

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Lexington County

S.C. Supreme Court

Edward W. Miller, Circuit Court Judge

STEVEN DENTON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No 2012-212397

A P P E N D I X

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1 STATE OF SOUTH CAROLINA COURT OF GENERAL SESSIONS
2 COUNTY OF LEXINGTON

3

4

5 STATE)
6)
7) TRANSCRIPT OF RECORD
8 V.)
9 STEVEN DENTON)
10)
11) 08-GS-32-3390
12)
13)
14) DEFENDANT.)

10

11

OCTOBER 27, 2008
LEXINGTON, SOUTH CAROLINA

12

13 B E F O R E:

14

THE HONORABLE WILLIAM P. KEESLEY, JUDGE.

15

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

17

OLA A. JOHNSON, ASSIST. SOLICITOR,
ATTORNEY FOR THE STATE

18

CASEY CORNWELL, ASSIST. PUBLIC DEFENDER
ATTORNEY FOR THE DEFENDANT

19

20

21

22

23

24

STACY L. SHEPPARD, RPR
CIRCUIT COURT REPORTER

25

1	I N D E X				
2	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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5	(There were no witnesses.)				
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1	E X H I B I T S			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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5	(There were no exhibits.)			
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1 (The following proceedings were held on
2 October 27, 2008.)

3 **THE CLERK:** Indictment number 2008-GS-32-3390,
4 the State versus Steven Darrell Denton, who is
5 indicted for burglary second. The Defendant is
6 represented by Mr. Cornwell and has waived his right
7 to grand jury presentment.

8 STEVEN DENTON,
9 having been duly sworn, testified as follows:

10 **PROBATION AGENT:** Your Honor, Mr. Denton is on
11 probation. We've already served this warrant. And
12 we just served a citation to address today's plea.

13 **THE COURT:** You're Steven Darrell Denton?

14 **DEFENDANT:** Yes, sir.

15 **THE COURT:** This indictment charges in
16 Lexington County on or about May 30, 2008, you
17 knowingly and willfully entered a dwelling without
18 consent with the intent to commit a crime therein on
19 in Lexington being the dwelling of,
20 the initial, L. Taylor. Upon your arraignment on
21 that charge of burglary in the second degree, it
22 appears you wish to waive presentment to the grand
23 jury and plead guilty; is that right?

24 **DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** Mr. Cornwell, have you fully

1 explained to your client the nature and elements of
2 the offense, the possible punishment and his
3 constitutional rights, including trial by jury?

4 **MR. CORNWELL:** I have, Your Honor.

5 **THE COURT:** Are you satisfied there's a factual
6 basis for his plea?

7 **MR. CORNWELL:** Yes, Your Honor.

8 **THE COURT:** Do you agree with his decision to
9 enter the plea?

10 **MR. CORNWELL:** I do, Your Honor.

11 **THE COURT:** Mr. Denton, today are you under the
12 influence of any medicine, alcohol, drug or anything
13 that affects your thinking?

14 **DEFENDANT:** No, Your Honor.

15 **THE COURT:** Do you have physical or mental
16 problems that affect your thinking?

17 **DEFENDANT:** No, Your Honor.

18 **THE COURT:** You're clearheaded? You know what
19 you're doing today?

20 **DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** When you plead guilty, you give up
22 important rights, including your right to remain
23 silent and your right to a jury trial; do you
24 understand?

25 **DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** If you want a jury trial, you're
2 presumed innocent. The State has to prove you
3 guilty beyond a reasonable doubt to convict you.
4 And you get to see, hear and have your attorney
5 cross-examine every witness against you. Do you
6 know all that?

7 **DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** By pleading guilty, you give up all
9 of those rights. You give up defenses. You give up
10 challenges to evidence. You admit the charge is
11 true. Do you understand that?

12 **DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** Do you want a jury trial?

14 **DEFENDANT:** No, sir.

15 **THE COURT:** Listen to the State, please.

16 **MR. JOHNSON:** Thank you, Your Honor.

17 Incident date May 30th, 2008, Lexington County
18 Sheriff's Department responded to the location
19 in Lexington, the residence
20 belonging to Mr. L.C. Taylor, who's present in the
21 courtroom today and would like to address the Court
22 at the appropriate time. Basically, Mr. Taylor and
23 his son discovered this residence which had been
24 broken into.

25 We've got several photos and a list of the

1 restitution amounts. The interior of this home was
2 basically destroyed. A lot of items in the home
3 were destroyed, air conditioning unit and many other
4 items that cannot be replaced.

5 Mr. Taylor is retired from the Columbia Fire
6 Department, currently volunteers for the Lexington
7 Fire Department.

8 I believe at this time, this home belonged to
9 his parents. However, the electricity was turned
10 on. There were items there that were being used by
11 the family. This is a situation where they had four
12 or five different family members that they had homes
13 surrounding this home and they would -- sometimes
14 people would spend the night there. They would
15 store items there for use and a lot of those items
16 were stolen, but it was listed as a burglary second
17 degree based on that.

18 Instead of just taking items from the home,
19 apparently, there was a great amount of destruction.
20 I'll pass those up to Your Honor at this time. This
21 is a list and a stack of photos. Mr. Cornwell has
22 seen all these.

23 The public defender has indicated that they're
24 not in full agreement with the restitution amount.
25 On the final page of that three page list, the total

1 comes up \$24,201.80 because some items were
2 recovered.

3 Basically, after they discovered the home was
4 broken into, Mr. Taylor's son, I believe along with
5 law enforcement, noticed some items that were on the
6 front porch of another home and they investigated
7 that. And through that investigation, several
8 people named the individual Mr. Denton, as well as
9 Mr. Craps, who went into the house with him.
10 Mr. Alan Craps, the co-defendant, provided a written
11 statement and I believe Mr. Denton did not.

12 According to law enforcement, they both, I
13 think, went into the woods. I think they were
14 basically, at that point, running from the police.
15 And, apparently, they stayed in a tent trying to
16 evade the police. And, eventually, they surrendered
17 themselves.

18 The victim would like to address the Court at
19 the appropriate time. And I'm assuming in this
20 situation, we have to have a restitution hearing,
21 Your Honor, regarding the total amount.

22 **THE COURT:** All right. Mr. Denton, do you
23 admit you're guilty of burglary in the second
24 degree?

25 **DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** As alleged in this indictment?

2 **DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** Has anybody forced you, threatened
4 you, coerced you in any way to get you to plead
5 against your will?

6 **DEFENDANT:** No, Your Honor.

7 **THE COURT:** Any plea bargains the State's made
8 with you, they have to tell me about on the record
9 in open court or you lose; you understand?

10 **DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** Mr. Cornwell, any plea agreement
12 here?

13 **MR. CORNWELL:** No, Your Honor. He's pleading
14 to the burglary second straight up, Your Honor.

15 **MR. JOHNSON:** We are dismissing malicious
16 injury and, I believe, a conspiracy warrant. Those
17 are being dropped. There's no agreement to
18 sentencing and the victim would like to address
19 that.

20 **THE COURT:** All right. So other than what's
21 been placed on the record, Mr. Denton, has anybody
22 promised you anything to get you to plead guilty?

23 **DEFENDANT:** No, Your Honor.

24 **THE COURT:** Are you fully satisfied with your
25 attorney?

1 **DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** Anything else you want your lawyer
3 to do on the case that has not been done other than
4 speak for you?

5 **DEFENDANT:** No, Your Honor.

6 **THE COURT:** Do you have any complaint of any
7 kind against your attorney, law enforcement
8 officials or anybody else in your case?

9 **DEFENDANT:** No, Your Honor.

10 **THE COURT:** This case has not been before the
11 grand jury. If you want the grand jury to review
12 it, at least 12 out of 18 grand jurors must agree
13 that you're probably guilty or the case stops there;
14 do you understand?

15 **DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** The papers indicate you're giving
17 up that right. Is that your own decision, made of
18 your own free will?

19 **DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** Burglary in the second degree is a
21 felony. It carries up to 15 years in prison as a
22 possible punishment. Do you understand that?

23 **DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** Burglary has graduated aspects to
25 it. And if you violate further burglary laws, you

1 can get bumped up to higher levels of punishment and
2 that can involve life in prison. Do you understand
3 that?

4 **DEFENDANT:** Yes, sir.

5 **THE COURT:** Now, regardless of whether a
6 burglary is deemed violent or nonviolent under the
7 law, if it's a burglary in the second degree, any
8 active sentence you get you cannot possibly be
9 released from prison sooner than serving one third
10 of that time; do you understand that?

11 **DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** That's no guarantee you get out in
13 a third, that's the least time you could possibly
14 do; do you understand?

15 **DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Mr. Denton's made a free, knowing,
17 voluntary and intelligent decision to waive
18 presentment to the grand jury and plead guilty.
19 He's done so upon the advice of counsel with whom
20 he's fully satisfied. There's a factual basis for
21 his plea.

22 Mr. Denton, they've handed me some papers
23 indicating that you were on probation and that part
24 of the conditions of probation was that you adhere
25 to a home detention order. You were ordered to

1 remain at your residence from midnight till 7:00
2 a.m.; you failed to remain at that residence for the
3 one year period that you were required to do so;
4 that you moved to an unknown location in May of
5 2008; failed to provide the agent with a valid
6 address; your whereabouts were unknown; you
7 absconded from supervision; you associated with
8 persons known by you to have a criminal record, one
9 of whom was a co-defendant of yours in a burglary
10 third offense; you haven't paid your money as
11 directed; and now you've entered a plea of guilty to
12 criminal domestic violence -- I'm sorry -- to
13 burglary in the second degree.

14 Anything else on his case?

15 **PROBATION AGENT:** Judge, I would just add that
16 he did plea this year, January 15th of 2008, to
17 burglary third in front of Your Honor. And he was
18 sentenced to a YOA not to exceed five years with 30
19 months probation. There was restitution in this
20 case of \$1,262. He has paid \$195.

21 I spoke with the victim, it's the assistant
22 principal at Gilbert High School, on Friday. And he
23 said that he really didn't have anything that he
24 wanted to relay to the Court, whatever the Court
25 found appropriate.

1 I spoke with his agent this morning and he is
2 asking that he be revoked in full.

3 **THE COURT:** All right. You said Mr. L.C.
4 Taylor wishes to be heard?

5 **MR. JOHNSON:** That's correct, Your Honor.

6 **MR. TAYLOR:** Yes, sir. This was my home place.
7 I was born in this house and it means a lot to me.
8 And some of the items, the furniture and all that
9 stuff cannot be replaced. You know, it's just
10 literally destroyed inside. And I would like to get
11 restitution for that and whatever the law allows him
12 to serve, too.

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

14 Do you all need to have a restitution hearing?

15 **MR. CORNWELL:** Well, Your Honor, basically what
16 -- there was only one discrepancy in there, Your
17 Honor, and I talked with my client about it. It was
18 some reference to the air conditioner. He says he
19 doesn't recall them taking any copper out of the air
20 conditioner, Your Honor, but, at the same time, it's
21 a situation where he feels like they'd done the
22 damage, he's willing to pay whatever they're asking,
23 Your Honor. So we don't need to have a hearing, in
24 short, Your Honor.

25 **THE COURT:** Well, what they've got on here is

1 \$24,201.80.

2 **MR. CORNWELL:** I understand that, Your Honor.
3 He tells me that he understands that they tore it up
4 pretty good, Your Honor.

5 **THE COURT:** All right. Mr. Cornwell, let me
6 hear from you.

7 **MR. CORNWELL:** Please the Court, Your Honor.

8 This is Mr. Denton, Your Honor. And everything
9 you heard is true, Your Honor. Mr. Rents told you
10 about him pleading in front of you before, Your
11 Honor. And I don't know if you remember, but it was
12 another situation where the things that he gets
13 himself involved in and things that he does, Your
14 Honor, there's no way to kind of sugarcoat it, it's
15 just kind of boneheaded, dumb things, you know. And
16 he'll be the first one to admit it, Your Honor.

17 I think the thing he's on probation for now was
18 some kind of this antics they pulled with a tractor,
19 and, you know, they stole the gator from the high
20 school and, you know, just silly stuff, Your Honor,
21 that ends up doing a lot of damage even though it's
22 just kind of stupid, Your Honor.

23 In regards to this, Your Honor, he and his
24 friend, they went in the house, Your Honor, and they
25 did the damage. It was just boys being stupid. It

1 was criminal. He understands that.

2 I'm not trying to make light of it. I'm just
3 trying to kind of put it in perspective, Your Honor,
4 in that he's 19 years old. He was 18 when this
5 happened. He actually turned 19 in jail, Your
6 Honor. Of course, he's not making the smartest
7 choices at that point -- I mean, at that age, Your
8 Honor. He -- frankly, I mean, I wasn't making the
9 smartest choices. Now, I never did anything like
10 that, Your Honor, but just to say that he's not
11 matured yet. He understands that his biggest thing
12 he needs to do is just grow up. He needs to grow up
13 and stop doing this kind of thing, Your Honor.

14 He's looking at a lot of time right now and
15 it's a situation he hasn't been in before as far as
16 facing this amount of time. He's been in jail since
17 about May, I think, Your Honor. And he's had a lot
18 of time for reflection. He's had a lot of time to
19 think about what he's gotten his self into.

20 He didn't give a written statement. I'd like
21 to address that, Your Honor, but he did turn his
22 self in. He and his co-defendant, they both turned
23 themselves in basically, Your Honor, and kind of
24 admitted that they were involved in this.

25 From the beginning, Your Honor, they, you know,

1 they did hide out. They ran. They were scared,
2 especially, I mean, being that he had this
3 probationary sentence hanging over his head.

4 In the courtroom today is his grandmother.
5 She's very supportive of him, Your Honor. She
6 understands that -- she doesn't back his decisions
7 up, Your Honor, but she's going to try to be there
8 and try to help out as much as she can, Your Honor.

9 And, unfortunately, it's a situation where as
10 much as I would like to be able to come in here and
11 ask for probation or something like that, I
12 understand that Your Honor probably feels different
13 about that.

14 What I would ask, Your Honor, is to give him an
15 active YOA sentence on this charge, Your Honor, and
16 allow it to run concurrent with the revocation, Your
17 Honor. That way I believe that it would satisfy the
18 interest of justice and that he will do some time,
19 Your Honor, but at the same time, we won't just be
20 warehousing him, Your Honor.

21 He'd be there at the YOA part of the prison and
22 he'd be able to do that time. And you can put him
23 on probation after that, Your Honor, and he can pay
24 back this restitution, or at least to attempt to pay
25 it back, Your Honor. It's a lot of money and he

1 understands that.

2 We'd ask you to grant us leniency in that
3 fashion, Your Honor.

4 **THE COURT:** Do you want to say anything,
5 Mr. Denton?

6 **DEFENDANT:** I'd like to apologize to the people
7 that I caused a lot of problems to.

8 **THE COURT:** Where were you living?

9 **DEFENDANT:** Sir?

10 **THE COURT:** Where were you living?

11 **DEFENDANT:** I was living with my grandma at the
12 time and working with a cabinet company and trying
13 to help my grandma and the rest of my family.

14 **THE COURT:** The probation office says you
15 weren't staying there; is that wrong?

16 **DEFENDANT:** I was staying there at the time
17 until I found out that I was in trouble.

18 **THE COURT:** Until what?

19 **DEFENDANT:** Whenever I found out I was in
20 trouble, that afternoon I didn't go back home, but I
21 was staying with my grandmother.

22 **MR. CORNWELL:** He's saying he was staying with
23 her up until, you know, this incident, Your Honor.

24 I mean, one thing I would like to add, Your
25 Honor, and I know Mr. Denton didn't want me to say

1 this, but, you know, he hadn't admitted to me, but I
2 think, you know, there may be some drug use involved
3 here, Your Honor. I don't know what's going on with
4 that. It's just trying to make sense of, you know,
5 why he keeps doing this, Your Honor. It's just, you
6 know, from my experience, it tends to be that
7 sometimes that's the situation. I mean, it just
8 seems like this is a kid who's crying out for help,
9 Your Honor.

10 **THE COURT:** How far did you get in school?

11 **DEFENDANT:** To my senior year.

12 **THE COURT:** And what happened?

13 **DEFENDANT:** Me and my co-defendant, Alan Craps,
14 decided to pull some kind of senior prank at the
15 beginning of the year that turned out to get me in a
16 lot more trouble than I thought it would.

17 **MR. CORNWELL:** That's what he's on probation
18 for.

19 **THE COURT:** And you came in front of me?

20 **DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** And I told you that I'd put you on
22 probation and you had to do certain things?

23 **DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** Why didn't you do what I told you?

25 **DEFENDANT:** I tried to do my best and then I

1 started hanging out with my old friends and I
2 slipped back into my old ways again.

3 Just my grandma and everybody told me to stay
4 away from him because I was just going to get in
5 trouble again, but I ended up running into him and
6 hanging out with him again. And I'm not blaming him
7 for my actions, but I do see that if I'm not hanging
8 out with my old friends, I won't slip back into my
9 old ways. And I don't do these things by myself. I
10 seem to just act like this when I'm around my
11 friends for some reason.

12 **THE COURT:** Why did you trash the house?

13 **DEFENDANT:** Just being young and stupid and
14 just not paying attention to what I was doing or who
15 I was hurting. I had pictured the house as nobody
16 had lived there and that it was abandoned, but I
17 realize that nothing's abandoned. It always belongs
18 to somebody. It means something to somebody. I
19 wouldn't want somebody messing with my things.

20 I mean, I wish there was a way I could change
21 the things that I've done in the past and make
22 things better with my family and the people that
23 I've hurt. I know that you can't take things back
24 that you've done in the past, you can only change
25 the future.

1 Right now I'm just trying to get back into my
2 family, help my grandma because right now she's
3 staying by herself. And it's hard -- I know it's
4 got to be hard right now for her to make it by
5 herself, and me going to prison, that really
6 wouldn't help her at all.

7 **THE COURT:** Oh, you're going to prison.

8 **DEFENDANT:** I understand, sir.

9 **THE COURT:** I don't take any pleasure in that,
10 but the question I've got is how long are you going
11 to prison.

12 **DEFENDANT:** I understand.

13 **THE COURT:** Do you have a drug problem?

14 **DEFENDANT:** I do, but I mean it's not a bad
15 addiction. I do smoke every now and then and
16 sometimes take some pills.

17 **THE COURT:** Smoke what?

18 **DEFENDANT:** Weed.

19 **THE COURT:** What kind of pills?

20 **DEFENDANT:** Xanax, pain pills.

21 **THE COURT:** No meth?

22 **DEFENDANT:** No, sir.

23 **THE COURT:** No cocaine?

24 **DEFENDANT:** No, sir.

25 **THE COURT:** PCP?

1 **DEFENDANT:** No, Your Honor.

2 **THE COURT:** That doesn't look like something a
3 stoner would do. Are you sure? Are you sure you
4 hadn't ventured into those other things?

5 **DEFENDANT:** That's the only two things I've
6 ever done in my life.

7 (Pause.)

8 **THE COURT:** If there's nothing else, the Court
9 accepts the plea.

10 Mr. Denton, I don't have any greater wisdom
11 than anybody else. They let me buy a black robe,
12 they let me sit up here, but they don't give me the
13 wisdom of Solomon and they certainly don't give me a
14 crystal ball. I don't know what's going to happen
15 with you. The only person that can change the
16 direction of your life is you.

17 I have to try to strike a balance between
18 what's best for the society, victims, you. And when
19 I've got somebody like you, I confess to you that
20 there is a big possibility that I'm going to miss
21 the mark because you're 19 years old and you can be
22 just in one of those completely out of control
23 rebellious stages that five years from now, you'll
24 work your way out of. You also could be showing us
25 the early signs of being a career criminal and a

1 very violent person. And I don't know which it is.
2 You're the only one that can keep yourself from
3 being warehoused.

4 But here's what I'm faced with. You came
5 before me in January. I put you on probation. I
6 set up some things trying to help you get your life
7 straightened out, things I thought you needed to do
8 to stay straight. And instead of listening to me,
9 you listened to some other little punk kid and went
10 out into somebody's place that has probably worked
11 hard all of their lives to build up some things and
12 just trashed it.

13 I'm not going to pile on you. I just want you
14 to understand I'm still willing to try to do some
15 things to try to give you some help if you'll take
16 advantage of them, but I'm promising you if you
17 don't, I might not be around when you get out, but
18 there will be 46 people wearing these black robes
19 and one of those 46 will take one of these pens and
20 they will put on there some long number or life.
21 And we'll just stick you in some little cell out on
22 Broad River Road and forget about you. That's where
23 you're headed.

24 You can believe me or not believe me, but I've
25 been doing this for 30 years. I know where you're

1 headed unless you change. And I know that people
2 change and it's hard to tell which ones will and
3 which ones won't.

4 Whatever's going on in your head, whatever
5 problems you have, you better grab hold of the help
6 you have right now because if you screw up anymore,
7 you're going to be gone for a long, long time.

8 Sentence of the Court is you be committed to
9 the South Carolina Department of Corrections for 15
10 years, provided upon the service of ten years plus
11 costs and assessments, the balance is suspended with
12 five years probation. You're subject to the
13 standard conditions of probation.

14 While you're incarcerated, you have to go
15 through the addictions treatment unit.

16 You're given credit for jail time under section
17 24-13-40, that will be calculated and applied by the
18 department of corrections.

19 Restitution of \$24,201.80 is ordered plus a 20
20 percent handling fee. You're to pay that by serving
21 a period at the restitution center not to exceed six
22 months with any balance set up on payments
23 thereafter. The probation department will schedule
24 what payments you have and handle the period at the
25 restitution center. Those payments go to L.C.

1 Taylor.

2 While you're on probation, you are to attend
3 voc rehab or Job Corps. You're to complete
4 substance abuse counseling, pass random drug and
5 alcohol screens. The substance abuse counseling is
6 in the discretion of the probation department.

7 Also, while you're on probation, you're on
8 intensive supervision for the first six months after
9 you get out of the restitution center. The way that
10 I would envision this is whenever you get out of
11 prison, that you'll go straight from there to the
12 restitution center. I don't know that it will work
13 out that way, but I hope it will. I can't keep you
14 there more than six months.

15 When you come out, you're on intensive
16 supervision for the first six months, that means you
17 have to report every week. You're to have no
18 contact with the victim. Further, you're to have no
19 contact with the co-defendant. You're to pay your
20 court cost at a rate set by probation, parole and
21 pardon services.

22 And I'm ordering that you have to fully
23 cooperate with evaluation for any emotional or
24 mental health counseling need and you have to fully
25 comply with any treatment plan. I don't know if you

1 need anything, but somebody needs to be talking to
2 you and you need to be talking to somebody else so
3 that if you've got something going on that they can
4 help you through or treat, that you have the
5 opportunity to get that help.

6 Do you understand that sentence?

7 **DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Do you have any intention of doing
9 any of that?

10 **DEFENDANT:** Yes, sir. I want to change my
11 life.

12 **THE COURT:** I hope you do. It's just real hard
13 to believe you right now, Mr. Denton, because you've
14 got to prove it.

15 Now, on your probation violation, I find that
16 you have willfully violated terms and conditions of
17 probation as outlined by the agent.

18 In view of his active adult sentence, I'm going
19 to just terminate that. I don't want to have a YOA
20 running with an adult sentence and create a problem,
21 but enroll the restitution on that case as a civil
22 judgment against Mr. Denton.

23 Good luck to you, sir.

24

25

END OF PROCEEDINGS

1 C E R T I F I C A T E

2

3 STATE OF SOUTH CAROLINA

4 COUNTY OF LEXINGTON

5

6 I, the undersigned, Stacy L. Sheppard, Circuit
7 Court Reporter for the Eleventh Judicial Circuit of
8 the State of South Carolina, do hereby certify that
9 the foregoing is a true, accurate and complete
10 transcript of record of all the proceedings had and
11 the evidence introduced in the guilty plea of the
12 captioned cause, relative to appeal in the Criminal
13 Court for Lexington County, South Carolina, on the
14 27th of October, 2008.

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

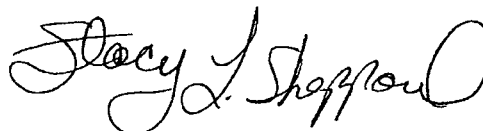
17

18

September 28, 2009

19

20



21

22 Stacy L. Sheppard, RPR
Circuit Court Reporter

23

24

25

COPY

FILED

STATE OF SOUTH CAROLINA

County of LEXINGTON

2009 AUG 11

In the Court of Common Pleas

STEVEN DARRELL DENTON

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

vs.

COUNTY OF LEXINGTON

Name of Respondent.

APPLICATION FOR

POST-CONVICTION RELIEF

STATE OF SOUTH CAROLINA

2009CP3203574

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 it clear to which question any such continued answer refers.

Since every application must be sworn to 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 applicant was convicted.

