

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

—————
Certiorari to Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge
—————

LAMARCUS D. THOMPSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000160
—————

APPENDIX
—————

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STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
 -VS-)
)
 LAMARCUS D. THOMPSON,)
)
 DEFENDANT.)
 _____)

2017-GS-42-04368 - 04376; 05285

TRANSCRIPT OF RECORD

OCTOBER 19, 2017
SPARTANBURG, SOUTH CAROLINA

BEFORE:

THE HONORABLE J. MARK HAYES, II

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

SPENCER SMITH
ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANT:

JAMES CHEEK
ASSISTANT PUBLIC DEFENDER

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

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COURT REPORTER'S NOTE: (The following defendants were qualified for guilty pleas along with Lamarcus Thompson; Jonathan Kirby, Labiran Dawkins, Jason Cooper, Delmetre Mitchell and Thomas Skates)

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
C-1	Photos (16)	27	

1 **THE COURT:** All right. When I call your name, if you
2 will, just raise your hand, let me eyeball where you are.
3 And if you're in the gallery, if you would, come forward and
4 have a seat in the jury box.

5 Norman Garner.

6 **MS. COLEMAN:** He's a trial.

7 **THE COURT:** He's a trial? Okay. Jason Cooper,
8 Jonathan Kirby, Delmetre Mitchell, Labiran Dawkins, Thomas
9 Skates, Lamarcus Thompson, Terry Brown. Sir, just come
10 right up here and have a seat. Mr. Brown, who's your
11 lawyer?

12 **MS. COLEMAN:** He's pro se.

13 **THE COURT:** Pro se?

14 **MS. COLEMAN:** Yes, Your Honor.

15 **THE COURT:** Mr. Brown, you just have a seat back there.
16 Since you're pro se, we'll do you separately. All right.

17 Gentlemen, if you would, I need for y'all to please
18 listen to me for a few moments. I've been told that each
19 one of you has one or more matters that are presently
20 pending in the Court of General Sessions. I've also been
21 told that each one of you has expressed a desire or an
22 intent to want to enter a plea to those matters.

23 I need to let you know that as part of every plea that
24 is presented in front of me, we make a recording. This lady
25 who's sitting right here beside me, she's a court reporter.

1 She's taking down everything that's said.

2 I tell you that because if ever during this process now
3 or later, if you need to speak to me, I need you to speak up
4 loud enough so both she and I can hear you because if we
5 can't hear you, I cannot accept your plea. But, likewise,
6 if ever during this process if you cannot hear me,
7 immediately let me know, and I'll speak up as well.

8 Now, in just a few moments I'm going to ask you a
9 series of questions. I'm going to ask you these questions
10 as a group. But I do not wish for you to think nor conclude
11 that simply because I'm asking you these questions as a
12 group that for some reason these questions are not important
13 because these questions are very important.

14 The questions that I ask you and the answers you give
15 me to these questions help me decide whether or not I can,
16 in fact, accept your plea. So please listen to the
17 questions.

18 If you need to respond to the questions, I'm going to
19 ask if you would stand up and let me call on you one at a
20 time. Just don't everybody speak out at once, but let me
21 call on you one at a time.

22 Now, if ever during this process if any of you feel the
23 need to want to speak with your lawyer, you just let me
24 know, and I'll allow you to talk to your lawyer in private.

25 I'm now going to call your names one more time. This

1 time when I call your name I'm going to ask you, if you
2 would, to please stand up and remain standing. After
3 everybody's names has been called, the court reporter has
4 your names written down, the lady on this side of the
5 courtroom, the clerk of court, she's going to swear you in.
6 So please respond out loud when she asks you to do so.

7 We have Jason Cooper, Jonathan Kirby, Delmetre
8 Mitchell, Labiran Dawkins, Thomas Skates, Lamarcus Thompson.
9 Please raise your right hand, gentlemen.

10 **MADAM CLERK:** Do you solemnly swear or affirm the
11 testimony you're about to give will be the truth, the whole
12 truth and nothing but the truth so help you God? You have
13 to answer out loud.

14 (Whereupon all the defendants answered in the
15 affirmative)

16 **MADAM CLERK:** Thank you.

17 **THE COURT:** Thank you. You may be seated.

18 Here's the questions that I need for you to please
19 listen to. Within the last 24 hours have you consumed any
20 type of substance that is adversely or negatively affecting
21 your ability to understand what we are doing today? If you
22 have taken something, please stand at this time.

23 (Whereupon no one stood)

24 **THE COURT:** If you've ever received any type of
25 substance abuse treatment in the past, that's for a drug or

1 alcohol problem, I need for you to please stand at this time
2 if you've ever received any substance abuse treatment. Yes,
3 sir. Tell me your name, again.

4 **MR. KIRBY:** Jonathan Kirby.

5 **THE COURT:** Mr. Kirby, did you receive treatment for
6 drugs, alcohol or both?

7 **MR. KIRBY:** Both.

8 **THE COURT:** Where did you receive that last treatment?

9 **MR. KIRBY:** SADAC.

10 **THE COURT:** And about how long ago was that
11 approximately?

12 **MR. KIRBY:** 2010.

13 **THE COURT:** And was it successful at the time?

14 **MR. KIRBY:** Yes, sir.

15 **THE COURT:** Thank you, sir. You may be seated.

16 If you are satisfied with the work that your lawyer has
17 done for you, then I need for you to please stand at this
18 time. If you're satisfied with the work that your lawyer
19 has done, please stand.

20 (Whereupon all defendants stood)

21 **THE COURT:** Let the record reflect that everyone stood.
22 Thank you very much. You may be seated.

23 If anybody has come to you and threatened you in any
24 way or if they have made you any promises in order to get
25 you to make the decision to enter the plea, then I need for

1 you to please stand at this time. If you have been
2 threatened in any way or promised anything, please stand.

3 (Whereupon no one stood)

4 **THE COURT:** If the decision by you to enter the plea is
5 a free and voluntary decision on your part, then I need for
6 you to please stand at this time. If this -- if this is a
7 free and voluntary decision, please stand.

8 (Whereupon all defendants stood)

9 **THE COURT:** Let the record reflect that everyone stood.
10 Thank you very much. You may be seated.

11 I need for each of you to understand that under the law
12 you are presumed innocent of each and every charge that's
13 presently against you and you are entitled to have a jury
14 trial on each and every one of those charges. Now, at any
15 jury trial that would take place, it would be the State that
16 has the burden of proof. The State would have to convince
17 all 12 members of a jury that you are, in fact, guilty
18 beyond a reasonable doubt.

19 Now, in order to enter a plea, however, you have to
20 give up your right to that jury trial. But if you wish to
21 have a jury trial on any of the charges that are presently
22 against you, that is perfectly fine. We will simply
23 schedule a jury trial for you.

24 Is there anyone who wishes to have a jury trial on any
25 of the charges that are presently against them? If you do

1 wish to have a jury trial, please stand at this time.

2 (Whereupon no one stood)

3 **THE COURT:** In addition to giving up your right to that
4 jury trial there are other very important constitutional
5 rights that you are entitled to, but that you have to give
6 up in order to enter a plea. You have to give up your right
7 to confront and cross-examine the State's witnesses. You
8 also have to give up your right to present evidence which
9 you or your lawyer may feel would establish a defense. And
10 you have to give up your right of subpoena. And you have to
11 give up your right to remain silent.

12 Now, if you understand all those rights and you wish to
13 give up those rights and go forward with entering the plea,
14 then I need for you to please stand at this time.

15 (Whereupon all defendants stood)

16 **THE COURT:** Let the record reflect that everyone stood.
17 Thank you very much. You may be seated.

18 Again, if ever during this process if you need to speak
19 with your lawyer, just let me know, and I'll allow you to
20 talk to your lawyer in private.

21 (Whereupon individual cases were called)

22 **MR. SMITH:** Your Honor, before you is Lamarcus Devionne
23 Thompson. He's here to plead guilty on ten indictments with
24 14 counts.

25 First is 2017-GS-42-4368, it's count one, an indictment

1 for armed robbery. He's pleading as charged.

2 Count two is an indictment for possession of a weapon
3 during a violent crime. He's pleading as charged. There's
4 a negotiated sentencing range in all of these cases of ten
5 to 20 years.

6 Next is 2017-GS-42-4369, count one, armed robbery.
7 Count two, possession of a weapon during a violent crime,
8 pleading as charged.

9 Next, 2017-42-4370, another indictment for armed
10 robbery, and possession of a weapon during a violent crime.
11 Pleading guilty as charged.

12 Next is 2017-GS-42-4371 is an indictment for defrauding
13 the lottery, pleading as charged.

14 2017-GS-42-4372, another indictment for defrauding the
15 lottery, pleading as charged.

16 2017-GS-42-4373, another indictment for defrauding the
17 lottery, pleading as charged.

18 2017-GS-42-4374, another lottery charge, pleading as
19 charged.

20 2017-GS-42-4375, another intent to defraud lottery,
21 pleading as charged.

22 2017-GS-42-4376 is another lottery charge, pleading as
23 charged.

24 And, finally, 2017-GS-42-5285, it's a two count
25 indictment. First count for armed robbery and second count

1 for possession of a weapon during a violent crime, pleading
2 guilty to that.

3 All of these indictments have been true billed. He's
4 represented by Mr. Cheek with the Public Defender's Office.
5 And there's a sentencing range of ten to 20, negotiated,
6 Your Honor.

7 **THE COURT:** You are Lamarcus Thompson?

8 **MR. THOMPSON:** Yes, sir.

9 **THE COURT:** And, sir, it is your intent to enter a plea
10 to the charges that were just announced?

11 **MR. THOMPSON:** Yes, sir.

12 **THE COURT:** By my calculation that you're pleading to
13 four armed robberies, four possession of weapon during the
14 commission of a violent crime and six defrauding of lottery?

15 **MR. THOMPSON:** Yes, sir.

16 **THE COURT:** All right. How old are you, sir?

17 **MR. THOMPSON:** 26.

18 **THE COURT:** How far did you go in school?

19 **MR. THOMPSON:** Eleventh grade, second semester.

20 **THE COURT:** Did you ever obtain a GED?

21 **MR. THOMPSON:** No, sir, but I've taken classes while I
22 was at the detention center.

23 **THE COURT:** Presently are you married, single, divorced
24 or widowed?

25 **MR. THOMPSON:** Single.

1 **THE COURT:** Do you have children?

2 **MR. THOMPSON:** Yes, sir.

3 **THE COURT:** How many?

4 **MR. THOMPSON:** Two.

5 **THE COURT:** How old?

6 **MR. THOMPSON:** Four and three.

7 **THE COURT:** Do you or did you have a job outside the
8 home prior to your arrest?

9 **MR. THOMPSON:** Yes, sir.

10 **THE COURT:** What were you doing?

11 **MR. THOMPSON:** I worked at Gestamp in Union, South
12 Carolina making car parts for BMW.

13 **MADAM COURT REPORTER:** Can you say the name of the
14 company again?

15 **MR. THOMPSON:** Gestamp, with stamp.

16 **THE COURT:** Ever serve in the military?

17 **MR. THOMPSON:** No, sir.

18 **THE COURT:** On these charges, how long a time have you
19 been in jail?

20 **MR. THOMPSON:** 482 days.

21 **MR. SMITH:** Your Honor, that's not correct. He was
22 arrested on February 20th of 2017.

23 **MR. CHEEK:** Sorry, Your Honor.

24 (Pause)

25 **MR. CHEEK:** I'm sorry, Your Honor. I looked at Jodia

1 Thompson. It's 241. I looked at the wrong name. I'm
2 sorry.

3 **THE COURT:** Sir, I need for you to please listen to the
4 solicitor. He's going to provide us with the facts.

5 **MR. SMITH:** Thank you, Your Honor. The first armed
6 robbery occurred on January 16th of this year. Deputies
7 responded to Chesnee Highway for an armed robbery at Li'l
8 Cricket.

9 The clerk described a black male who came in with his
10 face concealed. He pointed a gun at her and she gave him
11 money from inside the register. He was wearing a pair of
12 gray gloves and armed with what she believed to be a rifle.

13 On January 16th, that same night, deputies also
14 responded to another Li'l Cricket in the Chesnee area for an
15 armed robbery. The clerk stated that a black male wearing a
16 bandana came in with what she believed to be a shotgun
17 yelling, hurry up. She opened the register and grabbed
18 money.

19 Video was obtained and the suspect matched the
20 description from the armed robbery that occurred earlier
21 that night. He had on a pair of distinctive gray gloves.
22 I'm going to hand up some pictures at the end of this, Your
23 Honor, that kind of show what we're talking about.

24 Next was February 15th, 2017 there was an armed robbery
25 at the Li'l Cricket on Chesnee Highway. The clerk stated

1 that a black male came in with his face concealed with a
2 bandana. He was armed with a small black pistol. He got
3 away with money and cigarettes. He was wearing a
4 distinctive pair of orange and black gloves. That actually
5 ended up being the same clerk that he had robbed a month
6 before.

7 And then on February 17th, 2017 deputies responded to
8 Scotchman on Chesnee Highway for another armed robbery. The
9 clerk stated a black male entered the store with his face
10 concealed by a bandana, armed with a pistol. She gave the
11 man money and lottery tickets that he demanded. He was
12 wearing a pair of orange and black gloves.

13 Your Honor, I showed these to Mr. Cheek, but I've kind
14 of got them divided. There's four separate surveillance
15 shots from armed robberies. And then the remaining pictures
16 are pictures from a search warrant that was executed I'll go
17 into now. But you can see the distinctive gloves.

18 And in the search warrant we've got the .25 caliber
19 pistol, which matches the description of the pistols that is
20 used in this case. And there was a BB gun found behind the
21 laundry machine that looks very close to the -- what the
22 victim described as a rifle or a shotgun.

23 The day after the lottery tickets were stolen SLED got
24 a hit that some of the lottery tickets had been cashed at a
25 local business in the Chesnee area, another gas station.

1 SLED contacted the sheriff's office, who immediately went
2 out to that location.

3 They were able to secure the lottery tickets as well as
4 video surveillance, which ultimately ended up showing Mr.
5 Thompson, but at that time they didn't know who he was.
6 They got fingerprints off of the lottery tickets and ran
7 those. It came back to Lamarcus Thompson. They began doing
8 research into him.

9 They had a description of a white Chevy Equinox with a
10 broken windshield wiper that was the car that he arrived in
11 to cash those lottery tickets. They went on Facebook. They
12 found that he dated a lady named Brittany Fowler. They did
13 a DMV car check on Brittany Fowler, and she had a white
14 Chevy Equinox.

15 They then did a tag reader search through TLO and they
16 found that that white Equinox had been seen inside the
17 Spartanburg area or they were able to get surveillance video
18 of that confirmed that her white Chevy Equinox had a broken
19 back windshield wiper, which was matched with the car that
20 was used at the cashing of the lottery tickets.

21 They took all of that information to get a search
22 warrant for the house that Mr. Thompson and Ms. Fowler were
23 living in together at the time along with another female.
24 They found numerous items, clothing items consistent with
25 the robbery. Most of his clothing was very generic, hard

1 to be specific.

2 But as you can see on the gray gloves, there's like an
3 upside down triangle mark with a brand name on it that looks
4 identical to the ones that were seized in the search warrant
5 and the ones seen in the armed robbery. And they also found
6 a pair of orange and black gloves that seemed to match
7 perfectly with what was seen in this.

8 Mr. Thompson did speak with investigators. He admitted
9 that he was the person that cashed the lottery tickets.
10 He's written me multiple letters saying that he knew that
11 they were stolen, that he was willing to plead guilty to
12 that. His story at that time was that his roommate
13 sometimes picks up cans and stuff off the street and had
14 brought that back into his house, and he had been stupid
15 enough to cash them.

16 Your Honor, he does have a prior record. And I would
17 like to go, after the plea's accepted, into sentencing and
18 some of the victims' comments on this. None of them are
19 here today, but I do -- some of them did wish me to share
20 with the Court their feelings on this.

21 **THE COURT:** And, Mr. Thompson, you were able to hear
22 the solicitor when he related the facts to me?

23 **MR. THOMPSON:** Yes, sir.

24 **THE COURT:** The manner in which he related the facts to
25 me, do you believe that he is substantially correct?

1 **MR. THOMPSON:** Yes, sir.

2 **THE COURT:** And, sir, do you understand that on the --
3 on all of the defrauding of lottery charges that I could
4 sentence you up to five years on those charges?

5 **MR. THOMPSON:** Yes, sir.

6 **THE COURT:** And, sir, do you understand that on the
7 armed robbery charges that -- I'm sorry. Yes, sentence you
8 up to five years on those charges.

9 And, sir, do you understand that on the armed robbery
10 charges that these are being presented to me as negotiated
11 sentences, therefore, if I accept the pleas I'll be bound by
12 the negotiations and will have to impose a sentence of
13 between ten to 30 years? I'm sorry, ten to 20 years?

14 **MR. THOMPSON:** Yes, sir.

15 **THE COURT:** Sir, do you also understand that all of the
16 armed robbery charges, that they are classified as both
17 violent and most serious?

18 **MR. THOMPSON:** Yes, sir.

19 **THE COURT:** And you have been able to talk to your
20 lawyer as to the consequences of those offenses being
21 classified as violent and most serious?

22 **MR. THOMPSON:** Yes, sir.

23 **THE COURT:** And you still wish to enter those pleas?

24 **MR. THOMPSON:** Yes, sir.

25 **THE COURT:** Do you also understand that on the

1 possession of weapon during the commission of a violent
2 crime that all of those charges carry up to five years?

3 **MR. THOMPSON:** Yes, sir.

4 **THE COURT:** Understanding that this -- that this case
5 is being presented to me as a negotiated plea with the range
6 being ten to 20 years, concurrent, do you still wish to
7 enter the plea?

8 **MR. THOMPSON:** Yes, sir.

9 **THE COURT:** Are you, in fact, guilty of all six of the
10 defrauding of the lottery charges?

11 **MR. THOMPSON:** Yes, sir.

12 **THE COURT:** And are you also guilty of all four of the
13 armed robbery charges?

14 **MR. THOMPSON:** Yes, sir.

15 **THE COURT:** And are you also guilty of all four of the
16 possession of weapon during the commission of a violent
17 crime charge?

18 **MR. THOMPSON:** Yes, sir.

19 **THE COURT:** Have all of your answers to my questions
20 today been truthful and honest?

21 **MR. THOMPSON:** Yes, sir.

22 **THE COURT:** Discovery's been shared with the defense?

23 **MR. SMITH:** It has, Your Honor.

24 **THE COURT:** Prior record?

25 **MR. SMITH:** Your Honor, he has a 2008 assault and

1 battery, 2009 petty larceny, 2010 shoplifting and 2014 CDV.

2 **THE COURT:** You say you did have some input from the
3 victims?

4 **MR. SMITH:** Yes, Your Honor. Ms. Brandy Cromer was the
5 victim that got robbed twice in this. I spoke with her
6 recently. All of the victims were obviously very affected
7 by this.

8 Ms. Cromer has reported she still works at the same gas
9 station, unbelievably from my perspective. She's reported
10 that she basically has to have her boyfriend sit in the
11 parking lot in order to be able to get through just being
12 there without a fear of somebody else coming and robbing it.
13 Other victims reported similar things.

14 Another thing that she said bothers her very much --
15 she's a white woman. She's married to a black man. She
16 says that even though she's married to a black man, has no
17 prejudice, she's now scared of random black men that she
18 encounters. And that bothers her because she doesn't want
19 to feel like that, but because of what he did, that's how
20 she feels.

21 Your Honor, personally from talking with the sheriff's
22 office, talking with the victims and the solicitor's office,
23 I think that the deal is generous. I would ask that you
24 sentence him to the full 20 years. This is easily a case
25 that he could have gotten, if he went to trial or if we

1 didn't make an offer, he could easily get life on these
2 because of the violent and most serious nature of them.

3 I know he doesn't have a particularly large criminal
4 history, but this was an ongoing crime wave that, thankfully
5 only, I believe, ended because he was foolish enough to
6 steal the lottery tickets and cash them.

7 And two of the weapons in the robberies were real
8 weapons. That other weapon did end up to be a BB gun. But
9 they were real, and there was ammunition in his house that
10 the guns could have been loaded at the time.

11 **THE COURT:** Yes, sir.

12 **MR. CHEEK:** May it please the Court, Your Honor?

13 Lamarcus Thompson is present before the Court to resolve
14 these matters here today. And I'm grateful to have had an
15 opportunity to meet and talk with him.

16 His impression to me all along the way was that he got
17 himself in a situation where he just felt helpless for all
18 the wrong reasons. He got himself into this situation. He
19 met this young lady, Brittany Fowler. She had a car. He
20 didn't have a car. He had a job down in Union. She
21 convinced him to move in with her up in Chesnee.

22 He moves up into her home in Chesnee, got a job at
23 Leigh Fibers once he got here for a short period of time.
24 He lost that job in the first period of time that he was up
25 here.

1 He reported to the Court that he did have a good job
2 prior to being incarcerated down at Gestamp down in Union.
3 And then he got up here at Leigh Fibers. He changed his
4 whole life and moved up here.

5 She wouldn't let him have the car to go back and forth
6 to Union to work every day because she didn't trust him
7 being back down in Union where the mother of his two
8 children live. She has two children. He has two children.

9 He left his girlfriend down in Union whom he has those
10 two children, help to take care of, moves in with her up
11 here. And under a very controlling situation he found
12 himself without a job up here and just panicked for no
13 reason.

14 His family's here today to show their love for him and
15 their support of him. They would have done anything they
16 could for him, but his foolish pride would not allow him to
17 go on back down to Union, admit he'd done wrong, stay with
18 his family for a period of time to get back up on his feet
19 because he loved Brittany Fowler.

20 Your Honor, we've made every effort to contact her
21 since she's been -- since he's been in jail. And the
22 comments she's sent through Facebook and through family
23 members was an expletive that I would not want to share with
24 the Court at this time. But she means what she says. She's
25 through with him. It doesn't really matter at this point

1 because he's going to be incarcerated for a significant
2 period of time because he made all the wrong choices.

3 Your Honor, I understand the victims in this case.
4 I've had guns pointed at me before, so I know how that
5 feels. I also know that this young man ordinarily would not
6 harm a fly. But he found himself desperate and he did what
7 he did.

8 He is not a real skilled or schooled criminal because
9 who goes and cashes the lottery tickets that's just stolen
10 from a business? He did it, he's identified.

11 He tried to talk his way out of it with law
12 enforcement. He's not going to make any effort to try to
13 talk his way out of it today with the Court, Your Honor,
14 other than with his conversations with myself and the
15 prosecutor, Mr. Smith, before we came into the courtroom.
16 He's admitting his guilt.

17 We'd ask the Court to consider the range of sentencing.
18 We'd ask the Court to consider that he does have a
19 supportive family to come back to and he does have
20 obligations.

21 He won't be eligible to come back into this community
22 for a significant period of time. I've explained to him 85
23 percent, whatever that means, as it applies to the sentence
24 the Court might impose today. We just plead mercy, Your
25 Honor.

