MR. BYERHOLDT: Three seventy-two.

8 THE COURT: I'll gave him three seventy-five.
9 All right.

10 Have you had plenty of time to speak to your lawyer?

11 DEFENDANT: Yes, sir.

12 THE COURT: All right. And what are the
13 maximum charges on these just so I can explain it to him?

14 MR. CAMPBELL: On the kidnaping, it's thirty.
15 Armed robbery, it goes from ten to thirty. Conspiracy is
16 half of the armed robbery. The ABWIK is twenty. And I
17 think that's all the ---

18 MR. BYERHOLDT: That's correct, Your Honor.

19 THE COURT: Okay.

20 MR. CAMPBELL: And possession of a weapon is
21 five. Some of the indictments are going to have two
22 counts to them.

23 THE COURT: All right. Mr. Timpson, you
24 understand that you've got quite a lot of charges here,
25 that there's no recommendation. I can sentence you up to

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

1 thirty on the kidnaping, up to thirty on the robbery, up
2 to fifteen on the conspiracy, up to ten on the ABWIK or
3 twenty, I guess. Do you understand that?

4 DEFENDANT: Yes, sir.

5 THE COURT: Do you understand I can run them
6 consecutive and basically -- I'm not completely adding
7 them all up -- but come up with about a hundred and
8 twenty years. Do you understand that?

9 DEFENDANT: Yes, sir.

10 THE COURT: Okay. Do you understand that you
11 have to waive your constitutional rights if you want to
12 plead guilty?

13 DEFENDANT: Yes, sir.

14 THE COURT: And are you waiving your right to a
15 jury trial?

16 DEFENDANT: Yes, sir.

17 THE COURT: Are you waiving your right to
18 remain silent?

19 DEFENDANT: Yes, sir.

20 THE COURT: Are you waiving your right to put
21 up a defense to these charges?

22 DEFENDANT: Yes, sir.

23 THE COURT: And are you waiving your right to
24 confront the witnesses that the State would be required
25 to bring in to testify against you?

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

7

1 DEFENDANT: Yes, sir.

2 THE COURT: Have you had plenty of time to
3 speak with your lawyer?

4 DEFENDANT: Yes, sir.

5 THE COURT: And are you satisfied with his
6 services?

7 DEFENDANT: Yes, sir.

8 THE COURT: Do you have any questions for him
9 now?

10 DEFENDANT: No, sir.

11 THE COURT: Do you have any questions for me
12 now?

13 DEFENDANT: No, sir.

14 THE COURT: Mr. Byerholdt, have you had plenty
15 of time to speak to him? Do you think he understands the
16 elements of the crime and also -- or the crimes and also
17 his waiver of constitutional rights?

18 MR. BYERHOLDT: I do, Your Honor. Mr. Timpson
19 and I have spent time together, and I think he
20 understands that. We've discussed the consequences of
21 going forward where these charges are most serious
22 charges. They're strikes against him. If the State
23 wanted to, they could proceed on individual warrants, and
24 if they had two convictions, they could go for life
25 without parole on the third case. And he's informed me

*State v. Jocastrius Timpson**2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563**Guilty Plea Hearing (September 24, 2009)*

8

1 all along that he accepted responsibility and cooperated
2 fully in the investigation of this case, Your Honor. He
3 stands before you today sorry for what has happened but
4 ready to plead guilty and accept responsibility.

5 THE COURT: Okay. Mr. Timpson, you want to
6 plead guilty to all of these charges?

7 DEFENDANT: Yes, sir.

8 THE COURT: And are you guilty?

9 DEFENDANT: Yes, sir.

10 THE COURT: Yes, sir?

11 MR. CAMPBELL: May it please the Court. Your
12 Honor, there's eight different incidents involved in
13 these cases. Just for background, he is involved,
14 according to his statements, in a -- basically a gang
15 called -- they call themselves the Bloods or Treetop Piru
16 or 031 Piru. I'll just take the first case starting in
17 chronological order by date.

18 On April the 14th, 2008, he, along with three other
19 individuals, robbed the Save More on Highway 28 Bypass
20 here in Anderson. He was basically in that case the
21 money man. The other individuals actually had guns. He
22 was the one that got the money. And after they actually
23 left the store, two customers that were coming in were
24 also robbed who were outside of the store. He
25 acknowledged he got some money out of that one.

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

9

1 The next case in line is May 2nd, 2008, in which he
2 was charged with armed robbery. He, along with a couple
3 of other individuals -- and these individuals are all the
4 same group of people going around hitting all of the
5 convenience stores -- acknowledge they got fifty-three --
6 \$5383 out of the store. He admitted in his statement
7 that he, along with another codefendant had guns. But in
8 this case, they were BB guns.

9 The next case happened on May 23rd, 2008. Hit the
10 High Volume at 2401 Williamston Road. Again, in this
11 case, he was the person that went in and took the money.
12 Other individuals were carrying weapons.

13 The next case was May 25th, 2008, at the High Volume.
14 Him, along with two other individuals, hit the store
15 right at closing time. One of the individuals had a
16 weapon -- not a BB gun -- fired shots into the ceiling.
17 The -- we actually have a video. You see him in the
18 store holding up a -- it was a wet floor sign. Basically
19 holding it up in a threatening manner. They took
20 approximately three hundred dollars. He confessed to
21 doing it in his statement.

22 Next was July 11th, 2008, the Plez-U at 200 Concord
23 Road. Once again, individuals went in. One of the
24 individuals held a knife to the clerk's throat while he
25 grabbed the money.

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

10

1 The next statement -- the next incident date was
2 7/22/08, at Honea Path at the Stop-A-Minute. He went in
3 the store and also took the money. And in this case the
4 store clerk that was in there, Jonathan Donald, was shot
5 by his co-defendant in the case. In fact, Mr. Donald
6 couldn't be here today. He is actually enrolled in
7 Erskine University. And his dad Ed Donald is here
8 representing the family. I think he may want to speak at
9 the appropriate time.

10 THE COURT: Okay.

11 MR. CAMPBELL: The next one was August 30th,
12 2008, at the Plez-U at 200 Concord Road. The same group
13 of individuals went in and hit the store. They got about
14 four to five hundred dollars in this one. He admitted he
15 was the money man and took also lottery tickets that were
16 in the store.

17 The next one was September 8th, 2008, Hometown Foods
18 here, also known as Zane's. Him, along with another
19 individual went in. They got approximate five thousand
20 dollars. The clerk in that case was shot. The clerk
21 indicated that both individuals had weapons, a big forty
22 caliber weapon and a smaller revolver-type pistol. He
23 was involved in that. And what we signed up to -- he's
24 about -- we think he's the one with the smaller pistol in
25 this case which is where the ABWIK comes from. An armed

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

11

1 robbery with a possession of a weapon. SLEd also matched
2 DNA to a mask he was wearing.

3 That is in just a nutshell what happened. He
4 actually wrote in this case Your Honor, a detailed
5 statement, three pages worth, indicating all of this and
6 his actual involvement. He further -- that was on
7 September 18th.

8 He also on September 19th, 2008, talked to the
9 officers again and gave a little bit more info. And then
10 later in December of '08, he actually talked to another
11 officer and gave a little bit more info regarding his
12 involvement with the crimes.

13 Mainly the investigation was conducted by the
14 Anderson County Sheriff's Office. Detective Rob Gebing
15 was actually the officer who handled all of these cases.
16 The only other agency was the Honea Path Police
17 Department, Chief David King. He couldn't be here today.
18 He is actually in a Magistrate's Court trial and was
19 unable to break free and be here.