1. Place of detention Trenton Correctional Institution
84 Greenhouse Road, Trenton, South Carolina 29847
2. Name and location of Court which imposed sentence GENERAL Sessions Court
LEXINGTON County, South Carolina 29072
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
(a) BURGLARY 2ND DEGREE (NON-VIOLENT) INDICTMENT NO: 2008-GS-32-3.
(b) _____
(c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
(a) OCTOBER 27, 2008 15 YEARS - 10 YEARS Active - 5 YEARS PROBATION
(b) _____
(c) _____

5. Check whether a finding of guilty was made

(a) after a plea of guilty Yes, pleaded guilty on 10-27-08.

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

FILED

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

N/A

2009 AUG 11 2:17

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

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

BETH A. CARRIGG
CLERK OF COURT
IDAHO STATE

i. _____

ii. _____

iii. _____

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

009CP3203574

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) Did not understand the laws.(b) Trusted my attorney to represent me successfully in court.

(c) _____

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

(a) The court showed prejudice against me by sentencing me to (over:

(b) _____

(c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) ON 10-27-08 I WAS sentenced to 15 years - 10 years active - 5 years PIV

(b) _____

(c) _____

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? N/A **FILED**
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? N/A **2009 AUG 11 P 12:17**
- (d) any other petitions, motions or applications in this or any other Court? N/A **BECHTOLD CARRIGG
CLERK OF COURT
LEXINGTON SC**

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

(a) the specific nature thereof:

- i. _____
- ii. _____ **2009CP3203574**
- iii. _____
- iv. _____

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

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

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

N/A

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

2009CP3203574

FILED

2009 AUG 11 2 12 17

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

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

(a) Did not understand the laws.

(b) Trusted my Attorney to represent me successfully in court.

(c) _____

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

(a) your arraignment and plea? Yes

(b) your trial, if any? N/A

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

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

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

i. CASEY CORNWELL - PUBLIC DEFENDERS OFFICE

206 EAST MAIN ST., LEXINGTON, SC 29072

ii. _____

iii. _____

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

i. GENERAL SESSIONS COURT - LEXINGTON, SC 29072 (10-27-

ii. _____

iii. _____

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

To have my sentence reduced to (5) years, which is equivalent to the sentence my co-defendant ALLEN P. CRAPPS received in court.

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

N/A

STATE OF SOUTH CAROLINA

County of LEXINGTON

2009CP3203574
VERIFICATION

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

SWORN to and subscribed before me this _____

day of _____, 19 ____.

Notary Public (L.S.)

My Commission Expires: _____

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

I, Steven Denton, 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 therefor.

X Steven Denton
Applicant

SWORN or affirmed to and subscribed before me this

7 day of August 2009
[Signature]
Notary Public

My Commission Expires ~~My Commission Expires~~ July 18 2011

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON	)	
	)	
	)	2009-CP-32-3574
	)	
Steven D. Denton, #331431,	)	
Applicant,	)	
	)	
v.	)	RETURN AND REQUEST FOR
	)	APPOINTMENT OF COUNSEL
	)	
State of South Carolina,	)	
Respondent.	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed August 11, 2009, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was charged with Burglary 2nd (Non-violent) (2008-GS-32-3390). He was represented by F. Casey Cornwell, Esquire. On October 27, 2008, the Applicant pled guilty as charged. He was sentenced by the Honorable William P. Keesley to confinement for a period of fifteen (15) years, provided that upon the service of ten (10) years, the balance would be suspended with five (5) years probation. The Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein are the records of the Lexington County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, and the guilty plea transcript. The Respondent reserves the right to amend and/or supplement this Return upon receipt with any relevant materials.

II.

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

1. Ineffective Assistance of Counsel
 - a. "Did not understand the laws."
 - b. "Trusted my attorney to represent me successfully in court."

III.

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

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland.

Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. Nevertheless, the allegation of ineffective assistance of counsel probably raises a question of fact which cannot be conclusively refuted by the record and, therefore, requires that an evidentiary hearing be held. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983); Delaney v. State, 269 S.C. 555, 238 S.E.2d 679 (1977).

IV.

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

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

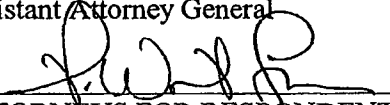
Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

A. WEST LEE
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

December 11, 2009.

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

STEVEN DARRELL DENTON, 331431,)

Applicant, 2011 NOV 30 A 9:35)

v.)

THE STATE OF SOUTH CAROLINA,)

Respondent)

IN THE COURT OF COMMON PLEAS

2009-32-3574.

FILED

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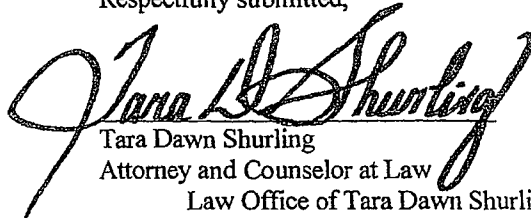
BETH A. CARRIG
CLERK OF COURT
LEXINGTON SCAMENDED APPLICATION FOR
POST-CONVICTION RELIEF

The Post-Conviction Relief Application previously filed on August 11, 2009 under docket number 2009-CP-32-3574 is hereby amended.

1. Trial Counsel was ineffective for waiving the Applicant's right to a hearing on the actual value of the damages done in his case thereby depriving the Applicant of his right to due process of law on the issue of the proper amount of restitution due to the victim.
2. Trial Counsel was ineffective for failing to investigate whether some of the damages being claimed by the victim where in fact the result of previous vandalism at this abandoned house where said prior incidents were documented in the discovery materials in this case.
3. Trial Counsel was ineffective for failing to advise his client that he was entitled to a hearing on the proper amount of restitution due to the victim at which the Court would be required to determine whether there was an evidentiary basis for the amount of damages claimed by victim.

The Applicant has no further amendments at this time. Copies of these amendments have been served on opposing counsel.

Respectfully submitted,



Tara Dawn Shurling

Attorney and Counselor at Law

Law Office of Tara Dawn Shurling

3614 Landmark Dr., Suite A

Columbia, SC 29204

(803) 738-8622

(803) 738-1600 (fax)

tdslaw@shurlinglaw.com

Attorney for the Applicant

This 29th day of November, 2011.

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
STEVEN DARRELL DENTON, 331431,)
Applicant,)
v.)
THE STATE OF SOUTH CAROLINA,)
Respondent.)

FILED

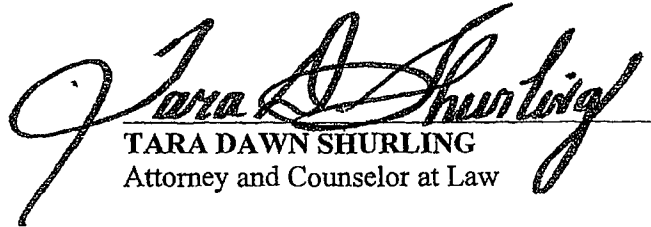
IN THE COURT OF COMMON PLEAS
2009-32-3574.

2011 NOV 30 A 9:38

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that one copy of the Amended Application for Post-Conviction Relief in the above-entitled case has been served upon opposing counsel, Kaelon E. May, Assistant Attorney General, Post Office Box 11549, Columbia, SC 29211, by email to KMay@scag.gov this 29th day of November, 2011.


TARA DAWN SHURLING
Attorney and Counselor at Law

ATTORNEY FOR APPLICANT

SWORN TO BEFORE me this, 29th day
of November, 2011.


Notary Public for South Carolina

My Commission Expires: 3/12/2013

1 STATE OF SOUTH CAROLINA
2 COUNTY OF LEXINGTON

IN THE CIVIL COURT

3
4
5 STEVEN DENTON,

6 Applicant,

7 -vs-

8 STATE OF SOUTH CAROLINA,

9 Respondent.

TRANSCRIPT OF RECORD

09-CP-32-3574

10
11 November 30, 2011
12 Lexington, South Carolina

13
14 B E F O R E:

15 HONORABLE EDWARD W. MILLER, Judge.
16
17

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

19 TARA D. SHURLING, Esquire
20 Attorney for the Applicant

21 KAELOE E. MAY, Asst. Attorney General
22 Attorney for the Respondent State

23
24 L. COCONUT PANTSARI, R.P.R.
25 Circuit Court Reporter

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1 (The following proceedings are reported on
2 November 30, 2011.)

3 MS. MAY: The first and only case we have this
4 morning is Steven Denton v. State. It's Case Number
5 2009-CP-32-3574. Mr. Denton filed an application for
6 P.C.R. on August 11, 2009. He was charged with
7 malicious injury to property, conspiracy, and burglary
8 second.

9 The malicious injury and conspiracy were later
10 dismissed. On October 27, 2008, Mr. Denton pled guilty
11 to burglary in the second degree. Judge Keesley
12 sentenced him to 15 years, suspended upon the service of
13 ten, and five years probation. He was also ordered to
14 pay restitution in the amount of \$24,201.80.

15 THE COURT: Okay.

16 MS. SHURLING: Thank you. Your Honor, for the
17 record I'm Tara Shurling, court-appointed counsel in
18 this matter. At this time I would like to hand up to
19 the Court a copy of an amended P.C.R. application.

20 It was not filed until this morning, but
21 Respondent's counsel and I have consulted about this
22 issue along the way, and she is not surprised by the
23 issue I am raising here this morning.

24 THE COURT: All right.

25 MS. SHURLING: Your Honor, my client and I

1 have had had the opportunity to meet on multiple
2 previous occasions. I have explained to him the
3 parameters of what we can pursue within the context of
4 collateral review through the post conviction relief
5 procedure act.

6 Basically. I have explained he has the right
7 to pursue a claim that the ineffective assistance of
8 counsel complained of in his pro se application resulted
9 in his pleas not being voluntarily -- his plea rather,
10 singular -- not being voluntarily and intelligently
11 entered and thereby to ask the Court to set aside the
12 plea itself and the judgments.

13 I have explained to him that if the Court were
14 to favor him with a positive ruling on that request, he
15 would be returned to the Court of General Sessions for
16 retrial, at which time all bets would be off in terms of
17 whether or not he would be reprosecuted on all three
18 original charges.

19 I have explained to him carefully that under
20 South Carolina law, there is a possibility that on
21 retrial if convicted, he could receive a more lengthy
22 sentence than that he received as a consequence of this
23 plea.

24 In the interest of a full and fair record, I
25 have also explained to him that in my 32 years

1 experience -- I'm aging myself -- but that I have rarely
2 actually seen anyone get substantially more time on
3 retrial, but it is a risk.

4 Based on my discussions with him, I have also
5 advised him of the fact that in my judgment, there is
6 some evidence that could be pursued in this case for a
7 strong argument that this should have been a burglary
8 third as opposed to a burglary second offense. But,
9 nevertheless, even at a burglary third, coupled with the
10 malicious injury and the conspiracy charge, he could
11 still be looking at more time.

12 After careful deliberation my client has made
13 the decision that he wishes to proceed today solely on
14 the question of whether trial counsel rendered less than
15 reasonable professional assistance of counsel, thereby
16 violating his rights pursuant to the Sixth and
17 Fourteenth Amendment to the U.S. Constitution and
18 Article 1, Section 14 of the South Carolina
19 Constitution, in failing to advise him concerning his
20 rights with regard to reparation and restitution, his
21 right to an evidentiary hearing to determine the actual
22 damages of the victim, and the proper amount of
23 restitution to be ordered by the Court.

24 I have, after lengthy discussions with him,
25 advised him that in my opinion it would be in his best

1 interest to pursue only a challenge as it regards the
2 failure of trial counsel to adequately advise him
3 concerning restitution and his right to a hearing.

4 Further, the ineffectiveness of counsel in
5 failing to adequately investigate arguments that could
6 have been made to mitigate the amount of restitution
7 ordered in this case.

8 My client has decided to go forward only on
9 the issue concerning restitution. Your Honor, at an
10 appropriate time in the proceeding, I will ask that he
11 be sworn and put that on the record. But so the Court
12 knows and isn't listening to testimony in a vacuum, we
13 are proceeding only on that claim.

14 THE COURT: All right. Are you ready to go?

15 MS. SHURLING: Yes, sir, I am. At this time
16 we would call trial counsel to the stand, please.

17 FULTON CASEY DALE CORNWELL,
18 being first duly sworn, testifies as follows:

19 CLERK: State your full name for us.

20 THE WITNESS: My name is Fulton Cayce Dale
21 Cornwell.

22 DIRECT EXAMINATION

23 BY MS. SHURLING:

24 Q Good morning. Thank you for being here. Do you
25 recall representing Steven Denton?

CASEY CORNWELL -- DIRECT -- MS. SHURLING

8

1 A I do.

2 Q And have you had an opportunity since this post
3 conviction relief matter has come up to review your
4 file?

5 A I have.

6 Q And I, in fact, visited you on an occasional at the
7 Lexington County Public Defender's Office and
8 retrieved copies of the documents in your file; did
9 I not?

10 A Yes, ma'am.

11 Q Thank you. Just for the record, you are no longer
12 with the Lexington County Public Defender's Office?

13 A No, ma'am.

14 Q Where are you currently employed?

15 A I am actually with the York County Public
16 Defender's Office.

17 Q And at the time of this plea on October 27, 2008,
18 how long had you been practicing law?

19 A About -- what was the date?

20 Q October 27, 2008.

21 A Three years.

22 Q Three years?

23 A Yes, ma'am.

24 Q And had you been with the Public Defender's Office
25 that entire three years?

1 A I had been in Lexington for about a year at that
2 time. I was in Aiken two years before.

3 Q And in Aiken were you a public defender?

4 A Yes, ma'am.

5 Q So your approximately three years experience had
6 been in the field of criminal defense with Public
7 Defender's Offices?

8 A Yes.

9 Q Are you familiar with the law in South Carolina
10 concerning Court orders involving restitution?

11 A Yes, ma'am.

12 Q In this case what was the deal, if you will? What
13 was the plea bargain with the State insofar as this
14 client?

15 A What I can remember is he pled to the burglary
16 second. I think they dropped the malicious injury
17 and the accompanying warrants in exchange for his
18 plea on the burglary second.

19 Q And I believe they dropped a general conspiracy
20 charge as well?

21 A Conspiracy, yes, Your Honor.

22 MS. SHURLING: Your Honor, I am leading a
23 little bit in the interest of time, but the record will
24 reflect this.

25 Q That was the only agreement with the State, is that

CASEY CORNWELL -- DIRECT -- MS. SHURLING

10

1 they would drop those two charges?

2 A Yes, it's kind of a policy that they don't make
3 recommendations on sentences up here.

4 Q So your client was in effect pleading straight up,
5 if you will --

6 A Yes.

7 Q -- to second degree burglary?

8 A Yes, ma'am.

9 Q Prior to entering this plea, had you had
10 discussions with your client about the fact that
11 the Court would be asked to order restitution in
12 this case?

13 A Yes. It was quite a bit actually, and they had
14 given us a breakdown of how much it was going to
15 be. It was like 20-something thousand dollars.
16 Because at the time I was anticipating asking for a
17 probationary sentence and he was already on
18 probation, and we discussed how he would have to
19 pay this restitution on his new probation.

20 Q And you have mentioned that you had gotten a list
21 with a breakdown. Was that provided to you, along
22 with discovery materials?

23 A Yes, ma'am.

24 MS. SHURLING: A moment's indulgence, Your
25 Honor.

1 (Pause.)

2 MS. SHURLING: May I approach, Your Honor?

3 THE COURT: Yes, ma'am.

4 BY MS. SHURLING:

5 Q Is that document, along with the transmittal letter
6 to the Solicitor's Office, what you are referring
7 to as the list?

8 A That is. This is correct.

9 Q Thank you.

10 MS. SHURLING: Your Honor, at this time I
11 would move to introduce this document as Applicant's 1.

12 MS. MAY: No objection.

13 THE COURT: Without objection.

14 (Applicant's Exhibit Number 1 is received into
15 evidence.)

16 BY MS. SHURLING:

17 Q Now, I assume that you would also have had in the
18 discovery materials a copy of the incident report
19 from the Lexington County Sheriff's Department?

20 A That is correct.

21 MS. SHURLING: Once again, Your Honor, I
22 assume it's okay for me to approach the witness?

23 THE COURT: Sure.

24 BY MS. SHURLING:

25 Q Can you identify that?

CASEY CORNWELL -- DIRECT -- MS. SHURLING

12

1 A Yes, this is the incident report.

2 Q And in this incident report, there is a property
3 estimate listed by the officer. Can you publish
4 for us if you will what the estimated amount of
5 damages is?

6 A The victim stated that he was missing a red bouncy
7 ball valued at \$20.

8 Q And in the portion of the report that specifically
9 provides for the officer to put an estimation of
10 the damages, what is the amount listed?

11 A Two thousand.

12 Q Two thousand dollars. Also, in this report it
13 specifically indicates that the house had been
14 abandoned since 1994; is that correct?

15 A That's correct.

16 Q And additionally that the victim's property had
17 been vandalized in the past?

18 A That's correct.

19 Q So from this document you were on notice that the
20 property in question had been abandoned since 1994
21 and that it had been the victim of previous
22 vandalizations; correct?

23 A That is correct.

24 MS. SHURLING: Your Honor, I would move this
25 in as Applicant's 2.

1 MS. MAY: No objection.

2 THE COURT: Without objection.

3 (Applicant's Exhibit Number 2 is received into
4 evidence.)

5 BY MS. SHURLING:

6 Q And what, if anything, did you do to investigate
7 the previous incidents of vandalism at this
8 arrest?

9 A I had spoken with the solicitor because I did
10 notice it was abandoned, but apparently that -- I
11 guess abandoned isn't what he meant or something
12 because they were saying that people would actually
13 stay there from time to time or something like
14 that.

15 But from what I understand, the house wasn't
16 like abandoned in the sense that it was like
17 cobwebs and stuff was strewn about. But if you are
18 asking me if I went out to the scene, I did not go
19 out to the scene and investigate and look at the
20 house myself. I did not do that.

21 Q My more specific question -- and thank you for that
22 information -- you did interview the victim?

23 A Yes -- no, no. I did not talk to the victim.

24 Q Who did you talk to?

25 A I spoke with the solicitor on the case.

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1 Q My specific question is: What, if any,
2 investigation you did previous as to the incidents
3 of vandalism at the same address?

4 A No, I didn't look into the previous incidents of
5 vandalism.

6 Q Have you had an opportunity since this post
7 conviction relief case came up to review incident
8 reports concerning previous acts of vandalism at
9 that address?

10 A No, ma'am.

11 MS. SHURLING: Your Honor, a moment's
12 indulgence. I would note for the record that I had
13 the incident report marked as Applicant's Exhibit 2,
14 and it appears that there is a page 2 to that document.
15 I'm sorry. That should have been stapled to it. I'm
16 sorry.

17 THE COURT: That's fine.

18 BY MS. SHURLING:

19 Q So you have not had the opportunity to review
20 previous incident reports concerning vandalism at
21 that same address?

22 A No, ma'am.

23 Q What, if anything, did you do to investigate
24 whether the damages being claimed by the victim
25 were all as a consequence of the incident involving

1 your client versus potentially cumulative to
2 previous vandalizations?

3 A Like I said, I didn't because I didn't look into
4 previous vandalizations. You know, that wasn't
5 something...

6 Q Thank you.

7 MS. SHURLING: One moment's indulgence, Your
8 Honor.

9 (Pause.)

10 BY MS. SHURLING:

11 Q Were you aware that in addition to the previous
12 vandalizations, that there had been a fire at that
13 residence in 2004?

14 A I think there was a -- from my understanding the
15 actual place that he broke into, I didn't know that
16 that place caught on fire. I think there was
17 another building or something that caught on fire.

18 MS. SHURLING: May I approach, Your Honor?

19 THE COURT: Yes, ma'am.

20 BY MS. SHURLING:

21 Q Could I ask you to identify this document for me?

22 A It looks like an incident report.

23 Q And can you look at the address that it references?

24 A [REDACTED]

25 Q Is that not the same address as the property your

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1 client was charged with damaging?

2 A Yes, ma'am.

3 Q And that references a fire at that location on what
4 date?

5 A July 9, 2004.

6 Q Thank you.

7 MS. SHURLING: Your Honor, I would move to
8 introduce this as Applicant's 3.

9 MS. MAY: No objection.

10 THE COURT: Without objection.

11 (Applicant's Exhibit Number 3 is received into
12 evidence.)

13 BY MS. SHURLING:

14 Q Going back to Applicant's 1 for a moment, when you
15 got this document in the discovery materials, what,
16 if anything, did you do to investigate the accuracy of
17 the losses and damages claimed?

18 A Actually I didn't investigate specifically each
19 individual thing, but I did point out some of the
20 stuff in the incident report to the solicitor that
21 was mentioned, things that were included, I guess,
22 in this list, itemized list, that weren't even
23 mentioned in the incident report in regards to what
24 he would have to pay on restitution.

25 I actually tried to get his restitution

1 reduced doing that through negotiations, and it was
2 kind of like, you know, you either deal with the
3 restitution as it is or he pleads to all the
4 charges, you know. It was either one of those
5 trial or accept the restitution as it is
6 situations.

7 Q Let's back up for a minute. Because according to
8 the record, the only concession made by the State
9 in exchange for the dismissal of the malicious
10 injury to personal property and conspiracy was --
11 pardon me -- the only concession made in exchange
12 for his plea to second degree burglary was the
13 dismissal of the malicious injury --

14 A Yes.

15 Q -- and the conspiracy charge; correct?

16 A Yes, like I was saying. Yes, ma'am, as part of our
17 negotiation, I was actually trying to get the
18 restitution reduced, and they just weren't willing
19 to do that.

20 Q And I understand that. But what I'm saying is you
21 are now saying, if I understood you correctly, that
22 his agreeing to pay the full amount of restitution
23 they were demanding was a condition of them
24 dropping the malicious injury and the conspiracy?

25 A It was just a situation -- in negotiations it was

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1 basically saying that if you want to challenge the
2 restitution, that's fine. But, you know, we are
3 going to proceed on the burglary. It was kind of
4 like: Go to trial or not go to trial on the
5 burglary.

6 To me that's not a trial issue really, but at
7 the same time, it's part of the negotiation. They
8 did want -- it wasn't put on the record, I don't
9 think -- that he would have to pay full restitution
10 in exchange for accepting the plea. My
11 understanding was if he pled to the charge, he'd
12 end up paying full restitution.

13 Q Well, with all due respect, both the solicitor and
14 you were asked on the record by the presiding judge
15 if that was the full extent of the plea
16 negotiations, of the agreement?

17 A Yes.

18 Q And you both indicated that it was?

19 A Yes.

20 Q And, in fact, do you have a copy of the plea
21 transcript?

22 A Not on me.

23 Q That's okay. I will hand you one up. After it was
24 put on the record that in exchange for his plea to
25 second degree, they were dropping the malicious

1 injury and the conspiracy charge, at some point on
2 page 7, the assistant solicitor says...

3 THE COURT: Is it page 8?

4 BY MS. SHURLING:

5 Q On page 7 of the plea, the solicitor says that the
6 defendant has indicated that he is not in agreement
7 with some of the restitution. Do you see that?

8 A Yes.

9 Q And then going over to page 8, specifically lines
10 19 through 21, the assistant solicitor says that he
11 assumes that a restitution hearing will be needed.
12 Do you see that?

13 A Yes.

14 Q So the record reflects that the prosecutor in this
15 case thought that an evidentiary hearing to
16 determine whether there was an adequate evidentiary
17 basis for the amount of restitution they were
18 seeking would be necessary? Do you agree?

19 A Like I said, he knew I wasn't in agreement with the
20 restitution, the amount of restitution. We had
21 some issues with it.

22 Q Okay. And moving on to page 13, lines 15 through
23 25 -- actually line 14, the Court says: Do we need
24 to have a restitution hearing? And you respond in
25 part: He is willing to pay whatever they are

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1 asking, Your Honor, so there is no need to have a
2 hearing?

3 A Yes, that was after talking to the client.

4 Q Well, you are a lawyer and someone with some years
5 experience as a public defender. I'm assuming you
6 were familiar with South Carolina law that a
7 defendant is entitled to a hearing at which someone
8 claiming restitution has to present evidence and
9 testimony to establish an evidentiary basis for
10 their claims?

11 A Yes.

12 Q Did you explain that to your client?

13 A We did talk about a hearing. I can't specifically,
14 of course, remember specifically what we talked
15 about in our discussion, but I can kind of tell you
16 what I generally inform clients of, and that is
17 that you are entitled to a restitution hearing, and
18 I kind of explain what that is. That's your right
19 to have one.

20 We have to schedule that at later date.
21 Usually that is how it happens. If you want to go
22 forward, I can let the judge know. If you don't
23 feel like you want to go forward, then we waive
24 that and go forward with just the plea today. We
25 won't have the restitution hearing.

1 That's kind of a summary of what I tell all
2 my clients when restitution is an issue. Of
3 course, I can't remember verbatim exactly what I
4 told him.