1 I've asked the Court before on many times to understand
2 the person's otherwise behavior in a community but for a
3 foolish choice to try to hold onto a relationship that meant
4 nothing to start with. He says he wanted to provide for his
5 children, provide for Brittany's children. He had no
6 obligation to provide for Brittany's children.

7 Had he gone home, he could have provided for his
8 children. But now he's here today, they're going to be
9 without a father for a significant period of their lives,
10 very important young portions of their lives. They would
11 love to have their father in their lives, I'm confident.
12 But he's not going to be there in a role that he ordinarily
13 would have been able to fulfill in the development of his
14 children's lives.

15 Your Honor, I would ask the Court to consider something
16 towards the lower end of the range of ten to 20. I know the
17 Court has to do what the Court is going to do. I would ask
18 the Court, if nothing else, if the Court might consider what
19 I call the wisdom of Solomon, to go halfway between both of
20 the situations here with something in the neighborhood of
21 ten to 15 as opposed to 15 to the 20, Your Honor. I would
22 just ask the Court to consider something of that nature.

23 But he's here with his wrongdoing. I've talked with
24 his -- one of his sisters would like to address the Court.
25 We'd ask the Court to allow her to do that at the

1 appropriate time.

2 **THE COURT:** Mr. Thompson, do you agree with the
3 statements made by your lawyer?

4 **MR. THOMPSON:** Yes, sir.

5 **THE COURT:** Yes, ma'am. If you would, just come right
6 up here and stand beside the police officer. Ma'am, we are
7 making a recording of everything that happens here. So
8 please speak up loud enough so that both the court reporter
9 and I can hear you. Just start by giving us your full name.

10 **MS. SMITH:** My name is Lauren Smith.

11 **THE COURT:** Yes, ma'am, I'd be more than happy to hear
12 from you.

13 **MS. SMITH:** I love my brother. I know he made some bad
14 choices in his life. And this was just a big mistake. I
15 know him and this is not what we do. We all have jobs. We
16 go to church on Sundays. This was not -- our mama didn't
17 raise us like this.

18 And I have two nieces that's his kids. They miss him
19 every day, asking where's daddy. And I don't know what to
20 tell them. And I just want to ask you if you'd please give
21 mercy on my brother and just help us out. And -- I don't
22 know.

23 **THE COURT:** Thank you, ma'am.

24 **MS. SMITH:** Thank you.

25 **THE COURT:** Mr. Thompson, is there anything that you

1 would like to say or want me to know or consider?

2 **MR. THOMPSON:** Yes, sir. I just want to say that I'm
3 sorry. And I apologize to the victims, and I apologize to
4 the court system and Your Honor.

5 And the reason why I committed these crimes because I
6 was with this girl, and we was staying together, and she
7 didn't have no job. And at the time I had lost mine. And
8 we was going to get evicted. And the kids didn't have no
9 food, you know, the kids didn't have nothing.

10 So like -- so I went and -- so I went and did some bad
11 things that I didn't have no business doing. I could have
12 went back home, but -- but I made some bad decisions and bad
13 -- and bad decisions that led me up in here in front of you
14 today. And so I just want to say that I'm sorry.

15 And I love my family that's -- I love all my family
16 that's here with me right now and my two sisters, and my
17 cousins, and my two brothers back there. And my mama, she's
18 not here right now, with my kids. And it's -- I just want
19 to -- I just want to close the chapter and begin a new
20 chapter in my life. And I just want to say that I'm sorry.

21 And me and Brittany, we -- as soon as I came to jail,
22 about eight months, she -- she left me within my first two
23 months being in jail. So it's like -- so it's like I'm in
24 jail for nothing. I mean, I committed these crimes for
25 nothing, you know what I'm saying? And I really want to say

1 I'm sorry to the victims and sorry to my family.

2 **THE COURT:** Thank you, Mr. Thompson.

3 (Pause)

4 **MR. THOMPSON:** Can I say something else? See, my
5 future was bright, but now -- but now my future could be
6 leading to -- could be leading to a prison time. And the
7 eight months I did in Spartanburg County has been scary. So
8 I can only imagine what the prison is going to be like for
9 me for the -- for the majority of my life and for my kids'
10 life.

11 And I just made a -- I just made a bad, dumb decision
12 which I didn't have no business making because like my
13 sister said, we all got jobs, and we all work and we all
14 went to church every Sunday. And we just ---

15 (Whereupon Mr. Cheek was speaking to the defendant)

16 **MR. THOMPSON:** And that's all I got to say, sir.

17 **THE COURT:** Thank you, sir.

18 (Pause)

19 **THE COURT:** I find that there's a substantial factual
20 basis for the pleas. On the armed robbery charges, they'll
21 be concurrent sentences. All sentences will be concurrent
22 with each other. All sentences he'll receive 241 days'
23 worth of credit.

24 On the armed robbery charge, it's going to be a 20 year
25 sentence at the State Department of Corrections. On the

1 possession of weapon during the commission of a violent
2 crime, it'll be five year sentences. On the defrauding of
3 the lottery, it'll be five year sentences.

4 Again, they'll all run concurrent with each other. He
5 gets 241 days' worth of credit. Good luck to you, sir.

6 **MR. SMITH:** Thank you, Your Honor.

7 **MR. CHEEK:** Thank you, Your Honor.

8 (Whereupon Court's exhibit 1 was marked)

9 (Hearing Ended at 12:05 pm)

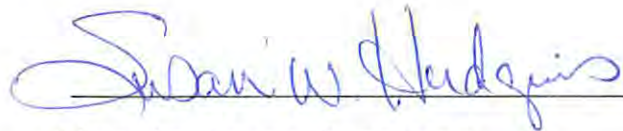
10 (End of Requested Transcript of Record)

Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Seventh 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 Spartanburg County, South Carolina, on the 19th day of October 2017.

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

February 28, 2019



Circuit Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)
)
 County of Spartanburg)
)
Lamarus Devonne Thompson 374348)
 Full name and prison number (if any) of Applicant)
)
 v.)
)
 State of South Carolina)
)
)
)

IN THE COURT OF COMMON PLEAS

2019 CP 42 00090

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention McCormick prison 386 Redemption way SC, 29849

2. Name and location of Court which imposed sentence Spartanburg general sessions court

3. Name(s) of co-defendant(s) (if any) none

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 (a) 2017GS4204368 (4 counts); / 2017GS4205285 A (4 counts)
 (b) 2017GS4204372 (6 counts); /

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 SPARTANBURG COUNTY

- (c) _____
- 5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 10/19/17 20 years (all the time run together)
 - (b) _____
 - (c) _____
- 6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty _____
 - (b) after a plea of not guilty _____
 - (c) after a plea of nolo contendere _____
- 7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
- 8. If you answered "yes" to (7), list:
 - (a) the name of each Court to which you appealed:
 - i. N/A
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. N/A
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. N/A
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. Applicant does not know
 - ii. _____
 - iii. _____
- 9. If you answered "no" to (7), state your reasons for not so appealing:
 - (a) Ineffective Assistance of Counsel
 - (b) _____

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(c) _____

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

(a) Ineffective Assistance of Counsel

(b) Due Process Violation

(c) _____

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

(a) Violation of the 4th, 5th, 6th, 8th, & 14th Amendments of U.S. Constitution

(b) Same as above

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? NO

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO

(d) any other petitions, motions or applications in this or any other Court? NO

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

(a) the specific nature thereof:

i. NA

ii. _____

iii. _____

iv. _____

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

i. NA

ii. _____

iii. _____

iv. _____

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SPARTANBURG COUNTY

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

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

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JUST
SPARTANBURG COUNTY

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) Ineffective Assistance of Counsel
- (b) _____
- (c) _____

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

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

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

- (a) the name and address of each attorney who represented you:
 - i. Applicant does NOT know address
 - ii. James Cheeks
Attorney out of Spartanburg
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Plea and Sentencing
 - ii. _____
 - iii. _____

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

Overturn Sentence and Conviction or any other
Relief the Court feels is Relevant.

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

NO

STATE OF SOUTH CAROLINA)

County of Spartanburg)

VERIFICATION

I, Lamarus Devianne Thompson, 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.

Lamarus Devianne Thompson

SWORN to and subscribed before me this 31
day of December 2018

[Signature] (L.S.)
Notary Public

My Commission Expires: 9.30.26

CLERK OF COURT
SPARTANBURG COUNTY
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**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Lamarus Devionne Thompson, 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.

Lamarus Devionne Thompson
Applicant

SWORN or affirmed to and subscribed before me this
31 day of December 2018
B. O. Sudaema
Notary Public

My Commission Expires: 9-30-26

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Certificate of Service

The undersigned hereby certify
the the mail Post conviction Relief
Application to Spartanburg County Clerk
of Court, Hope Blackley on this 2 day
of January 2019, by depositing the same
in the U.S. mail

x Lamarus Thompson.

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SPARTANBURG COUNTY
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Dear Clerk of Court.

My deadline was October 19 of 2017 I filed my p.c.r. on October 5 I turned it in way before my deadline. I felt something wasn't right so I wrote the court asking did they receive my p.c.r. application they response was no they didn't so you sent me another p.c.r. form in the mail on December 20 2018. Can you please help me to get this matter resolve please and Thank You.

2019 JAN -8 AM 11:00
CLERK OF COURT
SPARTANBURG COUNTY
LED

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Lamarcus D. Thompson,)	Case No.: 2019-CP-42-00090
S.C.D.C. No. 374348,)	
)	
Applicant,)	
)	RETURN AND MOTION FOR MORE
v.)	DEFINITE STATEMENT
)	(Counsel Appointed)
State of South Carolina,)	
)	
Respondent.)	
)	

In response to the application for post-conviction relief filed by Lamarcus D. Thompson (Applicant) on January 8, 2019, Respondent would show this Court:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to order of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the August 2017 term of the Spartanburg County Grand Jury for three counts each of armed robbery and possession of a weapon during the commission of a violent crime (2017-GS-42-04368, Cts. I & II), (2017-GS-42-04369, Cts. I & II), (2017-GS-42-04370, Ct. I & II), and six counts of intent to defraud a lottery (2017-GS-42-04371 through -04376). Applicant was additionally indicted at the September 2017 term for fourth counts each of armed robbery and possession of a weapon during the commission of a violent crime (2017-GS-42-05285, Cts. I & II). James A. Cheek, Esq. represented Applicant, and Spenser H. Smith, Esq., of the Seventh Circuit Solicitor's Office, prosecuted the case. On October 19, 2017, Applicant pled guilty as indicted. Accepting the terms negotiated between Applicant and the State, the Honorable J. Mark Hayes, II sentenced

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Applicant to imprisonment for concurrent terms of 20 years for each count of armed robbery, and 5 years for each of the weapon and lotto charges. Applicant did not appeal his plea or sentence.

II. STATEMENT OF THE FACTS

The underlying facts of the crime(s) for which Applicant is incarcerated were articulated by the State during the plea proceeding as follows:

The first armed robbery occurred on January 16th of [2017]. Deputies responded to Chesnee Highway for an armed robbery at Li'l Cricket. The clerk described a black male who came in with his face concealed. He pointed a gun at her and she gave him money from inside the register. He was wearing a pair of gray gloves and armed with what she believed to be a rifle.

On January 16th, that same night, deputies also responded to another Li'l Cricket in the Chesnee area for an armed robbery. The clerk stated that a black male wearing a bandana came in with what she believed to be a shotgun yelling, hurry up. She opened the register and grabbed money. Video was obtained and the suspect matched the description from the armed robbery that occurred earlier that night. He had on a pair of distinctive gray gloves. I'm going to hand up some pictures at the end of this, Your Honor, that kind of show what we're talking about.

Next was February 15th, 2017, there was an armed robbery at the Li'l Cricket on Chesnee Highway. The clerk stated that a black male came in with his face concealed with a bandana. He was armed with a small black pistol. He got away with money and cigarettes. He was wearing a distinctive pair of orange and black gloves. That actually ended up being the same clerk that he had robbed a month before.

And then on February 17th, 2017, deputies responded to Scotchman on Chesnee Highway for another armed robbery. The clerk stated a black male entered the store with his face concealed by a bandana, armed with a pistol. She gave the man money and lottery tickets that he demanded. He was wearing a pair of orange and black gloves.

Your Honor, I showed these to Mr. Cheek, but I've kind of got them divided. There's four separate surveillance shots from armed robberies. And then the remaining pictures are pictures from a search warrant that was executed I'll go into now. But you can see the distinctive gloves.

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And in the search warrant we've got the .25 caliber pistol, which matches the description of the pistols that is used in this case. And there was a BB gun found behind the laundry machine that looks very close to the – what the victim described as a rifle or a shotgun.

The day after the lottery tickets were stolen SLED got a hit that some of the lottery tickets had been cashed at a local business in the Chesnee area, another gas station. SLED contacted the sheriff's office, who immediately went out to that location.

They were able to secure the lottery tickets as well as video surveillance, which ultimately ended up showing Mr. Thompson, but at that time they didn't know who he was. They got fingerprints off of the lottery tickets and ran those. It came back to Lamarcus Thompson. They began doing research into him.

They had a description of a white Chevy Equinox with a broken windshield wiper that was the car that he arrived in to cash those lottery tickets. They went on Facebook. They found that he dated a lady named Brittany Fowler. They did a DMV car check on Brittany Fowler, and she had a white Chevy Equinox.

They then did a tag reader search through TLO and they found that white Equinox had been seen inside the Spartanburg area or they were able to get surveillance video of that confirmed that her white Chevy Equinox had a broken back windshield wiper, which was matched with the car that was used at the cashing of the lottery tickets.

They took all of that information to get a search warrant for the house that MR. Thompson and Ms. Fowler were living in together at the time along with another female. They found numerous items, clothing items consistent with the robbery. Most of his clothing was very generic, hard to be specific.

But as you can see on the gray gloves, there's like an upside down triangle mark with a brand name on it that looks identical to the ones that were seized in the search warrant and the ones seen in the armed robbery. And they also found a pair of orange and black gloves that seemed to match perfectly with what was seen in this.

Mr. Thompson did speak with investigators. He admitted that he was the person that cashed the lottery tickets. He's written me multiple letters saying that he knew that they were stolen, that he was willing to plead guilty to that. His story at that time was that his roommate sometimes picks up cans and stuff off the street

SLED
 STATE OF SOUTH CAROLINA
 SPARTANBURG COUNTY
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and had brought that back into his house, and he had been stupid enough to cash them.

(Tr. 13-16). Upon inquiry by the Court, Applicant confirmed the above articulated facts. (Tr. 16-17).

III. CURRENT APPLICATION

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel"
 - a. "Violation of the 4th, Fifth, Sixth, Eighth, & 14th Amendments of U.S. Constitution"
2. "Due Process Violation"
 - a. "Same as above"

Applicant requests relief as follows:

- "Overturn Sentence and Conviction or any other Relief the Court feels is Relevant."

Attached to and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the current application for relief. Respondent reserves the right to amend this Return upon receipt of relevant information.

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IV. RESPONSE TO ALLEGATION OF INEFFECTIVE ASSISTANCE OF COUNSEL

Ineffective Assistance of Plea Counsel, Generally

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his 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, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a

just result.” Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, Applicant must prove that counsel’s performance was deficient. Strickland, 466 U.S. at 686; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced 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, Applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Conclusion and Action Requested

Applicant can satisfy neither requirement of the Hill test. However, the allegation of ineffective assistance of counsel will likely raise questions of fact that the record does not conclusively refute. Accordingly, subject to the motion set forth in Section VI, below,

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Respondent respectfully requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V. RESPONSE TO CLAIM OF DUE PROCESS VIOLATIONS

Applicant also alleges his rights to due process of law were violated. “Due process considerations apply in contested cases or hearings which affect an individual’s property or liberty interests as contemplated by the federal and state constitutions.” Dangerfield v. State, 376 S.C. 176, 179, 656 S.E.2d 352, 353-54 (2008) (citing U.S. Const. amend. XIV, § 1; S.C. Const. art. I, § 3). “The procedural component of the state and federal due process clauses requires the individual whose property or liberty interests are affected to have received adequate notice of the proceeding, the opportunity to be heard in person, the opportunity to introduce evidence, the right to confront and cross-examine adverse witnesses, and the right to meaningful judicial review.” Id., 376 S.C. at 179, 656 S.E.2d at 354 (citing State v. Hill, 368 S.C. 649, 656, 630 S.E.2d 274, 278 (2006)). The substantive component of due process, meanwhile, “requires a rational basis for legislation depriving a person of life, liberty, or property.” In re Ronnie A., 355 S.C. 407, 409, 585 S.E.2d 311, 311 (2003).

However, when asserting a violation of a constitutional right in a post-conviction relief action, the applicant “generally must frame the issue as one of ineffective assistance of counsel.” Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). Issues which could have been raised at trial or on direct appeal are not cognizable in an action for post-conviction relief. S.C. Code Ann. § 17-27-20(b); Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). Therefore, an applicant who contends his due process rights were violated must show he

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was deprived of those rights due representation that fell below an objective standard of reasonableness, and 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.

VI. MOTION FOR MORE DEFINITE STATEMENT

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to "support each ground" or to explain with any specificity the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to "*specifically set forth the grounds upon which the application is based.*" S.C. Code Ann. § 17-27-50 (1985) (emphasis added).

Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

VII. ASSERTION OF RIGHTS TO NOTICE OF AMENDMENTS, EXPERTS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments *will be opposed by the State at an evidentiary hearing* pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRPC; Mangal v. State, 421 S.C. 85, 805 S.E.2d 568 (2017). All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered at the PCR hearing.

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SPARTANBURG COUNTY

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCF.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VIII. GENERAL DENIAL

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

[Conclusion and signature on following page]

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CLERK OF COURT
SPARTANBURG COUNTY

IX. CONCLUSION

WHEREFORE, Respondent respectfully requests that this Court grant its motion for a more definite statement as set forth in Section VI, above, and thereafter convene an evidentiary hearing on the allegations of ineffective assistance of counsel.

Respectfully submitted,

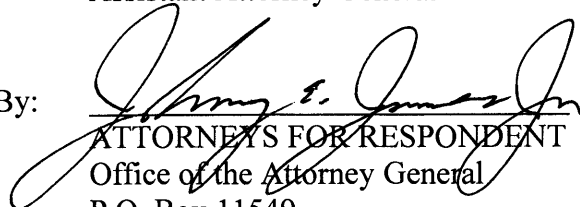
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:



ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

20 Mar, 2019

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SPARTANBURG COUNTY
2019 MAR 25 AM 11:32

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
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)
)
 LAMARCUS D. THOMPSON,)
)
 Applicant,)
)
 vs)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

2019-CP-42-0090

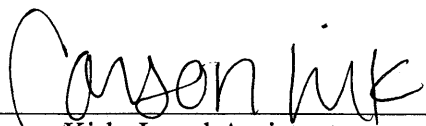
AFFIDAVIT OF SERVICE BY MAIL

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 and Motion for More Definite Statement** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Susannah Conyers Ross, Esquire
Ross & Enderlin, PA
330 East Coffee Street
Greenville, South Carolina 29601

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 SPARTANBURG COUNTY

DATED this the 20th day of March, 2019.



 Carson Kirk, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

LAMARCUS THOMPSON,
APPLICANT.

v.

THE STATE OF SOUTH CAROLINA,
RESPONDENT.

) IN THE COURT OF COMMON PLEAS
) SEVENTH JUDICIAL CIRCUIT
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AMENDED APPLICATION

CASE # 2019-CP-42-00090

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

2021 MAR 19 AM 9:24

FILED

This matter comes before the Court by way of application of post conviction relief filed January 8, 2019, alleging ineffective assistance of plea counsel. A Return and Motion for a More Definite Statement was made on March 25, 2019. This application is intended to incorporate the allegations of the original application and add the following allegations:

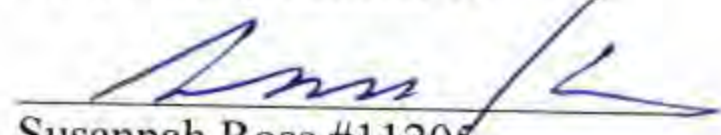
1. Ineffective assistance of counsel for

- (a) failing to provide the applicant with discovery prior to his guilty plea;
- (b) failure to review discovery with applicant;
- (c) failing to explain the elements armed robbery and possible sentences; and
- (d) advising the Applicant to plea when there was not enough evidence to prove

guilt beyond a reasonable doubt;

2. Due Process violations because the plea was not knowingly and voluntarily made.

Respectfully submitted,



Susannah Ross #11205
Attorney for the Applicant
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(864) 242-0029

Spartanburg, South Carolina
This 16 day of March, 2021

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF SPARTANBURG) IN THE COMMON PLEAS COURT
 3 Lamarcus Thompson,)
 4 Applicant,) TRANSCRIPT OF RECORD
 5 -vs-) 2019-CP-42-00090
 6 The State.) April 8, 2021
 7) Spartanburg, South Carolina

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B E F O R E:

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HONORABLE J. DERHAM COLE, JUDGE

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

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SUSANNAH ROSS, ESQUIRE
Attorney for the Applicant

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WILLIAM RAY, ESQUIRE
Attorney for the State

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Linda D. Moffitt
Circuit Court Reporter

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
A-1	Copy of search warrant		46
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1 (Proceedings April 8, 2021)

2 (The following takes place over webex. Only persons
3 present in the courtroom in Spartanburg County are the judge
4 and court reporter.)

5 THE COURT: Ms. Ross, you represent Mr. Thompson?

6 MS. ROSS: Yes, Your Honor. I do.

7 THE COURT: And does he wish to proceed with his
8 application?

9 MS. ROSS: He does, Your Honor.

10 THE COURT: And what are the grounds for his
11 application?

12 MS. ROSS: I filed an amended application, but the
13 grounds are that it was a guilty plea. And Mr. Thompson
14 states that he did not review the discovery with his lawyer
15 prior to his plea, he didn't receive a copy of the
16 discovery until just prior to his plea where he did not
17 have enough time to review it.

18 Upon reviewing that discovery, he does not believe
19 there was evidence, proof beyond a reasonable doubt. There
20 was no identification in the case of these armed robberies.

21 And he's alleging it was bad advice to have him plead
22 guilty to these charges and that had he known the discovery
23 was as weak as it was, he would not have pled and would
24 have insisted on going to trial.

25 THE COURT: Did he --

1 MS. ROSS: The final allegation is failure to explain
2 the elements of armed robbery and the possible sentences he
3 could get.

4 And he's stating that because of that that the plea
5 was not knowingly and voluntarily made. That would also
6 amount to a due process violation.

7 THE COURT: All right. So, am I to understand that
8 his basis for relief is ineffective assistance of counsel?

9 MS. ROSS: Correct, Your Honor.

10 THE COURT: And the ineffective assistance is that the
11 lawyer failed to review the discovery with him, number one?
12 Number two --

13 MS. ROSS: Correct.

14 THE COURT: Number two, failed to explain the elements
15 of the crime of armed robbery.

16 MS. ROSS: Correct.

17 THE COURT: And what are the other allegations,
18 specifically?

19 MS. ROSS: Failing to provide the applicant with
20 discovery prior to the guilty plea and advising the
21 applicant to plead when there wasn't enough evidence to
22 prove guilt beyond a reasonable doubt.