20 Based on the severity Your Honor, and the nature and
21 after talking it over with Solicitor Adams, we feel this
22 is an appropriate case that he should get no less than
23 the minium of thirty years that he is facing on this. I
24 think it's like twelve indictments. He currently is --
25 if you ran everything together in the end, it's three

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

12

1 hundred and thirty-five years according to my
2 calculations. Like I say, he did acknowledge his
3 involvement. I think he is one of the first ones that
4 did acknowledge his involvement when the officers went
5 and talked to him. And my understanding is he doesn't
6 have a record.

7 THE COURT: None at all?

8 MR. BYERHOLDT: None.

9 MR. CAMPBELL: Not that I know of.

10 THE COURT: All right. Do you admit to those
11 facts?

12 DEFENDANT: Yes, sir.

13 THE COURT: Yes, sir.

14 MR. BYERHOLDT: May it please the Court. I
15 think the Solicitor was right. Initially when Jocastrius
16 was arrested in September, his mother hired me to
17 represent him on two charges. Within a space of forty-
18 eight hours, it went from two charges to six charges and
19 then ultimately the eight robberies. He cooperated fully
20 in the investigation. He provided information to law
21 enforcement which led ultimately to the arrest of all the
22 people that were involved in this case. My one concern
23 is -- and I know he's getting time -- is that he's got to
24 be segregated from these other co-defendants because, I
25 mean, he's the one that gave them all up.

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

13

1 His mother's here. She's in the courtroom. I'm
2 going to ask her to step up in just a minute. Jocastrius
3 was a good young man, giving his mother no problems at
4 all. At age thirteen he and his brother were riding on
5 moped, he was hit by a car.

6 Turn sideways.

7 (WHEREUPON, the Defendant complied.)

8 MR. BYRHOLDT: You can see the injuries he's
9 had.

10 THE COURT: Yeah.

11 Mr. Byerholdt: Since that time with these
12 injuries and the scarring he's had on his face,
13 unfortunately he fell in with the wrong group of people.
14 And I mean, he knows this was wrong. He got in with
15 them. When this happened he was essentially a little
16 over seventeen years old. He's just turned nineteen.

17 I would ask the Court to take in the fact his young
18 age, the fact that he had no prior record with this, the
19 fact that he was severely injured in this moped accident,
20 and more importantly, that based on his cooperation all
21 these people are ultimately going be brought to justice.
22 He's going to get time. I would ask the Court to fashion
23 a sentence somewhere between the statutory minium of ten
24 years and the statutory max of thirty and give him an
25 opportunity. I mean, he's going do a substantial amount

State v. Jocastrius Timpson

2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563

Guilty Plea Hearing (September 24, 2009)

14

1 of time. I mean, if you put him in jail for thirty
2 years, that's going to be a minium of twenty-eight and a
3 half. And essentially it's going to end his life. I
4 understand the severity of these. But based on his
5 cooperation and the fact of what he's done here, I'm just
6 going to ask the Court to give him some light at the end
7 of the tunnel.

8 And I understand. This is one of the hardest cases
9 I've deal with. But from day one he admitted his
10 involvement. He gave these statements without me even
11 being present, without even asking for my assistance. He
12 met with the officers and cooperated fully.

13 THE COURT: All right. And obviously I believe
14 Mr. Byerholdt. But is it true that he is the only one
15 that cooperated?

16 MR. BYERHOLDT: He was the first.

17 THE COURT: The first to cooperate?

18 DETECTIVE GEBING: He was the first, Your
19 Honor.

20 THE COURT: And did everything he tell you turn
21 out to be true?

22 DETECTIVE GEBING: Almost, Your Honor.

23 THE COURT: Okay.

24 MR. CAMPBELL: There was one of them we had to
25 go prove because the clerk was shot, and he really didn't

State v. Jocastrius Timpson

2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563

Guilty Plea Hearing (September 24, 2009)

15

1 want acknowledge his involvement. And that's where the
2 ABWIK comes in. And for the Court's record, all the
3 victims have been notified in this case.

4 MR. BYERHOLDT: That's true.

5 THE COURT: Okay.

6 MR. BYERHOLDT: I think the victim's father is
7 here and may want to speak.

8 THE COURT: Okay. In just a second. All
9 right. Anything else? Mr. Timpson, anything you want to
10 tell me?

11 DEFENDANT: Yeah. I apologize for all the
12 trouble I caused. I just got caught up with the wrong
13 crowd. But I apologize for everything.

14 THE COURT: I mean, how did you go from having
15 no record to doing this?

16 DEFENDANT: I mean, I just got caught up with
17 the wrong crowd. I should have been a follower instead
18 of the leader.

19 MR. BYERHOLDT: I mean, Jocastrius,
20 unfortunately if you spend time with him, you're going to
21 understand he's not a strong individual. He's went along
22 with this group and was a member of essentially a lynch
23 mob or a gang. And it was unfortunate that he got tied
24 up with them.

25 THE COURT: Okay. I'll be happy to hear from

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

1 you. If you would just give your name for the record.

2 MR. DONALD: My name is Ed Donald.

3 THE COURT: Yes, sir.

4 MR. DONALD: And I appreciate this opportunity
5 to speak on behalf of my son. He's in school this
6 morning. But in truth he's traumatized by this, what's
7 happened to him. But for the grace of God, we'd be
8 looking at a murder case here. He was shot and ...

9 This gentlemen is up here on, I think I counted,
10 eight cases of robbery. That's a career, Your Honor. I
11 think that's a poor career choice. I'd like to ask you
12 on behalf of my son Jonathan, on behalf of all the other
13 victims, on behalf of all the law abiding citizens in
14 Anderson County, give this fellow plenty of time to think
15 about the choices he's made and the choices he'll make in
16 the future. He may become a minister someday like my
17 son, but he has some thinking to do ---

18 THE COURT: Yeah.

19 MR. DONALD: --- before that. Thank you.

20 THE COURT: Thank you.

21 MR. BYERHOLDT: Your Honor, this is -- you want
22 to give your name for the court reporter.

23 MS. TIMPSON: I'm Devonna Timpson. I'm
24 Jocastrius' mother. And yes, I'm not going to stand up
25 here and make excuses for Jocastrius because what he has

State v. Jocastrius Timpson

2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563

Guilty Plea Hearing (September 24, 2009)

17

1 done is wrong. The crime he committed, you know, I know
2 is wrong. But he was a good son. I mean, he never ever
3 caused me any trouble until after this wreck. Then
4 that's when it started going down the road. I just ask
5 that you to have mercy on him because he is just a young
6 child, you know.

7 THE COURT: Okay.

8 MR. BYERHOLD: That'll be all. Thank you,
9 Your Honor.

10 THE COURT: Anything else?

11 MR. CAMPBELL: That's all, Your Honor.

12 THE COURT: Okay. I'm going to accept your
13 plea and find it freely and voluntarily made and based
14 upon the advise of counsel. You know Mr. Timpson, I
15 mean, you're so young. And quite frankly had got --
16 never had a problem. The problem is saying that -- the
17 excuse that I just got in the wrong crowd just really,
18 you know -- doesn't really cut it because that doesn't
19 require you to go in and rob a place or shoot somebody.
20 But I also appreciate the fact that you were the first
21 one to understand that you needed to come clean.

22 So what I'm going to do on all the charges with the
23 exception ...

24 MR. BYERHOLDT: I believe the weapon and the
25 conspiracy would carry less.

State v. Jocastris Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

1 THE COURT: That carries fifteen, right?

2 MR. BYERHOLDT: Yes, sir.

3 THE COURT: On all of the charges except the
4 conspiracy charge, the sentence is twenty years to run
5 concurrent. And then on the conspiracy charge, it's
6 fifteen years to run concurrent. Credit of for three
7 hundred seventy-five days.