5 Q Did you explain to him that at such a hearing, you
6 would have the opportunity to challenge whether all
7 of the damages being claimed were, in fact,
8 attributable to his actions and those of his
9 codefendant?

10 A That's kind of what I explain to them generally.
11 That's the purpose of it, when I explain to them
12 what a restitution hearing is.

13 Q And did you explain to him that you would have an
14 opportunity to question the person claiming those
15 damages concerning how these values that are put in
16 this report were reached?

17 A I probably didn't frame it in actually those
18 terms. Like I said, it's hard for me to remember
19 exactly what I said, but generally I tell him
20 it's like a little hearing. We get to question
21 the people about what they are saying you owe them,
22 and we get to ask questions, just like kind of a
23 little trial almost, but it's just on the money you
24 owe.

25 Q Let's back up and be practical for a minute. Did

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1 you go over the discovery materials in detail with
2 your client?

3 A Yeah, we talked about the stuff. That's one of the
4 reasons why we knew that restitution --
5 specifically even in the transcript it talks about
6 the air conditioning situation as the issue.

7 Q Did you discuss with your client the fact that the
8 incident report documented that there had been
9 previous vandalizations of this same property?

10 A I honestly can't recall.

11 Q And since you can't recall, I think I know the
12 answer to the next one, but I have got to ask it
13 anyway. Did you discuss with him the fact that you
14 could pursue the question of whether all of these
15 damages happened at the incident involving him and
16 his codefendant or whether some of them might be
17 attributable to previous acts of vandalism?

18 A Obviously, I don't think I did that to be honest
19 you, but I can't remember, but I don't think we
20 talked about that.

21 Q Sure.

22 A I don't think we talked about that.

23 Q As we have previously discussed, you had not done
24 any additional digging concerning what the previous
25 incidents of vandalism involved were, when they

1 occurred, et cetera?

2 A No, ma'am.

3 Q At the top of this two-page summary, it says:
4 Property insured by Farm Bureau Insurance Company,
5 vandalism exclusion. Do you see that?

6 A I have got one.

7 Q Do you see the vandalism exclusion?

8 A Yes, ma'am.

9 Q Did you ask any questions about what that meant?

10 A I kind of just assumed it meant that vandalism was
11 excluded from coverage under the policy.

12 Q Did you ever ask the solicitor or anyone else why a
13 vandalism rider had been put on this policy?

14 A No, ma'am.

15 Q Are you the familiar with the circumstances under
16 which insurance companies sometimes put such riders
17 on policies?

18 A To be honest with you, my only experience with
19 insurance law is from law school. I do mostly
20 criminal stuff.

21 Q Me too and it's been a whole lot longer ago than
22 you. Did you do anything to independently confirm
23 or refute whether or not this individual had
24 received any insurance payout in connection with
25 this?

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1 A No, ma'am.

2 Q Okay. Did you interview the officer that did the
3 initial incident report and listed the property
4 damage estimate at \$2,000?

5 A I talked with him briefly, but it wasn't like a
6 sitdown interview. I kind of asked him -- because
7 once we got this listing, I was kind of like, you
8 know, whoa, and I talked to him about, you know,
9 where did all this come from, you know. He was
10 basically saying that, you know, that's what they
11 submitted.

12 I guess he didn't really know a lot about it
13 except for what he saw at the scene and had
14 investigated, but he was just kind of saying, If
15 that's what they said happened, that's what
16 happened. It was kind of that situation.

17 Q What did your client have to lose by exercising his
18 right to a hearing on the proper amount of
19 restitution?

20 A Nothing. I think we discussed having a restitution
21 hearing, and he kind of indicated to me, Let's just
22 go forward with it. You know, except for the fact
23 they probably have to bring him back to court for
24 it, it wouldn't have been any kind of burden on him
25 at all.

1 Q And you were aware that at the time of this
2 proceeding, he was already on probation for an
3 incident where he stole some kind of concrete
4 alligator from the high school or something?

5 A Yes, ma'am, I had actually represented him on that
6 charge also.

7 Q And I'm not minimizing the seriousness of the
8 offense, but that previous third degree burglary
9 was, in fact, stealing some high school mascot;
10 wasn't it?

11 A Yes. I think there was some kind of tractor
12 involved maybe. I'm not sure. I think that was
13 it, and I actually think during the plea I phrased
14 it like, you know, I wasn't trying to make light of
15 it, but I was saying, you know, this sounds like
16 something we see on a set of Andy Griffith or
17 something.

18 Q Sure. Now, in that case he was ordered to pay
19 \$1,262 in restitution, only \$195 of which had been
20 paid at the time of this plea in October of '08?
21 Does that sound right?

22 A That sounds right. That sounds about right.

23 Q Did you explain to your client that if the judge
24 imposed a probationary sentence, which he would be
25 likely to do if restitution was going to be

1 ordered, that if he at any time failed to or was
2 unable to make payments on the restitution, it
3 could result in a violation of his probation and
4 him having to serve a longer active sentence?

5 A I generally inform them all about the consequences
6 of violating probation, including monetary stuff.
7 So I'm pretty sure I told him about that.

8 Q Was there some indication that your client was
9 under the influence of something on the night in
10 question?

11 A I'm pretty sure we talked about that also, and I
12 think that was --

13 Q The day in question, pardon me.

14 A What was that?

15 Q I said the day in question.

16 A My impression was that there was some kind of drug
17 use involved, and I can't recall exactly if I
18 brought it up during the plea or not.

19 Q Would it be fair to say from your discussions with
20 your client that he did not have a clear
21 recollection of exactly what all they had done at
22 the residence?

23 A Yeah. I think one thing he said to me is that if
24 they said we done it, we probably did or something
25 because he couldn't remember everything that

1 happened.

2 Q Okay. My subpoena of you here today had requested
3 that you bring the file with you?

4 A Yes, ma'am.

5 Q I am just going to state for the record that when I
6 came to the Lexington County Public Defender's
7 Office, I stood there while you copied the whole
8 file for me; didn't I?

9 A Yes, ma'am.

10 Q So there was nothing provided to you in discovery
11 that gave you any documentation concerning any of
12 these dollar amounts put on these items on this
13 list; was there?

14 A No, ma'am, no receipts or anything like that.

15 Q And some of these figures: Walls and cleaning
16 glass and debris, \$1,300. You don't know where
17 they got that number?

18 A No, ma'am.

19 Q Cabinets sprayed and destroyed, 2500?

20 A No, ma'am.

21 Q This one caught my eye. Carpet and vinyl floor
22 damaged by fire extinguisher and broken glass,
23 \$5,950?

24 A That caught my eye also because I couldn't remember
25 in the incident report them talking about the fire

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1 extinguisher necessarily, but that specific item
2 did catch my attention also.

3 Q If you had subpoenaed from the Sheriff's Department
4 records concerning previous incidents involving
5 that address and found the incident report
6 concerning a fire at that location, might that line
7 have been even more interesting to you?

8 A I think so, especially if it indicated it was that
9 specific house or whatever.

10 MS. SHURLING: A moment's indulgence, Your
11 Honor.

12 (Pause.)

13 BY MS. SHURLING:

14 Q With regard to this list that I keep going back to,
15 the one item that you did talk about at the guilty
16 plea proceeding was that your client disputed the
17 allegation that copper was removed from an air
18 conditioning system?

19 A That's correct.

20 Q And there again, that's listed as a figure on here
21 of \$1,750?

22 A That's correct.

23 Q But, again, you ultimately waived the hearing on
24 that so we don't know what, if any, documentation
25 was available?

1 A That is correct.

2 Q Thank you.

3 MS. SHURLING: No further questions.

4 THE COURT: Cross.

5 MS. MAY: May it please the Court, Your Honor.

6 CROSS EXAMINATION

7 BY MS. MAY:

8 Q Mr. Cornwell, in the discovery materials that you
9 received, did you receive pictures of the damage?

10 A I think so. I am looking through here now. I am
11 pretty sure we did.

12 Q And did you review those pictures with your
13 client?

14 A Yes, we went over things that were in the
15 discovery package. That's one of the reasons we
16 had some issues, you know, with restitution and
17 things of that nature.

18 Q Did you -- I guess in looking at the itemized list
19 of damages, did you compare the pictures to those
20 amounts or just compared pictures to what was
21 claimed to be damaged?

22 A The list is what I went through and looked at stuff
23 and kind of where I was running a mental check
24 with, like where is this? Where is that? You
25 know, things of that nature.

1 Q Did you discuss with Mr. Denton, from what he could
2 remember, his version of what happened?

3 A Yeah. Like I said, it's kind of hard to remember
4 the details of our discussions, but I do remember
5 him being kind of foggy about stuff. I got the
6 impression that maybe some drug use was involved.

7 His codefendant seemed to recall a lot about
8 what happened but, you know, when I talked to
9 Mr. Denton, he couldn't really recall a lot, like
10 specifically what happened.

11 Q And you reviewed these calculations with
12 Mr. Denton?

13 A Yes.

14 Q And just to go back over, you discussed his right
15 to a restitution hearing?

16 A Yes, ma'am.

17 Q And what exactly that entailed?

18 A Just in general, like I was telling Ms. Shurling, I
19 can't remember specifically what I said. But in
20 general, I kind of advise them that a restitution
21 hearing is like a little trial. You get to cross
22 examine the people claiming this money, about those
23 amounts and about where they got that amount from.

24 It is separate from your sentence. It doesn't
25 affect your sentence necessarily. It's just how

1 much money you owe, and they would usually schedule
2 that at a later date.

3 Q Did y'all discuss whether he wanted to pursue
4 investigating evidence behind these amounts?

5 A We talked about it because I think at that time our
6 main thing was -- you know, the thing he told me
7 was about the copper from the air conditioning. I
8 had actually said something to the solicitor about
9 that specifically.

10 You know, I also mentioned it to my client
11 before we got up there to plead in talking about
12 the restitution hearing, and that's when the
13 decision was made to go forward with the plea
14 without the restitution hearing.

15 Q Did he at any time prior to the plea or during the
16 plea ask you: Maybe we should challenge the
17 amount, that we should have a hearing, a
18 restitution hearing?

19 A If he would have told me he wanted a hearing, we
20 would have had a hearing.

21 Q Can I have you look at that exhibit --

22 MS. MAY: May I approach, Your Honor?

23 THE COURT: Yes, ma'am, of course.

24 BY MS. MAY:

25 Q I believe it is Applicant's Exhibit 3. What is the

- 1 address for the incident location listed up there?
- 2 A It is the one with the complaint's name or the
- 3 victim?
- 4 Q The incident location.
- 5 A [REDACTED]
- 6 Q That was the previous, I guess, fire?
- 7 A Yes.
- 8 Q Incident report?
- 9 A Yes, this is the one about the fire. Yes, ma'am.
- 10 Q And I will have you look at Applicant's Exhibit 1,
- 11 which is the itemized restitution list.
- 12 A Uh-huh. (Indicating affirmative response.)
- 13 Q Where is the property address listed for those
- 14 amounts?
- 15 A It's [REDACTED]
- 16 Q Which is different from --
- 17 A That's different from the one on the fire incident
- 18 report.
- 19 Q Mr. Cornwell, were you aware -- I believe in the
- 20 incident report, there was some mailboxes or a
- 21 mailbox that was taken?
- 22 A Yes, ma'am.
- 23 Q You were aware that that was taken -- was it a few
- 24 days prior to this?
- 25 A Yes. From my understanding they had taken those

1 before.

2 Q Do you recall the address that was on the mailbox
3 that they had taken?

4 A I don't recall right off the top of my head. I
5 don't.

6 (Attorneys confer.)

7 BY MS. MAY:

8 Q I am going to have you look at this or if you can
9 look at this. This was a previous incident report
10 of a mailbox being taken. If you could read -- if
11 you can read for me or decipher the address that
12 was on the mailbox that was taken?

13 A The number is [REDACTED] on the side of the mailbox. I
14 think that's what it says on here.

15 Q And what is the date that is listed on that
16 incident report?

17 A 5/23/2008.

18 Q So it was about seven days before --

19 A That's correct.

20 Q -- the charges. I believe that you stated that
21 there was a statement from Mr. Denton's codefendant
22 in that discovery materials?

23 A Yes, ma'am.

24 Q Do you recall what that contained or what, if
25 anything?

1 A Yeah. It kind of goes into detail about what
2 exactly they did and why they did it. I think in
3 his codefendant's statement, it says that they
4 kicked in the door. They went in and kind of
5 trashed the place. They knocked over a T.V. and
6 they did something to some furniture.

7 I can't remember the specifics, but basically
8 they kind of trashed the place. He was basically
9 saying that they did it because they were bored,
10 but he goes into a lot more detail about what
11 happened.

12 Q When you and Mr. Denton were reviewing the itemized
13 list of damages, did he ever at any time point out
14 to any of the items, I know I didn't do that or I
15 know that couldn't have happened?

16 A The air conditioning was the big thing. I mean,
17 that was the one thing that they specifically said:
18 We didn't take any copper from the air
19 conditioning. I don't remember that or whatever.
20 But like I said, his recollection was kind of
21 fuzzy.

22 Q And, again, you informed him and advised him if he
23 wanted to that y'all would challenge the amounts at
24 a restitution hearing?

25 A Yes.

1 MS. MAY: I have no further questions.

2 THE COURT: Any redirect?

3 MS. SHURLING: Yes, Your Honor.

4 **REDIRECT EXAMINATION**

5 BY MS. SHURLING:

6 Q Respondent raises a very important question. The
7 defendant waived grand jury presentment on the
8 second degree burglary charge on Indictment
9 Number 2008-GS-32-3390; correct?

10 A That is correct.

11 Q Would you please publish it for the Court?

12 MS. SHURLING: Your Honor, I am not going to
13 introduce copies of these documents since they are a
14 part of the record in this case -- actually I take that
15 back. I will to make a complete record.

16 THE COURT: Go ahead.

17 BY MS. SHURLING:

18 Q Will you publish the body of the indictment.

19 A The whole thing.

20 Q Might as well. It's short.

21 A "At a court of general sessions convened on
22 October 28th, the grand jurors of Lexington
23 County --

24 COURT REPORTER: Could you slow down, please.

25 "The grand jurors of Lexington County," and then I

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1 didn't understand you.

2 A "Present upon their oath that Steven Darrell Denton
3 did in Lexington County, South Carolina, on or
4 about May 30, 2008, knowingly and willfully enter a
5 dwelling without consent and with the intent to
6 commit a crime therein; to wit, [REDACTED]
7 [REDACTED], Lexington County, South Carolina, such being
8 the dwelling of L. Taylor, in violation of
9 16-11-312, Section (a) of the Code of Laws of South
10 Carolina, 1976 as amended."

11 Q So the indictment on which he waived grand jury
12 presentment charged him with an incident at [REDACTED]
13 correct?

14 A That is correct.

15 Q And if we can harken back for a moment to our
16 Applicant's 1, which is the list you were provided,
17 it refers to vandalized property address,
18 [REDACTED] doesn't it?

19 A That's correct.

20 Q And on the actual list, it once again refers to
21 [REDACTED]; doesn't it?

22 A That's correct.

23 Q Those aren't the same address; are they?

24 A No, ma'am.

25 Q Did you investigate that to see what explanation

1 there was for why the damages were being claimed on
2 a separate address than the one he was indicted
3 for?

4 A Apparently the [REDACTED] thing is like a field or
5 something. It's close to [REDACTED] from my
6 understanding. It's probably an assumption on my
7 part, but I just assumed it was a scrivener's error
8 of some kind. Because when I got the warrants on
9 the case, that was an issue. I will admit that I
10 didn't double-check on the indictment if they fixed
11 that or not.

12 Q Okay. So the list of damages provided by the
13 victim references, both in the transmittal letter
14 and on the list itself damages to [REDACTED]

15 [REDACTED]

16 A That's correct.

17 Q And the incident report issued in connection with
18 this case cites to the incident location at

19 [REDACTED]

20 A That's correct.

21 Q And your client waived grand jury presentment on an
22 indictment charging him with an incident at

23 [REDACTED]

24 A That's correct.

25 Q You were asked a moment ago about what, if any,

1 reference you made to the extent of the damages
2 claimed with regard to photographs. Do you recall
3 that line of questioning?

4 A Yes.

5 Q And I believe you indicated that Allen Crapps'
6 statement was a lot more detailed than anything
7 your client had given you?

8 A Yes.

9 Q Can you identify this for the record?

10 A It's Mr. Crapps' statements.

11 Q And how long is that statement?

12 A It's about probably like half a page maybe.

13 Q Can you read on page 1, publish for us, the short
14 portion where he describes what they did and the
15 damages they inflicted?

16 A "Kicked in a door and went in and threw plates at
17 the windows, broke a T.V. and poured liquids on the
18 floor, and -- I guess walls. Then went behind the
19 house from an old paint ball place. We took paint
20 balls shields and took them back to -- I think
21 that's all the statements made about damaging the
22 house.

23 Q Okay. So that's the extent of his description of
24 the damage inflicted by them in this act of
25 vandalism?

1 A Yes, ma'am.

2 MS. SHURLING: Your Honor, just for a
3 convenient record, I would move to introduce Mr. Crapps'
4 statement.

5 MS. MAY: No objection.

6 THE COURT: Without objection.

7 (Applicant's Exhibit Number 4 is received into
8 evidence.)

9 MS. SHURLING: Your Honor, at this time I
10 would also, just for convenience in developing the
11 record in case we need one, I have a copy of the
12 indictment, Number 2008-GS-32-3390, on which my client's
13 signature is affixed waiving grand jury presentment on a
14 charge of second degree burglary at [REDACTED]
15 [REDACTED], Lexington, South Carolina.

16 Attached thereto is a copy of the arrest
17 warrant which also references the damage to real
18 property at [REDACTED] Lexington, South
19 Carolina, and the sentencing sheet referencing the same
20 indictment and the sentence issued thereon. All three
21 of these documents are stapled together, and I would ask
22 that they be marked as one exhibit.

23 MS. MAY: No objection.

24 THE COURT: They are actually in the record,
25 but go ahead.

1 (Applicant's Exhibit Number 5 is received into
2 evidence.)

3 BY MS. SHURLING:

4 Q Lastly, can you identify this document for me?

5 A I think it's the detailed report of the officer.

6 Q The incident report?

7 A The incident report, yes, I'm sorry.

8 Q Issued by the officer after the interview with
9 codefendant Crapps?

10 A That's correct.

11 Q And that document restates essentially the same
12 property damage admitted by Crapps in his
13 statement?

14 A That's basically -- yeah, that's basically what
15 they said. It's kind of what Crapps said, maybe a
16 little more detailed, because they talked about
17 taking stuff out of cabinets and stuff, which I
18 don't think Crapps mentioned in his statement.

19 Q That was my question. That incident report goes
20 into a little more detail than Mr. Crapps'
21 statement actually does; doesn't it?

22 A Yes.

23 Q And did you ever question the officer to any degree
24 concerning how much of this information came from
25 Crapps versus how much came from the victim?

1 A No, I didn't.

2 MS. SHURLING: Your Honor, I would move to
3 introduce this as is an Applicant's exhibit as well.

4 MS. MAY: No objection.

5 THE COURT: Okay.

6 (Applicant's Exhibit Number 6 is received into
7 evidence.)

8 BY MS. SHURLING:

9 Q The photographs that you discussed a moment ago, I
10 requested a complete copy of your file, and I
11 didn't get any photographs. Are they in your
12 file?

13 A No, I don't have any photographs in my file. I do
14 recall looking at photographs of the incident
15 location. That may have been what the solicitor
16 had, but I don't have any in my file for some
17 reason. Because as soon as she said that, I
18 remember seeing photographs and comparing
19 photographs, but I looked in my file and I didn't
20 have any.

21 Q You just testified a few moments ago that you
22 reviewed those photographs with your client?

23 A Yes, and I talked to him. I remember talking to
24 him about photographs and everything, that we had
25 photographs. I had seen photographs. But I

1 can't -- for some reason I don't have them in my
2 file.
3 Q Okay.
4 A I remember seeing pictures of it though.
5 Q I understand. But there is a difference between
6 talking to your client about there being
7 photographs and telling him that you had seen
8 photographs and reviewing the photographs with your
9 client. Do you here today have any recollection of
10 having actually physically shown the photographs to
11 your client?
12 A No, I remember talking -- and when I was speaking
13 before, I think I was talking more about me
14 comparing photographs to the actual damages on the
15 list, but I didn't mean to misrepresent anything,
16 if I said I went and physically showed him
17 photographs. I can't recall that. I do remember
18 talking to him about the pictures though.
19 Q My hearing is not the best in the world; so perhaps
20 I misheard you. But just to be clear, you don't
21 have a copy of those photographs in your file.
22 A No, ma'am.
23 Q And you have no independent recollection of having
24 reviewed the photographs with your client?
25 A No, ma'am.

1 Q Nor do you really have a way that you can explain
2 to us how you would have done that in advance of
3 the proceeding if you didn't have a copy; right?

4 A No, ma'am. I don't recall showing him pictures or
5 anything. I just remember discussing that there
6 were pictures and that I had seen them and things
7 of that nature.

8 Q Thank you.

9 MS. SHURLING: No further questions.

10 THE COURT: Recross?

11 MS. MAY: No further questions.

12 THE COURT: Mr. Cornwell, you did -- or at
13 least the record says on page 13 -- you were talking
14 about the damages and talking about the discrepancy with
15 the copper in the air conditioning. You said, "Your
16 Honor, but at the same time it's a situation where he
17 feels like they have done the damage. He's going to pay
18 whatever they are asking. So we don't need to have a
19 hearing." You discussed that with Mr. Denton and then
20 related that to the Court?

21 THE WITNESS: Yes, Your Honor.

22 THE COURT: Thank you, sir. You can step
23 down. Thank you.

24 (Witness leaves the witness stand.)

25 MS. SHURLING: Your Honor, at this time I

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1 would call Mr. L.C. Taylor to the stand.

2 LEONARD C. TAYLOR, being
3 first duly sworn, testified as follows:

4 CLERK: State your full name for the record.

5 THE WITNESS: Leonard C. Taylor, called L.C.

6 DIRECT EXAMINATION

7 BY MS. SHURLING:

8 Q Thank you, Mr. Taylor. Do they also refer to you
9 as Troy or is that your son?

10 A My son.

11 Q Your son. Back at the time of this incident in
12 2008, did you own the property at [REDACTED]
13 [REDACTED]?

14 A I still do.

15 Q You still do?

16 A It's all my property.

17 Q Okay. Good. And you have heard us discussing the
18 incident report that the officer drew up after the
19 incident my client was involved. In that incident
20 report the officer states that you reported that
21 the property was abandoned and that it had been --
22 that location -- had been vandalized in the past.
23 Are those accurate statements?

24 A It not abandoned. It was vacant. That would be my
25 feelings of it.

1 Q Vacant?

2 A It's vacant but not abandoned.

3 Q No one was living there?

4 A Not living at the present time.

5 Q At the time the break-in occurred?

6 A Correct.

7 Q Okay. Was anybody staying there at all?

8 A Mother and father passed way in '91, '92. No one

9 stayed there.

10 Q No one stayed there after they passed away?

11 A No.

12 Q At all?

13 A No, but I did keep it up myself.

14 Q Okay. The previous acts of vandalism at this

15 address, when did they occur?

16 A I don't recall.

17 Q I don't need exact dates.

18 A I don't remember those dates or anything like that.

19 I just know that they wasn't actually vandalized.

20 The door was knocked in. They had taken some items

21 out, but they didn't vandalized the house.

22 Q Well, the officer in the incident report reported

23 that you informed him that the house had been

24 vandalized in the past. He got that information

25 from you; didn't he?

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- 1 A Yes, ma'am.
- 2 Q Okay.
- 3 A But it wasn't vandalized. They just broke into it.
- 4 You can call breaking in a door as vandalism, I
- 5 would say, but that would be it.
- 6 Q And in the previous incidents, you said items were
- 7 stolen?
- 8 A Yes, ma'am.
- 9 Q Did you file an insurance claim for the items that
- 10 were stolen previously?
- 11 A No, ma'am.
- 12 Q Did you prepare the damage summary that was
- 13 provided to the Solicitor's Office that we have
- 14 been referencing here today?
- 15 A My wife and myself together, yes.
- 16 Q And it references damages to [REDACTED]
- 17 A That is the vacant house [REDACTED] That
- 18 is the house.
- 19 Q Where is [REDACTED]
- 20 A That's a box that is up the road further on my
- 21 property that my son lives in back up in the woods.
- 22 It's a double wide, and that's also the place that
- 23 was burned, not the one at [REDACTED]
- 24 It's never been burned.
- 25 Q Okay. Well, when the police responded to the

1 vandalism that occurred that my client was involved
2 in, the incident location is listed as [REDACTED] Why
3 would that address been given as opposed to [REDACTED]
4 A Because they had stolen some of the paint ball
5 stuff that my son has a little small business there
6 out in the garden spot that my daddy has. Right
7 next to the house of [REDACTED] -- see, all the land runs
8 together.