23 And I believe I filed an amended application on
24 March 19th, which has these laid out.

25 THE COURT: well, that's fine. But do you understand

1 sometimes applications are filed and then when the
2 evidentiary hearing is held evidence is not presented?

3 So, I want to know what specifically -- what
4 allegations or what grounds you intend to present that
5 would entitle Mr. Thompson to relief. Because if it's not
6 presented, then it's waived.

7 MS. ROSS: Correct. All right. Thank you, Your
8 Honor.

9 Those are the allegations that I saw in the case. He
10 might have some more that would come out during his
11 testimony, but based on our discussions prior to this,
12 those are the allegations -- ineffective assistance of
13 counsel and due process violation.

14 THE COURT: Okay. Well, if he has allegations to make
15 that are not included in an application, then the state is
16 entitled to notice. I mean, everybody's entitled to due
17 process.

18 MS. ROSS: That's true, Your Honor. I've found
19 that -- certainly the state would have a right to a
20 continuance if something came up during the testimony.

21 THE COURT: We -- we shouldn't -- we shouldn't have to
22 continue the hearing. That's the whole point of having a
23 hearing, and also allowing liberal amendments of
24 applications.

25 MS. ROSS: True, Your Honor. I talked to Mr. Thompson

1 by phone on three or four occasions, and we discussed
2 his -- his issues and potential allegations. I attempted
3 to put them all in the amended application, and I believe
4 that they are all in there.

5 THE COURT: All right. Good.

6 So the amended application states all of the grounds
7 for which Mr. Thompson is seeking relief?

8 MS. ROSS: I believe so, Your Honor.

9 THE COURT: All right. Mr. Cheek, are you able to
10 hear us now?

11 MR. CHEEK: I can hear you, Your Honor. Can you hear
12 me?

13 THE COURT: I can.

14 MR. CHEEK: Okay. Thank you.

15 THE COURT: Thank you.

16 All right. Are we ready to proceed with the
17 application?

18 MS. ROSS: Yes, sir, Your Honor.

19 THE COURT: All right. Ms. Ross.

20 MS. ROSS: All right. We would call Lamarcus Thompson
21 as the first witness.

22

23

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25

1 LAMARCUS THOMPSON, having been
2 first duly sworn, testified as follows:

3 THE COURT: Proceed.

4 DIRECT EXAMINATION BY MS. ROSS

5 Q All right. Mr. Thompson, we've discussed this matter
6 prior to now, correct?

7 A Yes, ma'am.

8 Q And you wish to proceed with ineffective assistance of
9 counsel against Mr. Cheek, is that correct?

10 A Yes, ma'am.

11 Q Now, just briefly. I have them here, but can you
12 outline why you believe counsel was ineffective and how
13 that denied you a fair trial and due process?

14 A Well, he failed to investigate my case and -- and if
15 he -- and if he would have investigated my case properly,
16 he would have seen that nobody never identified me as the
17 suspect. Nobody never pointed me out. No fingerprints, no
18 nothing. And -- and -- and he would have seen that, so.

19 Q Now, when you say investigate the case, you're talking
20 about he would have seen that from the discovery that the
21 state provided in your case, is that correct?

22 A Yes, ma'am.

23 Q Now, when did you receive a copy of the discovery in
24 the case?

25 A I can't -- I can't remember but -- but I know it

1 was -- I know it was kind of late.

2 Q Now, did you get a chance to review that discovery
3 with your attorney, Mr. Cheek?

4 A We -- we had -- we had looked at it, but, I mean,
5 he -- we had looked at it, like we had skimmed through it.

6 Q Now, you said earlier that you didn't believe there
7 was enough evidence in the case to convict you.

8 Can you briefly tell us what the evidence was and why
9 you believe that that was not proof beyond a reasonable
10 doubt?

11 A Okay. Okay. They say -- okay. They say three --
12 three or four stores had got robbed, okay, and -- and some
13 money and [webex inaudible] tickets and some cigarettes was
14 stolen from one of the stores.

15 Okay. So, I came into possession of -- of the stolen
16 scratch-off tickets, and so -- so I had an active warrant
17 already for possession of marijuana. And so -- and so when
18 I turned the tickets in that's -- that's how -- that's how
19 they knowed that I turned the tickets in, because the
20 tickets came up stolen.

21 So -- so that make -- so that would have made
22 Spartanburg County come to -- come to my girlfriend-house at
23 the time and serve me with six warrants and then -- and when
24 I went to the [webex inaudible] room I went to the sheriff's
25 -- when I went to the sheriff's department I didn't -- I

1 didn't -- I didn't quite operate with them where they're --
2 they're good and -- and that's when -- and that's when the
3 detective slipped -- and that's when the detective charged
4 me with eight more charges -- with open possession -- of
5 possession of weapon and -- and four counts of armed
6 robbery.

7 So -- so, and just because I came into possession of
8 these -- of these scratch-off tickets, that doesn't mean
9 that I'm the one that robbed them stores, because when the
10 paperwork -- because from -- from the very -- from the very
11 first paperwork in my motion it saying Ms. Flat -- Ms. Flat
12 was talking to -- and Ms. Flat was talking to me, she
13 noticed a black male entered the store wearing all black
14 with a red bandanna across his face, so.

15 Q Okay. Let me just briefly stop you there.

16 So, would -- it looks like there were four armed
17 robberies, is that correct, that were charged against you?

18 A Yes, ma'am, yes.

19 Q Okay. And -- and two of them were the Li'L Cricket or
20 two different Li'L Crickets on January 16th of 2007, is
21 that correct?

22 A Yes, ma'am.

23 Q And did anyone pick you up -- pick you out of a lineup
24 or anything from those, either of those?

25 A No, ma'am.

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Lamarcus Thompson
Direct examination by Ms. Ross

1 Q In the transcript they talk about distinctive gray
2 gloves. Do you recall that?

3 A Yes, ma'am.

4 Q Now, that's the extent of the I.D. of you in those two
5 cases?

6 A Ma'am?

7 Q Did -- aside from the distinctive gray gloves, the
8 description was black clothes and a red bandanna, is that
9 correct?

10 A Yes, ma'am.

11 Q But neither of those cashiers at those two stores
12 picked you out of a lineup or identified you directly, did
13 they?

14 A No, ma'am, no, ma'am. Nobody never identified me.

15 Q Okay. And, so, then on February 15th there was
16 another robbery of a Li'L Cricket store, is that correct?

17 A Yes, ma'am.

18 Q Now, in that one they talk about orange and black
19 gloves in the transcript.

20 A Yes, ma'am.

21 Q Do you recall that?

22 A Yes, ma'am.

23 Q Now, aside from talking about orange and black gloves,
24 did that person pick you out of a lineup or anything like
25 that?

1 A No, ma'am.

2 Q And then there was a final robbery at the Scotchman on
3 February 17th of 2017, correct?

4 A Yes, ma'am.

5 Q And that was a statement of a woman named Jennifer
6 Black who you referred to?

7 A Yes, ma'am.

8 Q She gave a statement, is that correct?

9 A Yes, ma'am.

10 Q Is that what you were talking about before the
11 statement of all black and a red bandanna?

12 A Yes, ma'am.

13 Q Now, in her statement she said he also had black
14 gloves on. Do you recall that?

15 A No, ma'am.

16 Q Okay. I'll try to get to that later.

17 Do you recall when -- well, let me go back to that.

18 Okay. So that was Jennifer Black who was the cashier at the
19 Scotchman. That was the last armed robbery, correct?

20 A Yes, ma'am.

21 Q So then it was the days after that that you went and
22 cashed these lotto tickets, correct?

23 A Yes, ma'am.

24 Q Okay. Now, you've always admitted that you did that,
25 right?

1 A Yes, ma'am.

2 Q But what are you saying you didn't do?

3 A These -- these armed robberies and with the weapons
4 possession.

5 Q Okay. Now, as far as identification in the case, the
6 car -- they have a video of your girlfriend's car, is that
7 correct?

8 A Yes, ma'am.

9 Q And that's how they got a search warrant for you and
10 your girlfriend's house, correct?

11 A Yes, ma'am. They got -- they got the -- they got the
12 license plate number, and they got the car. They got the
13 description of the car from me turning in the tickets.

14 Q Okay. How about any of the armed robberies? Any car,
15 any description or car from any of those armed robbery
16 cases?

17 A No, ma'am, no, ma'am.

18 Q Okay. Now, in the -- there was a search warrant,
19 right, in your case?

20 A Yes, ma'am.

21 Q And -- and did you receive a copy of that search
22 warrant?

23 A Yes, ma'am. I did.

24 Q Okay. I'm going to try to put this in evidence later,
25 but does this look like it could possibly be the search

1 warrant in your case?

2 A Yes, ma'am. That's the -- yeah. I think that's the
3 first page, I think.

4 Q Okay. I'm going to try to highlight it. Do you see
5 the highlighted part in the original?

6 A Yes, ma'am, yes, ma'am. I can't read it. Yes, ma'am.
7 I can't read it though.

8 Q Okay. I'll put it into evidence later.

9 would it surprise you that they were looking for a red
10 bandanna and black and white colored gloves?

11 A Yes, ma'am.

12 Q Okay. I'll put it into evidence. You are not sure
13 what it said.

14 A Right.

15 Q Is that what you're saying?

16 Okay. Now, just moving on from there. Then they did
17 get some stuff from your house, and they talk about it in
18 the transcript. Do you recall what they got from your
19 house?

20 A Well -- well, it's not my house. It was my
21 girlfriend's house at the time [webex inaudible].

22 Q Right. I apologize.

23 Do -- do you recall what evidence they got out of your
24 girlfriend's house that they mentioned as evidence against
25 you in these armed robberies?

1 A Yes, ma'am.

2 Q What were those items?

3 A A black hoody, a dark -- a dark -- dark -- a dark blue
4 hoody, some orange and black gloves. And they had one pair
5 of white and black gloves. And they found a .25. They
6 found a BB gun.

7 And they took some -- I think toboggan hat. They
8 took -- they took some brown Keveling [sic] -- they took
9 some brown Keveling boots. They took a red bandanna. What
10 else? And something else. I'm not -- I'm not -- I'm not
11 for sure but -- but I think.

12 Q But here's a list of the things they took. I'm going
13 to put this into evidence in a little while. But does that
14 look right? Can you see it?

15 A Yes, ma'am, yes, ma'am.

16 Q Okay. I'll put that in in a little while.

17 Now, talking about the distinctive Saint cap and the
18 Timberland boots, those were from you cashing in the loto
19 tickets, correct?

20 A Yes, ma'am.

21 Q So, none of that has anything to do with the
22 descriptions the cashiers gave about the armed robbery.

23 A No, ma'am.

24 Q Now, it looks like the red bandanna -- they did
25 describe a red bandanna, and they found a red bandanna at

1 your house.

2 A Yes, ma'am.

3 Q You knew that. Don't you?

4 A Yes, ma'am.

5 Q Okay. What did you tell -- why did they find a red
6 bandanna at your house?

7 A I mean.

8 Q Or your girlfriend's house. I apologize.

9 A It was my girlfriend's house, you know, and -- and I
10 don't stay there. So, I just stay there. I just -- I just
11 spend the night there, so. So, whatever evidence they
12 found, it's not mine like -- like the red bandanna -- and
13 the red bandanna and -- and the black hoody. It's not
14 mine.

15 Q Okay. Do you think there is more than one red
16 bandanna in the world?

17 A No, ma'am.

18 Q But do you think that was strong evidence in the case
19 against you?

20 A No, ma'am.

21 Q Now, as far as just the evidence against you, looking
22 at the discovery, what did you think of that proof that
23 they had of your guilt of the armed robberies?

24 A Well, I don't think -- I don't think the evidence -- I
25 don't think the evidence was -- I don't think the evidence

1 was strong to -- to convict me of and -- and if I -- and if
2 my lawyer would've -- and if my lawyer would've -- would've
3 investigated like he was supposed to, he would have seen
4 that and -- and -- and I would never come -- and I would
5 never come to prison.

6 Q Now, when you say if investigated, is there something
7 that's not in the discovery that he could have found, or do
8 you just mean that if he had reviewed the evidence against
9 you in discovery?

10 A He could have put -- he could have put -- he could
11 have put up a more fighting chance. You know, he
12 could've -- he could've -- he could've fought. He could've
13 fought harder than he did.

14 Q Now, you did plead guilty. What did he tell you to
15 get you to plead guilty?

16 A When he -- when he came -- he came -- he came and saw
17 me twice, and so -- so when he came and saw me, I am asking
18 him what's going on with the case. And he was like -- he
19 was like the only thing they have on you is dressed like
20 you did. Okay. So, I said -- okay. So I say, well, if
21 that's the only thing they got on me, well, let's go to
22 court then and get these -- and get these -- and get these
23 charges dropped or dismissed.

24 So -- so, you know, so, I took -- I took my lawyer's
25 advice and -- and first thing -- first thing I said, first

1 thing I said something about 12 -- 12 years or 10 years or
2 something like that. I can't recall. I can't recall too
3 much. But -- but -- but I do know that, you know, and so --
4 so, I'm just going on my lawyer's advice, because I'm
5 thinking he -- cause -- cause he know more than I know with
6 this, you know what I'm saying, with this -- with this law,
7 you know, so many laws. So -- so I'm taking his advice.

8 Q Okay.

9 A And which I should have waited and -- and in which I
10 should have waited and just went to trial.

11 Q Now, had you reviewed the discovery and understood
12 the -- the weakness of the case against you, would you have
13 pled guilty even if he'd advised you to, if you had known
14 that there really wasn't much else there besides, I guess,
15 the bandanna? Or you tell -- tell me.

16 A No, ma'am, no, ma'am. I would never -- I would never
17 plead guilty. I would never -- I would've never said what
18 I said in court and I would never plead guilty.

19 Q Is there anything else you'd like to add at this
20 point?

21 A No, ma'am.

22 Q Okay.

23 MS. ROSS: I've got no further questions.

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Lamarcus Thompson
Cross-examination by Mr. Ray

1 CROSS-EXAMINATION

2 BY MR. RAY

3 Q All right. Mr. Thompson, I've just got just a few
4 questions for you.

5 Do you remember when you were arrested?

6 A I think so.

7 Q About when was that?

8 A It was -- I think it was a Sunday night. I think it
9 was Sunday night. I think it was a Sunday night. I think
10 it was a Sunday night, 12:00 a.m.

11 Q I mean, it wasn't last Sunday. What -- what year?
12 What month roughly?

13 A Oh, let me see when my birthday is. Oh, February, I
14 think. February -- I think February the -- I think
15 February the 20th, I think, or something like that.

16 Q Of what year, do you know? You were indicted in 2017
17 if that might jog your memory.

18 A Yeah.

19 Q Was it February of 2017?

20 A Yes, sir.

21 Q Now, when did you first come in contact with Mr. Cheek
22 as your attorney?

23 A Well, my first lawyer -- my first lawyer, his name was
24 Charles Snyder.

25 Q Uh-huh.

1 A And -- and he was telling me -- and he was telling me
2 that I got some serious charges and that I need to -- that
3 I need to lay down and get the [webex inaudible].

4 So I came with -- so I came in contact with Mr. Cheek
5 after I -- after I had -- after I had wrote the solicitor,
6 and I wrote the lawyer saying that's when the court counts.

7 So -- so I came to Mr. Cheek. I spent like eight
8 months in the county. So, I -- he probably came, like -- he
9 probably came in the middle. He probably -- he probably
10 came in the middle of -- of eight months.

11 Q Okay. So you didn't get a bond, or you were in the
12 county jail until you pled guilty?

13 A Yes, sir.

14 Q And Mr. Cheek came and met with you there?

15 A Yes, sir.

16 Q About how many times? Was it just once or multiple
17 times?

18 A He came and saw me twice.

19 Q Twice. And what sort of discussions did you have with
20 him when he came and visited you at the jail?

21 A Well -- well -- well -- well, he was saying. He was,
22 like, Mr. Thompson I see -- I see -- I see you don't have
23 no tattoos on your face and nothing or neck, nothing like
24 that right there, and -- and you seem like a -- you seem
25 like a nice guy and everything and -- and uh -- and uh --

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Lamarcus Thompson
Cross-examination by Mr. Ray

1 and he was, uh -- he was, like, I don't see you -- I don't
2 see you -- I don't see you doing this, I don't see you
3 committing these type of crimes.

4 And so -- and so from the very first -- so, from the
5 very first time we -- we was discussing -- we was discussing
6 the case and we were discussing how I found -- how I came
7 into possession of the scratch-off tickets.

8 And he was like -- and he was like what you think I'm
9 going to do if I find a million dollars on the side of the
10 road in a brown paper -- in a brown paper bag.

11 So I'm telling him I would hope you would keep it. And
12 he was, like, no, I'm going turn it in. So, I said, well,
13 that's you. I said I'm going to keep it, so.

14 Q Okay. So, you did discuss the case with him when he
15 came to meet with you, is that correct?

16 A We -- we didn't -- we didn't discuss it properly all
17 the way through. We just -- we just skimmed through it.

18 Q Okay. But didn't you have an opportunity to ask him
19 questions, and did he have documents and stuff with him, or
20 did he come empty-handed?

21 A He had some -- he had some paperwork with him.

22 Q Okay. Do you remember what that paper work was?

23 A No.

24 Q Was it photographs? Did he have statements made by
25 witnesses? I know there were eye witnesses who maybe

1 didn't identify you. But did he have police reports,
2 things like that?

3 A I think so.

4 Q Okay. And you said that you were arrested in February
5 and you pled, I believe, October 19th, right? And you said
6 he came twice about midway between that point, is that
7 right?

8 A Yeah, yes, sir.

9 Q Okay. Now, let me ask you. You said that nobody
10 identified you as the -- the perpetrator of these crimes.
11 There were no eye witness identifications, is that correct?

12 A Hold on. Hold on. Phone ringing.

13 (Pause for phone.)

14 A All right. Can you repeat that, please?

15 Q You said that there were no eye witnesses to identify
16 you.

17 (Pause for phone.)

18 A No, sir. Nobody has identified me.

19 Q Okay. Now, let me ask you. Do you have your
20 transcript with you from your plea?

21 A No, sir. I have nothing.

22 Q Okay. But you've reviewed it?

23 A Yes, sir.

24 Q Okay. Now, on page 13 the solicitor begins his
25 recitation of the facts of the case. And he in a couple of

1 different points describes the perpetrator of the crime as
2 a black male with his face concealed.

3 Let me ask you. Do you think you could identify
4 somebody as an eye witness if they have their face covered?

5 A No, no, sir.

6 Q Okay. Now, did you describe distinctive clothing --
7 black gloves, orange and black gloves, gray gloves? You're
8 aware of this?

9 A Yes, sir.

10 Q Okay. Now, when they executed a search warrant of
11 your girlfriend's house, they found orange and black
12 gloves, right?

13 A Yes, sir.

14 Q And they also found a pair of black gloves, or black
15 and white gloves, right?

16 A Yes, sir.

17 Q Okay. Now, so, you admit that the lottery tickets you
18 cashed in were stolen.

19 A I mean, at the time -- at the time I didn't know it
20 was stolen.

21 Q Right. But you did -- you did -- you may not have
22 known they were stolen, but you did cash in stolen lottery
23 tickets?

24 A Yeah, yes, sir.

25 Q Okay. You just said that you didn't commit this

1 crime, the armed robberies.

2 A Right, yes, sir.

3 Q Okay. Now, let me ask you. If you knew you didn't
4 commit the crime, why did you plead guilty?

5 A Because -- because I thought I was pleading guilty to
6 the tickets.

7 Q You thought that was it?

8 A Yeah, because I told him -- because I told him I'm
9 guilty of the tickets because they had evidence on me
10 turning in the tickets, you know what I'm saying, at the --
11 at the store.

12 Q So, you -- you were unaware when you were in court
13 that you were pleading guilty to armed robbery?

14 A Yes, sir.

15 Q Okay. So, let me ask you. On page 17 of your
16 transcript the judge was going over the sentences with you.
17 Do you remember this?

18 A Yes, sir.

19 Q And she -- and the judge asked you if you were aware
20 that the armed robbery charges are violent and most serious
21 offenses. Do you remember that?

22 A Yes, sir.

23 Q And you didn't realize that you were pleading guilty
24 to armed robbery?

25 A No. I'm thinking -- I'm thinking -- I'm thinking they

1 didn't want to drop the charges, drop the armed robberies,
2 and -- and charge me with the tickets because that's all
3 the evidences they have on me of -- of the tickets. So --
4 so, you know what I'm saying, so -- so why would I plead
5 guilty to armed robberies when you have no actual evidence
6 of me committing these crimes?

7 Q Well, that's what I'm asking you. I don't understand
8 why you pled guilty to armed robbery if you're saying that
9 there is no evidence of you committing the crime. It
10 doesn't make much sense to me.

11 A Right.

12 Q Now, let me ask you this. On page 18 of the
13 transcripts, lines 22 through 23, your attorney -- or I'm
14 sorry -- the prosecutor, the solicitor, told the Court that
15 discovery has been shared with the defense. Do you recall
16 that?

17 A I think so. Yes, sir. I think so.

18 Q And if it had never been shared with you or if you
19 didn't have time to look at it, why did you not say
20 anything at that point?

21 A Because -- because I didn't -- because at that point
22 in time I didn't know what was going on. I didn't know
23 what was happening. And -- and so I'm new to all of this
24 going to court and seeing the judge and seeing the lawyers
25 and so -- and so I'm kind of new to all of this.

1 I mean -- I mean, you would be kind of new -- I mean,
2 you'd be kind of new to it. You'd be kind of new to this
3 thing too. So, I mean -- I mean, because y'all -- I mean,
4 because y'all practice law, laws, I mean, law work, you
5 know.

6 Q I understand that, Mr. Thompson, and I'm not saying
7 you need to be an expert. But when the solicitor
8 explicitly said, they described armed robberies, and you
9 indicated that you agreed with the facts and that you were
10 willing to plead guilty, it doesn't make sense for you to
11 not be aware that you were pleading guilty to armed
12 robbery.

13 THE COURT: Mr. Ray, are you asking questions or
14 making statements of your own opinion?

15 MR. RAY: I apologize, Your Honor. I'll move on from
16 that.

17 Q The only other question I have -- or maybe a couple of
18 questions here -- you said, you mentioned when you were
19 being questioned by Ms. Ross, that you had heard 12 years
20 or 10 years as the sentence, is that correct?

21 A Uh-huh.

22 Q Well, you allege today that your attorney did not
23 discuss the potential sentences with you. I'm just
24 wondering who told you 10 or 12 years.

25 A Well, when he had discussed that, when they had

1 transported me from the county jail to the courthouse.

2 Q who discussed that with you?

3 A Mr. Cheek.

4 Q Okay. So you did discuss the sentences with your
5 attorney?

6 A Uh-huh.

7 Q Okay.

8 MR. RAY: Just one moment, Your Honor.

9 (Pause.)

10 MR. RAY: No further questions for this witness, Your
11 Honor.

12 THE COURT: Ms. Ross.

13 MS. ROSS: No redirect, Your Honor.

14 I did want to try to get -- I referred to some papers
15 that I've scanned. I'm not sure of the procedure about
16 getting them to you.