8 That should give you time to think. I mean, you're
9 life isn't over. You've got to come to grips with the
10 fact that you spend twenty years down there and come out
11 and go right back like a lot of people do, or you can
12 spend twenty years down there and come back and try to
13 make amends.

14 MR. BYERHOLDT: Your Honor, I would inform him
15 that he has ten days to file a notice of appeal. If he
16 wants to do that, he can contact me. He can't change his
17 plea.

18 THE COURT: Right.

19 MR. BYERHOLDT: And that's within the statutory
20 -- I don't think he has any grounds, but I wanted to give
21 him those rights.

22 THE COURT: Yeah. And you better do an order
23 for me to sign segregating him because I am a little
24 worried about that.

25 MR. BYERHOLDT: I am concerned. They've got

State v. Jocastrius Timpson

2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563

Guilty Plea Hearing (September 24, 2009)

19

1 him segregated now at the County. And even downstairs
2 and we're concerned about that. And I'll do an order.
3 And I know it's difficult with the Department, but I'll
4 have it to you today.

5 THE COURT: Okay. Thanks.

6 MR. BYERHOLDT: Thank you, judge.

7 DEFENDANT: I got twenty years?

8 (WHEREUPON, the hearing ended at approximately 12:41
9 p.m.)

10 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

State v. Jocastrius Timpson
2008-GS-04-2668/2669, 2988/2989, 2991/2996, 2009-GS-04-1345, 1563
Guilty Plea Hearing (September 24, 2009)

20

1

CERTIFICATE OF REPORTER

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

I, the undersigned Renee H. Tollison, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Anderson County, South Carolina, on the 24th day of September 2009.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

July 23, 2010

Renee H. Tollison

Circuit Court Reporter

STATE OF SOUTH CAROLINA)

In the Court of Common Pleas

County of Anderson)

#337120

Jocastarius Timpson)

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

vs.)

APPLICATION FOR

State of South Carolina)

Name of Respondent)

POST-CONVICTION RELIEF

(Evidentiary Hearing Requested)

2010-CP-04-02418

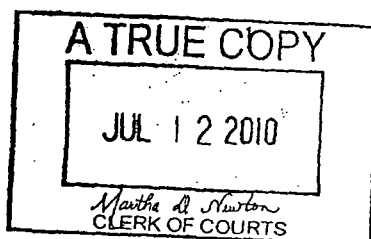
INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

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

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

1. Place of detention South Carolina Department of Corrections
Lieber Correctional Institution
2. Name and location of Court which imposed sentence Court of General
Sessions for Anderson County
3. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Armed Robbery x 8 / Possession of a Weapon during
 - (b) Kidnapping x 2



FILED-CLERK'S OFFICE
 ANDERSON SC
 2010 JUL - 9 P 4:56
 CLERK OF COURTS

(c) Assault and Battery with Intent to Kill

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

(a) September 2009 - Twenty years concurrent

(b) _____

(c) _____

5. Check whether a finding of guilty was made:

(a) after a plea of guilty ☒

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

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

No

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

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

i. _____

ii. N/A

iii. _____

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

i. _____

ii. N/A

iii. _____

(c) the date of each such result:

i. _____

ii. N/A

iii. _____

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

i. _____

ii. N/A

iii. _____

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

(a) Plea counsel failed to appeal despite my request

(b) _____

(c) _____

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

- (a) Due Process Violation rendering my guilty plea involuntary
- (b) _____
- (c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9): * (see attached Memorandum of Law In support of PCR Application) *

- (a) I pled guilty to the relevant charges in ignorance of the
- (b) direct consequence of the mandatory post-release supervision
- (c) requirement; trial judge failed to inform me that I will be required

11. Prior to this application have you filed with respect to this conviction: to serve CSP after release.

- (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-conviction relief?
No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? No
- (d) any other petitions, motions or applications in this or any other Court? No

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

(a) the specific nature thereof:

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

N/A

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

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

N/A

(c) the disposition thereof:

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

N/A

(d) the date of each such disposition:

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

N/A

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

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

N/A

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

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

(a) which grounds have been presented:

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

N/A

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

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

N/A

15. If any ground set forth in (9) has not previously been presented to any Court. State or Federal. set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) Plea counsel failed to file an appeal despite my request
- (b) that he do so; also, this is my first application for
- (c) post-conviction relief.

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

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

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

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

- i. Bruce Byrholdt
- ii. _____
- iii. _____

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

- i. plea and sentencing
- ii. _____
- iii. _____

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

Waction of guilty plea and reversal of conviction. Further-
more, I request resentencing or reduction of my
sentence.

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

N/A

STATE OF SOUTH CAROLINA)
)
 County of Anderson)

VERIFICATION

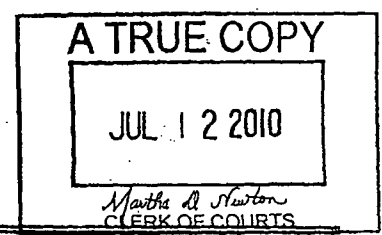
I, Jocastarius Timpson # 337120, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground know to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Jocastarius Timpson

SWORN to and subscribed before me this 7th day of July, 2010.

Sylvia Jones (L.S.)
 Notary Public

My Commission Expires: 1/24/2018



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

I, Jocastarius Timpson # 337120, 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.

Jocastarius Timpson

Applicant

SWORN or affirmed to and subscribed before me this 7th day of July, 2010.

Sylvia Jones
 Notary Public

My Commission Expires: 1/24/2018

FILED-CLERK'S OFFICE
 ANDERSON SC
 2010 JUL -9 P 4:56
 DEPT. OF PROBATION AND
 PAROLE

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

Jocastarius Timpson, #337120,
Applicant,
vs.
State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS

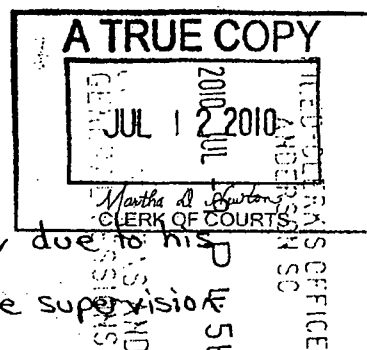
C/A No.: 2010-CP-04-02418

Memorandum of Law In Support
Application for Post-Conviction
Relief

In support of the Application for Post-Conviction Relief ("PCR"), the Applicant (hereinafter "Mr. Timpson") hereby submit this Memorandum of Law In Support of Application for PCR and therefore, Mr. Timpson would plead and show unto the Court:

I.

Applicant's guilty plea was involuntary due to his ignorance of the mandatory post-release supervision concomitant to the sentence.



In September 2009 Mr. Timpson pled guilty to several criminal charges including armed robbery, kidnapping and assault and battery with the intent to kill for which he received a twenty (20) year sentence; his conviction was subject to S.C. Code § 24-21-560 (Supp. 2003), which imposes mandatory post-release supervision titled "Community Supervision Program" ("CSP"), for a period not to exceed two (2) years. The judge presiding over Mr. Timpson's guilty plea hearing failed to inform Mr. Timpson of the afore-said mandatory requirement at the time he accepted the plea and imposed sentence, and Mr. Timpson was otherwise unaware of the relevant requirement.

Legal Analysis

Constitutional protections of due process mandate that an accused's guilty plea be voluntary and intelligent. Boykin v. Alabama, 395 U.S. 238, 242, 89 S.Ct. 1709, 1711-12, 23 L.Ed.2d 274 (1969). Because a guilty plea waives the rights against self-incrimination, to trial by jury, and to confront one's accusers, its acceptance requires the "utmost solicitude of which courts are capable in canvassing the matter with the accused to make sure he has a full understanding of what the plea connects and of its consequence." *Id.* at 243-44, 89 S.Ct. at 1712.