9 So all over it -- we count it as one is [REDACTED]
10 It could be all [REDACTED] if it needed to be it's. Just
11 all -- it's like four properties put together, but
12 you could have ten boxes on that property. So the
13 boxes doesn't have any -- as far as the address
14 number, it doesn't matter. It's all [REDACTED] to me
15 because that was my mom and dad's house.

16 Q Okay. So you don't know why the officer would have
17 put [REDACTED] instead of [REDACTED]

18 A The only reason he might have put that is because
19 the paint ball that they had stolen and that we
20 located around on Founder's Road -- that's how we
21 caught them -- is that's where my son lived and
22 that was his property. We retrieved that when you
23 went back around there and found the stuff. So we
24 subtracted that from the amount on that paper.

25 Q Okay.

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1 A They also let the animals out of the fence that we
2 had back way down in the woods. It goes like a
3 half a mile down in the woods. They walked all the
4 way down there and let the animals out of the
5 fence.

6 Q I understand. Now, the previous acts of vandalism
7 at this location, were they each reported to the
8 police department?

9 A The ones that I know about I would assume they was
10 reported if you've got the incident reports.

11 Q I'm trying my best to read them. I see one from
12 6/16/04, apparently made by your son Troy reporting
13 that the property that is abandoned but still
14 furnished had been broken into and some items
15 stolen. Does that sound familiar?

16 A It could be, yes. I don't know the date or
17 anything.

18 MS. SHURLING: A moment, Your Honor.

19 (Attorneys confer).

20 MS. SHURLING: Actually, Your Honor, I said
21 June because it originally said 6/16, and it was crossed
22 over and 7/16/04 was added. There was an additional
23 incident at [REDACTED] on April 11, 2005.

24 THE COURT: Ms. Shurling, you need to ask him.
25 What you are telling me is not evidence.

- 1 BY MS. SHURLING:
- 2 Q Do you recall another incident in May of 2005?
- 3 A I don't know how many incidents it would have been.
- 4 I can't tell you. I don't keep up with those.
- 5 Q Was anyone ever caught and prosecuted in connection
- 6 with the previous acts of vandalism?
- 7 A Not to my knowledge.
- 8 Q So you never got any --
- 9 A They never could catch anybody.
- 10 Q I understand. My question is -- I guess I have got
- 11 my questions backwards. So no one in any previous
- 12 incident was ever ordered to pay you restitution
- 13 for damage that they did in previous vandalisms?
- 14 A There wasn't really any damage. They stole stuff
- 15 out of the house and took it. It wasn't vandalism,
- 16 except for the door, getting through door.
- 17 Q And nobody was ever ordered to pay you restitution
- 18 for stolen items?
- 19 A No, ma'am, because they wasn't caught.
- 20 Q Let's take a look at your list if I can. You have
- 21 down for one example, cabinets, sprayed, destroyed,
- 22 \$2,500. Can you tell the Court how you arrived at
- 23 that figure?
- 24 A We went to places like Lowe's and other places that
- 25 would have had the cabinets like that that was up

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1 and came to those conclusions. I had pictures that
2 I have here when we -- I had pictures like this
3 from sale papers that had stoves.

4 Q Do you have photographs of the cabinets at the
5 structure in question?

6 A Yes, ma'am.

7 Q May I see those, please?

8 MS. SHURLING: May I approach, Your Honor?

9 THE WITNESS: Before it was destroyed and I
10 got ones afterwards. These are the ones that the judge
11 looked at when we had the trial, the ones how they
12 destroyed it, and they literally destroyed the house.

13 MS. SHURLING: A moment's indulgence.

14 (Pause.)

15 BY MS. SHURLING:

16 Q Would this photograph of the kitchen be the
17 cabinets you are referring to?

18 A Yeah, right there.

19 Q Were those cabinets replaced after this incident?

20 A Those, yes, ma'am.

21 Q They now have been replaced?

22 A Oh, you mean, after they broke in?

23 Q Right.

24 A No, they haven't been replaced.

25 Q Go ahead.

1 A Those cabinets right there, yes, they have been
2 replaced.

3 Q Okay.

4 A I don't understand what you are saying.

5 Q Well, what I'm asking you is according to your cost
6 estimate, cabinets, sprayed, destroyed, \$2,500. My
7 question is: Following the incident involving my
8 client, were the cabinets replaced?

9 A No, they haven't been replaced since they were
10 vandalized, no.

11 Q Were they repaired?

12 A No, because nobody lived there. So I didn't repair
13 them. I didn't have the money to repair them.

14 Q Well, you have another line item on here for walls
15 and cleaning, \$1,300? Was any effort to made to
16 clean these cabinets.

17 A No, the house is still like that right there. If
18 you want to go look at it, you can look at it.

19 Q Okay. You have on here another line item for
20 windows, glass and wood broken throughout, \$1,800?

21 A Right.

22 Q Did you have those windows and doors repaired?

23 A They haven't been repaired, no.

24 Q And how did you arrive at a cost estimate for
25 repairing those doors and windows if you didn't

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1 have them repaired?

2 A I got it from Lowe's, how much they would be to
3 replace them, how much it would cost to replace the
4 doors and the windows from Lowe's.

5 Q Doors and busted out door facing, \$850. It must
6 have been a fancy door. What kind of door was it?

7 A It's the entrance door to the kitchen. I don't
8 know what you -- it's a very expensive door, yes,
9 to replace those kind of doors.

10 Q Just a plain, ordinary door?

11 MS. MAY: Your Honor, I would like to object.
12 I don't see the relevance of going through every single
13 line item. There isn't a restitution hearing.

14 MS. SHURLING: Your Honor, I --

15 THE COURT: I will let her do it, but we don't
16 need the editorial comments. Just ask the questions.

17 MS. SHURLING: Thank you, Your Honor.

18 BY MS. SHURLING:

19 Q When did you notice that the copper had been
20 removed from an air conditioner?

21 A I assume when we went over there to look at what
22 all stuff had been destroyed.

23 Q How often -- you say this property was abandoned
24 and nobody was staying there. How often do you go
25 to the property?

- 1 A We check it about every two weeks.
- 2 Q And every two weeks when you go there, do you check
3 the H.V.A.C. system outside?
- 4 A I wouldn't be checking on the outside, no, ma'am.
5 My son has a business right there next to the
6 house, and he goes there all the time. He goes in
7 and checks it.
- 8 Q Is the property fenced?
- 9 A No, ma'am.
- 10 Q Are you aware that there has been quite a problem
11 with people stealing copper from various things,
12 including H.V.A.C. systems, in the last years?
- 13 A I'm aware of that, and the back of the house --
14 wood has been taken off the house at this time now
15 where they tried to get copper, yes.
- 16 Q How do you know that the copper in question was
17 removed at the time of the incident involving my
18 client?
- 19 A You wouldn't know. It was just that it was gone.
20 You wouldn't know where -- all we do is take
21 pictures. That's all I can say. We took picture
22 of it, and all of it was gone.
- 23 Q But you have no way to accurately know --
- 24 A I wasn't there when they vandalized it. The only
25 way we caught them is because they had taken the

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1 stuff from the paint ball and put it on somebody
2 else's porch.

3 Q I understand.

4 A And then they pleaded guilty to that. So that
5 tells me --

6 Q Yes, sir.

7 A -- that they did, that they vandalized it.

8 Q Mr. Taylor, I am not trying to be argumentative.
9 My question is: You didn't live in this house, and
10 you just said you didn't even -- when you went
11 there every once in a while or every other week or
12 however often you went -- you didn't inspect your
13 H.V.A.C. system every time you went; did you?

14 A Not on the outside, no, ma'am. I would know on the
15 inside.

16 Q Yes, sir. So you don't really have any way of
17 knowing when someone took the copper from your
18 H.V.A.C. system; do you?

19 A I would answer that no.

20 Q Okay. You have got a figure of: Replace seven
21 award plaques, \$700 on here. Did you have those
22 plaques actually replaced?

23 A At the present moment, no. I wouldn't have the
24 money to replace those. That's why I have got
25 restitution. That was to pay for the stuff that

1 they destroyed.

2 Q I understand. How did you come up with a \$700
3 figure for replacing these various plaques that you
4 had been given over the years?

5 A I reckon we got it from the place that does the
6 plaques at Lexington, Parker's or somewhere like
7 that.

8 Q You reckon or you know?

9 A I can't say it right now. That has been three
10 years ago. So I don't know.

11 Q Heating system sprayed with chemicals. Is that
12 inside or outside?

13 A They sprayed it on the outside of the heating
14 system. I'm not sure about on the inside. I don't
15 remember that.

16 Q I'm sorry. I wasn't being very clear. Is the
17 heating system outside the building or on the
18 inside?

19 A Oh, it's inside the house.

20 Q Inside the house?

21 A In the den.

22 Q In the den?

23 A Yes. It was just a stove, a kerosene type stove.

24 Q It's a kerosene stove?

25 A Yes.

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1 Q You have down a figure here of \$2,000 for that
2 stove. How old was it?

3 A I have no idea. I wouldn't have no way of knowing.
4 Mom and dad bought that so I wouldn't know, but it
5 worked at the time.

6 Q Does it work now?

7 A I don't know. I haven't tried it. Since they have
8 been gone, I didn't use it, no. I wouldn't need
9 the heat. That's the way they heated the house.

10 Q I understand. My question is: You say or you
11 claim \$2,000 for heating system sprayed with
12 chemicals, and my question is did you even try to
13 see if it still worked?

14 A My thing is if it was like that before they went in
15 there and it was clean, and they go in vandalize it
16 and mess it up, it's destroyed as far as I'm
17 concerned because you can't replace it. That's my
18 idea.

19 Q Well --

20 A Just like those plaques. You can't replace those
21 plaques but those are plaques that they got, you
22 know, when that stuff happened to them. So I would
23 have to have replicas of something. It wouldn't be
24 the same plaque.

25 Q I understand, sir, and I am not trying to be

1 disrespectful or argumentive. I just want to know
2 how you put a dollar value on these things.

3 A We got the prices from Lowe's and stuff like that.
4 I said that over and over.

5 Q With regard to your heating system, you are
6 claiming \$2,000 for it, but it's your testimony
7 here today, you don't even know -- for all you
8 know, it still worked because you didn't try to see
9 if it worked?

10 A No, but it was all messed on the outside. Who
11 would want to keep it in the house?

12 Q How was it all messed up on the outside?

13 A They sprayed it with paint or something. I don't
14 know what it was they put on it. They destroyed
15 the floors and stuff, whatever they sprayed it
16 with.

17 Q Did you make any attempt to clean it or to have it
18 cleaned?

19 A No, ma'am.

20 Q Did you do anything to determine whether cleaning
21 it might have been a great deal cheaper than
22 \$2,000?

23 A No, I just -- we put it down for restitution so we
24 could have it done because we don't have the money
25 to do it. That's what we put down, whatever it was

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1 estimated at Lowe's or whatever, what it would cost
2 to replace it.

3 Q Dishes, linens, curtains, \$1,700. How did you
4 arrive at that figure?

5 A Just with all the amounts that we had there. It's
6 just a figure we come up with, what it would take
7 or what it was paid for. I don't know. I can't
8 say.

9 Q I understand that it's a figure you came up with
10 because it's on your list.

11 A Right.

12 Q My question is: How did you determine how much --
13 did you collect all the broken dishes and see how
14 much was broken or how many linens were damaged?

15 A There wasn't nothing left to collect. It was all
16 broken into 50,000 pieces. So I wouldn't know.

17 Q I mean no disrespect, but you just guessed at how
18 much they would be worth?

19 A No, ma'am. My wife come up with the stuff like
20 that. I reckon she got it through checking on
21 places that sells dishes and stuff, how much it
22 would cost to replace stuff like that.

23 Q But you provided this list to the Solicitor's
24 Office?

25 A We did together, yes.

- 1 Q It came with a transmittal letter over your
2 signature, not hers; correct?
- 3 A Yes.
- 4 Q I'm going to move on here. With regard to these
5 photographs, you have referenced photographs that
6 show the house, how it was, before my client
7 vandalized it; correct?
- 8 A Right.
- 9 Q Would you agree with me that everyone of these
10 photographs bears the date on the back of July
11 1997?
- 12 A Yes, and the house was still like that. Yes, I
13 agree. Do you agree with that? The house was
14 still like that.
- 15 Q Certainly I can't agree with that, sir. I don't
16 know the property. I'm just saying these are
17 representations, according to the dates on the
18 back, of what the house looked like in 1997?
- 19 A Right. Those are the pictures we had before it got
20 destroyed.
- 21 Q And someone was living there in 1997?
- 22 A Yes.
- 23 Q And according to the previous incident reports that
24 we referenced earlier, the house had been abandoned
25 since 2004 approximately? Actually you said --

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1 A Probably '92, somewhere around '92. I don't
2 remember exactly. Daddy died in '92, I think.

3 Q Okay. But in '97 somebody was still living there?

4 A Oh, yeah -- no, no, not in '97. We are talking
5 about -- he died in '91 or '92. Those were taken
6 after they were gone.

7 THE COURT: Let's move along. He has
8 testified the house looked like that before it was
9 vandalized.

10 THE WITNESS: We had taken those after they
11 had passed on.

12 BY MS. SHURLING:

13 Q So they were taken in July '97? That's accurate?

14 A Yeah.

15 Q These pictures reflecting the damage to the
16 property, did you provide the Solicitor's Office
17 with a copy of these?

18 A I think we did but I'm not sure. I can't remember.
19 I know I got my copy back. So I don't know. I
20 know the judge went through them, and he gave them
21 back to me. I think we had two copies but I'm not
22 sure.

23 MS. SHURLING: Your Honor, I need to require
24 that these displaying the damage and the photographs
25 showing the property as it existed in July '97 be made

1 part of the record I will be happy to be responsible for
2 taking them to Jackson camera or somewhere and getting
3 them scanned and getting copies and returning the
4 originals to Mr. Taylor if that's what the Court wishes.

5 THE COURT: However you want to copy them is
6 up to you.

7 MS. SHURLING: Thank you, Your Honor.

8 THE COURT: Are you moving these into
9 evidence?

10 MS. SHURLING: I am, Your Honor. Well,
11 actually --

12 THE COURT: I don't think we can let you do
13 it.

14 MS. SHURLING: Your Honor, I think to be
15 respectful of the fact that Mr. Taylor has a right to
16 keep these, I will count them and put on the record
17 exactly how many photographs there are and ask that the
18 record be open until Friday. I will have them copied
19 today and have the copies introduced as an exhibit so
20 that the originals can be returned to Mr. Taylor if
21 that's acceptable.

22 THE COURT: Madame Clerk, do y'all have a
23 color copier?

24 CLERK: I don't know if we do.

25 THE COURT: How about the Solicitor's Office?

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1 Can you check and see with the Solicitor's Office if it
2 has a color copier? We will see if we can do it right
3 now.

4 MS. SHURLING: That would be most helpful.

5 BY MS. SHURLING:

6 Q Just quickly, Mr. Taylor. Were you ever
7 interviewed by either defense counsel for my client
8 or anyone working for him?

9 A Working for him?

10 Q Working for the lawyer representing my client.

11 A No, no. Are you talking about did I talk to his
12 lawyer?

13 Q Correct.

14 A No.

15 Q And neither did you talk to anyone working for him,
16 like an investigator?

17 A Oh, no, no.

18 Q Or a paralegal?

19 A Nobody ever came and talked to me. Nobody ever
20 asked me any questions.

21 MS. SHURLING: No further questions, Your
22 Honor.

23 THE COURT: All right. Cross examination.

24 MS. MAY: Briefly, Your Honor. May it please
25 the Court.

CROSS EXAMINATION

BY MS. MAY:

Q Did you receive, as mentioned earlier about the insurance rider vandalism exclusion on the restitution amount sheet, did you receive any money from insurance?

A No, ma'am.

Q For those damages?

A No, ma'am.

Q And I believe you had a -- you stated that when the police responded to the incident at [REDACTED] that's where the paint ball equipment had been taken from?

A That's correct.

Q And the fire -- I believe that was Applicant's Number 3 -- the fire that was referenced back in 2005, what caught fire do you recall?

A That was my son's house now. That wasn't at [REDACTED] It was [REDACTED] He had a -- do you want to know what caught on fire?

THE COURT: No, that's all right.

MS. MAY: I don't need to know that. I have no further questions.

THE COURT: Okay. Thank you.

(Witness leaves the witness stand.)

THE COURT: Let's take a short break.

1 (Whereupon there is a recess.)

2 THE COURT: All right.

3 MS. SHURLING: Your Honor, at this time I had
4 a conference with counsel, Ms. May, on the break. I had
5 subpoenaed from the Lexington County Sheriff's
6 Department records concerning any previous reports of
7 vandalism at the address in question. I didn't get the
8 materials, all of the materials.

9 I did get the report on the previous fire in
10 2004. I'm told that last evening some additional
11 reports concerning the 2004 and 2005 vandalism were
12 provided by e-mail to the Respondent. She has provided
13 me a copy.

14 The problem is they are legible on her
15 computer, but they are less than legible in the hard
16 copy. So what we have agreed at the break to do, if
17 it's agreeable with Your Honor, is that I am going to
18 introduce as an applicant's exhibit the best copy we
19 have got of these reports and then take an additional
20 copy to the Sheriff's Department and ask if they can
21 produce for me a more legible copy. If they can, then I
22 will bring it to the Clerk of Court and have it
23 introduced as well.

24 THE COURT: Let me ask you something. What is
25 case law that gives me the authority to remand this case

1 for a restitution hearing?

2 MS. SHURLING: Well, Your Honor, I have never
3 had a restitution hearing specifically. There have,
4 however, been incidents where trial counsel was alleged
5 to have been ineffective in, say, sentencing, and the
6 Court has found it appropriate to remand only for
7 resentencing.

8 THE COURT: That's the Supreme Court doing it.

9 MS. SHURLING: Correct.

10 THE COURT: That's not the trial judge doing
11 it. Where is the case law that gives me any authority
12 to do anything, other than send it back -- vacate his
13 plea and send the whole thing back to start over? Where
14 is that authority?

15 MS. SHURLING: I'm not asking you to do that,
16 Your Honor.

17 THE COURT: I know you are not asking me to.
18 Where is the authority that says I can do that?

19 MS. SHURLING: Your Honor, what we are asking
20 is for your finding --

21 THE COURT: I know what you are asking. Where
22 is the statutory or case authority that allows a P.C.R.
23 trial judge to do that? My authority is to vacate the
24 plea and send it back.

25 MS. SHURLING: Your Honor, I do not believe

1 that your authority is so limited. There are
2 incidents -- and I don't know them off the top of my
3 head -- but I would be delighted to research it and do a
4 bench brief for Your Honor.

5 There are incidents where the Court has, for
6 example, found that trial counsel was ineffective for
7 failing to provide adequate representation in a
8 sentencing and where the remand -- the finding has been
9 limited to counsel being ineffective in the sentencing
10 proceeding.

11 When that happens they don't vacate the
12 judgments and sentences. They find that since the
13 ineffectiveness was limited to counsel's representation
14 at sentencing, that he only gets a new sentencing
15 proceeding.

16 THE COURT: That's the authority of the
17 Supreme Court. I'm talking about the circuit court.
18 This is a statutorily created animal that we are dealing
19 with. Where in the statute do I have authority to limit
20 what is sent back to the general sessions court for
21 disposition?

22 MS. SHURLING: And I am trying to explain.
23 The statute doesn't expressly say that Your Honor can
24 remand for only sentencing either, but in practice where
25 the finding of the P.C.R. Court is that trial counsel

1 was ineffective only as regards to the sentencing
2 proceeding, then the remedy granted is a new sentencing
3 proceeding.

4 THE COURT: By the Supreme Court. They grant
5 that remedy. I don't have the authority to do that.

6 MS. SHURLING: No, sir, that's not accurate.
7 What happens is --

8 THE COURT: Show me where.

9 MS. SHURLING: I would be delighted to. I
10 would request the opportunity to do a bench brief and
11 provide Your Honor with all the authority you want. In
12 practice what happens all the time, Your Honor, is that
13 if the circuit court judge, hearing a post conviction
14 relief case, finds that trial counsel was ineffective in
15 regards his testimony prior to and during a plea, to an
16 extent that it did goes to the totality of the
17 voluntariness and intelligent nature of the plea, then
18 the judgment and sentence itself is vacated.

19 There are other cases where there have been
20 findings that counsel was ineffective only as it
21 pertained to the representation he provided in
22 sentencing, and in those cases the circuit court judge,
23 presiding over a P.C.R. term, found counsel was
24 ineffective at sentencing.

25 That doesn't entitle him to start completely

1 over and get rid of his judgment, but it would give him
2 a new opportunity for sentencing. Those rulings by
3 circuit court judges, presiding over post conviction
4 relief matters, have been upheld on appeal. It's not a
5 de novo ruling by the Supreme Court. It's just that
6 they have been upheld by the Supreme Court.

7 THE COURT: Do you have any case cites?

8 MS. SHURLING: Not off the top of my head,
9 Your Honor, but I do more post conviction relief work,
10 as Your Honor may know, that I'm the most senior lawyer
11 in the State. I am delighted, if the Court will give me
12 the opportunity, to research that issue very quickly and
13 give you a bench memo.

14 THE COURT: All I need to have is a case to
15 show me. Go ahead and let's finish with the evidence
16 you want to put up.

17 MS. SHURLING: Thank you, Your Honor. I would
18 call the applicant to the stand, Mr. Steven Denton.

19 STEVEN DARRELL DENTON, being
20 first duly sworn, testified as follows:

21 THE COURT: State your full name for the
22 record.

23 THE WITNESS: My name is Steven Darrell
24 Denton.

25 COURT REPORTER: Spell Darrell for me.

1 THE WITNESS: D-A-R-R-E-L-L.

2 DIRECT EXAMINATION

3 BY MS. SHURLING:

4 Q Mr. Denton, I don't want to take long on the
5 Court's time on this, but you and I have discussed
6 your case as great length; haven't we?

7 A Yes, ma'am.

8 Q And You understand that you had a right to ask the
9 judge to find that your whole plea was not
10 knowingly, voluntarily, and intelligently entered
11 and to ask that everything be vacated and you start
12 over. You do understand that?

13 A Yes, ma'am.

14 Q And I have explained to you that in such cases if
15 His Honor had granted our prayer for relief and
16 reversed the judgment and sentence, that the remedy
17 would be that your case would be returned to the
18 general sessions court for retrial?

19 A Yes, ma'am.

20 Q I explained to you that on remand, it was possible
21 that your attorney, whoever that might be at the
22 time, could negotiate a new deal for you, and you
23 might enter another plea. But it was also possible
24 the Solicitor's Office might not be willing to
25 negotiate with you, and you might get tried on all

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1 three of the original charges?

2 A Yes, ma'am.

3 Q Mr. Denton, you are a little soft spoken. This
4 nice lady in front of you has got to write down,
5 every word you say. So if you could just speak up
6 a little bit, I would appreciate it. Plus, your
7 lawyer is a little hard of hearing. I would
8 appreciate it too.

9 I explained to you that in my experience,
10 although it is technically possible for you to get
11 more time on remand, in practice it's not
12 particularly common for someone to get more time.
13 I told you that; didn't I?

14 A Yes, ma'am.

15 Q Nevertheless, we discussed how close you were to
16 maxing out and your parole eligibility
17 considerations, and it's my understanding that you
18 wish to proceed only on the question of whether
19 trial counsel provided ineffective representation
20 on the issue of the restitution amount ordered by
21 the Court on his failure to adequately explain the
22 law to you and his failure to make sure you
23 understood what the policies and procedures would
24 be at such a hearing. Also, the fact that he
25 waived your right to such a hearing without your

1 having a full understanding of what such a hearing
2 could do for you. Is that true?

3 A Yes, ma'am.

4 Q Prior to the time of your plea, what was your
5 understanding the State was giving -- of what the
6 State was giving you in exchange for pleading
7 guilty to second degree burglary?

8 A From my knowledge whenever I pled, I thought that
9 we were going up for either a Y.O.A. sentence or
10 probation. What is it called, reinstating
11 probation?

12 Q But my question is indictment, the quid pro quo, as
13 you and I discussed, what the State agreed to do
14 for you in exchange for you pleading was to drop
15 the malicious injury to personal property and the
16 conspiracy charges. Isn't that true?

17 A Yes, ma'am.

18 Q Now, prior to your making the decision to enter
19 this plea, did your lawyer ever have a discussion
20 with you about the fact that an order of
21 restitution was likely to be a part of the judge's
22 sentence in this case?

23 A No, ma'am.

24 Q Did he discuss with you, as the plea was
25 developing, that he was going to order you to pay

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1 some restitution?