17 Can I just email them to everybody, just a copy of the
18 search warrants and the return from that that I referred to
19 in my direct of Mr. Thompson?

20 THE COURT: The search warrant and what?

21 MS. ROSS: It's just a search warrant, and then an
22 itemization of the return of the search warrant, the things
23 that I held up during direct.

24 THE COURT: Mr. Ray, is that not already in the record
25 as a part of the return or a part of the --

1 MR. RAY: I know, Your Honor, that the arrest warrants
2 are in the package that we have prepared for you.

3 I'm looking through it right now to see if I see the
4 search warrant. I don't know if I've seen a copy of this.

5 MS. ROSS: I don't believe it is, Your Honor. I had
6 gotten them -- I got the file from Mr. Cheek's office, and
7 that's where I got them as part of the discovery in the
8 underlying case.

9 THE COURT: Well, I mean, do you need to introduce the
10 warrant itself, or do y'all just want to agree to a
11 stipulation of fact?

12 MS. ROSS: I was -- I want -- wanted to introduce it
13 because it refers to white-and-black gloves and it -- also,
14 there's a statement by the cashier talking about black
15 gloves.

16 And then during the plea itself suddenly it turns into
17 these distinctive orange and white gloves, which, you know,
18 if they were so distinctive they would have been on -- the
19 argument would be that they would have been on the search
20 warrant or in the statement of the victim.

21 THE COURT: Okay. Well, yeah. You can admit it. I
22 mean, I don't have any issue with its admission.

23 MS. ROSS: Okay. Then I will email it to everyone in
24 the group if that's the way to do it through this webex
25 platform.

James A. Cheek
Direct examination by Mr. Ray

1 THE COURT: well, let me ask the court reporter.

2 (Pause.)

3 THE COURT: Just email it to the court reporter and
4 she'll make it a part of the record.

5 MS. ROSS: Okay.

6 THE COURT: All right. Is that it? Next witness.

7 MS. ROSS: Yes. And that's the applicant's case.

8 THE COURT: Okay. Do you have any other witnesses?

9 MS. ROSS: No, Your Honor.

10 THE COURT: All right. Mr. Ray.

11 MR. RAY: Your Honor, at this time I would call
12 Mr. James Cheek.

13 JAMES A. CHEEK, having been
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. RAY

16 Q Mr. Cheek, how are you doing this morning?

17 A Doing well. Thank you.

18 Q How long have you been practicing law?

19 A Forty-four years.

20 Q Forty-four years?

21 A I think 44.

22 Q How much of that has been criminal?

23 A Forty-one.

24 Q Forty-one. So, quite some time.

25 Now, on this case were you appointed or were you

1 retained by Mr. Thompson?

2 A We were appointed through the public defender system.

3 Q Okay. And do you remember roughly when you were
4 appointed?

5 A Mr. Chad Snyder would have been the person appointed.
6 My job with the public defender's office is to work with
7 the other trial attorneys.

8 I don't try the cases. My job is to follow up with
9 [webex inaudible]. So, I could try to found out when
10 Mr. Snyder was appointed, but it usually is within two weeks
11 of the time that people are arrested who are interviewed by
12 our agency. I'd say he got the discovery sometime, I think,
13 in February or March. So, he would have had to have been
14 appointed before then in 2017.

15 Q Okay. And when did you first come in contact with
16 Ms. Thompson?

17 A I would have gotten the request for something of that
18 nature from him. I don't keep those referrals. They come
19 through the other lawyer. They're passed to me and tell me
20 to go talk to their -- their client at the jail.

21 So, I don't know when I first came in contact with him,
22 but I do recall having talked with him two or three times.

23 Q Okay. And -- and do you remember what y'all talked
24 about?

25 A Absolutely. I will never forget this fine young man,

James A. Cheek
Direct examination by Mr. Ray

1 and he's right. The first thing I talked to him about was
2 how he presents himself, how he's very well mannered, had a
3 work history, enjoyed a relationship with a very fine young
4 woman, had not yet apparently involved himself with the
5 issue of what I see of gang involvement, of tattoos,
6 language patterns, secret words.

7 I asked him that specifically because of the
8 allegations regarding a red bandanna. And while I don't
9 want to go into a whole lot of detail, I told him what my
10 history was in the world and who are some of the people I've
11 known in the world, who some of my friends have been in the
12 world, and explained to him that because you have these
13 friends does that mean that you have to be caught up with
14 that kind of behavior or any kind of vendition.

15 I told him one of the people that I have had
16 conversations -- I don't have conversation there, but I just
17 said that, that I -- and I told him to be very wary of the
18 future and what the future held for him.

19 I recall my conversations with him very well. I told
20 him about what happens to a man is the way he responds when
21 you ask him and determines the true character and integrity
22 and that as a result of all of this he begins to see what he
23 wanted to do, if he wanted to take a chance on going to
24 trial and looking at multiple convictions probably
25 consecutive for armed robberies in addition to the

1 lottery-ticket situation, that he was welcome do that.

2 I explained to him very option I thought that he had,
3 and he needed think about it and I'd come back and talk to
4 him later.

5 Q Okay. So, you -- you did discuss with him the
6 offenses of armed robbery and the lottery charges?

7 A I did and I --

8 Q Okay.

9 A -- also told him I would make every effort to see if
10 the solicitor's office would allow him to plead to
11 common-law robberies, but the solicitor's office was not
12 interested in doing that.

13 Q Okay. Did you review the discovery in the case with
14 him?

15 A I did.

16 Q You did?

17 A I think sometimes our clients think that discovery --
18 and other clients, they think discovery is some
19 multiplicity of paperwork, duplicitous paperwork or some
20 large amount of volumes of paperwork. When they sit at the
21 jail they see something -- lawyers come in there with
22 notebooks of paperwork.

23 I carry in what we have received as discovery. It was
24 a number of pages but it was not in the notebook or anything
25 like that. It was in a folder.

James A. Cheek
Direct examination by Mr. Ray

1 Q Okay. Now, did you -- do you have a general practice
2 for how you review discovery? Do you always take it to the
3 jail, and do you leave it with the client? Do you take it
4 back with you?

5 A Very careful about leaving discovery with a client. I
6 advise them why I don't really care to do that.

7 Many of our clients demand they have discovery, and I
8 describe to them the number of times I have seen them take
9 the discovery.

10 They promise not to share with other people. They get
11 advice from inmates at the jail, and then those inmates
12 either contact narcotics agents or they contact the
13 solicitor and offer to come to court and testify that our
14 clients have revealed something to them, which is consistent
15 with being an admission or a confession.

16 So, I advise them not to leave their discovery at the
17 jail, not to receive it there, unless they have a way of
18 securing it. And, frankly, there is no way of securing
19 discovery at the jail.

20 Q Okay. Now, let me ask you. When you were going over
21 this with him did he have questions for you? Was he active
22 in discussing it with you?

23 A Yes. As I said, very articulate, intelligent young
24 man.

25 And I started off with him showing him a picture. And

1 I said, you know, there's no doubt that you cashed these
2 lottery tickets. And I showed him a picture of him in a
3 very distinctive cap -- one of those things, cap -- and they
4 started there.

5 And I recall our conversation, because at the end of
6 allowing him to respond and giving him, I thought, plenty of
7 time to respond about the lottery tickets, I asked him the
8 question he referred to today about locating something
9 valuable on the side of the road and turning into law
10 enforcement as opposed to going to cash it himself.

11 And I described what the word integrity meant. And I
12 also remember talking with him about the young lady he said
13 found the lottery tickets on the side of the road and being
14 a person of need herself, why would she give him the lottery
15 tickets to go cash rather than cashing them herself.

16 I asked him. I said, now, if I leave here right now
17 and go up the Rainbow Lake Road and find this young lady,
18 what is she going to tell me about locating those lottery
19 tickets. Is she going to say that she found lottery tickets
20 and gave to him? And his response was not in his best
21 interest in my -- my estimation.

22 Q Okay. Did you actually make contact with her in your
23 decision?

24 A No. [webex inaudible]. He suggested maybe I should
25 not waste my time doing that.

James A. Cheek
Direct examination by Mr. Ray

1 Q Okay. But he didn't suggest, I mean, any sort of
2 alibi or anything like that. His defense was just he found
3 the tickets and cashed them. And that was the extent of
4 it?

5 A Well, the most of an alibi he would have had,
6 likewise, would have been from his girlfriend they said he
7 didn't stay with, that he was down in Union.

8 So, he couldn't recall where he was staying at the
9 time, either Union or Rainbow Lake Road in the Boiling
10 Springs community, Chesnee community. He couldn't recall
11 any of that at the time, where he might have been on those
12 particular days and times.

13 Q Okay. So, you explained to him guilt beyond a
14 reasonable doubt, is that correct?

15 A I explained to him what, first of all, what
16 circumstantial evidence is. I explained what the word
17 circumstances meant. I explained to him what he could
18 offer if he chose to elect to testify at trial and call
19 witnesses.

20 And we were a little bit short on what his alibi
21 witnesses would say and who they would have been when we
22 talked.

23 And I also had him take a pencil and write down the
24 number of charges and what consecutive sentences would have
25 been in his life if he were to go to trial and win one of

1 them but not win the second one or the third one.

2 Q Okay. Did you have any reason to believe that he did
3 not understand what you were telling him?

4 A I did not then; I do not now.

5 Q Okay. Did you explain to him -- you said he talked
6 about common-law robbery and you explained the elements of
7 each of those charges.

8 A I did that.

9 Q And the potential sentences as well, even wrote adding
10 them up, is that correct?

11 A That's correct.

12 Q Okay. Now, did you explain all of this to him the
13 moment before he pled guilty, or had he had time to
14 consider this?

15 A I explained all of that to him in our first
16 conversation. I had him to add it up in our second
17 conversation. And then on the morning of court when they
18 come to the room adjacent to the courtroom for holdings,
19 the holding area, I asked him again are you confident this
20 is what you want to do. Had plenty of time to think about
21 everything.

22 Q Okay. Just --

23 A He's right. I didn't tell him that at best -- at best
24 he could hope to get a minimum 10 years, hopefully 12
25 years. But I did not expect to get anything in that area

James A. Cheek
Direct examination by Mr. Ray

1 as far as sentencing is concerned because of the number of
2 charges that we resolved with his plea.

3 Q Okay. Did he ever indicate that or insist on going to
4 trial in this case?

5 A Had he insisted -- I answer the question this way if
6 you don't mind. Had he insisted that he was interested in
7 going to trial, as a part of my contract with the public
8 defender's office I would have been honor bound and
9 required to take him back and refer him back to his trial
10 attorney to prepare for trial. Had he ever done that, I
11 would have been glad to get one more case off my case load
12 and send it back to the original case load.

13 So, to answer your question, no, not at any time did he
14 indicate he wanted to be referred back to Mr. Snyder for
15 trial preparation. I let him know let me know as soon as
16 possible what you want to do so that your trial attorney
17 will have plenty of time to prepare for trial. But he
18 already knew what the response was going to be from Mr.
19 Snyder about going to trial.

20 Q Okay. Was it his decision to plead guilty?

21 A His response was he wanted to plead guilty. Now,
22 whether that was his decision or not between him, himself,
23 his girlfriend and his family, I don't know how the
24 decision was made. But in his response to me, I concluded
25 it was his decision and he was not under any kind of force

1 or threat of force or anything like that, which is why I
2 also kept asking about kind of any gang affiliations,
3 because I wanted to make certain that he was not a pawn out
4 of a group of people that might have been involved in this
5 or a ring of people and he was going to take the fall for
6 them. I wanted to make sure that he was not under that
7 kind of pressure.

8 Q Okay.

9 MR. RAY: No further questions, Your Honor.

10 A No further questions, but I do have something I would
11 like to say.

12 If you will please look at the return for the search
13 warrant, there's some question here about testimony he gave
14 here today regarding the location of the red bandanna.

15 The red bandanna was not found at his girlfriend's
16 house. The red bandanna was found in the Equinox that he's
17 connected to driving.

18 And I explained to him that if a person goes in some
19 place with a red bandanna, the first thing they're going to
20 do when they get back in their vehicle is get rid of that
21 bandanna. And they found a bandanna in a secured place
22 inside of the Equinox that he is connected to driving. And
23 I explained to him that would be problematic if he goes to
24 trial.

25 Q Okay. So you did believe that there was enough

James A. Cheek
Cross-examination by Ms. Ross

1 evidence to get a conviction.

2 A Several convictions.

3 MR. RAY: No further questions.

4 CROSS-EXAMINATION

5 BY MS. ROSS

6 Q Good morning. Mr. Cheek, how are you doing?

7 A Good morning. Ms. Ross, how are you doing?

8 Appreciate your work here.

9 Q Thank you.

10 Okay. As far as when you get referred a case, are you
11 given all the discovery so it's no longer in Mr. Snyder's
12 possession, it's in your possession and you have it and you
13 review it?

14 A I enjoy a very good relationship with the solicitor's
15 office. And when I go to the jail on something this
16 serious, I don't take our file.

17 I take the solicitor's file so that I keep my promise
18 to be my own type of redacting person so nothing that's
19 going to be problematic as far as identifying a person's
20 name, address, that kind of information, gets into the hands
21 of my clients. But when I go, I generally have the
22 solicitor's file, not our file.

23 Q All right. And with that, I guess that there was some
24 video evidence in this case with the -- you know, just the
25 surveillance cameras and that kind of thing.

1 Now, with that, you're not able to bring those to the
2 jail and review it with him, or did you in this case?

3 A I did not do that. If he wanted to review that, he
4 could do that with his trial attorney in preparation for
5 actual trial if he wanted to see the video.

6 But I do recall showing him a lovely picture of a very
7 nice young man who has a New Orleans Saints cap, and I said
8 to him, you know, Mr. Thompson, it's not really necessary
9 for you to see everything. The thing you really want to see
10 is this picture. And I said one picture many times is worth
11 a thousand words. So, they can connect you to the lottery
12 tickets for certain. And I showed him this picture right
13 here.

14 Q Right. And that's the picture from the --

15 A One of the scratch-offs on the scratch-off
16 collections, redemption for the monies.

17 We started with this -- we started with this, and that
18 his description, his body makeup, matched the physical
19 descriptions described by the clerks in the robberies, and
20 that was going to be a problem on down the road, somebody
21 the same size, body shape.

22 Q Okay. Do you recall what that was, what that
23 description was, the body shape or size?

24 A From which description do you make reference?

25 Q From the robberies.

James A. Cheek
Cross-examination by Ms. Ross

1 A No. I don't.

2 Q Okay. Okay. Now, and there was also a picture of his
3 car at the -- at the places where the lottery tickets were
4 cashed, as well, or his girlfriend's car.

5 A His girlfriend's car, the Equinox.

6 Q So, there's no question that that -- that he was the
7 person who cashed those lottery tickets.

8 A He never -- he never denied that he was the person who
9 cashed the lottery tickets.

10 Q All right. So the issue here was just purely the
11 armed robberies, correct?

12 A That's correct.

13 Q Now, as far as the search warrant, do you recall -- do
14 you by any chance have a copy of that in your file?

15 A The search warrant itself?

16 Q Yes.

17 A One moment, please.

18 (Pause.)

19 THE COURT: Ms. Ross, why don't you just -- why don't
20 you just ask him a question about it?

21 I don't think there's anything about the search
22 warrant that's -- that's in dispute, is there?

23 MS. ROSS: Well, Judge, it's just in response.

24 The only thing is, is during the summary of facts
25 during the plea the solicitor talks about distinctive

1 orange and white gloves a number of times and distinctive
2 gray gloves, right, as being like the identification of --
3 of Mr. Thompson in this case. And the warrant says just
4 black and white gloves.

5 THE COURT: well, what I'm saying you can point that
6 out without him having to look through his file to see if
7 he has a search warrant. That's not in dispute, is it?

8 MS. ROSS: Okay, Judge. You're right. I don't think
9 so.

10 THE COURT: Okay.

11 Q Mr. Cheek, do you recall whether the search warrant
12 referred to looking for black and white colored gloves?

13 A I don't recall, but we had a plea. We're not at a
14 trial. He's entering a plea.

15 So, whatever the solicitor had to say about the colors
16 of the gloves at that point in time is not going to be
17 something I care to respond. I can't help what the
18 solicitor said. I can only say what I went over with him
19 during the course of my conversation prior to his decision
20 to enter the plea.

21 Q All right.

22 A And the only purpose the solicitor said anything at a
23 plea is to have the Court determine there is substantial
24 grounds to acceptance of the plea.

25 Q Now, if those grounds that the solicitor presents

1 don't match the witness statements in discovery, you know
2 in the discovery, would you agree that would amount to a
3 factual basis for the plea if it --

4 A No.

5 Q -- factual basis does not match?

6 A No, no. Not by itself.

7 Q Okay.

8 A I don't think that amounts to any kind of unlawful,
9 illegal or some type of problem on the part of the
10 character of the solicitor talking about the colors of the
11 gloves that were found or distinctive looking gloves. And
12 I said to my client why did you need so many different
13 kinds of similar gloves, what kind of work were you doing,
14 how are you going to explain that at trial.

15 Q Okay. And when you're talking to him about those
16 gloves, did you point out that the gloves that they found
17 at his house did not match the gloves described by the
18 cashier at the store?

19 A Which cashier?

20 Q Well, one was Jennifer Black.

21 A What did she describe? I don't recall.

22 Q She said he had black gloves on.

23 A So, he had on some black gloves.

24 Q That's true. But the solicitor, they keep talking
25 about orange and black gloves and distinctive gray gloves

1 in the transcript, in the facts.

2 A Are we talking at the plea or at the trial?

3 Q At the plea.

4 A I'm trying to understand the relevance of what the
5 solicitor said during the plea.

6 Q The thing I'm asking is did you review -- when you
7 reviewed the evidence that they had against Mr. Thompson
8 with him, did you point out evidence or inconsistencies in
9 the case that might have helped him if he chose to go to
10 trial?

11 A Any inconsistencies in the case is what you're saying
12 that was said at the plea.

13 Q Truth. Somehow during the factual basis.

14 A Listen to this.

15 Q Okay.

16 A During my conversations with Mr. Thompson each time I
17 explained to him he had the absolute right to go to trial
18 requiring the state to present evidence and testimony,
19 witnesses to prove him guilty beyond a reasonable doubt of
20 armed robbery, that he'll be subject to more than one trial
21 and that if he weren't able to beat all of them, nothing
22 would please me more than for he and Mr. Snyder to go to
23 trial and this very fine young man to come out clean at
24 each time.

25 And I went through the paperwork with him. He,

1 ultimately, made the decisions that he would make a plea
2 offer to resolve everything at one time, and that was his
3 decision.

4 Now, whether or not I pointed out to him any
5 inconsistencies, I don't know what the inconsistencies would
6 have been because he didn't have his trial yet.

7 Q Okay.

8 A The conversation that he would have had with his trial
9 attorney, if he decided he wanted to go to trial. But,
10 basically, what I did go over with him, he decided that he
11 had did not want to face multiple trials for armed
12 robberies.

13 I explained to him that out of grace and mercy of the
14 sentencing judge, that after the first conviction if he had
15 one that [webex inaudible] he could come out with something
16 less than 23 or 24 years after a conviction at trial but
17 he'd have to cast his lots and that he would have to be in a
18 position of being able to beat each of those armed
19 robberies, one by one, because the solicitor would have been
20 very glad to try all of them together, all several counts,
21 or elect to try them one by one. And if he tried that so
22 that Mr. Snyder communicated that to the solicitor and they
23 would decide how they were going to try him, either as a
24 string of robberies or one by one.

25 Q Thank you, Mr. Cheek. I've got no further questions.

1 THE COURT: Anything else of the witness?

2 MR. RAY: Nothing from the state, Your Honor.

3 THE COURT: Okay. Are there any other witnesses on
4 behalf of the state?

5 MR. RAY: No, Your Honor.

6 THE COURT: Any reply, Ms. Ross?

7 MS. ROSS: No, Your Honor.

8 THE COURT: All right. I will review the record and
9 issue an order shortly.

10 MS. ROSS: I just wanted to make sure I had the court
11 reporter's email address to send in.

12 THE COURT: Well, it's on the website.

13 MS. ROSS: I'll get it then. Okay. I'll send those
14 items in directly.

15 THE COURT: She'll send you her email address.

16 MS. ROSS: Okay. Thank you, Judge.

17 (The following exhibits were sent and filed on April
18 30, 2021.)

19 (Copy of search warrant marked Applicant's Exhibit No.
20 1; list of items seized marked Applicant's Exhibit No. 2;
21 voluntary statement marked Applicant's Exhibit No. 3.)

22 END OF REQUESTED TRANSCRIPT OF RECORD

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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 8th day of April 2021.

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

January 20, 2024

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

COPY

STATE OF SOUTH CAROLINA

County of SPARTANBURG, SC

ORIGINAL

SEARCH WARRANT

Date 20 February, 2017

Detective Tom Clark

Applicant's Exhibit
1

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG, SC

ORIGINAL

Personally appeared before me, one Investigator Tom Clark Who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this county:

DESCRIPTION OF PROPERTY SOUGHT

Any and all evidence pertaining to the commission of an Armed Robbery. To include, but not limited to any body fluids, or other items/evidence that would yield DNA, fingerprints, weapons, or other objects that may have been used to commit an Armed Robbery. Also, to include any and all clothing, hair, fabric fibers, weapons, and ammunition. As well as any and all U.S. Currency, lottery tickets, black in color clothing, black in color hooded sweat shirt, gray in color t-shirt, red in color bandana, black and white in color gloves as well as any and all ammunition, handguns, as well as any paperwork or articles that tend to show who has control over this residence or this vehicle. As well as any and all cellular phones belonging to the Suspects that would show communication involved during the commission, or related to the commission of an Armed Robbery. As well as a red in color Hollister T-shirt and a pair of born/tan work type boots.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

A single family mobile home white in color with brown trim. The numbers [redacted] are clearly displayed on the front of the mobile home. This search is to include this residence and curtilage. Also to include any and all outbuildings and vehicle located on the property and curtilage. Also to include one white in color 2008/ Chevrolet Equinox Vin: [redacted] WITH South Carolina license plate [redacted] displayed on the back. Directions to this residence from the Spartanburg County Court House are as follows: Turn right onto Archer St. Turn left onto N. Church St. Turn slight right onto N. Church St./ Hwy 221. North Church St. becomes Hwy 9. Travel Hwy 9 until you reach Rainbow Lake Rd. Turn right onto Rainbow Lake Rd. Travel Rainbow Lake Rd. until you reach Hwy 11. Turn right onto Hwy 11. Turn left onto Peach Tree Rd. Turn right onto Fox Dr. The residence and vehicle to be searched will be on the right side of the road.