Determining the voluntariness of a plea involves a review of all the relevant circumstances surrounding it. Brady v. United States, 397 U.S. 742, 749, 90 S.Ct. 1463, 1469, 25 L.Ed.2d 747 (1970). Among other circumstances, a plea of guilty can be voluntary only if it is "entered by one fully aware of the direct consequences" of his plea. *Id.* at 755, 90 S.Ct. at 1472 (emphasis supplied). Thus, the proper initial inquiry in this case is whether a mandatory post-release supervision/CSP term is a direct consequence of a guilty plea, or merely a collateral one. Carter v. McCarthy, 806 F.2d 1373 (9th Cir. 1986). If a mandatory post-release supervision/CSP term is a direct consequence, it must then be determined whether Mr. Timpson was fully aware that he was subject to that additional penalty. *Id.*

The South Carolina Supreme Court, in Jackson v. State, 349 S.C. 62, 64, 562 S.E.2d 475, 475 (2002), has held that the CSP requirement is merely ~~was~~ a collateral consequence of sentencing. In reaching its holding, the Jackson court stated that in its view the CSP

Serves essentially the same function for persons convicted of "no parole offenses" as parole does for other inmates and that, whereas parole eligibility is a collateral consequence of sentencing, it follows that CSP is a collateral consequence of sentencing. *Id.* at 476, 562 S.E.2d 475 (2002). (FNI)

The proper test, however, for determining and distinguishing direct consequences from collateral ones has been established by the Fourth Circuit Court of Appeals in Cuthrell v. Director, Patuxent, Inst., 475 F.2d 1364, 1366 (4th Cir. 1972). The Cuthrell court distinguished direct from collateral consequences by "whether the result represents a definite, immediate and largely automatic effect on the range of the defendant's punishment." *Id.*; U.S. v. Kikuyana, 109 F.3d 536 ("Consequence of guilty plea is 'direct,' where it presents definite, immediate and largely automatic effect on defendant's range of punishment but a consequence is 'collateral' where it lies within discretion of whether to impose it.")

Indeed, the "effect" of CSP on Mr. Timpson's range of sentence is definite, immediate and largely automatic as it - CSP - is a mandatory requirement. see, § 24-21-560 (the CSP is a mandatory prerequisite to lawful discharge from sentence); Carter v. McCarthy, 806 F.2d 1373 (9th Cir. 1986) ("Where a... statute imposes a mandatory [post-release supervision] term to be served following completion of the period of confinement, the [post-release supervision] necessarily is a period direct consequence of the guilty plea."); State v. Ross, 916 P.2d 405, 1996 Wash. Lexis 284 ("The community [supervision] requirement of [statute] which mandates 12-month community [supervision] in sentences

for specified crimes, is a 'direct consequence' of pleading guilty to those crimes."); People v. Catu, 4 NY3d 242 (2005) ("Post-release supervision is a direct consequence of a conviction [because] imposition of supervision is mandatory and thus 'has a definite, immediate, and largely automatic effect on defendant's punishment.'"); In re Carabes, 144 Cal. App. 3d 927, 930-31, 193 Cal. Rptr. 65 (1983) (holding that "a mandatory [post-release supervision] term is a 'inexorable penal consequence' of a guilty plea."); and Palmer v. State, 118 Nev. Adv. Op. No. 81 (Dec. 19, 2002) ("We conclude that [post-release] supervision is a direct consequence of a guilty plea.").

The relevant post-release supervision requirement of Mr. Timpson's sentence (i.e., the CSP) is a direct consequence of his guilty plea.

Under Brady v. United States, supra, it need to be determined whether Mr. Timpson was "fully aware" of the relevant direct consequence prior to pleading guilty. see, Carter v. McCarthy, supra. According to the PCR application by Mr. Timpson as well as this Memorandum in support thereof and the transcript of Mr. Timpson's guilty plea, the judge failed to inform Mr. Timpson of the CSP requirement and Mr. Timpson was otherwise unaware of the CSP requirement.

Inasmuch as Mr. Timpson was not fully aware of the direct consequences of his guilty plea, the plea was not voluntary and intelligent; acceptance of the plea in these circumstances was a violation of Mr. Timpson's constitutional right of due process. ^(FN2) see, Carter v. McCarthy, supra.

Mr. Timpson would not have pled guilty but would proceeded to trial had he known and understood that he would have to serve an additional adverse penalty after his release.

Arthur Timpson
Mr. Jocastarius Timpson #337120
Lieber Correctional Institution
Post Office Box 205
Ridgeville, S.C. 29472

July 1, 2010

Ridgeville, South Carolina

SWORN TO BEFORE ME

this 1st day of July 2010

Sylvia Jones
Notary Public for South Carolina

My Commission Expires: 1/24/2018

FOOT NOTES

FN1. If appropriate and/or necessary Mr. Timpson will move to argue against precedent, regarding the S.C. Supreme Court's decision in Jackson v. State, 562 S.E.2d 475 (S.C. 2002)

FN2. McCarthy v. United States, 394 U.S. 459, 89 S.Ct. 1166 (1969) ("if a defendant's guilty plea is not equally voluntary and knowing, it has been obtained in violation of due process and is therefore void."); ("Guilty plea cannot be truly voluntary unless defendant possesses an understanding of law in relation to the facts."); Hill v. Lockhart, 474 U.S. 52, 56 (1985) ("The longstanding test for determining the ~~valid~~ validity of a guilty plea is whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant."); People v. Catu, 4 NY3d 242 (2005) ("a defendant pleading guilty to a determinate sentence must be aware of the post-release supervision component of that sentence in order to knowingly, voluntarily and intelligently choose among alternative courses of action, the failure of a court to advise of post-release supervision requires reversal of the conviction."); People v. Van Deusen, 7 NY3d 744 (2006) ("At the time defendant pleaded guilty, she did not possess all the information necessary for an informed choice among different possible courses of action because she was not told that she would be subject to mandatory post-release supervision as a consequence of her guilty plea. Accordingly, the defendant's decision to plead guilty cannot be said to have been knowing, voluntary and intelligent.") (NOTE: The Van Deusen court explained that the trial court "violated the defendant's due process rights - not the defendant's

sentencing expectations.")'; People v. Hill, 9 NY3d 189 (2007) (stating "that the constitutional defect lies in the plea itself and not the resulting sentence" when a trial court fails to inform defendant of mandatory post-release supervision prior to accepting that defendant's plea."); Carter v. McCarthy, 806 F.2d 1373 (9th Cir. 1986) ("Where a statute imposes mandatory [post-release supervision] term to be served following completion of period of confinement, such supervision term is a direct consequence of a guilty plea and defendant must be advised of it in order for his guilty plea to comport with due process.") (The Carter court explained that "for purposes of determining whether a plea is voluntarily and intelligently made, the critical fact is... that the [post-release supervision] term is to be served in addition to the term of confinement under the sentence. In these circumstances, the judge handling the criminal proceedings must advise the defendant, inter alia, of the maximum period his liberty may be restrained both by way of imprisonment and [post-release supervision]."); United States v. Neely, 38 F.3d 458 ("For guilty plea to be valid, it must be voluntary which requires that defendant be informed of direct consequences of plea.").