2 A I understood that there was going to be
3 restitution, but I had no idea about how much or
4 anything like that.

5 Q The list that you have heard me refer to so much
6 here today that was provided to your attorney
7 through the Solicitor's Office, had you had a
8 chance to review that list?

9 A No, ma'am.

10 Q Prior to the actual plea proceeding, were you ever
11 aware that the amount of restitution the victim was
12 going to claim was in excess of \$24,000?

13 A No, ma'am, I had no idea.

14 Q That came up during your plea?

15 A It came up right when my sentence was announced.

16 Q There is a point in the record where the Solicitor
17 says, We are probably going to need to have a
18 hearing on the amount of restitution. Do you
19 remember that?

20 A Yes, ma'am.

21 Q And then your lawyer said that you were willing to
22 waive that, that you didn't care about having a
23 hearing. Do you remember that?

24 A Can you repeat that?

25 Q Do you remember the place in your guilty plea

1 hearing when your lawyer said that you were willing
2 to just go forward, pay anything they asked for,
3 and that you didn't want a hearing?

4 A I agreed to pay for the damages, but if I would
5 have known all the details of what was said and
6 what wasn't true and what was true, I would have
7 investigated it more. But, no.

8 Q Okay. Did you know, for example, prior to that
9 proceeding that there had been previous vandalisms
10 at the same property?

11 A No.

12 Q If you had known that, would you have waived your
13 right to an evidentiary hearing on the question of
14 the appropriate amount of restitution?

15 A Yes, ma'am.

16 Q You would have waived your hearing?

17 A Oh, no, ma'am.

18 Q Okay. Let's talk about procedure for a second. Do
19 you remember during the guilty plea proceeding when
20 the judge took great pains to tell you what you
21 were giving up by pleading guilty? Do you remember
22 that?

23 A Yes, ma'am.

24 Q And he told you about how you could have called
25 witnesses and confronted the evidence against you

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1 and all that. He explained all that to you. Do
2 you remember that?

3 A Yes, ma'am.

4 Q Did your lawyer ever explain to you what a
5 restitution hearing would be like? Did he explain
6 to you the kinds of evidence that could be
7 presented and the ways in which he could attack the
8 claims being made by the victim concerning the
9 actual amount of damages that had been inflicted?

10 A No, ma'am.

11 Q What did he tell you about what a restitutionary
12 hearing would be like?

13 A I don't recall hearing anything about a restitution
14 hearing, other than whenever it was waived in
15 court.

16 Q So you didn't really know what you were waiving?

17 A No, ma'am.

18 Q Did he ever tell you that South Carolina law
19 requires, if there is a hearing, for a judge to
20 find that there is a sufficient evidentiary basis
21 for the amount of damages being claimed by the
22 victim?

23 A I don't recall that.

24 Q If you had known that, would you have wanted your
25 hearing on the question of restitution?

1 A Yes, ma'am.

2 Q Do you have a clear memory of the events of the day
3 when this house was broken into and damaged?

4 A Yes, ma'am.

5 Q In going over the list of damages that I have been
6 discussing here today, are there items on there
7 that reflect damage that you did not inflict?

8 A Curtains, linens, and copper in the air
9 conditioner.

10 Q Okay.

11 A We specifically stayed in the kitchen and the
12 living room area. There was a small living room
13 area up front, and I don't recall doing too much
14 damage in there.

15 Q Okay. Your codefendant's statement reflects that
16 you broke a T.V. singular. The list of damages,
17 for example, refers to two television sets. Do you
18 have any recollection of damaging two television
19 sets?

20 A I recall one T.V. being broken.

21 Q Did your lawyer explain to you that, because
22 restitution was likely to be ordered, that that
23 would mean that the judge would more than likely,
24 whatever the sentence was, tack on some probation
25 to give them some leverage to get you to pay the

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1 restitution?

2 A With restitution being asked for, I figured I would
3 be on probation until it's paid for. Otherwise,
4 they wouldn't know if I was going to pay it or not.

5 Q If you had known the extent of the monetary damages
6 being claimed by the victim prior to the issue
7 coming up about whether or not you were going to
8 have a hearing on restitution --

9 A When I was in court --

10 Q You need to let me finish my question.

11 A Sorry.

12 Q That's all right. If you had known prior to that
13 what the dollar amount was going to be, would you
14 have had had concerns about your ability to repay
15 that much restitution?

16 A Most definitely.

17 Q What kind of jobs had you had before this happened?
18 First off, how old were you when this happened?

19 A I had just turned 18.

20 Q At the time of your sentencing, you were 19?

21 A I believe so.

22 Q What kind of jobs had you had previously?

23 A Fast food.

24 Q Would you have had concerns about your ability to
25 be a successful probationer if you had known the

1 amount of restitution you were going to have to
2 pay?

3 A No, ma'am.

4 Q Let me rephrase that. If you had known in advance
5 the kind of money the victim was saying he wanted
6 for restitution, would that have caused you to be
7 worried about whether or not you could make
8 payments on that?

9 A Yes, ma'am.

10 Q And would that have been a factor you would have
11 taken into account in deciding whether or not to
12 ask for a restitution hearing?

13 A Yes, ma'am.

14 Q How much time have you done now?

15 A Three years, five months.

16 Q And when are you scheduled to max out?

17 A July 1, 2013.

18 Q And you are now at Campbell Prerelease Center; is
19 that correct?

20 A That's correct.

21 Q Now the judge talked about getting you put at a
22 restitution center. Is that what Campbell is?

23 A I was told there is no more restitution centers.
24 They have work releases now.

25 Q Okay. So when were you moved to Campbell?

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1 A Eleven months ago, maybe a year ago. I'm not quite
2 sure on the exact date.

3 Q And does part of the money that you make on the job
4 you are working now go toward your restitution?

5 A Yes, ma'am, every week, out of every check.

6 Q And just so the record is clear, in addition to the
7 when 24,000 some-odd-dollars, you were also ordered
8 to pay an additional 20 percent, like a processing
9 fee or something like that; is that correct?

10 A I believe that's correct. Court costs, I think.

11 Q So in addition to the 24,000-plus, there would be
12 another 20 percent tacked onto that --

13 MS. SHURLING: If I can have a moment's
14 indulgence, Your Honor, I will get the exact language.

15 (Pause.)

16 THE COURT: It's the standard 20 percent
17 probation office handling fee in every restitution
18 order.

19 MS. SHURLING: Thank you, Your Honor.

20 BY MS. SHURLING:

21 Q Just so we are real clear, I explained to you that
22 you get one opportunity for post conviction relief,
23 and that barring extraordinary circumstances, you
24 are not likely to have another opportunity for
25 P.C.R.? You know that?

- 1 A Yes, ma'am.
- 2 Q Are you confident in your decision to only go
3 forward on the restitution issue?
- 4 A Yes, ma'am.
- 5 Q Keeping your eye on the ball, as it were, what you
6 are now asking is for the Court to find that you
7 did not have effective assistance of counsel only
8 as it regards the question of the amount of
9 restitution and the waiver of your restitution
10 hearing?
- 11 A Yes, ma'am.
- 12 Q And the remedy you are seeking is a remand for a
13 hearing on the appropriate dollar amount of
14 restitution?
- 15 A Yes, ma'am.
- 16 Q The last thing. You pointed out that the actual
17 dollar figure on the restitution didn't come up
18 until you had actually entered your plea at the
19 guilty plea proceeding; is that correct?
- 20 A Yes, ma'am.
- 21 Q Did your lawyer at any point tell you that if you
22 had a real problem with that, you could either
23 challenge it through the restitution hearing or
24 even move to withdraw your plea?
- 25 A No, ma'am.

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1 Q Okay. But all you are asking for is a chance to
2 have a full hearing on what is fair and appropriate
3 in the terms of restitution to be paid to the
4 victim?

5 A Yes, ma'am.

6 Q Thank you.

7 MS. SHURLING: No further questions.

8 THE COURT: Let me ask you this. If it turns
9 out that I can't -- the only relief I can grant you
10 would be to vacate your guilty plea and send it back for
11 a whole new procedure, is that what you want to do?

12 THE WITNESS: I don't know if I am supposed to
13 give an opinion or not.

14 THE COURT: You are under oath. You can
15 testify to what you want to.

16 THE WITNESS: I got ten years and to my
17 opinion, it's completely unfair. I have analyzed the
18 home. I know it was wrong. I made a mistake. I was
19 just doing thing teenagers do -- not all teenagers --
20 but I have made some mistakes. I have done my time and
21 I know I have made mistakes.

22 I need to get home. I've missed too much
23 already in three and a half years. I basically matured
24 in prison. I went from high school straight to jail,
25 and I don't know what is going on out there on the

1 street. I have no idea. I made mistakes. I feel that
2 I have done enough time --

3 THE COURT: I appreciate that. My question
4 is: Your lawyer said that I can send it back for a
5 restitution hearing, and I don't think I agree with her.
6 What I would do, if I felt that there was ineffective
7 assistance of counsel on this issue, whether it impacted
8 the voluntary and intelligent nature of your plea, I
9 would just send your whole case back to start from
10 ground zero.

11 I'm looking for law to tell me that -- whether
12 or not I am correct. But if I am correct and I grant
13 your relief, I will just vacate your plea and send it
14 back and start over.

15 MS. SHURLING: Your Honor, may I?

16 THE COURT: No, ma'am.

17 Is that what you want me to do?

18 THE WITNESS: No, Your Honor.

19 THE COURT: All right.

20 MS. SHURLING: Your Honor, I would state for
21 the record that it's the applicant's position that Your
22 Honor would have the authority to grant only a hearing
23 on the issue of restitution.

24 THE COURT: I know. We have had this
25 discussion.

STEVEN DENTON -- CROSS -- MS. MAY

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1 MS. SHURLING: I understand. I want my client
2 to understand that isn't either/or. If Your Honor rules
3 you don't have that authority, he has the opportunity to
4 appeal that decision. You don't have to choose one
5 course or the order. Do you understand that?

6 THE WITNESS: I do now, yes, ma'am.

7 MS. SHURLING: Thank you.

8 THE COURT: Cross examination.

9 MS. MAY: May it please the Court.

10 CROSS EXAMINATION

11 BY MS. MAY:

12 Q Mr. Denton, near the end of your guilty plea -- do
13 you have a transcript up there with you?

14 A No, ma'am.

15 THE COURT: I will give him one. He can have
16 mine.

17 BY MS. MAY:

18 Q I will direct you to page 17. This is after the
19 solicitor has gone through the facts, after the
20 amount of restitution has been stated, after the
21 judge has questioned you about whether you wanted
22 to waive your right to a jury trial or remain
23 silent, after your attorney advised the Court that
24 you did not want a restitution hearing. The judge
25 asked you: Do you want to say anything,

1 Mr. Denton?

2 At that time if that was the first time you
3 heard the restitution amount and it surprised you,
4 why didn't you say anything to the judge?

5 A When I agreed to pay whatever they asked, I had no
6 idea that it was going to be \$24,000.

7 Q Right. So after you heard that and the judge asked
8 you if you wanted to say anything, you didn't want
9 to say: Wow, that amount surprised me?

10 A I didn't really hear that before the restitution
11 hearing was announced.

12 Q But during your guilty plea, they announced --
13 MS. SHURLING: Do you have a page reference,
14 please?

15 MS. MAY: I'm on page 17.

16 MS. SHURLING: Thank you.

17 BY MS. MAY:

18 Q The restitution amount of 24,000 is stated, it
19 looks like, at the end of page 7, the top of page
20 8. So it's your testimony that this was the first
21 time you heard \$24,000?

22 A It does state that.

23 Q So then when you go to page 17, towards the end of
24 the plea, after you heard that and you stated that
25 was the first time you heard that amount, the judge

STEVEN DENTON -- REDIRECT -- MS. SHURLING

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1 asked you if you wanted to say anything.

2 You didn't think that that would be a good
3 time to state that you were surprised by that
4 amount or you didn't think it would be that much?

5 A It would have been a good idea, yes, ma'am.

6 Q That's all the questions I have. Thank you.

7 THE COURT: Redirect?

8 REDIRECT EXAMINATION

9 BY MS. SHURLING:

10 Q Once your lawyer had gone on the record saying that
11 you were willing to pay anything they asked for,
12 did you think you could complain after you found
13 out the amount?

14 A I was new to the court system. I had only been in
15 trouble one time. So the answer is no, ma'am.

16 Q When the judge asked if you had anything to say --

17 THE COURT: He said -- his answer is no,
18 ma'am.

19 MS. SHURLING: Okay.

20 BY MS. SHURLING:

21 Q If prior to this proceeding your lawyer had
22 explained to you what a restitution hearing was,
23 how it would be conducted, and what kind of
24 evidence would be considered, might you have
25 reacted differently when you found out the amount

1 of restitution being requested?

2 A Yes, ma'am. I didn't know specifically in detail
3 what a restitution hearing was.

4 Q Thank you.

5 MS. SHURLING: No further questions.

6 THE COURT: Thank you very much. You may step
7 down.

8 (Witness leaves the witness stand.)

9 MS. SHURLING: Your Honor, I have no further
10 witnesses. We do have three batches of exhibits to
11 introduce. The first one would be the incident reports
12 concerning the prior vandalisms.

13 I am going to introduce as an applicant's
14 exhibit the best copy I have available. Pursuant to
15 agreement with the Respondent, I will try to get a
16 clearer copy from the Sheriff's Department certainly by
17 the end of next week.

18 THE COURT: I don't believe I will keep the
19 record open that long. You can put them in. Do you
20 object to these documents coming into evidence?

21 MS. MAY: I don't object. I can make a copy
22 on a disk, which is viewable on a computer of the
23 incident reports.

24 THE COURT: Have you got a disk with you?

25 MS. MAY: I mean, I can have it back tomorrow.

1 I can check with the Solicitor's Office if they have a
2 blank disk as well.

3 MS. SHURLING: That would be acceptable with
4 the applicant, Your Honor. If I could also impose on
5 you to e-mail me the document so I can make my own disk
6 for my file.

7 COURT REPORTER: Am I marking this now?

8 MS. SHURLING: You are.

9 (Applicant's Exhibit Number 7 is received into
10 evidence.)

11 MS. SHURLING: Just for the record, Your
12 Honor, I would have had clearer copies here today. I
13 subpoenaed these records from the Sheriff's Department,
14 and they provided them to Respondent and did not provide
15 them to me.

16 THE COURT: Okay.

17 MS. SHURLING: The next batch, Your Honor,
18 would be the photographs identified by Mr. Taylor as the
19 photographs of the residence in question back in
20 July 1997. I believe all of them are July. They are
21 all 1997. I believe they were all July. We can
22 introduce those as a group.

23 (Applicant's Exhibit Number 8 is received into
24 evidence.)

25 MS. SHURLING: Lastly, would be a batch of

1 photographs, Your Honor, that were testified to by
2 Mr. Taylor as representing the damage done to the
3 property in connection with the incident my client was
4 charged with.

5 (Appellant's Exhibit Number 9 is received into
6 evidence.)

7 MS. SHURLING: Your Honor, that would be all
8 of the applicant's offer of proof. I would only have
9 argument after the State's case.

10 THE COURT: All right.

11 MS. MAY: Nothing from the State.

12 THE COURT: All right. What do you want to
13 tell me?

14 MS. SHURLING: Your Honor, I would note that
15 in well-established precedent in South Carolina in State
16 versus Fussell, F-U-S-S-E-L-L, 299 S.C. 162, 383 S.E.2d
17 1, 1989, and State versus Wilson, 274 S.C. 352, 264
18 S.E.2d 414, 1980, our Supreme Court has consistently
19 said that the Court must determine the specific amount
20 of restitution appropriate, must hold a hearing and
21 determine the actual amount of damages or loss, and that
22 it's necessary for an evidentiary basis for the
23 reparation for the Court to establish that an
24 evidentiary basis for the reparation exists and to
25 guarantee the proper exercise of the trial judge's

1 discretion as to the conditions for probation.

2 It is our position, Your Honor, that you would
3 indeed have the authority to find that trial counsel was
4 ineffective only as it regards the question of the
5 restitution hearing.

6 We limit our prayer for relief to a finding of
7 ineffective assistance of counsel on that issue, and the
8 remedy sought is a remand for a proper evidentiary
9 hearing under Wilson and Fussell and their progeny as to
10 the proper amount of restitution due to the victim in
11 connection with my client and his codefendant's actions.
12 I would, if given, the opportunity welcome the chance
13 to do a bench brief.

14 THE COURT: I don't want a whole bench brief.
15 Show me one case, one.

16 MS. SHURLING: Your Honor, I had no idea that
17 you would question your authority to do that. If I had,
18 I would have been prepared.

19 THE COURT: Have you ever had any circuit
20 court judge grant the relief you are requesting?

21 MS. SHURLING: Not on restitution, not
22 specifically, Your Honor.

23 THE COURT: On any issue similar to this?

24 MS. SHURLING: On sentencing, Your Honor, I
25 have seen it done.

1 THE COURT: Well, give me a case cite.

2 MS. SHURLING: I don't remember.

3 THE COURT: The Attorney General appeals every
4 single granted P.C.R. They appeal them all, almost
5 without exception. I would say 90 percent. Am I right
6 about that?

7 MS. MAY: I wouldn't argue with that.

8 THE COURT: So where is the case? Because I
9 never heard of it happening. I haven't heard of it as a
10 judge. I never heard of it as an attorney. I did
11 P.C.R. work for 25 years before I got on the bench.

12 MS. SHURLING: Yes, sir, Your Honor. With all
13 due respect, I can only say I did not know Your Honor
14 would question your authority to do that. I would have
15 been prepared to provide you a case. I'm sorry. I'm
16 not.

17 THE COURT: Okay. I will just need one. Just
18 show me where I can do anything like that. My
19 understanding is the remedy that is before me is to send
20 it back to the circuit court for disposition. That's
21 what I can do. I can't send it back for a restitution
22 hearing.

23 MS. SHURLING: And I respectfully disagree. I
24 believe I can find Your Honor examples of where the
25 Court has allowed a case to be remand for resentencing,

1 and restitution as part of a sentence would be akin to
2 such a previous ruling.

3 I would note one thing, Your Honor. You have
4 properly noted that the State appeals -- or accurately
5 is the better choice of word, I apologize -- the State
6 does appeal most grants of post conviction relief.
7 However, the Court of Appeals and the Supreme Court only
8 issue published opinions in a very small fraction of
9 those cases.

10 The vast majority of post conviction relief
11 appeals are disposed of by summary orders denying
12 certiorari. So we have rulings at the appellate level
13 on a very small percentage of appeals brought either by
14 the applicant or the State, but I will research that
15 issue, Your Honor, and get the law to you as quickly as
16 I can.

17 THE COURT: What is the Attorney General's
18 opinion on my authority, the scope of my authority on a
19 P.C.R.? It's a statutory animal.

20 MS. MAY: I agree with Your Honor. I don't
21 have -- I am looking for the case law, but I don't
22 believe you can sever certain parts of a hearing, of a
23 guilty plea, and send one part back on remand.

24 I have been looking for case law. I can't
25 find it exactly. That is my understanding. You can't

1 split up a guilty plea or a trial and just send one
2 thing back.

3 Also, with respect to a restitution hearing, I
4 believe that due process and the South Carolina
5 Constitution requires that he receive notice of the
6 hearing and is advised of the hearing.

7 Based on trial counsel or plea counsel's
8 testimony, he was advised of the hearing. He was
9 advised that it could be at the plea or could be later.
10 So in that respect I would submit that trial counsel was
11 not ineffective. He fulfilled his duties in informing
12 Mr. Denton about his right to a restitution hearing and
13 when it could or would take place.

14 THE COURT: Okay. Anything else?

15 MS. SHURLING: Just, Your Honor, I would like
16 the record to reflect that the photographs discussed
17 with Mr. Taylor have been substituted with color copies.
18 The Clerk of Court was kind enough to assist us in
19 making them.

20 The actual original photographs are now in the
21 custody of the Respondent. I don't want to be --
22 Mr. Taylor is still here. I apologize, Your Honor. I
23 just wanted to see who was responsible for getting them
24 back to him.

25 THE COURT: We will get your pictures back to

1 you. He acknowledges that.

2 Mr. Denton, anything you want to tell me?

3 MR. DENTON: Is there anything that is going
4 to be done about the restitution?

5 THE COURT: I haven't told you yet.

6 MS. SHURLING: He hasn't ruled.

7 THE COURT: I am just asking if there is
8 anything you want to tell me?

9 MR. DENTON: No, Your Honor.

10 THE COURT: I will do you a favor and deny
11 your relief or the relief requested. Even if I had the
12 authority that your attorney thinks that I have, which I
13 disagree with, the record shows that on page 14, line 1,
14 in open court after your attorney discusses -- and you
15 are standing right there -- discusses not having a
16 restitution hearing, the next thing the Court says is
17 the amount of the restitution, which is \$24,201.80.

18 Then your attorney, then your trial attorney,
19 Mr. Cornwell, then allocutes for you on your behalf with
20 the Court. That goes on for a couple of pages, two or
21 three.

22 Then the judge had a discussion with you and
23 talks about all kinds of things, and you never mentioned
24 this amount of money that the judge has stated in open
25 court. So I will deny the relief. I will ask the

1 Attorney General to prepare an order, and we will take
2 it from there. When are you getting out?

3 MR. DENTON: Another year and eight months.

4 THE COURT: How are you doing? Is everything
5 going all right?

6 MR. DENTON: I'm ready to go home. I feel I
7 have done way more time than I should have, but I know
8 there is nothing I can do. I did wrong.

9 THE COURT: Yes. The main thing is you just
10 keep staying on a positive track. Okay?

11 MR. DENTON: That's all I can do.

12 THE COURT: All right.

13 UNIDENTIFIED MAN: Can I speak, Your Honor?

14 THE COURT: Who are you, sir?

15 UNIDENTIFIED MAN: I am listed as Steven
16 Denton's godfather.

17 THE COURT: Okay.

18 UNIDENTIFIED MAN: I have been visiting this
19 boy in jail for three years. I started over there at
20 Richland County. I went down to Ridgeland. I went over
21 to near Aiken, and I am visiting him up here now. I
22 think I have visited him more than any of his relatives.

23 THE COURT: Okay.

24 UNIDENTIFIED MAN: And I have gotten to know
25 the young man very well. He has been a model prisoner.

1 He has had no problems in jail. I have also visited the
2 premises where the damage was to have occurred.

3 THE COURT: Yes, sir.

4 UNIDENTIFIED MAN: There are no, no
5 trespassing signs. It is all grown up, and you can tell
6 that there has nothing been done there for at least 20
7 years.

8 The floor in the bathroom is rotted completed
9 out. The chimney is falling off. The place is
10 dilapidated. It is in my opinion unconscionable what
11 has been done to this young man by Mr. Taylor. I don't
12 see how in any kind of conscience he could do what he
13 has done to this young man.

14 THE COURT: Well, everybody is entitled to
15 their own opinion. I will tell you this. There is no
16 requirement under the law or anywhere else that anybody
17 put no trespassing signs up on their property to keep
18 people out. I don't know how you know that floor in the
19 bathroom is rotted out. I don't know how --

20 UNIDENTIFIED MAN: Ask Mr. Taylor.

21 THE COURT: Wait a minute. I understand that
22 you have become attached to Mr. Denton, and that's
23 great. It's to his benefit, and I hope you are a good
24 influence on him.

25 But I would just be very careful about what

1 you say now. I can't -- if everyone comes to these
2 P.C.R. hearings and thinks, this judge, me, I can cut
3 the sentence, that's not how it works. I can reverse
4 the conviction basically and send it back, and he can
5 start all over once again. That's the authority that I
6 have.

7 I don't have any other authority. So whatever
8 happened at the first-go round, it happened. I don't
9 find that his lawyer was ineffective. He has got to
10 deal with what he's dealing with and deal with it in a
11 positive nature. So I hope he and everybody else will
12 continue along in that vein. Thank you very much.

13 *** END OF REQUESTED TRANSCRIPT OF RECORD ***
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C E R T I F I C A T E

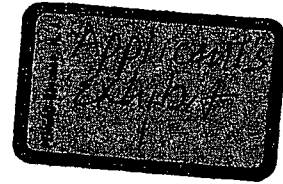
I, the undersigned L. Coconut Pantsari, Official Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal, in the Civil Court for Lexington County, South Carolina on the 30th day of November, 2011.

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

August 12, 2012

L Coconut Pantsari

Court Reporter



[REDACTED]
Pelion, South Carolina 29123
July 29, 2008

Solicitor Donald V. Myers
Eleventh Judicial Circuit
Lexington County Solicitor's Office
Lexington County Courthouse
205 E. Main Street
Lexington, South Carolina 29072

REFERENCE: CASE NUMBER 08049312
Vandalized Property Address:

Lexington, SC 29073

Dear Solicitor Myers:

I recently took these attached cost estimates and original photographs of the tremendous damage to Sergeant Ashley Russell, Lexington County Sheriff's Department.