Sworn to and Subscribed before me

This 20 day of FEBRUARY; 20 17
Dennis B. Beahm
Signature of Judge

COPY

Affiant: Investigator Tom Clark
Signature: [Signature]
Address: 8045 Howard St.
Spartanburg, SC 29303
Phone #: (864) 503-4589

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

ORIGINAL

On 2/15/2017 Deputies with the Spartanburg County Sheriff's Office responded to a robbery at the Lil Crickef located at 5687 Chesnee Hwy. Spartanburg, SC. 29323. Upon arrival it was found an unknown suspect entered the store wearing all black clothing, wearing a black in color hooded sweat shirt with a red in color banana over his mouth, what appeared to be black and white in color gloves on his hands with a small black, or dark colored semi-automatic handgun and robbed the clerk of Newport cigarettes and U.S. Currency. On 2/17/2017 Deputies with the Spartanburg County Sheriff's Office responded to the Scotchman convenient store located at 4884 Chesnee Hwy. Spartanburg, SC 29323 in reference to an Armed Robbery. Upon arrival Deputies found that an unknown suspect entered the store wearing all black, wearing a black in color hooded sweat shirt with a red in color bandana with what appeared to be black and white gloves on his hands with a small black, or dark in color semi-automatic handgun. The suspect robbed the clerk and store of a quantity of lottery tickets and U.S. Currency. On 2/18/2017 a B/M subject entered the Freedom Stop #2 located at 3614 Hwy 11. Chesnee, SC 29323 and cashed in winning lottery tickets taken in the robbery to the Scotchman on 2/17/2017 at 4884 Chesnee Hwy. Spartanburg, SC 29323. The subject that cashed the lottery tickets was wearing a grey in color t-shirt, black in color sweat type pants and a New Orleans Saints toboggan. He was driving a white in color Chevy Equinox. On 2/19/2017 the same B/M attempted to cash in lottery tickets at the Hot Spot at 107 Hampton St. Chesnee, SC 29323. This was the same B/M wearing a New Orleans toboggan with a red in color Hollister T-shirt, dark pants and born/tan work type boots. Through further investigation the lottery ticket were recovered and processed for prints. Through further investigation a hit on prints recovered came back to one Lamarcus Devionne Thompson (B/M, DOB: [REDACTED] 991. Through further investigation in viewing booking photos, DMV photos confirmed Lamarcus was the person cashing in the lottery tickets. Through further investigation it was found that his girlfriend Brittany Nicole Fowler (W/F, DOB: [REDACTED] 1989) owns a white in color Chevy Equinox fitting the description of the vehicle the B/M was driving when he cashed in the lottery tickets. Belief the items being searched for are at this location is based on the fact the vehicle is parked on the property in front of the residence and the subject, Lamarcus Devionne Thompson was arrested at this residence on related charges pertaining to the cashing in of the lottery ticket, as well as charges from Spartanburg City Police Dept. This search warrant is needed for the furtherance of this investigation to recover any and all evidence in this investigation.

COPY

Sworn to and Subscribed before me

This 20 day of FEBRUARY; 20 17
Donnie Beckley
Signature of Judge

Affiant: Investigator Tom Clark
Signature: [Signature]
Address: 8045 Howard St
Spartanburg, SC 29303
Phone #: (864) 503-4589

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg, SC

ORIGINAL

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF SPARTANBURG COUNTY, SC

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

A single family mobile home white in color with brown trim. The numbers [REDACTED] are clearly displayed on the front of the mobile home. This search is to include this residence and curtilage. Also to include any and all outbuildings and vehicle located on the property and curtilage. Also to include one white in color 2008/ Chevrolet Equinox Vin: [REDACTED], WITH South Carolina license plate: [REDACTED] displayed on the back. Directions to this residence from the Spartanburg County Court House are as follows: Turn right onto Archer St. Turn left onto N. Church St. Turn slight right onto N. Church St./ Hwy 221. North Church St. becomes Hwy 9. Travel Hwy 9 until you reach Rainbow Lake Rd. Turn right onto Rainbow Lake Rd. Travel Rainbow Lake Rd. until you reach Hwy 11. Turn right onto Hwy 11. Turn left onto Peach Tree Rd. Turn right onto Fox Dr. The residence and vehicle to be searched will be on the right side of the road.

Now, therefore, you are hereby authorized to search premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY SOUGHT

Any and all evidence pertaining to the commission of an Armed Robbery. To include, but not limited to any body fluids, or other items/evidence that would yield DNA, fingerprints, weapons, or other objects that may have been used to commit an Armed Robbery. Also, to include any and all clothing, hair, fabric fibers, weapons, and ammunition. As well as any and all U.S. Currency, lottery tickets, black in color clothing, black in color hooded sweat shirt, gray in color t-shirt, red in color bandana, black and white in color gloves as well as any and all ammunition, handguns, as well as any paperwork or articles that tend to show who has control over this residence or this vehicle. As well as any and all cellular phones belonging to the Suspects that would show communication involved during the commission, or related to the commission of an Armed Robbery. As well as a red in color Hollister T-Shirt and a pair of born/tan work type boots.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

COPY

ANY SPARTANBURG COUNTY MAGISTRATE

Within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable: in the event the identity of such person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Spartanburg
February 20, 20 17, SC

Donnie Beckley (L.S.)
Signature of Judge

RETURN

ORIGINAL

I received the attached Search Warrant February 20, 2017, and have executed it as

Follows: On February 20, 2017 at 1:54 o'clock A.M.

I searched (the person) described in the warrant and (the premises)

I left a copy of the warrant with Residence
Name of person searched or "at the place of search" with
Together with a receipt for the items seized.

COPY

The following is an inventory of property taken pursuant to the warrant:

- 1- Lawson 25 cal Model 1725 Serial #17353 876 Found in
bottom drawer of master bedroom
- 2- 1 box of 25 auto bullets "Lieber-Bellot" brand located in box in master bedroom chest
- 3- 1 black hooded sweatshirt located in floor of master bedroom
- 4- 1 pair of black sweat pants located master bedroom floor
- 5- 1 pair of brown Timberland boots located on top of book shelf in master bedroom
- 6- 1 navy blue hooded sweatshirt in clothes basket of master bedroom
- 7- 1 Daisy model 105 B BB rifle behind dresser drawer in master bedroom
- 8- Red Holister T-shirt size L on dresser drawer in master bedroom
- 9- 1 pair of Black "Dickies" pants size 34/32 w/ black belt addresser
drawer of master bedroom 12- Sanyo Sewera stocking cap on master bedroom bed
B- Red tent on Camp Equinox
- 10- 1 black and gray Cut Master glove in top dresser drawer of master bedroom
- 11- 1 pair of orange and black gloves in top dresser drawer in master bedroom

This inventory was made in the presence of Lt Gary, Sgt. Lettman, Juv. Foster, Juv. Williams

AND Juv. Cottrell and Juv. Brunson
I swear this inventory is a true and detailed account of all the property taken by me on the warrant
Search warrant closed 2-20-17 @ 0248 H

SWORN to before me this 22

Day of Feb, 2017,
D Smith (L.S.) Jonathan Pauer
Signature of Judge Signature of Executing Office

22:35

Applicant's Exhibit
2

SPARTANBURG COUNTY SHERIFF'S DEPARTMENT

PROPERTY REPORT		1. Status - Check One <input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Recovered Property		2. Case No. 2017020882	
3. Date and Time Impounded 02-20-17		4. Laboratory Examination <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		5. For Prop - Room Use Only Unit No. Vault No. Shelf No.	
6. Found or Recovered From Person <input type="checkbox"/> Place <input checked="" type="checkbox"/>		7. Where property was impounded (Give exact location - address) Name Residence 1005 [redacted] Spartanburg, SC			
8. Owner's Name Lamarcus Thompson - Suspect		9. Owner's Address		10. Owner's Telephone No.	
11. Item No.	12. Quantity	13. Description			
1	1	Lorcin Model LT25 25 caliber handgun SN#LT353876 WW (1) unfired 25 caliber S&B bullet			
		1 magazine containing 7 S&B 25 caliber unfired bullets - 0231 hours			
2	29	FMJ Browning 25 auto bullets unfired - 0232 hours			
3	1	Black Jerzees 2xl hoodie - 0232 hours			
4	1	Switch Remarkable dark pants size XL - 0233 hours			
5	1	Pair of brown timberland boots size 10 - 0233 hours			
6	1	Blue Hanes hooded jacket size large - 0234 hours			
7	1	Daisy BB Rifle SN#2320150840240V - 0235 hours			
8	1	Red Aeropostle t-shirt size L - 0235 hours			
9	1	Pair of black dickies pants size 34-32 - 0235 hours			
10	1	Black glove - 0236 hours			
11	2	Black and orange gloves - 0237 hours			
12	1	Gold and black toboggan			
13	1	Red Bandanna - 0247 hours			
		Nothing Further T 2017005672 P-shelf #7055 GSS			
14. I hereby acknowledge that the above lists represent all property taken from my possession and that I have received a copy of this report.		15. Impounding Officer (Print Full Name) Jonathan Lawson		16. Unit No. 1-51	
17. Signature [Signature]		18. Signature [Signature]			
19. Received By [Signature]		20. Reason Evidence		21. Date and Time Received 02-20-17 0830	
Received By		Reason		Date and Time Received	
Received By		Reason		Date and Time Received	
Received By		Reason		Date and Time Received	
Received By		Reason		Date and Time Received	
Received By		Reason		Date and Time Received	
Received By		Reason		Date and Time Received	
Received By		Reason		Date and Time Received	

T 20170056735

CASE# 17-2-0852 VOLUNTARY STATEMENT PAGE of

STATEMENT OF: Jennifer Flack AGE: 36 DATE: 2-17-17

ADDRESS: 2814 Lot 13A

PHONE: [REDACTED] DOB: [REDACTED] SSN: [REDACTED]

I was stocking front cooler. A guy in all black with red banana over face with gun. He told me to give him money and lottery tickets. I pulled off some of the \$5.00 tickets and gave him the cash in my drawer. He said give me more money, I said I don't have it. A car pulls into parking lot, he turned gun to the car. The car backed up and he run out door around the back. He was a short black guy and had small hand gun. He also had black gloves on. I called 911 as soon as he was going around back. I called 911 around 10:46pm. He took approximately \$30.00 in cash.

End of Statement

[Empty lined area for additional text]

I have read this statement consisting of _____ pages(s), and I swear that the statement that I have just given is the truth, the whole truth, and nothing but the truth, so help me God. I also swear this statement was given freely and voluntarily and I have received a copy of my statement.

This statement was completed at 2338 P M. on the 17 day of February 20 17.

WITNESS: Kelley R. Hill _____

Signature of person giving voluntary statement: Jennifer Flack

SWORN to before me this _____ day of _____, 20 ____.

(Seal)
Notary Public of South Carolina
My Commission expires: _____

SH104

Applicant's
Exhibition
3

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
)
 Lamarcus D. Thompson, #374348,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE SEVENTH JUDICIAL CIRCUIT
)
 CASE NO. 2019-CP-42-00090

**ORDER OF DISMISSAL
 WITH PREJUDICE**

Presiding Judge: Hon. J. Derham Cole
 Applicant's Attorney: Susannah C. Ross, Esq.
 Respondent's Attorney: William H. Ray, Esq.
 Plea Counsel: James A. Cheek, Esq.
 Date of Hearing: April 8, 2021
 Court Reporter: Linda D. Moffitt

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 CLERK OF COURT
 SPARTANBURG COUNTY
 JUDICIAL CIRCUIT

This matter comes before the Court by way of Lamarcus D. Thompson's (Applicant) application for post-conviction relief (PCR) filed on January 8, 2019. Respondent, the State of South Carolina, filed its Return and Motion for a More Definite Statement on March 25, 2019. On March 19, 2021, Applicant, through PCR Counsel, filed an amended PCR application.

On April 8, 2021, an evidentiary hearing was held at the Spartanburg County Courthouse before the Honorable J. Derham Cole, circuit court judge. Assistant Attorney General William Harold Ray represented Respondent. Applicant was present and represented by Susannah C. Ross, Esquire (PCR Counsel). At the hearing, Applicant, through counsel, stated for the record which allegations he intended to proceed on.¹ In support of these claims, Applicant testified on his own behalf. Respondent presented the testimony of James A. Cheek, Esq. (Plea Counsel).

¹ PCR Tr. pp. 4, l. 10 – 7, l. 8.

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

PROCEDURAL HISTORY

The records before this Court establish Applicant is presently incarcerated according to an order of commitment of the Spartanburg County Clerk of Court. During its August 2017 term, the Spartanburg County Grand Jury indicted Applicant for three counts of armed robbery and possession of a weapon during the commission of a violent crime (2017-GS-42-04368; -04369; -04370), and six counts of intent to defraud a lottery (2017-GS-42-04371; -04372; -04373; -04374; -04375; -04376). During its September 2017 term, the Spartanburg County Grand Jury indicted Applicant for armed robbery and possession of a weapon during the commission of a violent crime (2017-GS-42-05285). Assistant Public Defender James A. Cheek of the Seventh Circuit Public Defender's Office represented Applicant. Assistant Solicitor H. Spencer Smith, of the Seventh Circuit Solicitor's Office, prosecuted the case.

On October 19, 2017, Applicant appeared before the Honorable J. Mark Hayes, II, circuit court judge and pleaded guilty as indicted to a negotiated sentencing range of ten to twenty years' incarceration, sentences to be served concurrently. Judge Hayes sentenced Applicant to concurrent terms of twenty years' imprisonment for each armed robbery charge, five years' imprisonment for each possession of a weapon during the commission of a violent crime charge, and five years' imprisonment for each charge of intent to defraud the lottery, all sentences to run concurrently.

Applicant did not appeal his convictions or sentences.

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 SPARTANBURG COUNTY
 CLERK'S OFFICE

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FACTS GIVING RISE TO THE CONVICTION

The facts giving rise to the convictions were articulated by the Solicitor at Applicant's plea hearing as follows:

The first armed robbery occurred on January 16th of [2017]. Deputies responded to Chesnee Highway for an armed robbery at Li'l Cricket. The clerk described a black male who came in with his face concealed. He pointed a gun at her and she gave him money from inside the register. He was wearing a pair of gray gloves and armed with what she believed to be a rifle.

On January 16th, that same night, deputies also responded to another Li'l Cricket in the Chesnee area for an armed robbery. The clerk stated that a black male wearing a bandana came in with what she believed to be a shotgun yelling, hurry up. She opened the register and grabbed money. Video was obtained and the suspect matched the description from the armed robbery that occurred earlier that night. He had on a pair of distinctive gray gloves. I'm going to hand up some pictures at the end of this, Your Honor, that kind of show what we're talking about.

Next was February 15th, 2017, there was an armed robbery at the Li'l Cricket on Chesnee Highway. The clerk stated that a black male came in with his face concealed with a bandana. He was armed with a small black pistol. He got away with money and cigarettes. He was wearing a distinctive pair of orange and black gloves. That actually ended up being the same clerk that he had robbed a month before.

And then on February 17th, 2017, deputies responded to Scotchman on Chesnee Highway for another armed robbery. The clerk stated a black male entered the store with his face concealed by a bandana, armed with a pistol. She gave the man money and lottery tickets that he demanded. He was wearing a pair of orange and black gloves. Your Honor, I showed these to Mr. Cheek, but I've kind of got them divided. There's four separate surveillance shots from armed robberies. And then the remaining pictures are pictures from a search warrant that was executed I'll go into now. But you can see the distinctive gloves. And in the search warrant we've got the .25 caliber pistol, which matches the description of the pistols that is used in this case. And there was a BB gun found behind the laundry machine that looks very close to the - what the victim described as a rifle or a shotgun.

CLERK OF COURT
STAFFORD COUNTY

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The day after the lottery tickets were stolen SLED got a hit that some of the lottery tickets had been cashed at a local business in the Chesnee area, another gas station. SLED contacted the sheriffs office, who immediately went out to that location. They were able to secure the lottery tickets as well as video surveillance, which ultimately ended up showing Mr. Thompson, but at that time they didn't know who he was. They got fingerprints off of the lottery tickets and ran those. It came back to Lamarcus Thompson. They began doing research into him. They had a description of a white Chevy Equinox with a broken windshield wiper that was the car that he arrived in to cash those lottery tickets. They went on Facebook. They found that he dated a lady named Brittany Fowler. They did a DMV car check on Brittany Fowler, and she had a white Chevy Equinox. They then did a tag reader search through TLO and they found that white Equinox had been seen inside the Spartanburg area or they were able to get surveillance video of that confirmed that her white Chevy Equinox had a broken back windshield wiper, which was matched with the car that was used at the cashing of the lottery tickets. They took all of that information to get a search warrant for the house that MR. Thompson and Ms. Fowler were living in together at the time along with another female. They found numerous items, clothing items consistent with the robbery. Most of his clothing was very generic, hard to be specific. But as you can see on the gray gloves, there's like an upside down triangle mark with a brand name on it that looks identical to the ones that were seized in the search warrant and the ones seen in the armed robbery. And they also found a pair of orange and black gloves that seemed to match perfectly with what was seen in this. Mr. Thompson did speak with investigators. He admitted that he was the person that cashed the lottery tickets. He's written me multiple letters saying that he knew that they were stolen, that he was willing to plead guilty to that. His story at that time was that his roommate sometimes picks up cans and stuff off the street and had brought that back into his house, and he had been stupid enough to cash them.

(Plea Tr. pp. 13, l. 5 -16, l. 15). Upon inquiry by the Court, Applicant confirmed the above articulated facts. (Plea Tr. pp. 16, l. 21- 17, l. 1).

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SPARTANBURG COUNTY
SOUTH CAROLINA

CURRENT ACTION BEFORE THIS COURT

In his application for post-conviction relief filed January 8, 2019, Applicant claimed he was being held in custody unlawfully for the following reasons (excerpts verbatim):

1. Ineffective Assistance of Counsel
 - a. "Violation of the 4th fifth, sixth, eighth, & 14th Amendments of U.S. Constitution"
2. Due Process Violation:
 - a. "Same as above"

On March 19, 2021, Applicant, through PCR Counsel, amended his PCR application to include the following allegations:

1. Ineffective Assistance of Counsel:
 - a. Failing to provide the Applicant with discovery prior to his guilty plea;
 - b. Failure to review discovery with Applicant;
 - c. Failing to explain the elements armed robbery and possible sentences; and
 - d. Advising the Applicant to plea when there was not enough evidence to prove guilty beyond a reasonable doubt;
2. Due Process violations because the plea was not knowingly and voluntarily made.

On April 8, 2021, at the evidentiary hearing Applicant, through PCR Counsel, informed this Court that he would be proceeding on the allegations within his amended application for post-conviction relief as follows:

1. Ineffective Assistance of Counsel:
 - a. Failing to provide the Applicant with discovery prior to his guilty plea;
 - b. Failure to review discovery with Applicant;
 - c. Failing to explain the elements armed robbery and possible sentences; and
 - d. Advising the Applicant to plea when there was not enough evidence to prove guilty beyond a reasonable doubt;
2. Due Process violations because the plea was not knowingly and voluntarily made.

(PCR Tr. pp. 4, l. 10 – 7, l. 8.).

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 STARTLAND COUNTY
 ARIZONA

On April 8, 2021, at the evidentiary hearing Applicant, through his testimony made the following additional allegations (excerpts verbatim):

1. Ineffective Assistance of Counsel:
 - e. Failure to investigate:
 - i. “Well, [Plea Counsel] failed to investigate my case and – and if he—and if he would have investigated my case properly he would have seen that nobody never identified me as the suspect. Nobody never pointed me out. No fingerprints, no nothing. And – and – and he would have seen that, so.” (PCR Tr. p. 8, ll. 14-18).

Applicant requests relief in the following form:

“Overturn sentence and conviction or any other relief the court feels is relevant.”

Before this Court is the Spartanburg County Clerk of Court records regarding the subject convictions and sentences, Applicant's records from the South Carolina Department of Corrections, Applicant's guilty plea transcript, the transcript of the PCR hearing, and the records of the current PCR action.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act² (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based on the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

² S.C. Code Ann. §§ 17-27-10 to -160.

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 SPARTANBURG COUNTY
 S.C. COX

5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

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

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

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 ALLEN COUNTY
 OHIO

said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985), extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel. See Padilla v. Kentucky, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel's performance under the first prong of Strickland remains unchanged, the applicant must show that counsel's representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58-59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000).

An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56. The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." Id. at 58-59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

This inquiry "focuses on a defendant's decisionmaking" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances.

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 CRIMINAL DISTRICT
 COUNTY

Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—**not** whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999) (emphasis added).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed the Court to evaluate and scrutinize their credibility. See, e.g., State v. Mercer, 381 S.C. 149, 166, 672 S.E.2d 556, 565 (2009) ("In this post-trial setting, our jurisprudence recognizes the gatekeeping role of the trial court in making a credibility assessment."); Clemons v. Mississippi, 494 U.S. 738, 766 (1990) (Blackmun, J., concurring in part and dissenting in part) ("The trial judge who hears the witnesses live, observes their demeanor and in general smells the smoke of the battle is by his very position far better equipped to make findings of fact which will have the reliability that we need and desire.").

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

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 SUPERIOR COURT
 ANNE ARUNDEL COUNTY

Applicant agreed with the facts surrounding the State's case against him (Plea Tr. pp. 16, l. 21- 17, l. 1); 9. Applicant indicated that he was pleading guilty because he was guilty of the offenses for which he was charged (Plea Tr. p. 18, ll. 12-18); 10. Applicant indicated that he understood all of the court's questions and answered them truthfully (Plea Tr. p. 18, ll. 19-21); 11. Applicant indicated that his plea was freely, knowingly, and voluntarily entered into (Plea Tr. p. 8, ll. 4-10). 12. The State shared discovery with Plea Counsel prior to Applicant's plea hearing. (Plea Tr. p. 18, ll. 22-23).

INEFFECTIVE ASSISTANCE OF PLEA COUNSEL ALLEGATIONS

Allegation 1 (a) and (b): Plea Counsel Failed to Properly Provide and Review Discovery with Applicant.

Applicant alleges Plea Counsel was constitutionally ineffective for failing to provide Applicant with discovery prior to his guilty plea and for failing to review discovery with Applicant. This Court finds these allegations to be without merit.

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75–76, 659 S.E.2d 140, 145–46 (2008) (citing Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998)), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018). Likewise, in order to prevail on a claim that counsel did not review discovery with applicant, the applicant must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. Id.

Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)).

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Mere speculation as to how the alleged lack of preparation prejudiced an applicant is insufficient to support a relief grant. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Guilty Plea Hearing

At Applicant's plea hearing when questioned by the court, the State confirmed that they had shared discovery with Plea Counsel. (Plea Tr. p. 18, ll. 22-23).

PCR Evidentiary Hearing

At the evidentiary hearing on direct examination, Applicant testified that he could not recall when he received the discovery in his case but knew that it was later in his proceedings. (PCR Tr. pp. 8, l. 23- 9, l. 1). Applicant testified that he and Plea Counsel looked at the discovery, but only to "skim through" the materials. (PCR Tr. p. 9, ll. 2-5). When asked whether he would have made the decision to plead guilty had Plea Counsel reviewed the discovery with him Applicant testified that he would not. (PCR Tr. p. 18, ll. 11-18).