STATE OF SOUTH CAROLINA) IN THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON) THE COURT OF GENERAL SESSIONS
) 2010-CP-04-02418
JOCASTARIOUS TIMPSON,)
))
APPLICANT,)
))
VERSUS)
))
))
STATE OF SOUTH CAROLINA,)
))
DATE: MARCH 5, 2012
DEFENDANT.) ANDERSON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH

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

HUGH W. WELBORN, ESQUIRE
ATTORNEY FOR THE APPLICANT

KAELOE E. MAY, ATTORNEY AT LAW
ATTORNEY FOR THE STATE

BRUCE BYRHOLDT, ESQUIRE
WITNESS

PROVIDED FOR: SCCID

FOR COPIES CONTACT: JO RICE
Jrice@sccourts.org
OFFICIAL COURT REPORTER
SOUTH CAROLINA JUDICIAL DEPARTMENT

1 THE COURT: This is Jocastarius Timpson versus The
2 State of South Carolina. Is that correct?

3 MR. WELBORN: Yes, sir.

4 THE COURT: Would you call you first witness, please.

5 MR. WELBORN: Your Honor, I will be glad to. My
6 client has asked me to ask for a continuance in this
7 matter. He wrote me a letter recently and told me that
8 everything he had got lost in a riot that they had
9 recently. I have communicated with him and responded to
10 each letter that he has sent me. I told him that I did not
11 think the Court would grant the continuance, that it was at
12 the Court's discretion, and that I've been ready and so I'm
13 here and he wants a continuance.

14 THE COURT: All right. Let me, Mr. Timpson, let me
15 ask you. Stand up, please, sir. Would you raise your
16 right hand?

17 (Oath is administered to Mr. Timpson by Judge McIntosh)

18 THE COURT: I need you to speak loud enough so I can
19 hear you, please, sir.

20 MR. TIMPSON: All right.

21 THE COURT: What documents do you contend were taken
22 in this riot?

23 MR. TIMPSON: Sir?

24 THE COURT: What materials or documents were lost in
25 this riot?

1 MR. TIMPSON: All my legal work.

2 THE COURT: Well, you will have to be more specific
3 than that.

4 MR. TIMPSON: Like I said, the legal work, the case
5 I'm going back on, what I done wrote up. I lost
6 everything.

7 THE COURT: Well, we should have that in the file
8 already. Don't we?

9 MR. TIMPSON: I don't got no copy of it.

10 THE COURT: That's all right. I am going to deny your
11 motion for a continuance. Call your first witness, please,
12 sir.

13 MR. WELBORN: If it please the Court, we call the
14 petitioner, Jocastarius Timpson.

15 CLERK OF COURT: Mr. Timpson, you have already been
16 sworn in, so if you would take the witness stand. State
17 your name for the record, please.

18 MR. TIMPSON: You ready? Jocastarius Timpson.

19 MR. WELBORN: If it please the Court.

20 THE COURT: Yes, sir.

21 DIRECT EXAMINATION OF JOCASTARIUS TIMPSON BY MR. WELBORN

22 Q Mr. Timpson, you were before this Court on September
23 24, 2009, and you pled guilty to a number of things.
24 I'm going to quote this things and make sure they are
25 correct. You pled guilty to seven counts of armed

JOCASTARIUS TIMPSON VERSUS THE STATE OF SOUTH CAROLINA

1 robbery, two counts of kidnapping, assault and battery
2 with intent to kill, armed robbery, possession of a
3 firearm during the commission of a violent crime, and
4 you were represented by Mr. Byrholdt. Is all that
5 stuff I stated true, so far?

6 A Yes, sir.

7 Q Now, as a result of your plea of guilt, you received a
8 sentence of a total period of twenty years. Is that
9 correct?

10 A Yes, sir.

11 Q And you had several sentences, but all those sentences
12 were to run concurrent. Is that correct?

13 A Yes, sir.

14 Q Now, you filed an application for post-conviction
15 relief and you are alleging that Mr. Byrholdt was
16 ineffective in your behalf and you are alleging that
17 he failed to appeal despite your request. Tell the
18 Court about that request for Mr. Byrholdt to appeal.

19 A I mean, how you speaking upon that?

20 THE COURT: I need you to speak up. I can't hear you,
21 please, sir.

22 MR. WELBORN: May I approach and push his microphone
23 down?

24 THE COURT: Yes, sir.

25 THE COURT: Mr. Timpson, say that again, please, sir.

1 A I say how is you speaking upon that? How is you
2 speaking upon that?

3 Q Let me see if I can repeat the question. You said
4 your lawyer, Mr. Byrholdt, failed to appeal your
5 guilty plea. Now, that was a complaint of yours. Did
6 you ask Mr. Byrholdt to appeal your guilty plea?

7 A Yes, sir. I did.

8 Q And so, you are alleging that he is ineffective for
9 not doing that. Is that correct?

10 A Yes, sir, but that, that's what I put on the appeal
11 application, but I wrote you a letter and told you
12 that I was trying to change that. You didn't get my
13 letter?

14 Q Well, we're going to go through a bunch of stuff.
15 Okay?

16 A Yeah. I'm not trying to go through with this dude,
17 man.

18 THE COURT: Let me tell you something, you filed a
19 petition and you can either represent yourself and I'll
20 dismiss your attorney or you can have him represent you
21 here today, but you are going to go forward with your
22 hearing today, Mr. Timpson.

23 MR. TIMPSON: I'm saying, you ---

24 THE COURT: Mr. Timpson, I'm not here to argue with
25 you. You're going forward today. Either you want him to

1 represent you or you can have him relieved as your
2 attorney.

3 MR. TIMPSON: Man.

4 THE COURT: Which one do you want, Mr. Timpson?

5 MR. TIMPSON: He gonna have to be relieved as my
6 attorney, man. I don't want the man on my case, man.

7 THE COURT: You want him to be relieved as your
8 attorney?

9 MR. TIMPSON: Yes, sir.

10 THE COURT: Do you understand that you will have to
11 represent your case on your own, right now.

12 MR. TIMPSON: This is crazy.

13 THE COURT: I'm going to ask you to go forward with
14 it, Mr. Welborn. Go ahead.

15 MR. WELBORN: Yes, sir.

16 THE COURT: You answer the questions, Mr. Timpson.

17 Q Mr. Timpson, I've got some of the questions that you
18 sent me. We'll get to those, okay? Let's talk about
19 what's in the original application. Tell the Court,
20 tell the Court -- let me re-phrase the question. For
21 you to have asked for him to have appealed your
22 sentence, you were not satisfied with it. Why were
23 you not satisfied with the twenty-year sentence?

24 A Because that's not what he told me I was taking.

25 Q What did he tell you you were going to be taking?

1 A Ten years.

2 Q And do you understand that had you been convicted of
3 all these crimes, you may have received well over one
4 hundred and twenty years?

5 A Yeah, I understand the sentence, but, I mean, if a
6 person is telling me what I'm going to, if he's asking
7 me if I'm going to take this, he asked me if I'm going
8 to take ten years. That's what I was going by. I
9 mean, I don't know nothing about no twenty years and
10 he didn't tell me I was taking a open plea from zero
11 to twenty years. Had I known that, I would never have
12 pled guilty.

13 Q So, are you telling the Court then, that you would
14 have insisted upon going to trial had you known that
15 you were going to get twenty years, that you would
16 have taken your chance with the jury in this case and
17 insisted on going to trial?

18 A Yeah. If I had known I was getting twenty, putting my
19 life on the line for twenty years. That's half my
20 life, man.

21 Q And you understand that had you been convicted, you
22 could have gone away forever, even without parole. Do
23 you understand that, sir?

24 A Yeah, I understand that.

25 Q All right. Your next allegation states that there was

1 a due process violation that made your guilty plea
2 involuntary. Tell me what that was. What did Mr.
3 Byrholdt do or not do that made your guilty plea
4 involuntary?