If you need any additional information in this regard, please call me at (803) 894-4424 or (803) 622-0773

Sincerely,

L. C. Taylor, Volunteer
Lexington County Fire Service

Lexington County Sheriff's Department Case No.: 08049312

Page 1 of 2

VANDALIZED PROPERTY REHABILITATION ANALYSIS

Owner's Name: Leonard Cyril ("L. C.") Taylor

Owner's Address:

Pelion, SC 29123

Vandalized Property Address:

Lexington, South Carolina 29073

Telephone:

Property Insured by FARM BUREAU INSURANCE COMPANY
(Vandalism Exclusion)**Pictures**

(Requested by Sgt. Ashley Russell

Lexington County Sheriff's Department)

Stove, (Beaten)	23.80
Cookbooks	599
Cabinets, (Sprayed, Destroyed)	575
Microwave	2,500
2 Televisions	89
Radio	300
	10

4096.80

Den Paintings	300
Carpet and Vinyl Floor(damaged by Fire Extinguisher and broken glass)	5,950
Air Conditioner (Copper Removed)	1,750
Heating System (Sprayed with Chemical)	2,000

10,000

Oriental Rug	200
Fire Extinguisher – emptied on belongings	100
Sofa, Chairs	1,500
Ceiling Fans	450
Dishes, Linens, curtains	1,700

3,950

Windows -4 (glass & wood broken throughout)	1,800
Door (and busted out Door Facing)	850
Door locks	125
Interior Painting	800
Walls & Cleaning glass & debris	1,300

VANDALIZED PROPERTY REHABILITATION ANALYSIS

Replace 7 Award Plaques

700 Church Father of the Year
Community Man of the Year
Community Woman of the Year
Lex. County Woman of the Year
30-Year Elections Poll Manager,
etc.

Knick Knacks	75	
Sewing Machine Cabinet	100	
Patterns	30	
Large Gold Syroco Mirror	250	
Gold Candle Holders	50	
Lamps	75	
		6,155

RETRIEVED PROPERTY:

6 Paintball Bunkers	240	
2 Paintball Shields	160	
Lockers	300	
2 Tables	120	
5 GOATS	400	
Chain for Gate	10	
		(1230)

CRIME TOTAL

\$ 25,431.80

Actual loss \$25,431.80 (less \$1,230 retrieved items) = 24,201.80

Page 1 of 1
AGENCY ID LEXINGTON COUNTY SHERIFF'S DEPARTMENT
SCO 320000
INCIDENT REPORT

CASE NUMBER

08049312

INCIDENT TYPE VANDALISM - ABANDON RESIDENCE
TYPE VICTIM Individual
PRELIM TYPE 0
WEAPON TYPE 0
DISPATCH DATE TIME 24-HR CLOCK 05/30/2008 14:00
DISPATCH DATE 05/30/2008
DISPATCH TIME 15:40
DEPART TIME 16:15
LOCATION NO South

INCIDENT LOCATION 290
APARTMENT AND NUMBER 290
STREET NAME AND NUMBER 290
ZIP CODE 29073
WEAPON TYPE 0
INCIDENT DATE 05/30/2008
24 HR CLOCK 14:00
TO 05/30/2008
DATE 05/30/2008
24 HR CLOCK 14:00
DISPATCH DATE TIME 24-HR CLOCK 05/30/2008 15:40
DISPATCH DATE 05/30/2008
DISPATCH TIME 15:40
DEPART TIME 16:15
LOCATION NO South
COMPLAINANT'S NAME LAST FIRST MIDDLE SAME AS VICTIM
RELATIONSHIP TO SUBJECT 1
RESIDENT YES
RACE W
SEX M
AGE 62
ETH N
DAYTIME PHONE 803
EVENING PHONE 803
ADDRESS
CITY LEXINGTON
STATE SC
ZIP CODE 29073
LOCATION NO South

VICTIM'S NAME (LAST FIRST MIDDLE) TAYLOR L
RELATIONSHIP TO SUBJECT 1
RESIDENT YES
RACE W
SEX M
AGE 62
ETH N
DAYTIME PHONE 803
EVENING PHONE 803
HEIGHT 508
WEIGHT 170
HAIR BRO
EYES BRN
FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC
ADDRESS
CITY LEXINGTON
STATE SC
ZIP CODE 29073
LOCATION NO South

VISIBLE INJURY (VICT 1) YES NO
EXPLAIN
COMPLAINT OF ANY NON-VISIBLE INJURIES YES NO
VICTIM (NO 1) USING ALCOHOL YES NO
DRUGS YES NO
TYPE
TWO-MAN VEH ONE-MAN VEH DETECTIVE/SPL ASMT OTHER ALONE ASSISTED
NAME (LAST FIRST MIDDLE) UNKNOWN
RACE U
SEX U
AGE U
ETH U
DATE OF BIRTH
HEIGHT
WEIGHT
HAIR U
EYES UNK
FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC
ADDRESS
CITY LEXINGTON
STATE UNK
ZIP CODE
LOCATION NO
SUBJECT (NO 1) USING ALCOHOL YES NO
ARRESTED NEAR OFFENSE SCENE YES NO
DATE/TIME OF OFFENSE
DATE/TIME OF ARREST
DRUGS YES NO
TYPE
TOTAL # ARRESTED
VICTIM BILL OF RIGHTS (COPY PROVIDED) YES NO
BOND HEARING (DATE / TIME)
VICTIM WISHES TO BE NOTIFIED OF FUTURE LEGAL PROCEEDINGS? YES NO

On the above date and time, Victim stated to r/o that his abandon home had been damaged by unknown subject(s). Subject(s) unknown had broken up plates and glasses and pored cleaning fluids on the floor and the old furniture. Victim stated that the house had been abandon since 1994 and had previously been vandalized in the past. Victim stated the he was missing a red honeyball valued at \$20.00. Victim stated that a witness had seen two young white male subjects on bicycles leaving the general area where the victim's property had been vandalized. Witness stated that he had never seen the two

VICTIM SIGNATURE
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
TYPE (CODE) Other
Single Occupancy
STOLEN
DAMAGED 2000
BURNED
RECOVERED
REIZED
FORGED
UNKNOWN
NONE

SUBJECT IDENTIFIED YES NO
SUBJECT LOCATED YES NO
ACTIVE YES NO
ADJUDICATED YES NO
ARRESTED UNDER 18 YES NO
ARRESTED 18 AND OVER YES NO
EX-CLEAR UNDER 18 YES NO
EX-CLEAR 18 AND OVER YES NO
REPORTING OFFICER (ID) HICKOK M
DATE 05/30/2008
UNIT NUMBER 536
APPROVING OFFICER E. MAOJ
DATE 05/30/2008
UNIT NUMBER 615
FOLLOW UP INVESTIGATION (YES/NO) YES
OFFICER 05/31/28 583

LEXINGTON COUNTY SHERIFFS DEPARTMENT
SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

NG-55

08049312

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☒ ORIGINAL
REPORT

☐ MODIFIES
ORIGINAL

☐ SUPPLEMENTAL
REPORT

☐ CASE STATUS
CHANGE

☐ ADDITIONAL VICTIMS

☐ ADDITIONAL OFFENDERS

ADDITIONAL
☐ STOLEN PROPERTY
☐ ADDITIONAL
 RECOVERED PROPERTY

Page 6 of Pages

VICT/SUBJ/O'DVERTFLOW

VICT/SUBJ ID OVERFLOW

NARRATIVE

VALGUNDAT

1998

11-11-51

☐ COMPLAINT ☐ VICTIM ☐ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS	NAME (LAST, FIRST, MIDDLE) KILGOR JACK			VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3			Resident J S O U	RACE W	SEX M	AGE 41	DOB 1	ETH N
	HEIGHT 600	WEIGHT 180	HAIR BRO	EYES HAZ	FACIAL HAIR SCARS TATOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC							
	ADDRESS			CITY FLXINGTON	STATE SC	ZIP CODE 29073	LOCATION NO		DAY PHONE H ☐ B ☐		EVENING PHONE H ☐ B ☐	
	☐ VICTIM NO VISIBLE INJURY ☒ NO ☐ YES EXPLAIN			COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES		VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPL ASMT ☐ ALONE		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED		
SUBJECT NO USING ALCOHOL ☐ NO ☐ YES USING DRUGS ☒ NO ☐ YES TYPE ☐ UNK												
☐ COMPLAINT ☐ VICTIM ☐ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS	NAME (LAST FIRST MIDDLE)			VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3			Resident J S O U	RACE	SEX	AGE	DOB	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR SCARS TATOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC							
	ADDRESS			CITY	STATE	ZIP CODE	LOCATION NO		DAY PHONE H ☐ B ☐		EVENING PHONE H ☐ B ☐	
	☐ VICTIM NO VISIBLE INJURY ☐ NO ☐ YES EXPLAIN			COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPL ASMT ☐ ALONE		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED		
SUBJECT NO USING ALCOHOL ☐ NO ☐ YES USING DRUGS ☐ NO ☐ YES TYPE ☐ UNK												

young male boys before Victim requested extra patrol the area

		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY			JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		
STATUS ☒ STOLEN ☒ RECOVERED ☒ FOUND ☒ TOWED ☒ SUSPECT ☒ VICTIM	TYPE	VIN AND/OR LICENSE NO			BOAT HULL NO AND/OR REG NO		
	☐ VEHICLE	SERIAL AND/OR OWNER APPLIED NO					STATE
	☐ GUN	YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR	MAKE
	☐ BOAT						TYPE
	☐ LICENSE PLATE	MODEL		STYLE		COLOR	BRAND NAME
	☐ SECURITIES/BONDS STOCKS	NIC NO		DENOMINATION		ISSUER	
	☐ ARTICLE					SECURITY DATE	
		MISCELLANEOUS					

TYPE GROUP						TOTAL VALUE
STOLCH						
DAMAGED						
BURNED						
RECOVERED						
SEIZED						
FORGED						
UNKNOWN						
NON-						

ADDITIONAL INFORMATION	SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18	
	YEA ☐ NO ☒	YEA ☐ NO ☒	☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: ☐ OVERSEAS DEATH ☐ NO PROSECUTION ☐ STRATIFICATION DENIED ☐ VICTIM DECLINES COOPERATION ☐ OTHER (PLEASE CLARIFY)					
	REASONING OFFICER (I)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
	HIGGINS, M	05/30/2008	536		06/02/2008	536
	E MAOLI	05/30/2008	615	FOLLOWUP INVESTIGATION: ☐ YES ☒ NO	06/02/2008	536

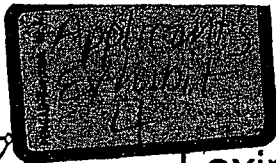
LEXINGTON COUNTY SHERIFFS DEPARTMENT
INCIDENT REPORT

NCIE

0	4	.	0	5	6	5	3	4	19	36	INC	ENTO
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INCIDENT TYPE				COMPLETED		FORCED ENTRY		PREMISE TYPE		UNITS ENTERED		TYPE VICTIM			
House Fire				☒ YES ☐ NO		☐ YES ☒ NO		residence				☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc. Public ☐ Other ☐ Unknown ☐ Police Off.			
INCIDENT LOCATION (SUBDIVISION APARTMENT AND NUMBER STREET NAME AND NUMBER)										ZIP CODE		WEAPON TYPE			
Lexington, SC.										29072					
INCIDENT DATE		24 HR CLOCK		TO		DATE		24 HR CLOCK		DISPATCH DATE/TIME 24 HR CLOCK					
7/9/04		0207								DISP DATE		DISP TIME			
										TIME ARRIVED		DEPART TIME			
COMPLAINANTS NAME (LAST FIRST MIDDLE)										RELATIONSHIP TO SUBJECT		RACE SEX AGE		ETH DAYTIME PHONE	
Hood, Brian										#1 AQ		J SOU RESIDENT W M 34		N H B	
ADDRESS										CITY		STATE		ZIP CODE	
										Lexington		SC		29072	
VICTIM'S NAME (LAST FIRST MIDDLE)										RELATIONSHIP TO SUBJECT		RACE SEX AGE		ETH DAYTIME PHONE	
Taylor, Michael										#1		J SOU RESIDENT W M 34		N H B	
HEIGHT		WEIGHT		HAIR		EYES		FACIAL MR SCARS TATOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC							
ADDRESS										CITY		STATE		ZIP CODE	
										Lexington		SC		29072	
VISIBLE INJURY (VCT 1) ☐ YES ☒ NO EXPLAIN -										COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☒ NO					
VICTIM (NO 1) USING ALCOHOL ☐ YES ☒ NO LINK ☒ DRUGS ☐ YES ☒ NO UNK ☒ TYPE															
TWO MAN VEH ☐ ONE-MAN VEH ☐ DETECTIVE/SPL ASMT ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ J - This Jurisdiction S - State Out of State U - Unknown															
☐ SUSPECT		NAME (LAST FIRST MIDDLE)		RACE		SEX		AGE		ETH		DATE OF BIRTH			
☐ RUNAWAY															
☐ WANTED		FACIAL HAIR, SCARS TATOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC													
☐ WARRANT		ADDRESS										CITY		STATE	
☐ ARREST															
☐ JAIL		SUBJECT (NO 1) USING ALCOHOL ☐ YES ☒ NO UNK ☐ TYPE				ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO				DATE/TIME OF OFFENSE					
☐ SUMMONS		DRUGS ☐ YES ☒ NO UNK ☐ TYPE				TOTAL # ARRESTED				DATE/TIME OF ARREST					
Lexington County Fire Service responded to the incident location in reference to a structure fire. Upon arrival, fire units discovered active fire coming from the residence. Suppression efforts were conducted to extinguish the fire. The cause and origin of the fire has not been determined but at the time, foul play was not suspected. Chief Hood would subsequently receive information that the listed victim may have contributed to the circumstances surrounding the house fire.															
VICTIM SIGNATURE										JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE (GROUP)												TOTAL VALUE			
STOLEN															
DAMAGED															
BURNED															
RECOVERED															
SEIZED															
SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18		☐ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER			
☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☐ VICTIM DECLINES COOPERATION & JUVENILE - NO CUSTODY									
REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINES COOPERATION & JUVENILE - NO CUSTODY															
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER					
Sgt. J. Palkowski		7/12/04		301		J. Palkowski		7/12/04		301					
						FOLLOW UP INVESTIGATION		OFFICER		7/13/04		301			

140



Lexington County Sheriff's Department Statement Form



DATE 6-6-08 PLACE LCSD TIME STARTED 11:10 M

I, the undersigned, Allen Crapps, 17 years of age, my date

and place of birth being the [REDACTED] day of [REDACTED], at [REDACTED]

My present address is Gilbert SC 2905

I completed 8th grade(s) in school. I can read and write. A.C. (Initials)

CONTACT NUMBERS H) _____ W) _____ C) _____

ALTERNATE CONTACT Name Ashley Nichols Phone Numbers _____

Before answering any questions or making any statements, Ashley Russell

a person who identified him/herself as a Detective

duly warned and advised me that:

- 1) I HAVE THE RIGHT TO REMAIN SILENT A.C.
- 2) ANYTHING I SAY, CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW A.C.
- 3) I HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS AND TO HAVE HIM OR HER PRESENT WITH ME DURING QUESTIONING. A.C.
- 4) IF I HAVE NO MONEY FOR LAWYER'S FEES, THE COURT WILL APPOINT ONE TO REPRESENT ME WITHOUT COST TO ME IF I WISH AA
- 5) IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, I WILL STILL HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME I ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANYTIME UNTIL I TALK WITH A LAWYER A.C.

I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE A.C. I MAKE THE FOLLOWING STATEMENT

me and Steven were riding down the road and seen an old
house and decided to go in so we kicked the door in
and went in and threw plates at the windows and broke
a TV and poured liquids on the floor and walls then went
behind the house where an old paintball place and we
took paintball shells and took them back to Brent's
house and we seen two guys and ask them if they
had car trouble and they said yes that they were
waiting on the sheriff so me and Steven went riding
then we had a phone call saying that the cops were

Witness

Ashley Russell

Person giving Statement

Allen Crapps

6-6-08

07-08 Date

STATEMENT

Page ___ of ___ pages.

looking for us so we went and used his car in
 the woods and went to britain and inkins to get food
 then called mark hook to take us to den bar to drop
 us off then today we decided it was time to stop
 running and live up so we called mark to take us to
 turn us over self in

Sworn to before me this ___ day of ___ 20__.

Notary Public of South Carolina

LCSD 173, Revised 11/04


 Signature of person giving statement
 07-08-2008 0016
 6-6-08

on 6-7-08
Type and Amount 45,000 SB
Name of Surety _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney _____
Decision _____

DISPOSITION before

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, nol pros, etc.)

Disposition _____
Sentence _____

JURORS

Address _____
Telephone _____

Name _____
Address _____

Telephone _____

Name _____
Address _____

Telephone _____

Name _____
Address _____

Telephone _____

Name _____
Address _____

Telephone _____

Name _____
Address _____

Telephone _____

Name _____
Address _____

Telephone _____

Name _____
Address _____

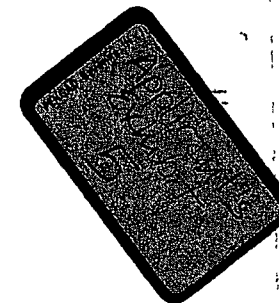
Telephone _____

CODEFENDANTS

FILED

2008 JUN 19 P 1:08

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC



12 0-040000
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Lexington
THE STATE
against
Steven Darrell Denton
Address
Phone _____ SSN. _____
Sex M Race W Height 6 5 Weight 190
DL State SC DL # _____
DOB _____ Agency ORI # SC0320000
Prosecuting Agency Lexington County Sheriff
Prosecuting Officer A. L. Russell - 1254
Offense Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree
Offense Code 0080
Code/Ordinance Sec 16-11-0312
This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to the law
(L.S.)
Signature of Judge
Date

RETURN
A copy of this arrest warrant was delivered to
defendant STEVEN D. DENTON
on 6/17/08
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
General Sessions
Lexington County Judicial Center
205 East Main Street
Lexington, SC 29072
ORIGINAL ORIGINAL

Lexington
Personally appeared before me the affiant A. L. Russell who
being duly sworn deposes and says that defendant Steven Darrell Denton
did within this county and state on or about 05/30/2008 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lexington)
in the following particulars

DESCRIPTION OF OFFENSE Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree
I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts
On or about 5/30/08, the defendant Steven Denton did with a codefendant unlawfully plan or scheme to commit the crimes of
Burglary and Malicious Injury to Real Property at _____ Lexington County, SC The defendant did unlawfully
enter the residence by kicking in the door to the residence, and then willfully and maliciously mutilated and defaced the inside of
the residence causing damage in excess of \$1000. This incident is supported by written statement

Signature of Affiant
STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Lexington
Affiant's Address P O Box 639
Lexington, SC 29071
Affiant's Telephone _____
Lex. Co. C.C.C.P., G.S. & F.C.
Signature of Affiant
BETH A. CARPIS
CLERK OF COURT
JUN 19 11 08 AM '08
LED

ARREST WARRANT
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY
It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 5/30/2008 defendant Steven Darrell Denton
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Lexington) as set forth below
DESCRIPTION OF OFFENSE: Burglary / Burglary (Non - Violent) (After June 20, 1985) - Second degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on 06/07/2008 (L.S.)
Signature of Issuing Judge
Gary W Reinhart
Judge Code 5059
Judge's Address Lexington County Judicial Center
Lexington, SC 29072-
Judge's Telephone (803)785-2594
Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Lexington County Sheriffs Department

Ashley Russell

Law Enforcement Case #. 08049312

OAJ

ARREST WARRANT NUMBER

J846835

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-32-

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE

vs.

Steven Darrell Denton

CDR #: 0080

Indictment for

Burglary 2nd (Non-violent) ✓

§ 16-11-0312

DONALD V. MYERS, SOLICITOR

I DO HEREBY WAIVE MY RIGHT
TO GRAND JURY PRESENTMENT

Steven Darrell Denton
DEFENDANT

10-27-08
DATE

T. Carey H. Bell
WITNESS

A TRUE COPY
[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

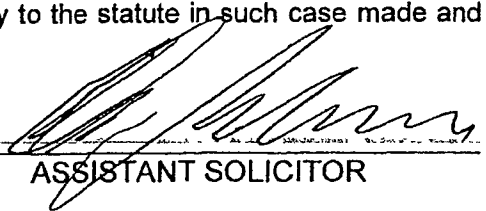
INDICTMENT FOR
Burglary 2nd (Non-violent)

§ 16-11-0312

At a Court of General Sessions, convened on OCTOBER 2008, the Grand Jurors of Lexington County present upon their oath:

That Steven Darrell Denton did in Lexington County, South Carolina on or about May 30, 2008 knowingly and willfully enter a dwelling, without consent and with the intent to commit a crime therein, to wit: , such being the dwelling of L. Taylor, in violation of § 16-11-312 (A) of 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

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Steven Denton

AKA:

Race: W Sex: M Age: 19DOB: SS#Address: DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-65-32-33A/W#: J846835Date of Offense: 5/30/2008S.C. Code § : 16-11-0312CDR Code #: 0080A TRUE COPY
SENTENCE SHEETIn disposition of the said indictment comes now the Defendant who was CONVICTED OF of Tex. Co. PLEADS
TO: Burglary (Non - Violent) (After June 20, 1985) - Second degreein violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080☒ 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 SD (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

SC Bar# 73191WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of 10 days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 5
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference. ATL☐ 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.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered PTUPTotal: \$ 24,201.80 plus 20% fee \$ Payment Terms: By SERVING PUBLIC SERVICE EMPLOYMENT. NOT TO☒ set by SCDPPPS EXCEPT 6 MO. W/ BAL SET UP ON
PTUP.Recipient: L. C. TAYLOR*Fine: \$

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§ 73.3, 1B TP (Law Enforce. Funding)

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

§ 90.11 TP (SCCJA Surcharge)

TOTAL

\$ 24,831.80

Clerk of Court/ Deputy Clerk

Court Reporter

 days/hours Public Service EmploymentObtain GED Attend Voc. Rehab. or Job Corp. ☒May serve W/E beginning Substance Abuse Counseling ☒ IN DISCRETION OFRandom Drug/Alcohol testing ☒ SCDPPPSFine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: NO CONTACT W/ VICTIM; PAY P.D. FEE& COURT COSTS @ RATE SET BY SCDPPPS;NO CONTACT W/ CO-DEF. INTENSIVE SURV. FOR
1ST 6 MO. AFTER RELEASE FROM REST. CRT.DEF IS TO FULLY COOPERATE W/ EVALUATION FOR☒ Appointed PD or appointed other counsel §35.13 TP

Requires \$500 be paid to Clerk during probation.

EMOTIONAL / MENTAL HEALTH COUNSELING NEEDS &
FULLY COMPLY W/ ANY TREATMENT REGIMEN.PRESIDING JUDGE William P. BlasingJudge Code: 210 15 10Sentence Date: OCT. 27, 2008

SCCA/217 (07/2008)



148

AGENCY I D SC0320000	LEXINGTON COUNTY SHERIFF'S OFFICE INVESTIGATIVE REPORT	CASE NUMBER 08049312
☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY ☐ STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY		
PAGE <u>1</u> of <u>2</u> PAC		

ORIGINAL COMPLAINANT ☐ OR VICTIM ☒		
NAME Taylor, L. C.		DATE OF BIRTH:
STREET ADDRESS		RACE: SEX:
CITY - STATE - ZIP: Lexington, SC 29073		AGE:
INCIDENT TYPE: Burglary/Malicious Injury to Property/Criminal Conspiracy		
ORIGINAL SUSPECT:		
NAME Alan P. Crapps, W/M and Steven D. Denton W/M		DATE OF BIRTH:
STREET ADDRESS		RACE: SEX:
CITY - STATE - ZIP:		AGE:

RECOVERED PROPERTY DOLLAR AMOUNT: \$ _____

CANCEL NCIC ENTRY: YES _____ NO _____

On Friday 6/8/08, I received a call from Agent Mark McCarson with SCDPPPS. He said that Denton and Crapps were in his office. He had a warrant already on Denton, so he him in custody, but they had told McCarson they knew they were in trouble with the Sheriff's Department. I was familiar with an incident report listing the two as suspects in a case. Investigator Terry Hall was in the parking lot at Probation and Parole and he was familiar with Allan Crapps from his previous charges as a juvenile. Crapps told Hall th he wanted to talk to someone about what happened. I asked Hall to transport to LCSD headquarters and told him I would meet him there.

When I got to headquarters, I read Crapps his miranda rights which he waived. He then told Investigator Hall and I that he and Denton were riding bicycles down Windy Wood Road, when they saw an older looking house. He said they were bored, so they went up to the house. The door was locked so they kicked in the door and went inside. Crapps said that they threw a television on the floor, took the dishes out of the cabinets and broke them throwing them as well as breaking the windows in the residence. Denton and Crapps also took all the cleaning products out of the cainets and poured them all over the house. He said they then went out back and took some paintball shields and bunkers from out of a field behind the incident location and brought them in.