During cross examination, Applicant confirmed that he did not get a bond and was housed in the county jail until he pleaded guilty. (PCR Tr. p. 20, ll. 11-13). Applicant testified that Plea Counsel met with him twice at the county jail prior to his guilty plea hearing. (PCR Tr. p. 20, ll. 14-15; 22, ll. 4-8). Applicant testified that during those meeting he and Plea Counsel discussed his case, specifically talking about how he came into possession of the stolen scratch off tickets. (PCR Tr. p. 21, ll. 4-13). Applicant testified to his belief that, while the two discussed his case, they did not discuss it properly but instead just "skimmed through" it. (PCR Tr. p. 21, ll. 14-17). Applicant testified that during their meetings, Plea Counsel had some paperwork with him, but he did not recall what the paperwork was. (PCR Tr. p. 21, ll. 18-23). When asked whether the paperwork contained photographs, statements made by witnesses, police reports, or things of that nature,

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Applicant testified that he thought so. (PCR Tr. pp. 21, l. 24 – 22, l. 3). When asked why he did not inform the court that he had not received discovery or had not had time to look at it during his plea hearing when the Solicitor informed the court that the discovery had been shared with the defense,³ Applicant testified that he did not speak up because at that time he did not know what was going on. (PCR Tr. pp. 25, l. 12- 26, l. 16).

On direct examination, Plea Counsel testified that he reviewed the discovery in Applicant's case with Applicant. (PCR Tr. p. 32, ll. 13-15). Plea Counsel testified that he brought what he had received as discovery to the meetings he had with Applicant. (PCR Tr. p. 32, ll. 23 –25). Plea Counsel testified that the discovery was a number of pages in a folder. (PCR Tr. p. 32, l. 23 –25). Plea Counsel testified that when he and Applicant reviewed the discovery, Applicant had questions and was active in discussing the materials, as he is a very articulate and intelligent young man. (PCR Tr. p. 33, ll. 20-24). Plea Counsel testified that he started off their review of the discovery by showing Applicant a photo of him in a very distinctive cap and informing him that there was no doubt that he cashed the lottery tickets in this case. (PCR Tr. pp. 33, l. 25- 34, l. 4). Plea Counsel testified that during their conversation, after allowing Applicant what he believed to be plenty of time to respond about the lottery tickets, he described to Applicant what the word "integrity" meant. (PCR Tr. p. 34, ll. 5-11).

Plea Counsel testified to his recollection that during that conversation the two also discussed the young lady whom Applicant said found the lottery tickets on the side of the road being a person of need herself. (PCR Tr. p. 34, ll. 11-15). Plea Counsel testified that he then questioned Applicant as to why the young lady would give Applicant the found lottery tickets to go cash rather than cashing them herself. (PCR Tr. p. 34, ll. 14-15). Plea Counsel testified that he

³ Plea Tr. p. 18, ll. 22-23.

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then asked Applicant whether, if Plea Counsel were to ask her, the young lady would inform Plea Counsel that she found the lottery tickets and gave them to Applicant, and Applicant's answer was not in Applicant's best interest to Plea Counsel's estimation. (PCR Tr. p. 34, ll. 16-21). When asked whether he actually made contact with the young lady, Plea Counsel testified that he did not, as Applicant suggested that he should "maybe not waste [his] time doing that." (PCR Tr. p. 34, ll. 22-25).

Plea Counsel testified that he is very careful about leaving discovery with a client. (PCR Tr. p. 33, l. 5). Plea Counsel testified that based on his experience it is his general practice to advise his clients not to leave or receive their discovery at the jail unless they have a way of securing it which he testified that there was no way to do at the jail. (PCR Tr. p. 33, ll. 1-19).

During cross examination, Plea Counsel testified that he did not bring the video from the surveillance cameras to review with Applicant during their review of the discovery, as Applicant could do that with his trial attorney in preparation for actual trial if he wanted to see the video. (PCR Tr. pp. 39, l. 23- 40, l. 5). Plea Counsel testified that he informed Applicant that it was not necessary for Applicant to see everything in the discovery and informed him that the item that he really wanted to see was the photo, before showing Applicant the photo of a young man wearing a New Orleans Saints cap. (PCR Tr. p. 40, ll. 6-13). Plea Counsel testified that he then informed Applicant that, using the referenced photo, the State could connect Applicant to the lottery tickets for certain. (PCR Tr. p. 40, ll. 11-13). Plea Counsel testified that the picture was from one of the scratch-offs on the scratch-off collections and redemptions for the monies. (PCR Tr. p. 40, ll. 14-16). Plea Counsel testified that there were photos of Applicant's girlfriend's car at the locations where the lottery tickets were cashed. (PCR Tr. p. 41, ll. 2-5). Plea Counsel testified that Applicant never denied that he was the person who cashed the lottery tickets. (PCR Tr. p. 41, ll. 6-9).

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Plea Counsel testified that he and Applicant discussed that it would be a problem that Applicant's body makeup matched the physical descriptions described by the clerks in the robberies. (PCR Tr. p. 40, ll. 17-21).

When asked about his recollection of whether the search warrant in this case referred to looking for black and white colored gloves, Plea Counsel testified that he did not recall, but as Applicant was pleading guilty and the only purpose of the Solicitor's comments at the plea hearing were to have the court determine whether there were substantial grounds to accept the plea, any comments made by the Solicitor regarding the colors of gloves would not have been something he cared to respond to at that point. (PCR Tr. p 42, ll. 11-24). Plea Counsel testified that he and Applicant discussed the gloves referenced in discovery during which discussions he asked Applicant why he needed so many different types of similar looking gloves, what kind of work he was doing, and how he would explain these issues at trial. (PCR Tr. p. 43, ll. 11-14).

When asked whether he pointed out any inconsistencies in the case that may have helped Applicant had he chose to proceed to a jury trial during their review of the evidence, Plea Counsel testified that he did not know what the inconsistencies would have been, because Applicant had not yet had his trial. (PCR Tr. pp. 44, l. 6-45, l. 6) Plea Counsel testified that the discussion of inconsistencies would have been one he would have had with his trial attorney had he decided to go to trial but, after reviewing the State's case with Applicant, Applicant decided that he did not want to face multiple trials for armed robberies. (PCR Tr. p. 45, ll. 8-12).

Plea Counsel testified that during each conversation he had with Applicant, he explained to him that he had the absolute right to go to trial, requiring the State to present evidence, testimony, and witnesses to prove him guilty beyond a reasonable doubt of armed robbery, and that he would be subject to more than trial. (PCR Tr. p. 44, ll. 16-24). Plea Counsel testified that

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he went through the discovery with Applicant, and Applicant ultimately made the decision that he would make a plea offer to resolve everything at one time. (PCR Tr. pp. 44, l. 25- 45, l. 3).

Findings

This Court finds the combination of the record, and Plea Counsel's credible testimony that Applicant has failed to meet the burden of showing Plea Counsel was constitutionally ineffective. See Campbell v. Polk, 447 F.3d 270, 279 fn.2 (4th Cir. 2006) Applicant failed to present "any evidence of how additional preparation or communication would have resulted in a different outcome." Smith v. State, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (Ct. App. 2012); see Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998) (explaining that, where an applicant failed to present any evidence of what counsel could have discovered or what other defenses he would have requested counsel pursue had counsel more fully prepared for the trial, applicant failed to show his counsel's lack of preparation prejudiced him); Harris v. State, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008) (finding that, when there is evidence counsel met with a defendant in preparation for trial and there is no evidence additional preparation on the part of counsel would have affected the outcome at trial, counsel cannot be said to have been ineffective), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

Moreover, to whatever extent Applicant was not entirely satisfied with the amount of time to review discovery and investigate the charges, he was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to proceed with his guilty plea. (Plea Tr. p. 7, ll. 16-22; 8, ll. 16-20).

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

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Allegation 1C: Plea Counsel Failed to Explain the Elements Armed Robbery and Possible Sentences

Applicant alleges Plea Counsel was constitutionally ineffective for failing to explain the elements armed robbery and possible sentences. This Court finds this allegation to be without merit.

In considering an allegation on post-conviction relief (PCR) that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing. Stalk v. State, 375 S.C. 289, 652 S.E.2d 402 (Ct. App. 2007), aff'd as modified, 383 S.C. 559, 681 S.E.2d 592 (2009); Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984) (“[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.”); Roddy v. State, 339 S.C. at 33, 528 S.E.2d at 420 (holding when determining issues relating to guilty pleas, the Court will consider the entire record, including the transcript of the guilty pleas and the evidence presented at the PCR hearing.).

The transcript of the guilty plea directly refutes Applicant’s claims that he was unaware of the elements of armed robbery or the potential sentences he faced due to the negligence of Plea Counsel. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977) (“A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed.”); Edmonds v. Lewis, 546 F.2d 566 (4th Cir.1976) (holding statements made during a guilty plea

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should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements.); Boykin v. Alabama, 395 U.S. 238, 242, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969) (to find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him.); Pittman v. State, 337 S.C. 597, 600, 524 S.E.2d 623, 625 (1999) (“A defendant's knowing and voluntary waiver of the constitutional rights which accompany a guilty plea may be accomplished by colloquy between the Court and the defendant, between the Court and defendant's counsel, or both.”).

Guilty Plea Hearing

The following colloquies occurred during the guilty plea proceedings:

[Solicitor]: Your Honor, before you is Lamarcus Devionne Thompson. He's here to plead guilty on ten indictments with 14 counts. First is 2017-GS-42-4368, it's count one, an indictment for armed robbery. He's pleading as charged. Count two is an indictment for possession of a weapon during a violent crime. He's pleading as charged. There ' s a negotiated sentencing range in all of these cases of ten to 20 years. Next is 2017-GS-42-4369, count one, armed robbery. Count two, possession of a weapon during a violent crime, pleading as charged. Next, 2017-42-4370, another indictment for armed robbery, and possession of a weapon during a violent crime. Pleading guilty as charged. Next is 2017-GS-42-4371 is an indictment for defrauding the lottery, pleading as charged. 2017-GS-42-4372, another indictment for defrauding the lottery, pleading as charged. 2017-GS-42-4373, another indictment for defrauding the lottery, pleading as charged. 2017-GS-42-4374, another lottery charge, pleading as charged. 2017-GS-42-4375, another intent to defraud lottery, pleading as charged. 2017-GS-42-4376 is another lottery charge, pleading as charged. And, finally, 2017-GS-42-5285, it's a two count indictment. First count for armed robbery and second count for possession of a weapon during a violent

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crime, pleading guilty to that. All of these indictments have been true billed. He's represented by Mr. Cheek with the Public Defender's Office. And there's a sentencing range of ten to 20, negotiated, Your Honor.

The Court: You are Lamarcus Thompson?

[Applicant]: Yes, sir.

The Court: And, sir, it is your intent to enter a plea to the charges that were just announced?

[Applicant]: Yes, sir.

The Court: By my calculation that you're pleading to four armed robberies, four possession of weapon during the commission of a violent crime and six defrauding of lottery?

[Applicant]: Yes, sir.

(Plea Tr. pp. 9, l. 22 – 11, l. 15).

The Court: And, sir, do you understand that on the on all of the defrauding of lottery charges that I could sentence you up to five years on those charges?

[Applicant]: Yes, sir.

The Court: And, sir, do you understand that on the armed robbery charges that — I'm sorry. Yes, sentence you up to five years on those charges. And, sir, do you understand that on the armed robbery charges that these are being presented to me as negotiated sentences, therefore, if I accept the pleas I'll be bound by the negotiations and will have to impose a sentence of between ten to 30 years? I'm sorry, ten to 20 years?

[Applicant]: Yes, sir.

The Court: Sir, do you also understand that all of the armed robbery charges, that they are classified as both violent and most serious?

[Applicant]: Yes, sir.

The Court: And you have been able to talk to your lawyer as to the consequences of those offenses being classified as violent and most serious?

[Applicant]: Yes, sir.

The Court: And you still wish to enter those pleas?

[Applicant]: Yes, sir.

The Court: Do you also understand that on the possession of weapon during the commission of a violent crime that all of those charges carry up to five years?

[Applicant]: Yes, sir.

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The Court: Understanding that this — that this case is being presented to me as a negotiated plea with the range being ten to 20 years, concurrent, do you still wish to enter the plea?

[Applicant]: Yes, sir.

The Court: Are you, in fact, guilty of all six of the defrauding of the lottery charges?

[Applicant]: Yes, sir.

The Court: And are you also guilty of all four of the armed robbery charges?

[Applicant]: Yes, sir.

The Court: And are you also guilty of all four of the possession of weapon during the commission of a violent crime charge?

[Applicant]: Yes, sir.

The Court: Have all of your answers to my questions today been truthful and honest?

[Applicant]: Yes, sir.

(Plea Tr. pp. 17, l. 2 – 18, l. 20).

PCR Evidentiary Hearing

At the evidentiary hearing on cross examination, Applicant testified that during his plea hearing he was unaware that he was pleading guilty to the armed robberies. (PCR Tr. p. 24, ll. 12-14). Applicant testified that, though he maintains his innocence of the armed robberies, he pled guilty because he believed he was only pleading guilty to the charges surrounding the stolen lottery tickets. (PCR Tr. pp. 23, l. 17 – 24, l. 6). Applicant testified that he believed he was only pleading guilty to the charges associated with the stolen lottery tickets because the State had evidence of him cashing in the tickets. (PCR Tr. p. 24, ll. 7-11). When asked whether he recalled the court going over his sentences with him and ensuring his understanding that the armed robbery charges were violent and most serious offenses, Applicant answered in the affirmative. (PCR Tr. p. 24, ll. 15-22). Applicant testified that following the court's statements he still did not realize that he was pleading guilty to the armed robbery charges. (PCR Tr. pp. 24, l. 23-25, l. 11).

Applicant testified that Plea Counsel discussed a potential sentence of ten or twelve years.

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incarceration with him when he was transported from the county jail to the courthouse. (PCR Tr. pp. 26, l. 17-27, l. 7).

On direct examination Plea Counsel testified that he discussed the offenses of armed robbery, and the lottery charges with Applicant. (PCR Tr. p. 32, l. 5-7). Plea Counsel testified that he informed Applicant that he would make every effort to see if the Solicitor's Office would allow Applicant to plead to common law robberies, but the Solicitor's office was not interested in doing that. (PCR Tr. p. 32, ll. 8-12). Plea Counsel testified that he discussed the elements of each of Applicant's charges with him. (PCR Tr. p. 36, ll. 5-8). Plea Counsel testified that he discussed potential sentences with Applicant. (PCR Tr. p. 36, ll. 9-11). Plea Counsel confirmed Applicant's recollection that he informed Applicant that at best he could hope to get a minimum of ten years, and hopefully twelve years but that Plea Counsel did not expect to get a sentence in that lower range due to the number of charges resolved in Applicant's plea. (PCR Tr. pp. 36, l. 23-37, l. 2). Plea Counsel testified that he had Applicant take a pencil and write down the number of charges and what consecutive sentences would have been in his life if he were to go to trial and win one of them, but not win the second one or the third one. (PCR Tr. pp. 35, l. 23- 36, l. 1).

Plea Counsel testified that he explained Applicant's offenses and the potential sentences he was facing to him during their first visit, had Applicant add up the time during their second visit, and then on the morning of Applicant's plea hearing met with Applicant in the holding area and confirmed with him that he was confident he wanted to plead guilty, and had had enough time to think about it. (PCR Tr. p. 36, ll. 12-21). Plea Counsel testified that he did not then, nor does he now have any reason to believe that Applicant did not understand their conversations. (PCR Tr. p. 36, ll. 2-4).

During cross examination, Plea Counsel testified that he informed Applicant that he was at

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the mercy of the sentencing judge and after the first conviction, if he got one, that he could come out with an approximately 23- or 24-year sentence after a conviction at trial. (PCR Tr. p. 45, ll. 13-16). Plea Counsel testified to informing Applicant that in order for that to be the case, Applicant would have to take the chance of going to trial and be in a position to beat each of the armed robbery charges one by one. (PCR Tr. p. 45, ll. 17-24). Plea Counsel testified that during each conversation he had with Applicant, he explained to him that he had the absolute right to go to trial, requiring the State to present evidence, testimony, and witnesses to prove him guilty beyond a reasonable doubt of armed robbery, and that he would be subject to more than trial. (PCR Tr. p. 44, ll. 16-24). Plea Counsel testified that he went through the discovery with Applicant, and Applicant ultimately made the decision that he would make a plea offer to resolve everything at one time. (PCR Tr. pp. 44, l. 25- 45, l. 3).

Findings

Based on the credible testimony of Plea Counsel, as well as the information reflected in the record, this Court finds Applicant's testimony not credible and not persuasive. Rayford v. State, 314 S.C. 46, 48-49, 443 S.E.2d 805, 806 (1994) (where transcript of guilty plea proceeding refuted applicant's claim that he did not understand the terms of a plea bargain, grant of PCR was inappropriate notwithstanding applicant's claim lawyer misadvised him); Moorehead v. State, 329 S.C. 329, 333, 496 S.E.2d 415, 417 (1998) ("Respondent's explanation that he answered the trial court affirmatively on counsel's alleged advice that the questions were meaningless does not support the grant of PCR.").

The record indicates Applicant was fully informed of his constitutional rights, understood the crimes with which he was charged, and was cognizant of the maximum sentences he might receive. The record further reflects that Applicant understood that he was pleading to a negotiated

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sentencing range of ten to twenty years for armed robbery in his case. (Plea Tr. p. 18, ll. 4-8). Any possible misconceptions concerning his constitutional rights, the charges, or potential sentences on Applicant's part were cured by the colloquy during the plea proceeding conducted by the judge. See Pittman, 337 S.C. at 601, 524 S.E.2d at 625; Wolfe, 326 S.C. at 165, 485 S.E.2d at 370.

This Court finds Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) (holding an applicant may attack the voluntary, knowing, and intelligent character of a guilty plea entered on the advice of counsel by demonstrating that counsel's representation was below an objective standard of reasonableness.).

Additionally, this Court finds Applicant has failed to meet his burden proving Plea Counsel's alleged deficiency prejudiced him. Hill v. Lockhart, 474 U.S. 52, 59, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985) (The "prejudice," requirement focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process.); Suber v. State, 371 S.C. 554, 558, 640 S.E.2d 884, 886 (2007) (The applicant must prove prejudice by showing that, but for counsel's inadequacy, there is a reasonable probability he would not have pleaded guilty and, instead, would have insisted on going to trial.).

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

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Allegation 1 (d) and (e): Plea Counsel Failed to Investigate; Advising the Applicant to Plea When There Was Not Enough Evidence to Prove Guilty Beyond a Reasonable Doubt.

Applicant alleges Plea Counsel was constitutionally ineffective for failing to investigate the facts and circumstances of his case and for advising Applicant to enter his guilty plea where he contends there was not enough evidence to prove him guilty beyond a reasonable doubt. This Court finds these allegations to be without merit.

"[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." Strickland, 466 U.S. at 690-91. "In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." Id. at 691. "In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments." Id. "The reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements or actions." Id. "Counsel's actions are usually based, quite properly, on informed strategic choices made by the defendant and on information supplied by the defendant." Id. "In particular, what investigation decisions are reasonable depends critically on such information." Id.

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v.

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State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Here, Applicant contends that, had Plea Counsel properly investigated his case, he would have found that the State lacked enough evidence to prove their burden at trial. Specifically, Applicant contends that upon a proper investigation Plea Counsel would have found “that nobody never identified me as the suspect. Nobody never pointed me out. No fingerprints, no nothing. And – and – and he would have seen that, so.” (PCR Tr. p. 8, ll. 14-18). Importantly, a plea waives any non-jurisdictional defects and defenses, including challenges to the sufficiency of the evidence. See Whetsell v. State, 276 S.C. 295, 277 S.E.2d 891 (1981).”

Guilty Plea Hearing

The following colloquy occurred during the guilty plea proceedings:

The Court: And, [Applicant], you were able to hear the solicitor when he related the facts to me?

[Applicant]: Yes, sir.

The Court: The manner in which he related the facts to me, do you believe that he is substantially correct?

[Applicant]: Yes, sir.

(Plea Tr. pp. 16, l. 21 – 17, l. 1).

PCR Evidentiary Hearing

At the evidentiary hearing, on direct examination, Applicant testified to his belief that the State did not have enough evidence to prove him guilty beyond a reasonable doubt (PCR Tr. pp.

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8, l. 11-9, l. 11). Applicant testified to being informed by Plea Counsel that the only evidence the State had against him, was the way he was dressed. (PCR Tr. p, 17, ll. 14-20). When asked to state for the Court what his understanding of the State's evidence was, Applicant testified that three or four stores were robbed and during those robberies, money, lottery tickets, and cigarettes were stolen from the stores. (PCR Tr. p. 9, ll. 8-14). Applicant continued to testify that he came into possession of the lottery tickets, and the State was able to identify him after he cashed the lottery tickets in, because the tickets were identified as those that had been stolen during the robberies. (PCR Tr. p. 9, ll. 15-20). Applicant testified that after he was linked to the stolen lottery tickets officers from Spartanburg County came to his girlfriend's house and served him with six warrants. (PCR Tr. p. 9, ll. 21-23). Applicant testified that he was then transported to the Sheriff's Department, where he was charged with eight additional charges. (PCR Tr. pp. 9, l. 24- 10, l. 6).

In response to PCR Counsel's question regarding the reasoning for his belief that the State did not have enough evidence to prove his guilt beyond a reasonable doubt, Applicant testified that his possession of the stolen lottery tickets did not establish his guilt of armed robbery. (PCR Tr. pp. 9, l. 6 – 10, l. 14). Applicant testified that he cashed in the stolen lottery tickets and had always admitted that he did that. (PCR Tr. pp. 12, l. 21- 13, l. 1). Applicant testified that the State had a video of his girlfriend's car and used that video to obtain a search warrant for his girlfriend's home. (PCR Tr. p. 13, ll. 5-11). Applicant testified that the State obtained the license plate number and the description of his girlfriend's car from video evidence depicting Applicant cashing in the lottery tickets. (PCR Tr. p. 13, ll. 9-13).

Applicant testified that he did not commit the actions for which he was charged with armed robbery and possession of a weapon during the commission of a violent crime. (PCR Tr. p. 13, ll. 2-4). Applicant testified that he was not picked out of a line up or otherwise identified by any

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witnesses associated with the robberies that occurred at two different Li'l Cricket locations on January 16, 2017. (PCR Tr. p. 10, ll. 19-25; 11, ll. 11-14). Applicant testified that he was not picked out of a line up or otherwise identified by any witnesses associated with the robbery that occurred at a third Li'l Cricket location on February 17, 2017. (PCR Tr. pp. 11, l. 15- 12, l. 1). Applicant testified that the State did not have a description of the car associated with the armed robbery cases. (PCR Tr. p. 13, ll. 14-17).

Applicant testified that the witness of the final robbery, which occurred at the Scotchman on February 17, 2017, gave a statement to police wherein she described the individual who committed the crime as a black male wearing all black with a red bandanna across his face. (PCR Tr. pp. 10, l. 13 – 12, l. 20). Applicant testified to his recollection of the evidence officers obtained from his girlfriend's house as a product of the search warrant being: a black hoody, a dark blue hoody, some orange and black gloves, one pair of white and black gloves, a .25, a BB gun, a toboggan hat, some brown Keveling boots, and a red bandana. (PCR Tr. pp. 14, l. 16-15, l. 11). When asked why officers discovered a red bandanna at his house, Applicant testified that it was his girlfriend's house, and he only spends the night there. (PCR Tr. pp. 15, l. 24-16, l. 11). Applicant testified that because the home was his girlfriend's and not his, the evidence discovered by officers, specifically noting the red bandanna and the black hoody, were not his property. (PCR Tr. p. 16, ll. 5-14).