5 A He failed to inform me of any rights, any law that I
6 needed to know. The man only came to visit me three
7 times out of the year. We never went over my case and
8 every time he came to visit me, he stayed no less
9 than, what, five or ten minutes. You can't go over
10 nobody's cases in no five to ten minutes.

11 Q So, you are telling the Court then, that he didn't
12 tell you you had a right to a jury trial?

13 A The man never told me nothing. The only thing, the
14 only words he ever said when he came is, your case
15 ain't looking good. You wrote a statement, you've got
16 a statement that you wrote. Do you know what I'm
17 saying?

18 Q Well, I'm going through a series of questions, Mr.
19 Timpson. Did he not tell you that you had a right to
20 remain silent and you didn't have to testify in trial
21 if you went forward. Did he tell you that?

22 A He never tell me that I could go forward.

23 Q Are you telling me then, and the Court, you would have
24 insisted upon trying this case had he told you those
25 two things right there?

1 A Yeah, if he had told me I was taking twenty years, I
2 would have insisted.

3 Q Insisted on a trial.

4 A Yes, sir.

5 Q Knowing that you could have received well over one
6 hundred years?

7 A Yes, sir. And if he would have set down and talked to
8 me, we would have gotten all that straightened out.

9 Q What else did he not do for you that made your guilty
10 plea involuntary?

11 A That's the only thing.

12 Q I'm sorry, sir?

13 A That's the only thing.

14 Q That's the only thing?

15 A (Nods head)

16 Q Now, you allege in here you pled guilty to irrelevant
17 charges in ignorance of the consequences. So, what
18 were you ignorant about? What consequences have you
19 now found out that your lawyer should have told you
20 about?

21 A The post-release supervision.

22 Q The SCDC ---

23 A The service ---

24 Q service program? The community service program?

25 A --- program. Yes, sir.

1 Q Now, if he told you about the community service
2 program after you are released, you would have
3 insisted upon going to trial?

4 A Can I ask a question?

5 Q No. I'm asking the questions.

6 A Can I ask you a question?

7 Q No, sir. I'm asking you the questions.

8 A Man, I don't understand this. Is you with me or you
9 against me? You is not acting like my lawyer right
10 now.

11 Q I'll re-phrase the question, Mr. Timpson.

12 A All right, but I ain't answering that or nothing.

13 Q Would you have insisted upon going to trial if Mr.
14 Byrholdt had told you you would have to go through a
15 program once you were released called the Community
16 Service Program?

17 A (No response)

18 Q Would you answer my question?

19 A I ain't answering no more questions.

20 THE COURT: All right. Let me say this on the record.
21 Mr. Timpson, if you are not going to participate in your
22 application, I'm going to dismiss your appeal. I'm not
23 going to let this farce go any further. Are you going to
24 participate or not.

25 MR. TIMPSON: You're going to have to dismiss it.

JOCASTARIUS TIMPSON VERSUS THE STATE OF SOUTH CAROLINA

1 THE COURT: I'm going to dismiss this appeal. I am
2 also finding, on the record, that in reviewing the
3 transcript in this matter, that number one, at page three
4 of the transcript, Judge Maddox was informed by Mr.
5 Campbell that there were no recommendations and that was
6 pointed out to the Defendant. Therefore, he had no basis
7 for any anticipation of a ten-year charge, which is not
8 credible based on the evidence. He advised that he was not
9 under the influence of drugs or alcohol. He admitted to
10 the Court that he'd had plenty of time to speak with his
11 attorney and that's on page five. At the time, Judge
12 Maddox, page six, went over with him and told the
13 Defendant, Mr. Timpson, that he could get one hundred and
14 twenty years and that there were no recommendations and
15 asked if he still wanted to go forward. He, again, at page
16 seven, asked Mr. Timpson if he had sufficient time to meet
17 with his attorney and he asked if he was satisfied with his
18 services or if he had any questions of Mr. Byrholdt and he
19 did not. Mr. Byrholdt went over, in the meetings with Mr.
20 Timpson, and pointed out that these were strikes and
21 serious charges against Mr. Timpson and also pointed out
22 that the State could have proceeded based on eight
23 different counts. To try these separately, that they could
24 have found, ultimately, Mr. Timpson in jail without the
25 possibility of parole, if they had followed in that

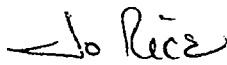
1 pursuit. That being done, the record is amply, amply clear
2 from what I've seen, that there was a knowing, intelligent
3 and voluntary plea, after being advised of all the proper
4 rights and privileges he has and, furthermore, for the
5 record, let me find this further basis, I find this
6 petition is meritless. Beyond that, Mr. Timpson has shown
7 his disdain and disrespect for these proceedings and
8 refuses to participate in these proceedings and,
9 accordingly, I'm dismissing the PCR application with
10 prejudice. Good luck. Take him back, please, sir.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON) CERTIFICATE

BE IT KNOWN THAT I, THE UNDERSIGNED JO RICE, OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT REPRESENTS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE HEARING IN THE CAPTIONED CASE, RELATIVE TO APPEAL, BEFORE THE CIRCUIT COURT FOR ANDERSON COUNTY, SOUTH CAROLINA, SO GIVEN ON MARCH 5, 2012 TO THE BEST OF MY SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO, NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND SEAL THIS 23RD DAY OF AUGUST, 2012.



JO RICE
OFFICIAL COURT REPORTER

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON

2010-CP-04-2418

Jocastarius Timpson, #337120,

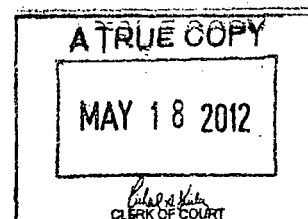
Applicant,

ORDER OF DISMISSAL

v.

State of South Carolina,

Respondent.



This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed July 9, 2010. Respondent made its Return on September 2, 2010. An evidentiary hearing into the matter was convened on March 5, 2012, at the Anderson County Courthouse. The Applicant was present at the hearing and was represented by Hugh W. Welborn, Esquire. The Respondent was represented by Kaelon E. May of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. This Court also had before it the records of the Anderson County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

I. PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. The Applicant was indicted at the November 18, 2008, 2008 term of the Anderson County Grand Jury for Armed Robbery (2008-GS-04-2669), then subsequently indicted at the December 16, 2008 term of the Anderson County Grand Jury for seven counts of Armed Robbery (2008-GS-04-2988, -2989, -2990, -2991, -2992, -2993, -2994), and two counts of Kidnapping (2008-GS-04-2995, -2996), and

subsequently indicted at the June 23, 2009 term of the Anderson County Grand Jury for Assault and Battery with Intent to Kill (2009-GS-04-1563), and Armed Robbery and Possession of a Firearm During Commission of a Violent Crime (2009-GS-04-1345). The Applicant was represented by Bruce Byrholdt, Esquire. On September 24, 2009, the Applicant pled guilty. He was sentenced by the Honorable J. Cordell Maddox, Jr., to confinement for an aggregate period of twenty (20) years. The Applicant did not appeal his guilty plea or sentence.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel;
 - a. "Plea counsel failed to appeal despite my request"
2. "Due process violation rendering my guilty plea involuntary"
 - a. "I pled guilty to the relevant charges in ignorance of the direct consequence of the mandatory post-release supervision requirement; trial judge failed to inform me that I will be required to serve CSP after release."

II. APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witness presented at the hearing, passed upon his credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the transcripts and documents from the prior proceedings. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the

probative evidence presented.