Once they left the residence the two defendants took the paint ball equipment along with some mailboxes they stole earlier in the week and left them at a friend's house, Brent Robert Carr. As they were riding around the neighborhood Denton and Crapps saw a car near the incident location. They asked the men if they were having car trouble. The men in the car told them that they were waiting on LCSD. After that conversation the two knew the Sheriff's Department was going to be looking for them, so they hid their ca in the woods and went to Brittany Blasco's house where they stole some food and canned goods. They then had their friend Mark Hook drop them off in the woods somewhere, so they could set up camp and not be caught by law enforcement. Crapps said after a week of living in the woods, in the extreme heat, and eating canned food and hot drinks, they decided to turn themselves in. They called their friend Mark Hook again and he came and got them. Hook then dropped the two off at the probation office in Lexington

CBA

SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ UNFOUNDED ☐ ADMIN CLOSED		☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
YES ☒ NO ☐		YES ☒ NO ☐							
REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ VICTIM/WITNESS DECLINES COOPERATION 4 ☐ EXTRADITION DENIED 5 ☐ JUVENILE, NO ARRES									
REPORTING OFFICER A. L. Russell		DATE 6/11/08		UNIT NUMBER 581		APPROVING OFFICER		DATE	
COORDINATING OFFICER		DATE		UNIT NUMBER		APPROVING OFFICER		DATE	

AGENCY I.D.
SCO320000LEXINGTON COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

CASE NUMBER

08049312

☐ ORIGINAL
REPORT☒ SUPPLEMENTAL
REPORT☐ ADDITIONAL
VICTIMS☐ ADDITIONAL
STOLEN PROPERTY☐ STATUS
CHANGE☐ ADDITIONAL
OFFENDERS☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 of 2 PAGES

ORIGINAL COMPLAINANT ☐ OR VICTIM ☒

NAME. Taylor, L. C.

DATE OF BIRTH:

STREET ADDRESS

RACE

SEX

CITY - STATE - ZIP

AGE

INCIDENT TYPE:

ORIGINAL SUSPECT:

NAME Alan P. Crapps, W/M and Steven D. Denton W/M

DATE OF BIRTH:

STREET ADDRESS:

RACE

SEX

CITY - STATE - ZIP.

AGE

RECOVERED PROPERTY DOLLAR AMOUNT: \$ _____

CANCEL NCIC ENTRY: YES ____ NO ____

After giving his written statement, I told Crapps that he was being charged with Burglary and Malicious Injury to Property. He said he was relieved and he was looking forward to taking a shower and having some air conditioning. I called the victim, Mr. Taylor and left him a voicemail explaining what happened and about bond court.

I also asked Crapps if they had any knowledge of the recent breakin at Gilbert High School where the vandalism and the theft of a Gator took place. Denton and Crapps were charged with Burglary and Grand Larceny last year for doing the same thing. Crapps denied any involvement in the recent incident at the highschool, although he did say, he figured we would talk to him about it, because it was done the same way, he and Denton did it last year.

June 7, 2008 I obtained my warrants on Crapps and Denton. I left a message for the victim again.

6/11/08 I spoke with Mr. Taylor and he said that he would get me a list of the items damaged and the approximate value. I am also waiting to get the statements from the witnesses taking by deputies on scene. They are currently locked up in R.D. Nesbitt's vehicle and he is on vacation.

CASE IS CBA

CBA

SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
YES ☒	NO ☐	YES ☒	NO ☐	☐ UNFOUNDED	☒ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ VICTIM/WITNESS DECLINES COOPERATION 4 ☐ EXTRADITION DENIED 5 ☐ JUVENILE NO ARREST						
REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
A. L. Russell	6/11/08	581			581	
REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
			07-08-2008			

040601750181

INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. <u>LATENCY - from building</u>				☒ YES ☐ NO	<u>NO</u>	<u>RESIDENCE</u>		☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Public Corp. ☐ Soc. / Public ☐ Other ☐ Unknown ☐ Police Off.
2.				☐ YES ☐ NO				
3.				☐ YES ☐ NO				
INCIDENT LOCATION (INTERSECTION, ADDRESS, STREET NUMBER, STREET NAME AND NUMBER)						ZIP CODE	WEAPON TYPE	
<u>LEXINGTON, SC</u>						<u>29073</u>		
INCIDENT DATE		24 HR CLOCK		DATE		24 HR CLOCK		LOCATION NO
<u>6/10/04</u>		<u>1030</u>		<u>7/24/04</u>		<u>1100</u>		<u>SOUTH</u>
DISPATCH DATE / TIME				DISPATCH DATE / TIME		DISPATCH DATE / TIME		DISPATCH DATE / TIME
COMPLAINANT'S NAME (LAST-FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT		RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE
<u>TAYLOR, TROY</u>				<u>"RU"</u>		<u>NO</u>		<u>W M 34 N</u>
ADDRESS				CITY		STATE		ZIP CODE LOCATION NO
				<u>LEXINGTON</u>		<u>SC</u>		<u>29073 SOUTH</u>
VICTIM'S NAME (LAST-FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT		RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE
<u>TAYLOR, LEONARD C.</u>				<u>"RU"</u>		<u>NO</u>		<u>W M 57 N</u>
HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
ADDRESS				CITY		STATE		ZIP CODE LOCATION NO
				<u>LEXINGTON</u>		<u>SC</u>		<u>29073 SOUTH</u>
VISIBLE INJURY (MCT-1) ☐ YES ☒ NO				COMPLAINANT OF ANY NON-VISIBLE INJURIES TO YES ☒ NO				
VICTIM (NO) USING ALCOHOL ☐ YES ☒ NO DRUGS ☐ YES ☒ NO				TYPE				
TWO-MAN VEH ☐ ONE-MAN VEH ☐ DETECTIVE/PCASUT ☐ OTHER ☐ ALONE ☐ ASSAULTED ☐ IN THE JURISDICTION				S - State Out of State U - Unknown				
SUSPECT				NAME (LAST, FIRST, MIDDLE)		RACE SEX AGE ETH		DATE OF BIRTH HEIGHT WEIGHT HAIR EYES
☒ RUNNING				<u>UNKNOWN</u>		<u>W M 34</u>		<u>NO</u>
☐ WANTED								
☐ WARRANT								
☐ ARREST								
☐ SUSPENSE								
☐ SUSPENSE								
VICTIM SEX OF HEIGHT (DO NOT PROVIDE) ☐ NO ☐ YES ☐ NO				VICTIM'S SEX OF HEIGHT (DO NOT PROVIDE) ☐ NO ☐ YES ☐ NO				
☐ YES ☐ NO				☐ YES ☐ NO				
VICTIM WISHED TO BE NOTIFIED OF FUTURE LEGAL PROCEEDINGS ☐ YES ☒ NO				FURTHER TO BE NOTIFIED OF FUTURE LEGAL PROCEEDINGS ☐ YES ☒ NO				
REMARKS: <u>THAT VICTIM CLAIMS HE IS STILL WORKING AND HAS NOT HAD A PHONE CALL SINCE HE NOTICED VEHICLES TRAVELING IN THE AREA OF THE B/T THE ABOVE DATES/TIMES. HE DIDN'T THINK ANYTHING OF IT AT FIRST BUT WHEN HE SAW MORE THAN HE RUSHED IN TO CHECK IT OUT. CAROL STATED THAT IT APPEARED AS IF THAT SOMEONE PUSHED IN THE WINDOW ONLY THE KITCHEN BANG AND LEFT THROUGH THE SIDE DOOR BECAUSE IT WAS UNLOCKED. HE SAID HE DIDN'T HEAR ANYTHING FROM INSIDE THE RESIDENCE BUT WHEN HE OBSERVED AN OUTSIDE CALLING, HE OBSERVED THE ACTING TOWNSMAN PASSING IT AND TALKING TO THE TOWNSMAN. HE SAID HE WASN'T SURE WHAT THEY WERE</u>								

Appleby
Graham
7-10

LEXINGTON COUNTY SHERIFFS DEPARTMENT
SUPPLEMENTAL INCIDENT REPORT

4CXC

011060175018

CA)	ENTD.
-----	-------

☐ ADDITIONAL
STOLEN PROPERTY

☐ ADDITIONAL
RECOVERABLE PROPERTY

PAGE 2 of 2 PAGES

OVERFLOW SUBJ: 11-0- OVERFLOW: NO SUBJ	1- COMPLAINT	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT				RESIDENT	RACE	SEX	AGE	D.O.B.	
	2- VICTIM #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARKS, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL ABILITIES, ETC.									
	3- SUBJECT #	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
	4- ROUTEWAY	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
	5- ARREST	EXPLAIN				COMPLAINANT OF NON-VIOLENT INQUIRY ☐ NO ☐ YES				VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK				☐ TWO-WHEEL VEHICLE ☐ DETECTIVE'S PLASMIT ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ASSISTED	
	6- WAY	EXPLAIN				COMPLAINANT OF NON-VIOLENT INQUIRY ☐ NO ☐ YES				VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK				☐ TWO-WHEEL VEHICLE ☐ DETECTIVE'S PLASMIT ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ASSISTED	
	7- INFORMATION	SUBJECT NO. _____				USUAL ALCOHOL ☐ NO ☐ YES				VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK				☐ TWO-WHEEL VEHICLE ☐ DETECTIVE'S PLASMIT ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ASSISTED	
	8- COMPLAINT	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT				RESIDENT	RACE	SEX	AGE	D.O.B.	
	9- VICTIM #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARKS, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL ABILITIES, ETC.									
	10- SUBJECT #	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
11- ROUTEWAY	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE				
12- WARRANT	EXPLAIN				COMPLAINANT OF NON-VIOLENT INQUIRY ☐ NO ☐ YES				VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK				☐ TWO-WHEEL VEHICLE ☐ DETECTIVE'S PLASMIT ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ASSISTED		
13- ARREST	EXPLAIN				COMPLAINANT OF NON-VIOLENT INQUIRY ☐ NO ☐ YES				VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK				☐ TWO-WHEEL VEHICLE ☐ DETECTIVE'S PLASMIT ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ASSISTED		
14- JAIL	EXPLAIN				COMPLAINANT OF NON-VIOLENT INQUIRY ☐ NO ☐ YES				VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK				☐ TWO-WHEEL VEHICLE ☐ DETECTIVE'S PLASMIT ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ASSISTED		
15- SUBMITTER	SUBJECT NO. _____				USUAL ALCOHOL ☐ NO ☐ YES				VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK				☐ TWO-WHEEL VEHICLE ☐ DETECTIVE'S PLASMIT ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ASSISTED		

VICTIM BILL OF RIGHTS (COPY PROVIDED) ☒ YES ☐ NO (SEND HAVING DATE) 25

OUTSIDE BUILDING WAS RESOURCED

VICTIM WISHED TO BE NOTIFIED OF FUTURE LEGAL PROC. CONSULTATIONS C/NO'

WITH A SUDE LOCK ONLY SUBJECT DID NOT NEED A

KEY TO GET INSIDE IT. RIG OBSERVED THE KITCHEN SINK WINDOW TO BE OPEN BUT NOT

DAMAGED. R/O ASKED CAMEL TO ADVISE VICTIM TO CONTACT LPSD W/ THE ABOVE

CASE NUMBER IF HE HAS ANY FURTHER INFORMATION IT AND NO EVIDENCE TO

TOP SECRET PRINCE

SIGNATURE

1255

STATUS	TYPE	MINORITIES LICENSE AD	BOAT HULL NO/ANCHOR/STERN NO.	
☐ STOLEN	☐ VEHICLE	ELIMINATED OR OTHER APPLIES NO.	STATE	
☐ RECOVERED	☐ RUN	YEAR OF REGISTRATION	YEAR	MAKE
☐ FOUND	☐ LEGAL	12 MONTH	COLOR	SPRINKLE
☐ TOWED	☐ GEME PLATE	ISS NO.	BOAT HULL NO.	ANCHOR
☐ BARGE	☐ REGISTRATION NO. AND AD	RECEIVED DATE		
FORM	CLASS	HULL COLOR		

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200

AGE 72410.
SCO 320030

LEWIS AND CLARK COUNTY SHERIFF'S DEPARTMENT
INCIDENT REPORT SOUTH

CÁC E NỮA BÈP

NCHC

IND	ENTD
47	

04.06.01.75

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1	Carjacking from building	YES ☒ NO ☐	NO	RESIDENCE		Individual	☐ Business
2		YES ☐ NO ☐				Financial Inst	☐ Government
3		YES ☐ NO ☐				Railroad	☐ Other
INCIDENT LOCATION (SUBDIVISION, ALLEYWAY, AND NUMBER - STREET NAME AND NUMBER)					ZIP CODE	WEAPON TYPE	
1000					70072		
TAYLOR, ROY					34	N	
ADDRESS					CITY	STATE	
					LEXINGTON	SC	
RELATIONSHIP TO SUBJECT					RESIDENT	FACE/SEX	
1					0800	W M	
2						34	
3						N	
VICTIM NAME (LAST FIRST MIDDLE)					DAYTIME PHONE	EVENING PHONE	
TAYLOR, LEONARD C.					29073	South	
HEIGHT					WEIGHT	HAIR	
5'11"					170	Brown	
EYES					HAIR	EYES	
Brown					Blue	Blue	
ADDRESS					CITY	STATE	
					LEXINGTON	SC	
RELATIONSHIP TO SUBJECT					RESIDENT	FACE/SEX	
1					0800	W M	
2						34	
3						N	
VICTIM NAME (LAST FIRST MIDDLE)					DAYTIME PHONE	EVENING PHONE	
TAYLOR, LEONARD C.					29073	South	
HEIGHT					WEIGHT	HAIR	
5'11"					170	Brown	
EYES					HAIR	EYES	
Brown					Blue	Blue	
ADDRESS					CITY	STATE	
					LEXINGTON	SC	
RELATIONSHIP TO SUBJECT					RESIDENT	FACE/SEX	
1					0800	W M	
2						34	
3						N	
VICTIM NAME (LAST FIRST MIDDLE)					DAYTIME PHONE	EVENING PHONE	
TAYLOR, LEONARD C.					29073	South	
HEIGHT					WEIGHT	HAIR	
5'11"					170	Brown	
EYES					HAIR	EYES	
Brown					Blue	Blue	
ADDRESS					CITY	STATE	
					LEXINGTON	SC	
RELATIONSHIP TO SUBJECT					RESIDENT	FACE/SEX	
1					0800	W M	
2						34	
3						N	
VICTIM NAME (LAST FIRST MIDDLE)					DAYTIME PHONE	EVENING PHONE	
TAYLOR, LEONARD C.					29073	South	
HEIGHT					WEIGHT	HAIR	
5'11"					170	Brown	
EYES					HAIR	EYES	
Brown					Blue	Blue	
ADDRESS					CITY	STATE	
					LEXINGTON	SC	
RELATIONSHIP TO SUBJECT					RESIDENT	FACE/SEX	
1					0800	W M	
2						34	
3						N	
VICTIM NAME (LAST FIRST MIDDLE)					DAYTIME PHONE	EVENING PHONE	
TAYLOR, LEONARD C.					29073	South	
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5'11"					170	Brown	
EYES					HAIR	EYES	
Brown					Blue	Blue	
ADDRESS					CITY	STATE	
					LEXINGTON	SC	
RELATIONSHIP TO SUBJECT					RESIDENT	FACE/SEX	
1					0800	W M	
2						34	
3						N	
VICTIM NAME (LAST FIRST MIDDLE)					DAYTIME PHONE	EVENING PHONE	
TAYLOR, LEONARD C.					29073	South	
HEIGHT					WEIGHT	HAIR	
5'11"					170	Brown	
EYES					HAIR	EYES	
Brown					Blue	Blue	
ADDRESS					CITY	STATE	
					LEXINGTON	SC	
RELATIONSHIP TO SUBJECT					RESIDENT	FACE/SEX	
1					0800	W M	
2						34	
3						N	
VICTIM NAME (LAST FIRST MIDDLE)					DAYTIME PHONE	EVENING PHONE	
TAYLOR, LEONARD C.					29073	South	
HEIGHT					WEIGHT	HAIR	
5'11"					170	Brown	
EYES					HAIR	EYES	
Brown					Blue	Blue	
ADDRESS					CITY	STATE	
					LEXINGTON	SC	
RELATIONSHIP TO SUBJECT					RESIDENT	FACE/SEX	
1					0800	W M	
2						34	
3						N	
VICTIM NAME (LAST FIRST MIDDLE)					DAYTIME PHONE	EVENING PHONE	
TAYLOR, LEONARD C.					29073	South	
HEIGHT					WEIGHT	HAIR	
5'11"					170	Brown	
EYES					HAIR	EYES	
Brown					Blue	Blue	
ADDRESS					CITY</		

AGENCY ID
SC0320000

LEWIS & CLARK COUNTY SHERIFF'S OFFICE

CASE NUMBER
04060175

INVESTIGATIVE REPORT

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ INCIDENT AT SITE	☐ INCIDENT AT POLICE PROPERTY
☐ INCIDENT AT HOME	☐ INCIDENT AT WORK	☐ INCIDENT AT SCHOOL	☐ INCIDENT AT OTHER LOCATION

PAGE 1 of 1 PAGES

ORIGINAL COMPLAINANT	DATE OF BIRTH
NAME	
STREET ADDRESS	
CITY - STATE - ZIP	
DATE OF BIRTH	
PAGE	SEX
AGE	

RECOVERED PROPERTY DOLLAR AMOUNT. \$

CANCEL NO ENTRY YES NO

Victim could not provide any information.

SHOW CASE ADDITIONAL CLOSED

SEARCHED	INDEXED	SERIALIZED	FILED
YES	YES	YES	YES
NO	NO	NO	NO
DATE	TIME	DATE	TIME
8/1/04	5:00	8/1/04	5:00

NOTES/TYPE	COMPLETED	INDEXED ENTRY	PHRASE TYPE	UNIT INDEXED	TYPE VICTIM
1. VANDALISM	☒ YES ☐ NO	☐ YES ☐ NO	Residence/Home	☐	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Nat'l. Origin ☐ Soc./P. Inst. ☐ Other
2.	☐ YES ☐ NO	☐ YES ☐ NO			

DOCUMENT NO.		4/21/05		3500		4/11/05		2430		BIRTH DATE		BIRTH TIME		BIRTH PLACE		BIRTH SEX		South											
REPLACEMENT NAME (LAST, FIRST, MIDDLE)										RELATIONSHIP TO SUBJECT										FEDERAL ID NO.		AGE		ETH		DAYTIME PHONE		EVENING PHONE	
SAME AS VICTIM																				000									
ADDRESS										CITY										STATE		ZIP CODE		LOCATION NO.					
VICTIM NAME (LAST, FIRST, MIDDLE)										RELATIONSHIP TO SUBJECT										FEDERAL ID NO.		AGE		ETH		DAYTIME PHONE		EVENING PHONE	
Dennis J. C																				000									
10000										10000										000									
0										0										000		000							

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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[illegible]

FILED IN
SC 03,0000

INCIDENT REPORT

015051712007

DOE
JOE

DATE OF INCIDENT	COMPLETED	FORCED ENTRY	PROPERTY TYPE	UNITS ENTERED	TYPE OF LOSS
06-28-85	☐ YES ☒ NO	☐ YES ☒ NO	Residence		☐ Personal ☐ Business ☐ Other
	☐ YES ☒ NO	☐ YES ☒ NO			☐ Cash ☐ Jewelry ☐ Other
	☐ YES ☒ NO	☐ YES ☒ NO			☐ Documents ☐ Other

06-28-85 1600
TO: [] FROM: []
NAME: Same As Victim
ADDRESS: [] CITY: [] STATE: [] ZIP CODE: [] LOCATION NO.: []
RELATIONSHIP TO VICTIM: []
RACE: [] SEX: [] AGE: []
HEIGHT: [] WEIGHT: []
EYES: [] HAIR: []
SCARS: [] TATTOOS: []
PHYSICAL BUILD: []
CITY: [] STATE: [] ZIP CODE: [] DOMESTIC R/V: []
YES ☐ NO ☒

THREATS: []
SUSPECT: []
RUNAWAY: []
WARRANT: []
ARREST: []
JAIL: []
BLINDFOLD: []
TOTAL VAL: []
DATE OF INCIDENT: []
TIME OF INCIDENT: []
LOCATION OF INCIDENT: []
TYPE OF LOSS: []
PROPERTY TYPE: []
UNITS ENTERED: []
TYPE OF LOSS: []
PROPERTY TYPE: []
UNITS ENTERED: []

06-28-85 1600
TO: [] FROM: []
NAME: Same As Victim
ADDRESS: [] CITY: [] STATE: [] ZIP CODE: [] LOCATION NO.: []
RELATIONSHIP TO VICTIM: []
RACE: [] SEX: [] AGE: []
HEIGHT: [] WEIGHT: []
EYES: [] HAIR: []
SCARS: [] TATTOOS: []
PHYSICAL BUILD: []
CITY: [] STATE: [] ZIP CODE: [] DOMESTIC R/V: []
YES ☐ NO ☒

AGENCY
SC0320000

INVESTIGATIVE REPORT

105-058742

☒ PRIMARY REPORT	☐ SUPPLEMENT	☐ ADDITIONAL VICTIM	☐ ADDITIONAL SUSPECT PROPERTY
☐ FOLLOW UP	☐ ADDITIONAL OFFENSE	☐ ADDITIONAL RECOVERABLE PROPERTY	

PAGE 2 OF 3 PAGES

OFFICE OF COMPLAINTS AND VICTIMS
DATE

NAME	REPORT
REPORT # BOOKING	RACE SEX
CITY-STATE ZIP	AGE

RECOVERED PROPERTY / DOLLAR AMOUNT \$

CANCELING ENTRY: YES NO

opinion at least one other victim in the photo. The victim pointed some strings

to the back of his head. He was not wearing a jacket.

The victim was wearing a white shirt and blue pants. He was sitting on the ground.

The victim was wearing a white shirt and blue pants. He was sitting on the ground.

The victim was wearing a white shirt and blue pants. He was sitting on the ground.

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The victim was wearing a white shirt and blue pants. He was sitting on the ground.

ADDCYLD
SCG 32000

LEWIS COUNTY SHERIFF'S DEPARTMENT
INCIDENT REPORT

CASE NO.										NOC	
250587420000										NO EXT	

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
Burglary	YES ☐ NO ☐	YES ☐ NO ☐	Res. Hse.		☒ Adult ☐ Juvenile ☐ Elderly ☐ Disabled ☐ Pregnant ☐ Other

DATE	TIME	LOCATION	REPORTER	ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO
05-18-05	1600	07-26-05	1600	Sam A. [redacted]				South
VICTIM NAME LAST FIRST MI		AGE	SEX	DOB	DATE	TIME	PHONE	EVENT PHONE
[redacted]		35	M	05-18-05	1600	07-26-05	1600	

SUBJECT NO.	SEARCHED	INDEXED	SERIALIZED	FILED	DATE	TIME	LOCATION	ZIP CODE	LOCATION NO
1	☐	☐	☐	☐	05-18-05	1600	07-26-05	1600	South

SEARCHED	INDEXED	SERIALIZED	FILED	DATE	TIME	LOCATION	ZIP CODE	LOCATION NO
☐	☐	☐	☐	05-18-05	1600	07-26-05	1600	South

AGENCY
 SCOS 20000

 LEXINGTON COUNTY SHERIFF'S OFFICE
 INVESTIGATIVE REPORT

 CASE NUMBER
 05058742 0062

☐ 955

☒ 955

☐ ADDITIONAL

☐ ADDITIONAL

PAGE 1 OF 1 PAGES

NAME	Unk.	DATE OF BIRTH	
STREET ADDRESS		RACE	SEX
CITY STATE ZIP			

RECOVERED PROPERTY DOLLAR AMOUNT \$

CANCEL HOLD STATEMENTS

This case is Admin. Closed.

Pending Solvability Factors and new information this case will be put on inactive status.

This case is Admin. Closed.