Applicant testified to his belief that the State's evidence was not strong enough to convict him. (PCR Tr. pp. 16, l. 21 – 17, l. 5). Applicant testified to his belief that, had Plea Counsel investigated the way he should have, Plea Counsel would have discovered that the State's evidence was not strong enough to convict him and Applicant would have never gone to prison. (PCR Tr. p. 17, ll. 1-5). When asked whether he meant that Plea Counsel should have further investigated

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 ANNE V. COOK

the discovery in his case, or whether there was something not in the discovery that Plea Counsel could have found, Applicant testified that Plea Counsel could have “fought harder than he did.” (PCR Tr. p. 17, ll. 6-13).

On direct examination, when asked whether he believed the State had enough evidence against Applicant to get a conviction, Plea Counsel testified to his belief that the State had enough evidence against Applicant to get several convictions. (PCR Tr. pp. 38, l. 25-39, l. 2). Plea Counsel testified that he explained to Applicant what circumstantial evidence is, what “circumstances” meant, and what he could offer if he chose to elect to testify at trial and call witnesses. (PCR Tr. p. 35, ll. 13-19). When asked whether Applicant informed him of any defenses he may have to the charges against him, Plea Counsel testified that Applicant informed him that he could not recall where he was staying at that time, either Union or Rainbow Lake Road in the Chesnee community or where he might have been on the particular days and times of the crimes for which he was convicted. (PCR Tr. p. 35, ll.1-12). Plea Counsel testified that during their discussions he and Applicant were unsure who any alibi witnesses would have been or what they would say. (PCR Tr. p. 35, ll. 20-22).

Regarding the red bandanna mentioned by Applicant in his direct testimony, Plea Counsel testified that the return for the search warrant reflects that the red bandanna in question was not located in Applicant’s girlfriend’s house, but in Applicant’s girlfriend’s car that Applicant was connected to driving. (PCR Tr. p. 38, ll. 9-17). Plea Counsel testified that the red bandanna was specifically located in secured place inside of Applicant’s girlfriend’s car that he was connected to driving. (PCR Tr. p. 38, ll. 21-22). Plea Counsel testified that he explained to Applicant that if an individual goes into a location wearing a red bandanna, the first thing they would do when they get back in their vehicle is get rid of the bandanna. (PCR Tr. p. 38, ll. 18-24). Plea Counsel testified

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that he explained to Applicant that the discovery of the red bandanna would be problematic for Applicant if he chose to proceed to a jury trial. (PCR Tr. p. 38, ll. 18-24).

During cross examination, Plea Counsel testified that he did not bring the video from the surveillance cameras to review with Applicant in their review of the discovery, as Applicant could do that with his trial attorney in preparation for actual trial if he wanted to see the video. (PCR Tr. pp. 39, l. 23- 40, l. 5). Plea Counsel testified that he informed Applicant that it was not necessary for Applicant to see everything in the discovery and informed him that the item that he really wanted to see was the photo, before showing Applicant the photo of a young man wearing a New Orleans Saints cap. (PCR Tr. p. 40, ll. 6-13). Plea Counsel testified that he then informed Applicant that, using the referenced photo, the State could connect Applicant to the lottery tickets for certain. (PCR Tr. p. 40, ll. 11-13). Plea Counsel testified that the picture was from one of the scratch-offs on the scratch-off collections and redemptions for the monies. (PCR Tr p. 40, ll. 14-16). Plea Counsel testified that there were photos of Applicant's girlfriend's car at the locations where the lottery tickets were cashed. (PCR Tr. p. 41, ll. 2-5). Plea Counsel testified that Applicant never denied that he was the person who cashed in the lottery tickets. (PCR Tr. p. 41, ll. 6-9).

Plea Counsel testified that he and Applicant discussed that it would be a problem that Applicant's body makeup matched the physical descriptions described by the clerks in the robberies. (PCR Tr. p. 40, ll. 17-21). Plea Counsel testified that he and Applicant discussed the gloves referenced in discovery during which discussions he asked Applicant why he needed so many different types of similar looking gloves, what kind of work he was doing, and how he would explain these issues at trial. (PCR Tr. p. 43, ll. 11-14).

Plea Counsel testified that during each conversation he had with Applicant, he explained to him that he had the absolute right to go to trial, requiring the State to present evidence,

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testimony, and witnesses to prove him guilty beyond a reasonable doubt of armed robbery, and that he would be subject to more than trial. (PCR Tr. p. 44, ll. 16-24). Plea Counsel testified that he went through the discovery with Applicant, and Applicant ultimately made the decision that he would make a plea offer to resolve everything at one time. (PCR Tr. pp. 44, l. 25- 45, l. 3).

Findings

This Court finds Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland). Applicant presented no evidence to this Court as to what Plea Counsel could have discovered or what other defenses could have been pursued had Plea Counsel been more fully prepared. The record before this Court provides Applicant was aware of the sentencing range, that no one promised him anything, and that it was a ten to twenty-year negotiated sentencing range. Without presenting further proof of Plea Counsel's alleged failure to investigate, this Court finds Applicant has failed to overcome the strong presumption that Plea Counsel rendered adequate assistance. See Butler, 286 S.C. at 442, 334 S.E.2d at 814.

This Court finds through the combination of the record, and Plea Counsel's **credible** testimony that Applicant has failed to meet the burden of showing Plea Counsel was constitutionally ineffective. Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

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SPARTANBURG COUNTY
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Allegation 2: Involuntary Guilty Plea.

Applicant alleges Plea Counsel was constitutionally ineffective rendering his guilty plea involuntary. Specifically, Applicant alleges due process violations where his plea was not knowingly and voluntarily made. This Court finds this allegation to be without merit.

To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a complete understanding of the consequences of the plea and the charges against him or her. Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991); see also Boykin v. Alabama, 395 U.S. 238, 244 (1969) (Courts must make sure defendants have "a full understanding of what the plea connotes and of its consequence. When the judge discharges that function, he leaves a record adequate for any review that may be later sought and forestalls the spin-off of collateral proceedings that seek to probe murky memories."). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. See Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984) (finding the voluntariness of a guilty plea "is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.").

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001); Richardson v. State, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993). Given Applicant's burden of proof and the

analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

As an initial matter, this Court finds the record refutes Applicant's allegations and reflects that Applicant's guilty plea was knowingly and voluntarily entered with a complete understanding of the charges and consequences of the plea. This Court further finds Applicant was fully aware of the minimum and maximum sentencing ranges on all charges that he pleaded guilty to. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). Statements made during a guilty plea should be considered conclusively unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. See Crawford v. U.S., 519 F.2d 347, 350 (4th Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir.1985)).

Guilty Plea Hearing

During Applicant's plea hearing when questioned by the court, Applicant indicated that no one had threatened him in any way or made any promises to him in order to induce his guilty plea. (Plea Tr. pp. 7, l. 23 – 8, l. 3). During Applicant's plea hearing when questioned by the court, Applicant indicated that his decision to plead guilty was a free and voluntary one. (Plea Tr. p. 8, ll. 4-10). Additionally, the following colloquy occurred during the guilty plea proceedings:

The Court: And, sir, do you understand that on the on all of the defrauding of lottery charges that I could sentence you up to five years on those charges?

[Applicant]: Yes, sir.

The Court: And, sir, do you understand that on the armed robbery charges that — I'm sorry. Yes, sentence you up to five years on those charges. And, sir, do you understand that on the armed robbery charges that these are being presented to me as negotiated sentences, therefore, if I accept the pleas I'll be bound

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SPARTANBURG COUNTY
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by the negotiations and will have to impose a sentence of between ten to 30 years? I'm sorry, ten to 20 years?

[Applicant]: Yes, sir.

The Court: Sir, do you also understand that all of the armed robbery charges, that they are classified as both violent and most serious?

[Applicant]: Yes, sir.

The Court: And you have been able to talk to your lawyer as to the consequences of those offenses being classified as violent and most serious?

[Applicant]: Yes, sir.

The Court: And you still wish to enter those pleas?

[Applicant]: Yes, sir.

The Court: Do you also understand that on the possession of weapon during the commission of a violent crime that all of those charges carry up to five years?

[Applicant]: Yes, sir.

The Court: Understanding that this — that this case is being presented to me as a negotiated plea with the range being ten to 20 years, concurrent, do you still wish to enter the plea?

[Applicant]: Yes, sir.

The Court: Are you, in fact, guilty of all six of the defrauding of the lottery charges?

[Applicant]: Yes, sir.

The Court: And are you also guilty of all four of the armed robbery charges?

[Applicant]: Yes, sir.

The Court: And are you also guilty of all four of the possession of weapon during the commission of a violent crime charge?

[Applicant]: Yes, sir.

The Court: Have all of your answers to my questions today been truthful and honest?

[Applicant]: Yes, sir.

(Plea Tr. pp. 17, l. 2 – 18, l. 20).

PCR Evidentiary Hearing

At the evidentiary hearing on direct examination, when asked whether he would have made the decision to plead guilty had Plea Counsel reviewed the discovery with him Applicant testified that he would not. (PCR Tr. p. 18, ll. 11-18). Applicant testified that he could not recall when he

received the discovery in his case but knew that it was later in his proceedings. (PCR Tr. pp. 8, l. 23- 9, l. 1). Applicant testified that he and Plea Counsel looked at the discovery, but only to “skim through’ the materials. (PCR Tr. p. 9, ll. 2-5).

During cross examination, Applicant confirmed that he did not get a bond, and was housed in the county jail until he pleaded guilty. (PCR Tr. p. 20, ll. 11-13). Applicant testified that Plea Counsel met with him twice at the county jail prior to his guilty plea hearing. (PCR Tr. p. 20, ll. 14-15; 22, ll. 4-8). Applicant testified that during those meeting he and Plea Counsel discussed his case, specifically talking about how he came into possession of the stolen scratch off tickets. (PCR Tr. p. 21, ll. 4-13). Applicant testified to his belief that, while the two discussed his case, they did not discuss it properly but instead just “skimmed through” it. (PCR Tr. p. 21, ll. 14-17). Applicant testified that during their meetings, Plea Counsel had some paperwork with him, but he did not recall what the paperwork was. (PCR Tr. p. 21, ll. 18-23). When asked whether the paperwork contained photographs, statements made by witnesses, police reports, or things of that nature, Applicant testified that he thought so. (PCR Tr. pp. 21, l. 24 – 22, l. 3). When asked why he did not inform the court that he had not received discovery or had not had time to look at it during his plea hearing when the Solicitor informed the court that the discovery had been shared with the defense,⁴ Applicant testified that he did not speak up because at that time he did not know what was going on. (PCR Tr. pp. 25, l. 12- 26, l. 16).

Applicant testified that during his plea hearing he was unaware that he was pleading guilty to the armed robberies. (PCR Tr. p. 24, ll. 12-14). Applicant testified that, though he maintains his innocence of the armed robberies, he pled guilty because he believed he was only pleading guilty to the charges surrounding the stolen lottery tickets. (PCR Tr. pp. 23, l. 17 – 24, l. 16) Applicant

⁴ Plea Tr. p. 18, ll. 22-23.

testified that he believed he was only pleading guilty to the charges associated with the stolen lottery tickets because the State had evidence of him cashing in the tickets. (PCR Tr. p. 24, ll. 7-11). When asked whether he recalled the court going over his sentences with him and ensuring his understanding that the armed robbery charges were violent and most serious offenses, Applicant answered in the affirmative. (PCR Tr. p. 24, ll. 15-22). Applicant testified that following the court's statements he still did not realize that he was pleading guilty to the armed robbery charges. (PCR Tr. pp. 24, l. 23-25, l. 11).

On direct examination, when asked whether he believed the State had enough evidence against Applicant to get a conviction, Plea Counsel testified to his belief that the State had enough evidence against Applicant to get several convictions. (PCR Tr. pp. 38, l. 25-39, l. 2). Plea Counsel testified that he reviewed the discovery in Applicant's case with Applicant. (PCR Tr. p. 32, ll. 13-15). Plea Counsel testified that he brought what he had received as discovery to the meetings he had with Applicant. (PCR Tr. p. 32, ll. 23 -25). Plea Counsel testified that the discovery was a number of pages in a folder. (PCR Tr. p. 32, l. 23 -25). Plea Counsel testified that he is very careful about leaving discovery with a client. (PCR Tr. p. 33, l. 5). Plea Counsel testified that when he and Applicant reviewed the discovery, Applicant had questions and was active in discussing the materials as he is a very articulate and intelligent young man. (PCR Tr. p. 33, ll. 20-24). Plea Counsel testified that he started off their review of the discovery by showing Applicant a photo of him in the very distinctive cap and informing him that there was no doubt that he cashed the lottery tickets in this case. (PCR Tr. pp. 33, l. 25- 34, l. 4). Plea Counsel testified that during their conversation, after allowing Applicant what he believed to be plenty of time to respond about the lottery tickets, he described to Applicant what the word "integrity" meant. (PCR Tr. p. 34, ll. 5-11).

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Plea Counsel testified that he discussed the offenses of armed robbery, and the lottery charges with Applicant. (PCR Tr. p. 32, l. 5-7). Plea Counsel testified that he informed Applicant that he would make every effort to see if the Solicitor's Office would allow Applicant to plead to common law robberies, but the Solicitor's office was not interested in doing that. (PCR Tr. p. 32, ll. 8-12). Plea Counsel testified that he discussed the elements of each of Applicant's charges with him. (PCR Tr. p. 36, ll. 5-8). Plea Counsel testified that he discussed potential sentences with Applicant. (PCR Tr. p. 36, ll. 9-11). Plea Counsel confirmed Applicant's recollection that he informed Applicant that at best he could hope to get a minimum of ten years, and hopefully twelve years but that Plea Counsel did not expect to get a sentence in that lower range due to the number of charges resolved in Applicant's plea. (PCR Tr. pp. 36, l. 23-37, l. 2). Plea Counsel testified that he had Applicant take a pencil and write down the number of charges and what consecutive sentences would have been in his life if he were to go to trial and win one of them, but not win the second one or the third one. (PCR Tr. pp. 35, l. 23- 36, l. 1).

Plea Counsel testified that he explained Applicant's offenses and the potential sentences he was facing to him during their first visit, had Applicant add up the time during their second visit, and then on the morning of Applicant's plea hearing met with Applicant in the holding area and confirmed with him that he was confident he wanted to plead guilty, and had had enough time to think about it. (PCR Tr. p. 36, ll. 12-21). Plea Counsel testified that he did not then, nor does he now have any reason to believe that Applicant did not understand their conversations. (PCR Tr. p. 36, ll. 2-4).

During cross examination, Plea Counsel testified that did not bring the video from the surveillance cameras to review with Applicant during their review of the discovery as Applicant could do that with his trial attorney in preparation for actual trial if he wanted to see the video.

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 STARBUCK COUNTY
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(PCR Tr. pp. 39, l. 23- 40, l. 5). Plea Counsel testified that he informed Applicant that it was not necessary for Applicant to see everything in the discovery and informed him that the item that he really wanted to see was the photo, before showing Applicant the photo of a young man wearing a New Orleans Saints cap. (PCR Tr. p. 40, ll. 6-13). Plea Counsel testified that he then informed Applicant that, using the referenced photo, the State could connect Applicant to the lottery tickets for certain. (PCR Tr. p. 40, ll. 11-13). Plea Counsel testified that the picture was from one of the scratch-offs on the scratch-off collections and redemptions for the monies. (PCR Tr p. 40, ll. 14-16). Plea Counsel testified that there were photos of Applicant’s girlfriend’s car at the locations where the lottery tickets were cashed. (PCR Tr. p. 41, ll. 2-5). Plea Counsel testified that Applicant never denied that he was the person who cashed the lottery tickets. (PCR Tr. p. 41, ll. 6-9).

Plea Counsel testified that he and Applicant discussed that it would be a problem that Applicant’s body makeup matched the physical descriptions described by the clerks in the robberies. (PCR Tr. p. 40, ll. 17-21).

Plea Counsel testified that he informed Applicant that he was at the mercy of the sentencing judge and after the first conviction, if he got one, that he could come out with an approximately 23- or 24-year sentence after a conviction at trial. (PCR Tr. p. 45, ll. 13-16). Plea Counsel testified to informing Applicant that in order for that to be the case, Applicant would have to take the chance of going to trial and be in a position to beat each of the armed robbery charges one by one. (PCR Tr. p. 45, ll. 17-24). Plea Counsel testified that during each conversation he had with Applicant, he explained to him that he had the absolute right to go to trial, requiring the State to present evidence, testimony, and witnesses to prove him guilty beyond a reasonable doubt of armed robbery, and that he would be subject to more than trial. (PCR Tr. p. 44, ll. 16-24). Plea Counsel testified that he went through the discovery with Applicant, and Applicant ultimately made the

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therefrom. Accordingly, this allegation must be **DENIED** and **DISMISSED**.

|CONCLUSION PAGE FOLLOWS|

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CONCLUSION

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

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

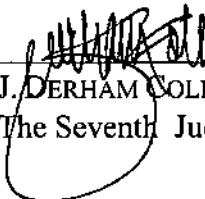
IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 15th day of JANUARY, 2025.

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 SPARTANBURG COUNTY
 ADMIN. BLDG.

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 J. DERHAM COLE, Presiding Judge
 The Seventh Judicial Circuit Court

Spartanburg, South Carolina

WITNESSES

- 1. SENTENCE MADE *BA*
- 2. REPORT ENTERED *BA*
- 3. CARD PULLED *BA*
- 4. INDEXED *BA*
- 5. CHECKED WARRANTS *BA*
- 6. CHECKED DISCOVERY *BA*
- 7. ASSESSMENT AND FINE CARD MADE *BA*

ARREST WARRANT NUMBER

2017A4210200608- Count One

2017A4210200612- Count Two

ACTION OF GRAND JURY

True Bill

BA AUG 16 2017

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **17-GS-42-4368**

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2017

TERM

THE STATE
vs.

Lamarcus Devionne Thompson

Indictment for

ARMED ROBBERY AND POSSESSION OF
WEAPON DURING COMMISSION OF A
VIOLENT CRIME

SC Code: 16-11-330 (A); 16-23-490
CDR Code: 139; 549
Class FEL/A; FEL/F

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SPARTANBURG COUNTY
2017 AUG 22 PM 3:20
HANSE E. BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

AUG 18 2017

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


COUNT ONE---ARMED ROBBERY

That Lamarcus Thompson, did in Spartanburg County on or about January 16, 2017, while armed with a deadly weapon, being a rifle and/or shotgun, 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 at the time reasonably believed to be a deadly weapon, did feloniously take from the person or presence of Brandy Cromer, an employee at Lil Cricket, by means of force, violence, and/or intimidation, goods or monies, such goods or monies being described as follows: U.S. currency and cigarettes, with intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO---POSSESSION OF WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That Lamarcus Thompson, did in Spartanburg County on or about January 16, 2017, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to-wit: ARMED ROBBERY, in violation of Code §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.


 ASSISTANT SOLICITOR

WITNESSES

1. SENTENCE MADE
Spartanburg Sheriff's Office

2. REPORT ENTERED *Complied*

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS *Complied*

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE *Complied*

8. PHOTO VIOLATION COPY

ARREST WARRANT NUMBER

2017A4210200610- Count One

2017A4210200613- Count Two

ACTION OF GRAND JURY

True Bill

AUG 18 2017

AE
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

17-GS-42-4369

The State of South Carolina

County of Spartanburg

Barry J. Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

AUG 21 2017

TERM

THE STATE

vs.

Lamarcus Devionne Thompson

Indictment for

ARMED ROBBERY AND POSSESSION OF
WEAPON DURING COMMISSION OF A
VIOLENT CRIME

SC Code: 16-11-330 (A); 16-23-490

CDR Code: 139: 549

Class FEL/A: FEL/F

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SPARTANBURG COUNTY

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M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on AUG 18 2017, the Grand
 Jurors of Spartanburg County present upon their oath:

COUNT ONE---ARMED ROBBERY

That Lamarcus Thompson, did in Spartanburg County on or about February 17, 2017, while armed with a deadly weapon, being a handgun, 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 at the time reasonably believed to be a deadly weapon, did feloniously take from the person or presence of Jennifer Flack, an employee at Scotchman, by means of force, violence, and/or intimidation, goods or monies, such goods or monies being described as follows: U.S. currency and lottery tickets, with intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO---POSSESSION OF WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That Lamarcus Thompson, did in Spartanburg County on or about February 17, 2017, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to-wit: ARMED ROBBERY, in violation of Code §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.


 ASSISTANT SOLICITOR

WITNESSES

Spartanburg Sheriff's Office

[Handwritten signature]

ARREST WARRANT NUMBER:

2017A4210200607- Count One

2017A4210200611- Count Two

ACTION OF GRAND JURY

AUG 18 2017

True Bill

AE

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

17-GS-42-4370

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2017

TERM

THE STATE
vs.

Lamarcus Devionne Thompson

Indictment for

ARMED ROBBERY AND POSSESSION OF
WEAPON DURING COMMISSION OF A
VIOLENT CRIME

SC Code: 16-11-330 (A); 16-23-490

CDR Code: 139: 549

Class FEL/A; FEL/F

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CLERK OF COURT
SPARTANBURG COUNTY

2017 AUG 22 PM 3:20

EMILY GLACKLEY

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on AUG 18 2017 the Grand

Jurors of Spartanburg County present upon their oath:

COUNT ONE---ARMED ROBBERY

That Lamarcus Thompson, did in Spartanburg County on or about January 16, 2017, while armed with a deadly weapon, being a rifle and/or shotgun, 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 at the time reasonably believed to be a deadly weapon, did feloniously take from the person or presence of Patricia Skaggs, an employee at Lil Cricket, by means of force, violence, and/or intimidation, goods or monies, such goods or monies being described as follows: U.S. currency, with intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO---POSSESSION OF WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That Lamarcus Thompson, did in Spartanburg County on or about January 16, 2017, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to-wit: ARMED ROBBERY, in violation of Code §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.