At the PCR hearing Applicant briefly testified that he was not happy with the twenty (20) year sentence he received at his guilty plea hearing; that Applicant would not have pled guilty if Applicant knew he was going to be sentenced to twenty (20) years; and that Applicant's plea counsel failed to inform Applicant of any rights or law. Applicant testified that he met with plea counsel two to three times for only five minutes and that plea counsel never informed Applicant of the community supervision program. This Court notes that Applicant then became unresponsive and refused to cooperate with the PCR Court. The Applicant showed his disdain and disrespect for the PCR Court.

This Court finds that the Applicant affirmatively waived the allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all allegations are denied and dismissed.

This Court reviewed the guilty plea transcript and finds that there were no recommendations made, therefore, Applicant had no basis to expect a ten (10) year sentence. At the guilty plea hearing, Applicant indicated to the plea judge that he had plenty of time to meet and speak with plea counsel.

The record reflects that plea counsel discussed the issues of a "strike" and "serious" charges. This Court finds and the guilty plea record is clear that Applicant made a knowing and voluntary guilty plea. Applicant's application for PCR is meritless; therefore any and all allegations are denied and dismissed.

IV. CONCLUSION

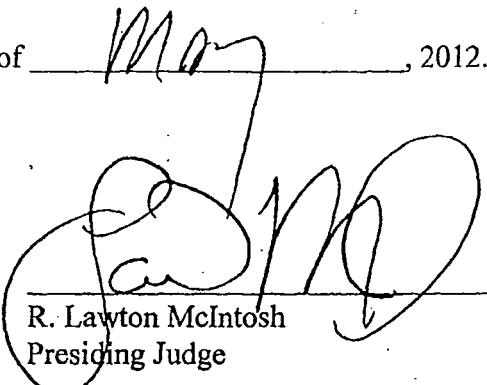
Based on all the forgoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post conviction relief. Therefore, this application for post conviction relief must be denied and dismissed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

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. *See* Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 17 day of May, 2012.


R. Lawton McIntosh
Presiding Judge

Anderson, South Carolina

FILED-CLERK'S OFFICE
312 MAY 18 A 11:25
GENERAL SESSIONS

WITNESSES

R Gebing, Anderson County Sheriff's Dept.

ARREST WARRANT NUMBER

J877596

ACTION OF GRAND JURY

TRUE BILL

JUN 23 2009

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-04-01043

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JUN 23 2009

Term

THE STATE

vs.

Jocastarius Daquan Timpson

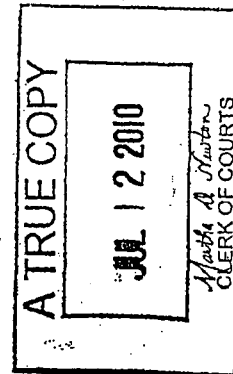
RLC

Indictment for

Assault / Assault and battery with Intent to Kill.
(ABWIK)

SC Code: 16-03-0620

CDR Code: 0014



COMMITMENT

9-24-09/RT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on JUN 23 2009, the Grand Jurors of Anderson County present upon their oath:

Assault / Assault and battery with Intent to Kill (ABWIK)

That **Jocastarius Daquan Timpson** did in **Anderson County** on or about **September 8, 2008**, with malice aforethought, commit an assault and battery upon **Sonal Patel**, by shooting her with a firearm. All in violation of Section 16-3-620, *Code of Laws of South Carolina*, (1976), as amended.

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

Ramel Campbell

ASSISTANT SOLICITOR

WITNESSES

R Gebing, Anderson County Sheriff's Dept.

DOCKET NO. 2009-GS-04-01345

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JUN 23 2009

Term

ARREST WARRANT NUMBER

J877595, Direct

THE STATE

vs.

Jocastarius Daquan Timpson

ACTION OF GRAND JURY

TRUE BILL

JUN 23 2009

Foreperson of Grand Jury

Date: Foreperson

VERDICT

Foreperson of Petit Jury

Date:

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed robbery

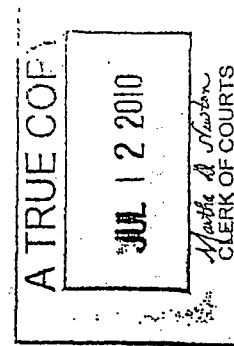
SC Code: 16-11-0330(A)

CDR Code: 0139

Possession of a firearm during the commission
of a violent crime

SC Code: 16-23-0490

CDR Code: 0549



COMMITMENT

9-24-09/RT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on JUN 23 2009, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed robbery

That Jocastarius Daquan Timpson did in Anderson County, on or about September 8, 2008, while armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he/she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: Cash in the amount of \$5,000 from the person or presence of Sonal Patel, an employee of Hometown Foods. This is in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

Possession of a firearm during the commission of a violent crime

That Jocastarius Danquan Timpson did in Anderson County on or about September 8, 2008 possess a firearm during the commission of a violent crime, to wit: Armed Robbery in violation of Code Section 16-23-490, Code of Laws of South Carolina, (1976), as amended.

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

Ramel L. Campbell

ASSISTANT SOLICITOR

WITNESSES
GEBING, ACSD

ARREST WARRANT NUMBER

J875281

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2008

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008GS04 02116

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term

THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Kidnapping / Kidnapping

SC Code: 16-03-0910

CDR Code: 0095

A TRUE COPY

JUL 12 2010

Martha B. Newton
CLERK OF COURTS

COMMITMENT

9-24-09/RT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on DEC 16 2008, the Grand Jurors of Anderson County present upon their oath:

Kidnapping / Kidnapping

That Jocastarius Daquan Timpson did in Anderson County, on or about May 23, 2008, unlawfully seize, abduct, confine, inveigle, decoy or carry away Hiren Patel, without the authority of law. This is in violation of §16-3-0910 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.

Ramel Timpson

ASSISTANT SOLICITOR

WITNESSES
GEBING, ACSD

ARREST WARRANT NUMBER

J875282

ACTION OF GRAND JURY
TRUE BILL

DEC 16 2003

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008GS04 06793

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008
Term

THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Kidnapping / Kidnapping

SC Code: 16-03-0910

CDR Code: 0095

A TRUE COPY

JUL 12 2010

Martha A. Newton
CLERK OF COURTS

COMMITMENT

9-24-09 RT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on DEC 16 2008, the Grand Jurors of Anderson County present upon their oath:

Kidnapping / Kidnapping

That Jocastarius Daquan Timpson did in Anderson County, on or about May 23, 2008, unlawfully seize, abduct, confine, inveigle, decoy or carry away Melissa Mullikan, without the authority of law. This is in violation of §16-3-0910 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.

Ramel Campbell

ASSISTANT SOLICITOR

WITNESSES
GEBING, ACSD

ARREST WARRANT NUMBER

J875289

ACTION OF GRAND JURY
TRUE BILL

DEC 16 2008

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008GS04 06774

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008
Term

THE STATE

vs.

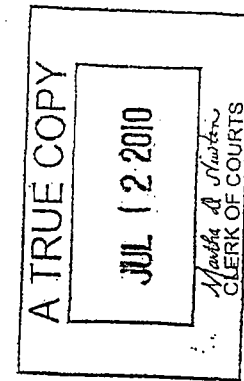
Jocastarius Daquan Timpson

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)
CDR Code: 0139



COMMITMENT

9-24-09/RT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on DEC 16 2008, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Jocastarius Daquan Timpson did in Anderson County, on or about May 25, 2008, while armed, or accompanied by individuals who were armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U. S. Currency from the High Volume store located at _____ in Anderson, South Carolina. This is in violation of §16-11-330(A) 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.

Rame L Campbell

ASSISTANT SOLICITOR

WITNESSES
GEBING, ACSD

ARREST WARRANT NUMBER

J875390

ACTION OF GRAND JURY
TRUE BILL

DEC 16 2008

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008GS04 00113

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term

THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)

CDR Code: 0139

A TRUE COPY

JUL 12 2010

Martha A. Newton
CLERK OF COURTS

COMMITMENT

9-24-09/RT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on DEC 16 2008, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly ar

That Jocastarius Daquan Timpson did in Anderson County, on or about April 14, 2008, while armed, or accompanied by individuals who were armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U. S. Currency from the SAV MORE store located at _____ in Anderson, South Carolina. This is in violation of: §16-11-330(A) 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.

Ramel Campbell

ASSISTANT SOLICITOR

WITNESSES
GEBING, ACSD

ARREST WARRANT NUMBER

J875279

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2008

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008GS04 007172

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term

THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)

CDR Code: 0139

A TRUE COPY

JUL 12 2010

Martha D. Hunter
CLERK OF COURTS

COMMITMENT

9-24-091RT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on DEC 16 2008, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Jocastarius Daquan Timpson did in Anderson County, on or about May 23, 2008, while armed, or accompanied by individuals who were armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U. S. Currency from the High Volume Convenience Store. This is in violation of §16-11-330(A) 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.

Ramel Campbell

ASSISTANT SOLICITOR

WITNESSES

RANDALL WILLIAMS, APD

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term

ARREST WARRANT NUMBER

1718751

THE STATE

vs.

Jocastarius Daquan Timpson

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2008

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

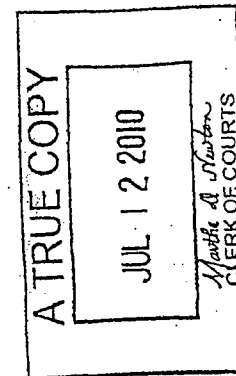
RLC

Indictment for

Robbery / Armed Robbery, robbery while armed.
or allegedly armed

SC Code: 16-11-0330(A)

CDR Code: 0139



COMMITMENT

9-24-09IRT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

DEC 16 2008

At a Court of General Sessions, convened on _____, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Jocastarius Daquan Timpson did in Anderson County, within the city limits of Anderson, South Carolina, on or about July 11, 2008, while armed or accompanied by an individual who was armed with a deadly weapon, to wit: a knife, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U. S. Currency from the Plez U store located at _____, South Carolina. This is in violation of §16-11-330(A) 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.

Rame L Campbell

ASSISTANT SOLICITOR

WITNESSES

AIKEN MA, APD

9/24/09 Nolk Prosser -
duplicate Charge
Ronel Campbell

ARREST WARRANT NUMBER

(Ref) 1718794, 1718796 (Direct)

TRUE BILL

SEP 16 2009

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008GS04 02110

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

SEP 16 2009

Term

THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)

CDR Code: 0139

Possession of a weapon during the
commission of a violent crime

SC Code: 16-23-0490

CDR Code: 0549

A TRUE COPY

JUL 12 2010

Martha A. Newton
CLERK OF COURTS

COMMITMENT

9-24-09/RT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on DEC 16 2008, the Grand Jurors of Anderson County present upon their oath:

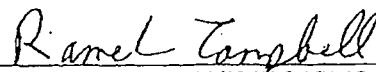
Robbery / Armed Robbery, robbery while armed or allegedly armed

That Jocastarius Daquan Timpson did in Anderson County, within the city limits of Anderson, South Carolina, on or about August 30, 2008, while armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U. S. Currency from the Plez-U store located at _____, South Carolina. This is in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

Possession of a Weapon During the Commission of a Violent Crime

That Jocastarius Daquan Timpson did in Anderson County, within the city limits of Anderson, South Carolina, on or about May 25, 2008, possess a firearm during the commission of the violent crime of Armed Robbery, in violation of Code Section 16-23-0490, *Code of Laws of South Carolina (1976)*, as amended.

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


ASSISTANT SOLICITOR

WITNESSES
GEBING, ACSD

ARREST WARRANT NUMBER

J875303, Direct

ACTION OF GRAND JURY

TRUE BILL

DEC 16 2008

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008GS04 00101

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term

THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)

CDR Code: 0139

Possession of a Weapon During the
Commission of a Violent Crime

SC Code: 16-23-0490

CDR Code: 0549

A TRUE COPY

JUL 12 2010

Martha B. Newton
CLERK OF COURTS

COMMITMENT

9-24-09/RT

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on EC 16 2008, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly ar

That Jocastarius Daquan Timpson did in Anderson County, on or about May 2, 2008, while armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U. S. Currency from the Zaxby's located at _____ in

South Carolina. This is in violation of §16-11-330(A) of the *South Carolina Code of Laws (1976)*, as amended.

Possession of a Weapon During the Commission of a Violent Crime

That Jocastarius Daquan Timpson did in Anderson County, on or about May 2, 2008, possess a firearm during the commission of the violent crime of Armed Robbery, in violation of Code Section 16-23-0490, *Code of Laws of South Carolina (1976)*, as amended.

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

Ramel Campbell

ASSISTANT SOLICITOR

WITNESSES
AIKEN MA, APD

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS

DEC 16 2008

Term

THE STATE

vs.

Jocastarius Daquan Timpson

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)

CDR Code: 0139

Possession of a weapon during the
commission of a violent crime

SC Code: 16-23-0490

CDR Code: 0549

A TRUE COPY

JUL 12 2010

Martha B. Newton
CLERK OF COURTS

COMMITMENT

9-24-091RT

ARREST WARRANT NUMBER

I718794, I718796

ACTION OF GRAND JURY
TRUE BILL

DEC 16 2008

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on DEC 16 2008 the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Jocastarius Daquan Timpson did in Anderson County, within the city limits of Anderson, South Carolina, on or about August 30, 2008, while armed with a deadly weapon, to wit: a firearm, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: U. S. Currency from the Plez-U store located at South Carolina. This is in violation of §16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

Possession of a firearm during the commission of a violent crime

That Jocastarius Daquan Timpson did in Anderson County, within the city limits of Anderson, South Carolina, on or about May 25, 2008, possess a firearm during the commission of the violent crime of Armed Robbery, in violation of Code Section 16-23-0490, *Code of Laws of South Carolina (1976)*, as amended.

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

Ramel Campbell
 ASSISTANT SOLICITOR

WITNESSES
BOSEMAN S. HPPD

The State of South Carolina
County of Anderson

COURT OF GENERAL SESSIONS
NOV 18 2008

Term

THE STATE

vs.

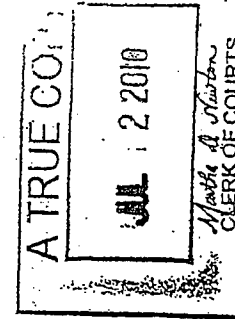
Jocastarius Daquan Timpson

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)
CDR Code: 0139



COMMITMENT

9-24-09/RT

ARREST WARRANT NUMBER

J755160

TRUE BILL
ACTION OF GRAND JURY

NOV 18 2008

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF Anderson)

At a Court of General Sessions, convened on NOV 18 2008, the Grand Jurors of Anderson County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That Jocastarius Daquan Timpson did in Anderson County, within the town limits of Honea Path, South Carolina, on or about July 22, 2008, while armed with a deadly weapon, or accompanied by individuals who were armed with a deadly weapon, to wit: a firearm, take by means of force or intimidation, goods or monies from the person or presence of Jonathan Wright Donald, an employee of Stop-A-Minit. This is in violation of §16-11-330(A) 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.

Pamela L. Campbell

ASSISTANT SOLICITOR