 ASSISTANT SOLICITOR

WITNESSES

1. SENTENCE MADE *JP*

2. REPORT ENDED *JP*
Spartanburg Sheriff's Office

3. CARD PULLED *JP*

4. INDEXED *JP*

5. CHECKED WARRANTS *JP*

6. CHECKED SIGNATURE *JP*

7. ASSESSMENT AND/OR FINE CARD MADE *JP*

8. TRAFFIC VIOLATION COPY *JP*

ARREST WARRANT NUMBER
2017A4210200596

ACTION OF GRAND JURY
True Bill
AUG 16 2017
AE
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -
17-GS-42-4371
The State of South Carolina
County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS
AUG 21 2017
TERM

THE STATE
vs.
Lamarcus Devionne Thompson

Indictment for
Intent to Defraud Lottery
SC Code: 59-150-260(A)
CDR Code: 2900
Class: FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 AUG 22 PM 3:20
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

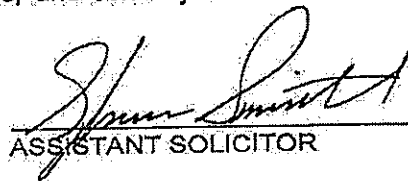
At a Court of General Sessions, convened on AUG 18 2017, the Grand

Jurors of Spartanburg County present upon their oath:

INTENT TO DEFRAUD LOTTERY

That Lamarcus Thompson, did in Spartanburg County on or about February 19, 2017, with intent to defraud, did attempt to pass a stolen Grand Luck Lottery Ticket, Ticket Number 23, at the Freedom Stop 2 convenience store located at 3614 Highway 11, Chesnee, SC, in violation of §59-150-260 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

SENTENCE MADE

Spartanburg Sheriff's Office

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

8. TRAFFIC VIOLATION COPY

ARREST WARRANT NUMBER

2017A4210200593

ACTION OF GRAND JURY

True Bill

136 16 2017

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

17-GS-42-4372

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2017

TERM

THE STATE

vs.

Lamarcus Devionne Thompson

Indictment for

Intent to Defraud Lottery

SC Code: 59-150-260(A)

CDR Code: 2900

Class: FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2017 AUG 22 PH 3:20

FR. HOPE BLACKLEY

cur

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF SPARTANBURG)

At a Court of General Sessions, convened on AUG 18 2017, the Grand Jurors of Spartanburg County present upon their oath:

INTENT TO DEFRAUD LOTTERY

That Lamarcus Thompson, did in Spartanburg County on or about February 18, 2017, with intent to defraud, did pass a stolen Grand Luck Lottery Ticket, Ticket Number 17, at the Freedom Stop 2 convenience store located at 3614 Highway 11, Chesnee, SC, in violation of §59-150-260 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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



ASSISTANT SOLICITOR

WITNESSES

1. SENTENCE MADE

2. Spartanburg Sheriff's Office

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURES

7. ASSESSMENT AND FINE CARD MADE

8. PHOTO COLLECTION COPY

ARREST WARRANT NUMBER

2017A4210200592

ACTION OF GRAND JURY

True Bill

AUG 16 2017

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

17-GS-42-4373

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2017

TERM

THE STATE

vs.

Lamarcus Devionne Thompson

Indictment for

Intent to Defraud Lottery

SC Code: 59-150-260(A)

GDR Code: 2900

Class: FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2017 AUG 22 PM 3:20

M. HOPE LACKLEY

ewr

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF SPARTANBURG)

At a Court of General Sessions, convened on AUG 18 2017, the Grand

Jurors of *Spartanburg* County present upon their oath:

INTENT TO DEFRAUD LOTTERY

That Lamarcus Thompson, did in Spartanburg County on or about February 18, 2017, with intent to defraud, did pass a stolen Grand Luck Lottery Ticket, Ticket Number 14, at the Freedom Stop 2 convenience store located at 3614 Highway 11, Chesnee, SC, in violation of §59-150-260 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

1. SENTENCE MADE

Spartanburg Sheriff's Office

2. REPORT ENTERED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

8. PD ABBOT VIOLATION COPY

ARREST WARRANT NUMBER

2017A4210200594

ACTION OF GRAND JURY

True Bill

AUG 18 2017

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO.

17-GS-42-4374

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2017

TERM

THE STATE

vs.

Lamarcus Devionne Thompson

Indictment for

Intent to Defraud Lottery

SC Code: 59-150-260(A)

CDR Code: 2900

Class: FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2017 AUG 22 PM 3:21

H. HARP CLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on AUG 18 2017, the Grand
 Jurors of Spartanburg County present upon their oath:

INTENT TO DEFRAUD LOTTERY

That Lamarcus Thompson, did in Spartanburg County on or about February 18, 2017, with intent to defraud, did pass a stolen Grand Luck Lottery Ticket, Ticket Number 23, at the Freedom Stop 2 convenience store located at 3614 Highway 11, Chesnee, SC, in violation of §59-150-260 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

Spartanburg Sheriff's Office

2. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. ASSESSMENT AND FINE CARD MADE

ARREST WARRANT NUMBER

2017A4210200591

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

AUG 16 2017

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

17-GS-42-4375

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2017

TERM

THE STATE

vs.

Lamarcus Devionne Thompson

Indictment for

Intent to Defraud Lottery

SC Code: 59-150-260(A)

CDR Code: 2900

Class: FEL/F

FILED
COURT OF COURTY
SPARTANBURG COUNTY

2017 AUG 22 PM 3:21

M. HOPE LACKLEY

[Handwritten mark]

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

AUG 18, 2017

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

INTENT TO DEFRAUD LOTTERY

That Lamarcus Thompson, did in Spartanburg County on or about February 18, 2017, with intent to defraud, did pass a stolen Grand Luck Lottery Ticket, Ticket Number 13, at the Freedom Stop 2 convenience store located at 3614 Highway 11, Chesnee, SC, in violation of §59-150-260 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

1. SENTENCE MADE
Spartanburg Sheriff's Office

2. REPORT ENDED

3. CARD PULLED

4. INDEXED

5. CHECKED WARRANTS

6. CHECKED SIGNATURES

7. ASSIGNMENT MADE

FINE CARD MADE

8. PRINTED MONKEY

ARREST WARRANT NUMBER

2017A4210200595

ACTION OF GRAND JURY

True Bill

AUG 16 2017

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 17-GS-42-4376

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 21 2017

TERM

THE STATE
vs.

Lamarcus Devionne Thompson

Indictment for
Intent to Defraud Lottery

SC Code: 59-150-260(A)
GCR Code: 2900
Class: FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2017 AUG 22 PM 3:21

H. HOPE BLACKLEY

[Handwritten mark]

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)

INDICTMENT

AUG 18 2017

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

INTENT TO DEFRAUD LOTTERY

That Lamarcus Thompson, did in Spartanburg County on or about February 18, 2017, with intent to defraud, did pass a stolen Grand Luck Lottery Ticket, Ticket Number 24, at the Freedom Stop 2 convenience store located at 3614 Highway 11, Chesnee, SC, in violation of §59-150-260 (A), THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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


 ASSISTANT SOLICITOR

WITNESSES

- 1. SEARCHED
- 2. INDEXED
- 3. CHECKED WARRANTS
- 4. CHECKED SIGNATURE
- 5. FINE CARD MADE

ARREST WARRANT NUMBER

2017A4210200609- Count One

2017A4210200614- Count Two

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury SEP 29 2017
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 17-GS-42-5285

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

TERM

THE STATE
vs.

Lamarcus Devionne Thompson

Indictment for

ARMED ROBBERY AND POSSESSION OF
WEAPON DURING COMMISSION OF A
VIOLENT CRIME

SC Code: 16-11-330 (A); 16-23-490
CDR Code: 139: 549
Class FEL/A: FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 OCT -4 PM 4:45
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

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

COUNT ONE---ARMED ROBBERY

That Lamarcus Thompson, did in Spartanburg County on or about February 15, 2017, while armed with a deadly weapon, being a handgun, 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 at the time reasonably believed to be a deadly weapon, did feloniously take from the person or presence of Brandy Cromer, an employee at Lil Cricket, by means of force, violence, and/or intimidation, goods or monies, such goods or monies being described as follows: U.S. currency and/or cigarettes, with intent to deprive the owner permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA, (1976)*, as amended.

**COUNT TWO---POSSESSION OF WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That Lamarcus Thompson, did in Spartanburg County on or about February 15, 2017, possess a firearm or visibly display what appeared to be a firearm during the commission of a violent crime, to-wit: ARMED ROBBERY, in violation of Code §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.


 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

Computer

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Lamarcus Devionne Thompson

AKA:

Race: BLACK Sex: M Age: 26

DOB:

Address:

City, State:

DL#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10-30yr) Neg: 10-20 concurrent

in violation of 16-11-0330(A) of the S.C. Code of Laws, hearing CDR Code # 0139

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

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: SMITH, SPENSER H

101370 MARCUS THOMPSON Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the

for a determinate term of 20 days/months/years or

and/or to pay a fine of \$; provided that upon the service of

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. 244 days

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

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

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment): \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS4204368

A/W#: 2017A4210200608

Date of Offense: 1/16/2017

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

CONVICTED OF or PLEADS

Mandatory GPS(CSC §17-25-45

w/minor 1st or Lowd Act)

(defendant's initials)

Recommendation by the State.

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

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Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Presiding Judge

Judge Code: 2132

Sentence Date: 10/19/17

Sentence Date: 10/19/17

Sentence Date: 10/19/17

Sentence Date: 10/19/17

Sentence Date: 10/19/17

STATE OF SOUTH CAROLINA **Compute**
 COUNTY OF SPARTANBURG
 STATE VS.
 Lamarcus Devionne Thompson
 AKA:
 Race: BLACK Sex: M Age: 26
 DOB: [REDACTED]
 Address: [REDACTED]
 City, State: [REDACTED]
 DL#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4204368A
 A/W#: 2017A4210200612
 Date of Offense: 1/16/2017
 S.C. Code § : 16-23-0490
 CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Possession of weapon during violent crime (5yr) Neg: 5yr concurrent

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 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.

ATTORNEYS: Spencer Smith 101370 Marwan Thompson Spencer Smith 1207
 SMITH, SPENSER H 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 5 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. 24 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

Payment Terms: _____
 Set by SCDPPPS _____
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling

Recipient: _____
 *Fine: _____ \$ _____
 § 14-1-206 (Assessments 107.5 %) _____ \$ _____
 § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
 § 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
 § 56-5-2995 (DU Assessment) \$12 \$ _____
 § 56-1-286 (DUI Breath Test) \$25 \$ _____
 Proviso 61.6 (Public Def/Probation) \$500 \$ _____
 § 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
 § 14-1-213 (Drug Court Surcharge) \$150 \$ _____
 § 50-21-114(BUI Breath Test Fee) \$50 \$ _____
 § 56-5-2942(I) (Vehicle Assessment) \$40/ca \$ _____

3% to County (if paid in installments) \$ 3.75
 Other: _____
 \$ _____ paid to Public Defender Fund

TOTAL \$ 128.75
 Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk C. Sweeney
 Court Reporter: Michelle
 SCCA/217 (07/2016)
 Presiding Judge _____
 Judge Code: 213
 Sentence Date: 10/19/17

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG VS. STATE

Computer

Lamarcus Devionne Thompson

AKA: [Redacted]

Race: BLACK Sex: M Age: 26

DOB: [Redacted]

Address: [Redacted]

City, State: [Redacted]

DL#: [Redacted]

*CDL Yes [] No []

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

TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10-30yr) Neg: 10-20 concurrent

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

[] NON-VIOLENT [X] VIOLENT [] SERIOUS [X] MOST SERIOUS

The charge is: [X] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury.

The plea is: [] Without Negotiations or Recommendation, [X] Negotiated Sentence, [] Recommendation by the State.

ATTEST: SMITH, SPENSER H

10/370 [Redacted] Defendant

SC Bar# [Redacted]

WHEREFORE, the Defendant is committed to the

for a determinate term of 20 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.

[X] CONCURRENT or [] CONSECUTIVE to sentence on:

[X] 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. 241 days

[] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

[] Set by SCDPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DU Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BU Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: [Redacted]

Court Reporter: [Redacted]

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS4204369

A/W#: 2017A4210200610

Date of Offense: 2/17/2017

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

[] CONVICTED OF or [X] PLEADS

[] Mandatory GPS(CSC w/minor 1st or Lewd Act) [] §17-25-45

(defendant's initials)

[] Recommendation by the State.

ATTEST: [Redacted] Attorney for Defendant

SC Bar# [Redacted]

WHEREFORE, the Defendant is committed to the

for a determinate term of _____ 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.

[X] CONCURRENT or [] CONSECUTIVE to sentence on:

[X] 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. 241 days

[] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

[] Set by SCDPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DU Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BU Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: [Redacted]

Court Reporter: [Redacted]

SCCA/217 (07/2016)

_____ 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

prmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

[] Appointed PD or appointed other counsel,

Proviso 61.6 requires \$400 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge [Redacted]

Judge Code: 2132

Sentence Date: 10/19/17

STATE OF SOUTH CAROLINA

Computer

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Lamarcus Devionne Thompson

AKA:

Race: BLACK Sex: M Age: 26

DOB:

Address:

City, State:

DL#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Possession of weapon during violent crime (5yr) Neg: 5yr

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTES: Spencer H. Smith 101370 Lamarcus Thompson Spencer H. Smith 1207

SMITH, SPENSER H. 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 5 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. 241 day

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

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

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$75.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk Asuncion

Court Reporter: Hudson

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS4204369A

A/W#: 2017A4210200613

Date of Offense: 2/17/2017

S.C. Code §: 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTES: Spencer H. Smith 101370 Lamarcus Thompson Spencer H. Smith 1207

SMITH, SPENSER H. 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 5 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. 241 day

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

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

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$75.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk Asuncion

Court Reporter: Hudson

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS4204369A

A/W#: 2017A4210200613

Date of Offense: 2/17/2017

S.C. Code §: 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTES: Spencer H. Smith 101370 Lamarcus Thompson Spencer H. Smith 1207

SMITH, SPENSER H. 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 5 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. 241 day

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

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

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$75.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk Asuncion

Court Reporter: Hudson

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS4204369A

A/W#: 2017A4210200613

Date of Offense: 2/17/2017

S.C. Code §: 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTES: Spencer H. Smith 101370 Lamarcus Thompson Spencer H. Smith 1207

SMITH, SPENSER H. 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 5 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. 241 day

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

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

Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$75.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk Asuncion

Court Reporter: Hudson

SCCA/217 (07/2016)

INDICTMENT/CASE#: 2017GS4204369A

A/W#: 2017A4210200613

Date of Offense: 2/17/2017

S.C. Code §: 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTES: Spencer H. Smith 101370 Lamarcus Thompson Spencer H. Smith 1207

SMITH, SPENSER H. 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 5 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. 241 day

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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG

VS. Lamarcus Devionne Thompson

Computer

INDICTMENT/CASE#: 2017GS4204370

A/W#: 2017A4210200607

Date of Offense: 1/16/2017

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

AKA: Race: BLACK Sex: M Age: 26

DOB: Address: City, State: DL#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon(10-30yr) Neg: 10-20 yr

in violation of 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(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: SMITH, SPENSER H SC Bar# 101370 Defendant marcus Thompson Attorney for Defendant SC Bar# 1207

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 20 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/inmonths/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. 241 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered Total: \$ plus 20% fee: \$

Payment Terms: Set by SCDPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-31-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk: Court Reporter: SCCA217 (07/2016)

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:

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2132

Sentence Date: 10/19/17

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG VS. STATE

Compute

Lamarcus Devionne Thompson

INDICTMENT/CASE#: 2017GS4204370A

A/W#: 2017A4210200611

Date of Offense: 1/16/2017

S.C. Code § : 16-23-0490

CDR Code #: 0549

AKA: Race: BLACK Sex: M Age: 26

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Possession of weapon during violent crime (5yr) Neg: 5 yr concurrent

CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549 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 Presentation to Grand Jury, Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST SMITH, SPENSER H 10/3/17 SC Bar# MARCUS THOMPSON Defendant Attorney for Defendant SC Bar# 1207

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 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. 24 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing

Payment Terms: Set by SCDPPS 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. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Court Reporter SCCA/217 (07/2016)

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge Judge Code: 2134 Sentence Date: 10/19/17

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Lamarcus Devionne Thompson

AKA:

Race: BLACK Sex: M Age: 26

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4204371

A/W#: 2017A4210200596

Date of Offense: 2/19/2017

S.C. Code §: 59-150-0260(A)

CDR Code #: 2900

SENTENCE SHEET

CDL Yes No CMV Yes No Hazardous Yes No

In disposition of the said indictment comes now the Defendant who was: CONVICTED OF or PLEADS

TO: Lottery / Intent to defraud, counterfeit game tickets; alter, make, etc. (0-5yr) Neg: 5yr concurrent

in violation of § 59-150-0260(A) of the S.C. Code of Laws, bearing CDR Code # 2900

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: Spencer Smith 101370 Lamarcus Thompson
SMITH, SPENSER H 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 5 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. 241 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered. PTUP _____ days/hours Public Service Employment

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>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
3% to County (if paid in installments)		\$ <u>3.75</u>
TOTAL:		\$ <u>178.75</u>

Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk: Adrian
Court Reporter: Hedgros
SCCA/217 (07/2016)

Presiding Judge: _____
Judge Code: 232
Sentence Date: 10/19/17

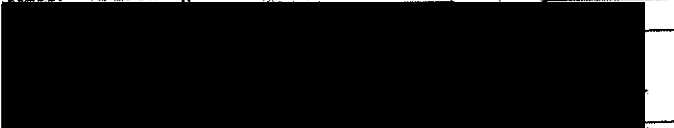
STATE OF SOUTH CAROLINA

Compu

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

AKA:
Race: BLACK Sex: M Age: 26



INDICTMENT/CASE#: 2017GS4204372
A/W#: 2017A4210200593
Date of Offense: 2/18/2017
S.C. Code §: 59-150-0260(A)
CDR Code #: 2900

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: Lottery / Intent to defraud, counterfeit game tickets; alter, make, etc. (0-5yr) Neg: 5yr

in violation of § 59-150-0260(A) of the S.C. Code of Laws, bearing CDR Code # 2900
 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: Spencer Smith 101370 marcus Thompson Spencer Smith 1207
SMITH, SPENSER H 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 5 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. 241 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 USC Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ 128.75

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

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

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge: _____

Judge Code: 2134

Sentence Date: 10/19/17

Clerk of Court/ Deputy Clerk: Adkins

Court Reporter: _____

STATE OF SOUTH CAROLINA **Compu**
 COUNTY OF SPARTANBURG
 STATE VS.
 Lamarcus Devionne Thompson
 AKA:
 Race: BLACK Sex: M Age: 26

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4204373
 A/W#: 2017A4210200592
 Date of Offense: 2/18/2017
 S.C. Code § : 59-150-0260(A)
 CDR Code #: 2900

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: Lottery / Intent to defraud, counterfeit game tickets; alter, make, etc. (0-5yr) Neg: 5yr concurrent

in violation of § 59-150-0260(A) of the S.C. Code of Laws, bearing CDR Code # 2900
 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: Spencer Smith 10/13/17 Lamarcus Thompson Spencer Smith
 SMITH, SPENSER H 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 5 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. 241 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
 Total: \$ _____ plus 20% fec: \$ _____

Payment Terms:
 Set by SCDPPS

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/cn	\$
3% to County (if paid in installments)		\$ 3.75
TOTAL:		\$ 128.75

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge _____
 Judge Code: 2132
 Sentence Date: 10/19/17

Clerk of Court/ Deputy Clerk A Sealey
 Court Reporter: Hicks
 SCCA/217 (07/2015)

STATE OF SOUTH CAROLINA

Computer

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Lamarcus Devionne Thompson

AKA:

Race: BLACK Sex: M Age: 26

[Redacted]

INDICTMENT/CASE#: 2017GS4204374

A/W#: 2017A4210200594

Date of Offense: 2/18/2017

S.C. Code § : 59-150-0260(A)

CDR Code #: 2900

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: Lottery / Intent to defraud, counterfeit game tickets; alter, make, etc. (0-5yr) Neg: 5yr concurrent

in violation of § 59-150-0260(A) of the S.C. Code of Laws, bearing CDR Code # 2900

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: SMITH, SPENSER H 101370 MCRW - Thompson Defendant Attorney for Defendant SC Bar# 1207

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 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. 24 days

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Obtain GED

Payment Terms: Attend Voc. Rehab. or Job Corp.

Set by SCDPPS May serve W/E beginning

Recipient: Substance Abuse Counseling

*Fine: Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5%) \$ \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk A. Seay

Court Reporter: [Signature]

SCCA/217 (07/2015)

Presiding Judge

Judge Code: 2132

Sentence Date: 10/19/17

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Compute

Lamarcus Devionne Thompson

AKA:

Race: BLACK Sex: M Age: 26

INDICTMENT/CASE#: 2017GS4204375

A/W#: 2017A4210200591

Date of Offense: 2/18/2017

S.C. Code §: 59-150-0260(A)

CDR Code #: 2900

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: Lottery / Intent to defraud, counterfeit game tickets; alter, make, etc. (0-5yr) Neg: 5 yr concurrent

in violation of § 59-150-0260(A) of the S.C. Code of Laws, bearing CDR Code # 2900

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: Spencer Smith 101370 Lamarcus Thompson Spencer Smith
SMITH, SPENSER H 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 5 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. 24 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing: Ordered PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____ Obtain GED

Payment Terms: _____ Attend Voc. Rehab. or Job Corp. _____

Set by SCDPPS _____ May serve W/E beginning _____

Recipient: _____ Substance Abuse Counseling

*Fine: _____ Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5%) \$ _____ Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 pmts. of \$ _____ beginning _____

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ Other: _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Asa...

Court Reporter: ...

SCCA/217 (07/2016)

Presiding Judge _____
Judge Code: 2132
Sentence Date: 10/19/17

STATE OF SOUTH CAROLINA

Computer

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Lamarcus Devionne Thompson

AKA:

Race: BLACK Sex: M Age: 26

INDICTMENT/CASE#: 2017GS4204376

A/W#: 2017A4210200595

Date of Offense: 2/18/2017

S.C. Code §: 59-150-0260(A)

CDR Code #: 2900

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF, or PLEADS

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

TO: Lottery / Intent to defraud, counterfeit game tickets; alter, make, etc. (0-5yr) Neg: 5yr

In violation of § 59-150-0260(A) of the S.C. Code of Laws, bearing CDR Code # 2900

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.

ATTORNEYS: SMITH, SPENSER H (101370) SC Bar# Defendant; [Signature] (1207) SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 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.

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment

Total: \$ _____ plus 20% fee: \$ _____ Obtain GED

Payment Terms: _____ Attend Voc. Rehab. or Job Corp. _____

Set by SCDPPS _____ May serve W/E beginning _____

Recipient: _____ Substance Abuse Counseling

*Fine: _____ Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5 %) \$ _____ Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 pmts. of \$ _____ beginning _____

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ Other: _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Presiding Judge

Judge Code: 2132

Sentence Date: 10/19/17

Clerk of Court/Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA/217 (07/2016)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Lamarcus Devionne Thompson

Computer

AKA:

Race: BLACK Sex: M Age: 26

INDICTMENT/CASE#: 2017GS4205285

A/W#: 2017A4210200609

Date of Offense: 2/15/2017

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon (10-30yr) Neg: 10-20yr concurrent

CONVICTED OF or PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(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: Spencer H. Smith 101370 Lamarcus Thompson Spencer H. Smith 1207
SMITH, SPENSER H 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 20 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. 241 days

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

Pursuant to 18 U.S.C Section 922, It is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

Set by SCDFPPS

Recipient:

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: _____

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2132

Sentence Date: 10/19/17

Clerk of Court/Deputy Clerk Spencer H. Smith

Court Reporter: Spencer H. Smith

SCCA/217 (07/2016)