YES ☐	NO ☐	YES ☐	NO ☐	YES ☐	NO ☐	YES ☐	NO ☐
YES ☐	NO ☐	YES ☐	NO ☐	YES ☐	NO ☐	YES ☐	NO ☐
YES ☐	NO ☐	YES ☐	NO ☐	YES ☐	NO ☐	YES ☐	NO ☐

8/8/05

581

AGENCY ID LEXINGTON COUNTY SHERIFF'S DEPARTMENT
SCD 320000 INCIDENT REPORT

C. L. MEYER

08047611

NCIC

NO	ENTD
----	------

VEHICLE TYPE	CLAIMED	FORCED ENTRY	PREMISE TYPE	DATE	TYPE VESTED
2. OTHER (Commercial)	☒ YES ☐ NO	☐ YES ☒ NO	Residence	1/28/84	☒ Personal ☒ School ☐ Financial Inst ☐ Government ☐ Religious ☐ Social ☐ Other

DATE		TIME		OFFICE		REPORTED BY		LOCATION NO.	
05/25/78		13 20		13 23		13 26		South	
COMPLAINANT'S NAME (LAST FIRST MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT		RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE	
SAME AS VICTIM						F U		H B	
ADDRESS				CITY		STATE		ZIP CODE LOCATION NO.	
VICTIM'S NAME (LAST FIRST MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT		RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE	
JAYLEIC						F S O I		W N 61 N 803 894-142 H B	
REASON FOR CALL AND OTHER INFORMATION (PLEASE CLARIFY ANY SPECIAL CIRCUMSTANCES ETC.)									

SUBJECT INFORMATION	☐ FUGITIVE ☐ CINGULAR #4 ☐ DETECT MENTAL ILL ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ THE JURISDICTION IS THAT OF STATE OF GEORGIA ☐ FEDERAL ☐													
	☐ GENDER ☐ RACE ☐ SEX ☐ AGE ☐ ETH ☐ DATE OF BIRTH ☐ HEIGHT ☐ WEIGHT ☐ HAIR ☐ EYES		NAME (LAST FIRST, MIDDLE) UNKNOWN WA											
	FACIAL HAIR SCARS TATTOOS OR SCARS NOTHING PHYSICAL REGULARITIES ETC													
	ADDRESS _____ CITY _____ STATE SC _____ ZIP CODE _____ LOCATION (NO) _____													
SUBJECT INFORMATION	☐ WARRANT ☐ ARREST ☐ CHARGE ☐ SUBJECT (NO) USING A/C ☐ YES ☐ NO ☐ ARRESTED HEAR OFFENSE SCENE ☐ YES ☐ NO ☐ DATE OF ARREST ☐ DATE OF OFFENSE													
	SUBJECT (NO) USING A/C ☐ YES ☐ NO ☐ ARRESTED HEAR OFFENSE SCENE ☐ YES ☐ NO ☐ DATE OF ARREST ☐ DATE OF OFFENSE													

Suites are provided at the Los Angeles Convention Center, 1201 S. Figueroa St., Los Angeles, CA 90015.

and the victim was given means and advised how to obtain a copy of the report.

VICTIM SIGNATURE		INTERVIEWED BY (NAME OF FIELD AGENT)		ILLUSTRATION OF RECOVERY OR AGENCY	
		UCSD			
TYPE OF CASE	Other				
SYMBOL	22				
DRAWN BY					
DATE					

[illegible][illegible]

SUBJECT NO.	65-10000	ARRESTED AND RELEASED
DATE OF ARREST	10-1-68	10-1-68
DATE OF RELEASE		
NAME OF SUBJECT	JAMES EARL RAY	ALICE
ADDRESS		
CITY		
STATE		
COUNTY		
ZIP CODE		
REMARKS		

1. The Commission has received information from the Government of the Republic of the Philippines that the Government is planning to establish a new government-owned enterprise (GOE) to provide water supply services in the Metro Manila area. The Commission is interested in the proposed GOE and would like to know more about it.

1. 凡在本行開辦之各項業務，均應遵守本行所訂之各項規章，並應隨時注意本行所訂之各項規章，如有違反者，本行得隨時取消其資格，並得隨時取消其資格。

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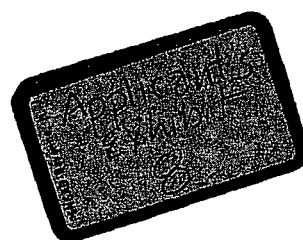
[illegible]

100

100

100

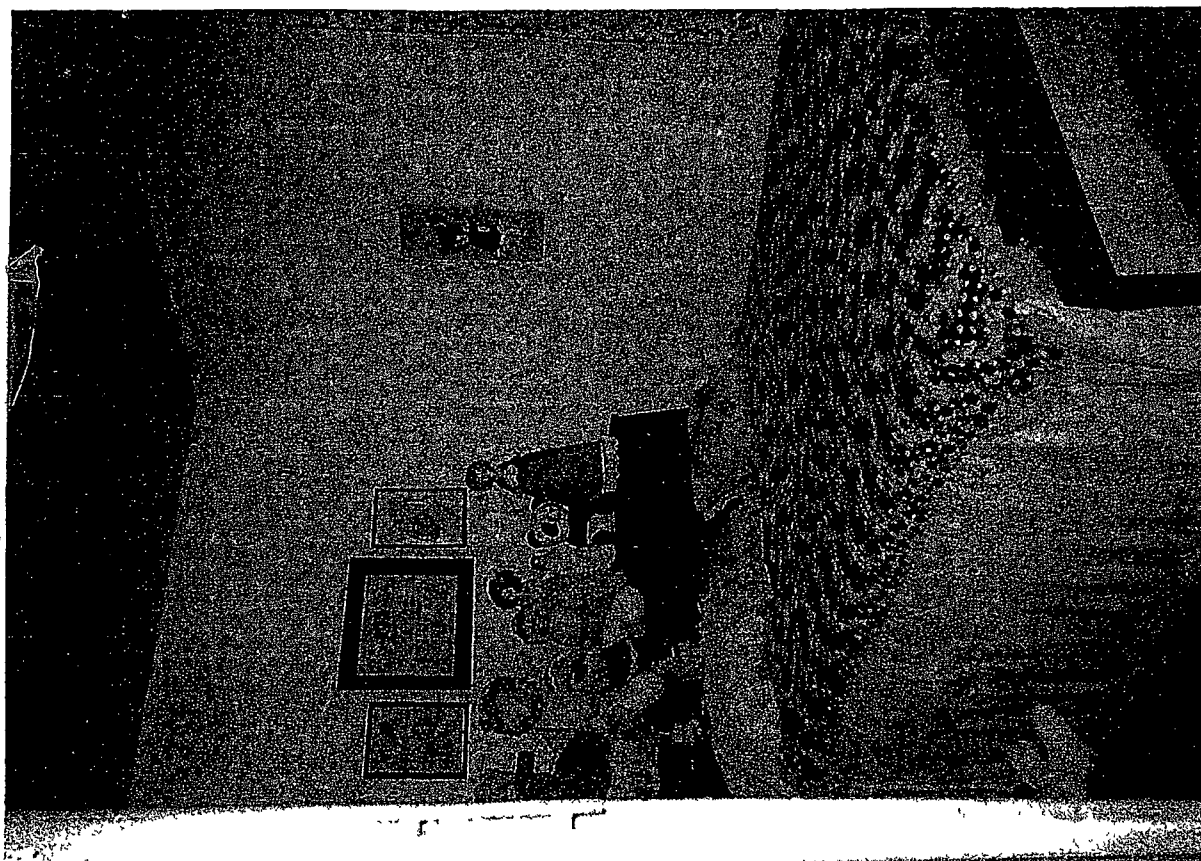
1. The first group of people who are not in the majority are the people who are not in the majority.



July 1999

16

2 Drusses For Troy
Best Wood!



July 1997

11

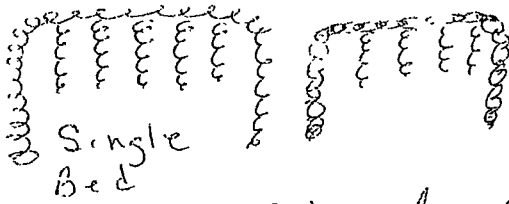
Give one Wardrobe to Jimmy
The one in this room is
busted (Give her the one in
the small gray Barn)

Bed for Troy



July 1997

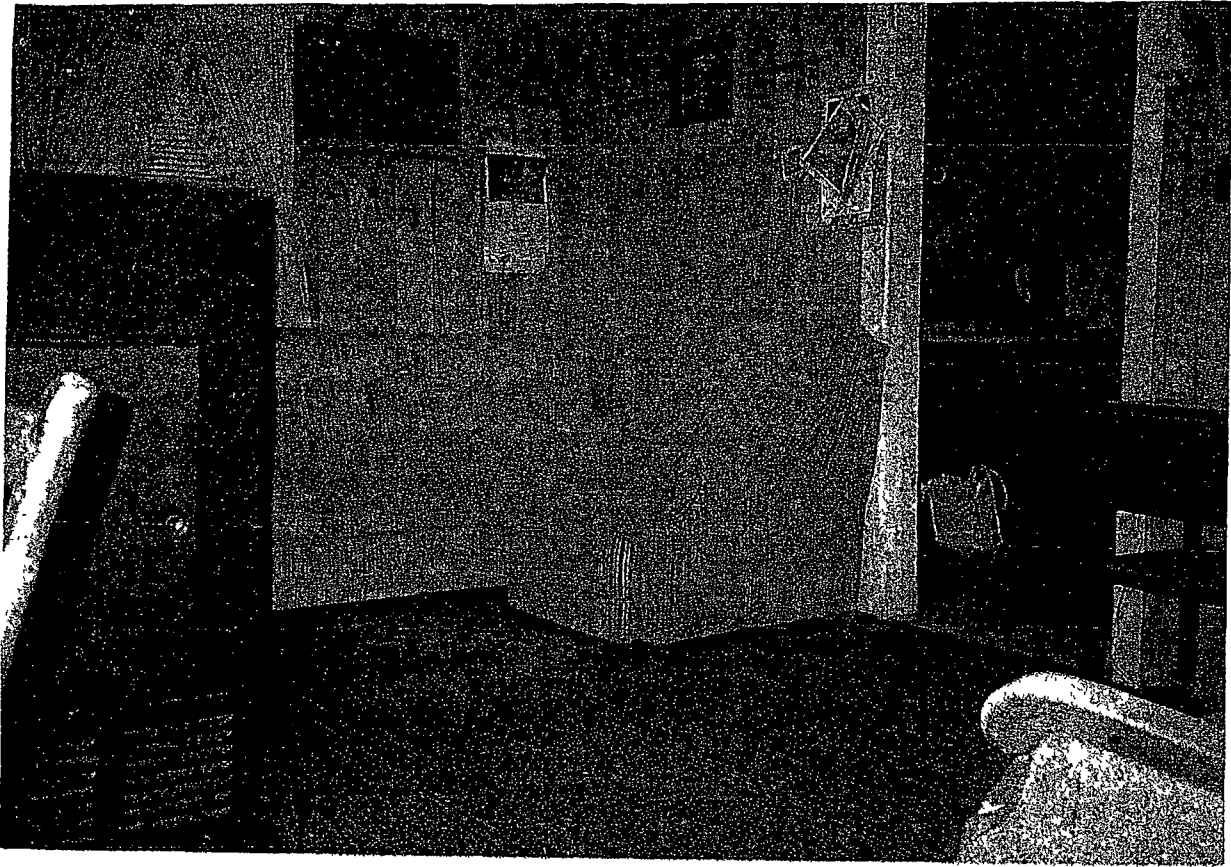
16



Wardrobe in this room
for Tracy

Bed Dresser, Variety w/ mirror
for Tracy

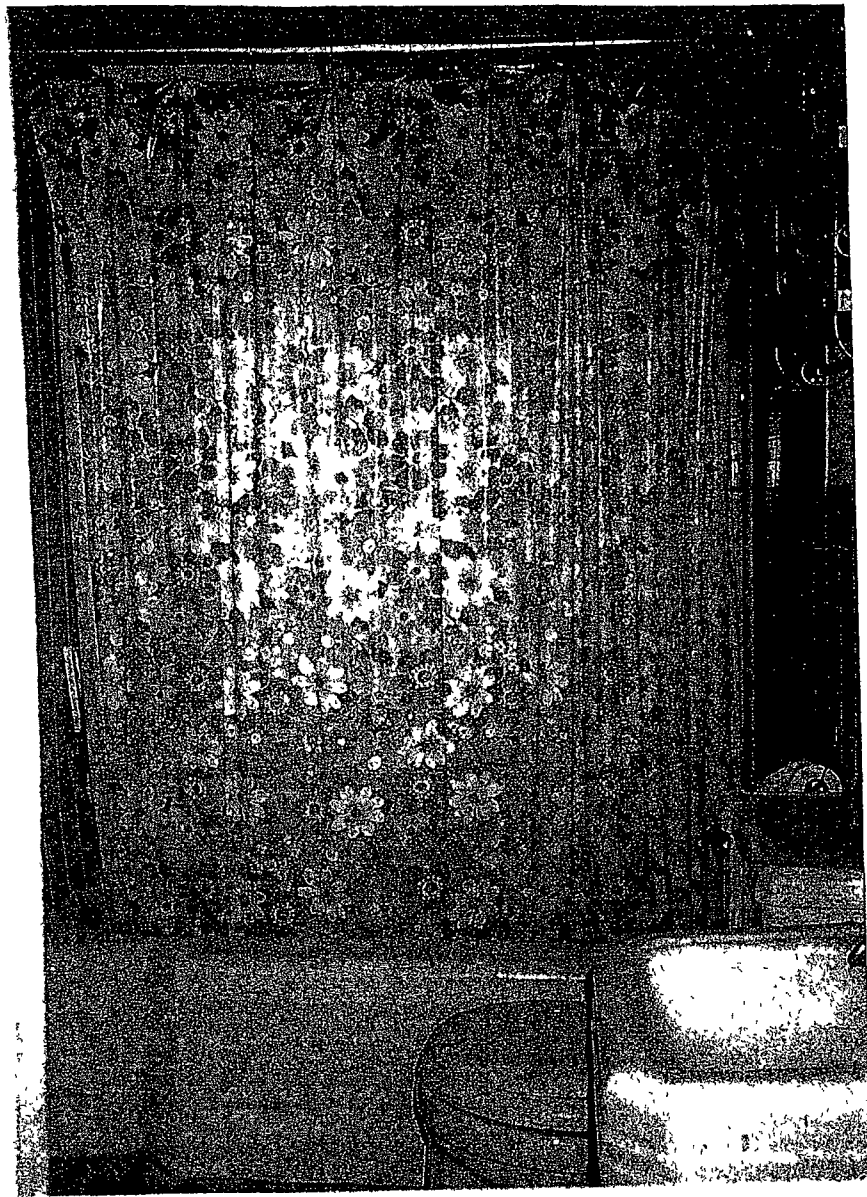
needs 2 handles -
mirror in drawers - needs to be
sanded + refinished



July 1999

Sewing Cart -
given to LC from Beulah

Sofa + Recliner given
to Tracy.
Very comfortable Both Sofa + Chair given
to Glenda after Aunt
Bobbie died

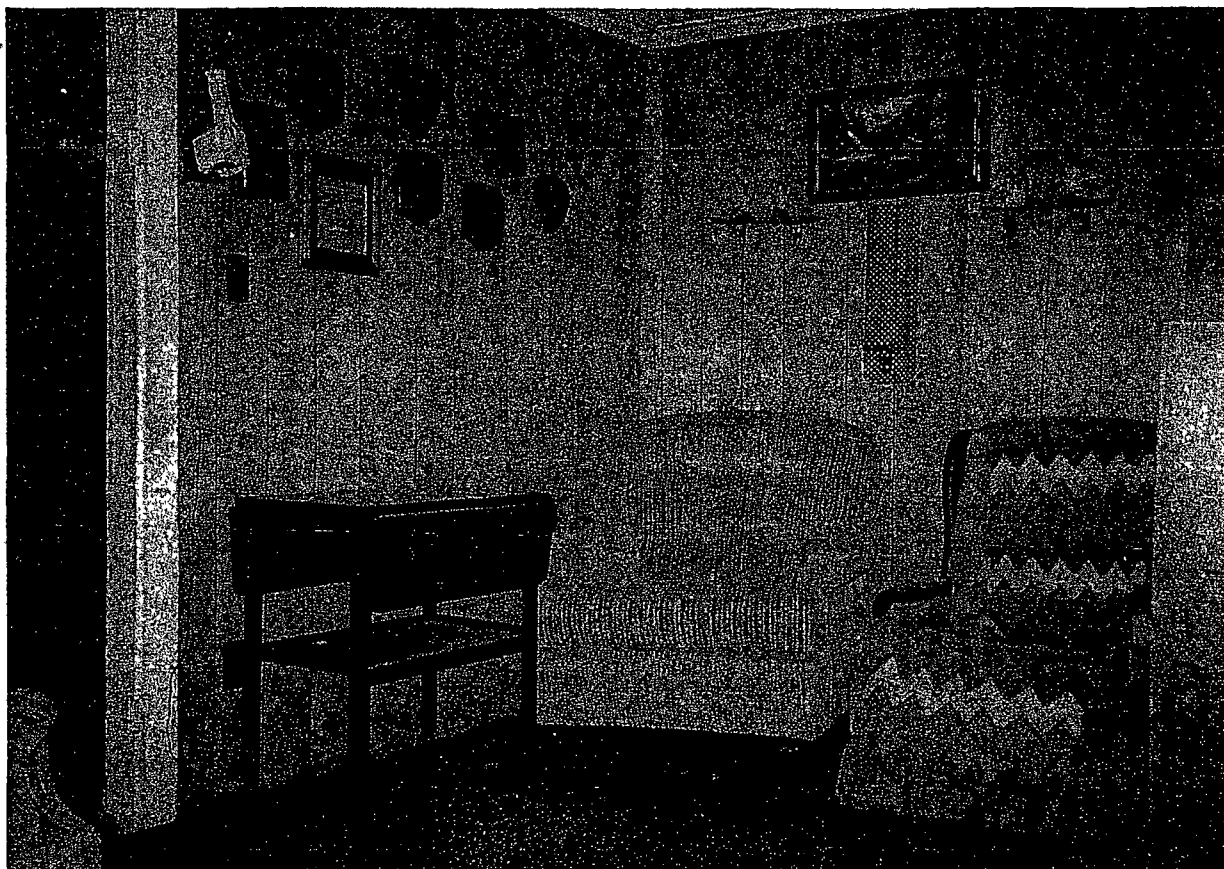


July 1999



July 1997



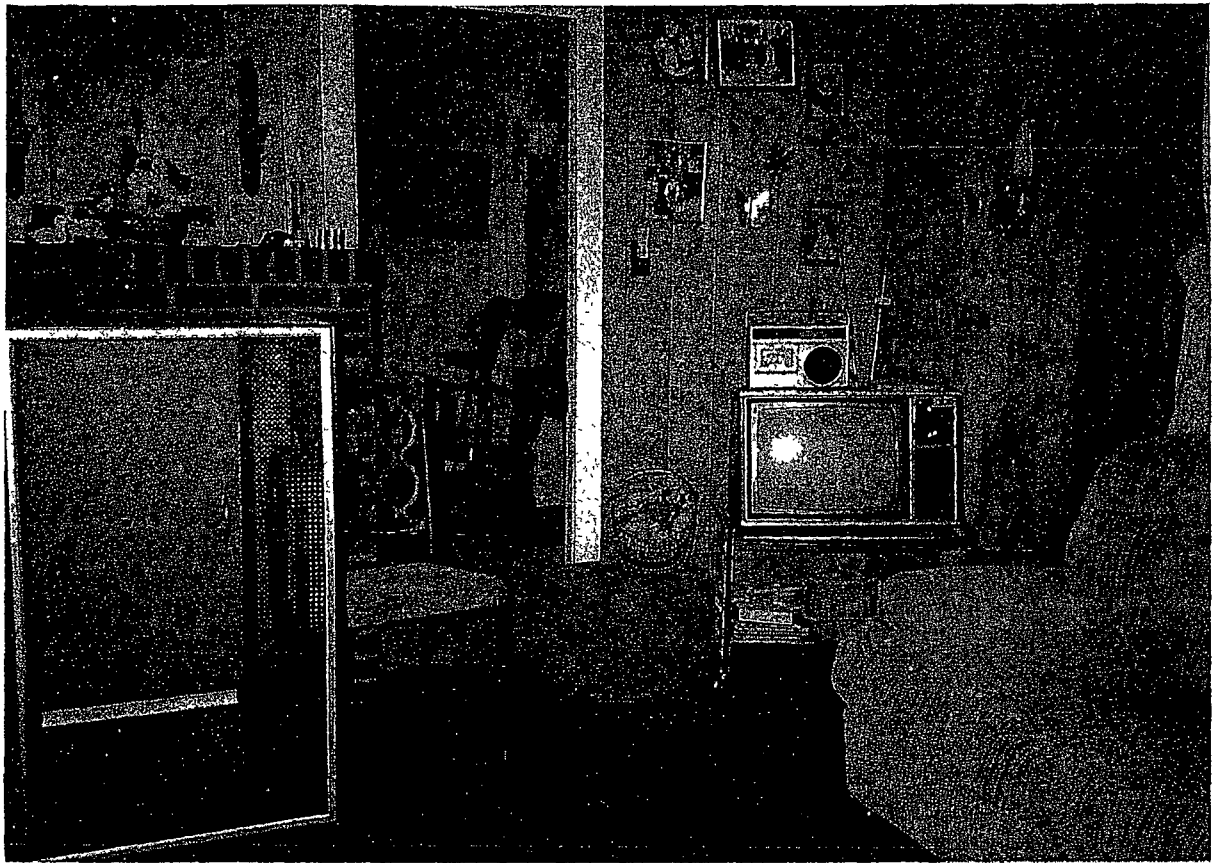


July 1997

17

LC gave EM Taylor this
recliner for Christmas -

EM spend his last years
in it - very comfortably



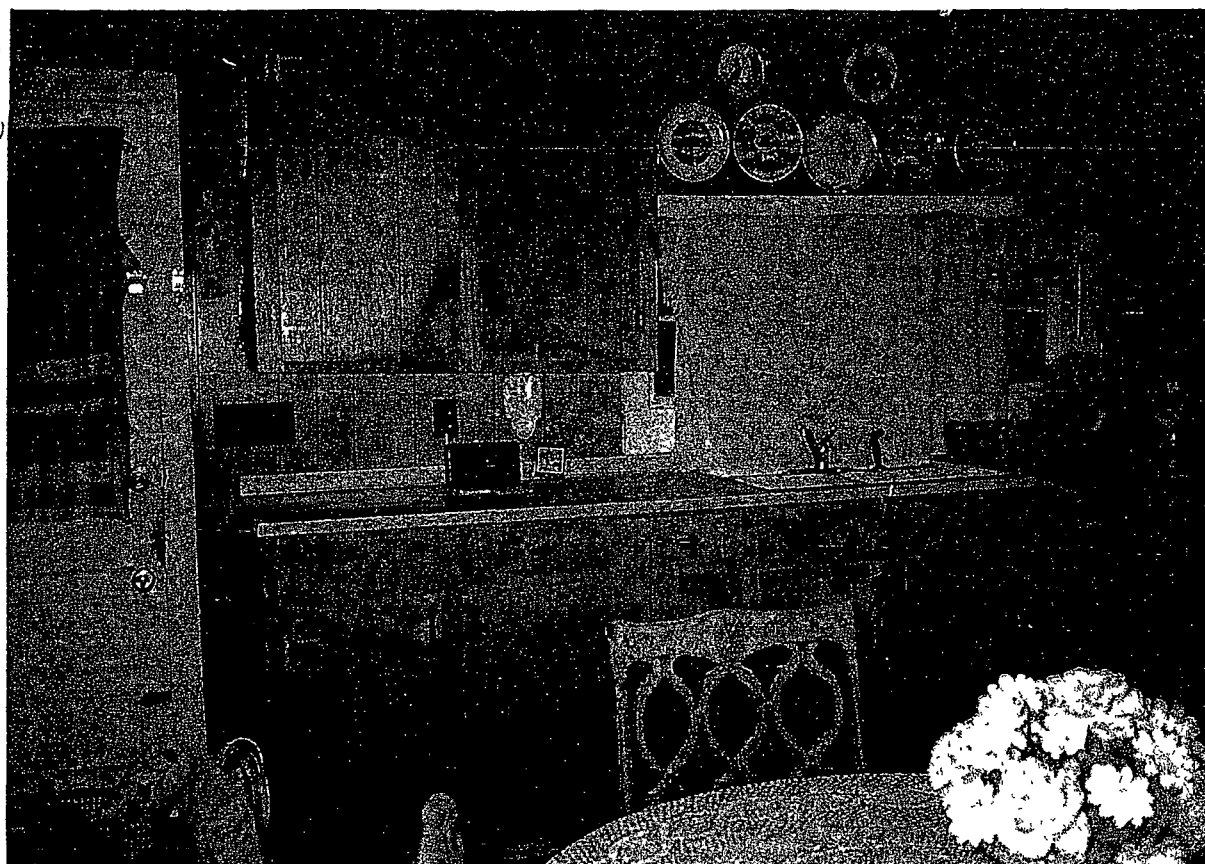
July 1997

LC gave his mother a Color
TV, with a remote control
for Christmas because the
volume was so loud on theirs.

Wooden Rocking Chair

LC gave to Bertha for
Christmas - Gave to Jemmy

178



July 1997

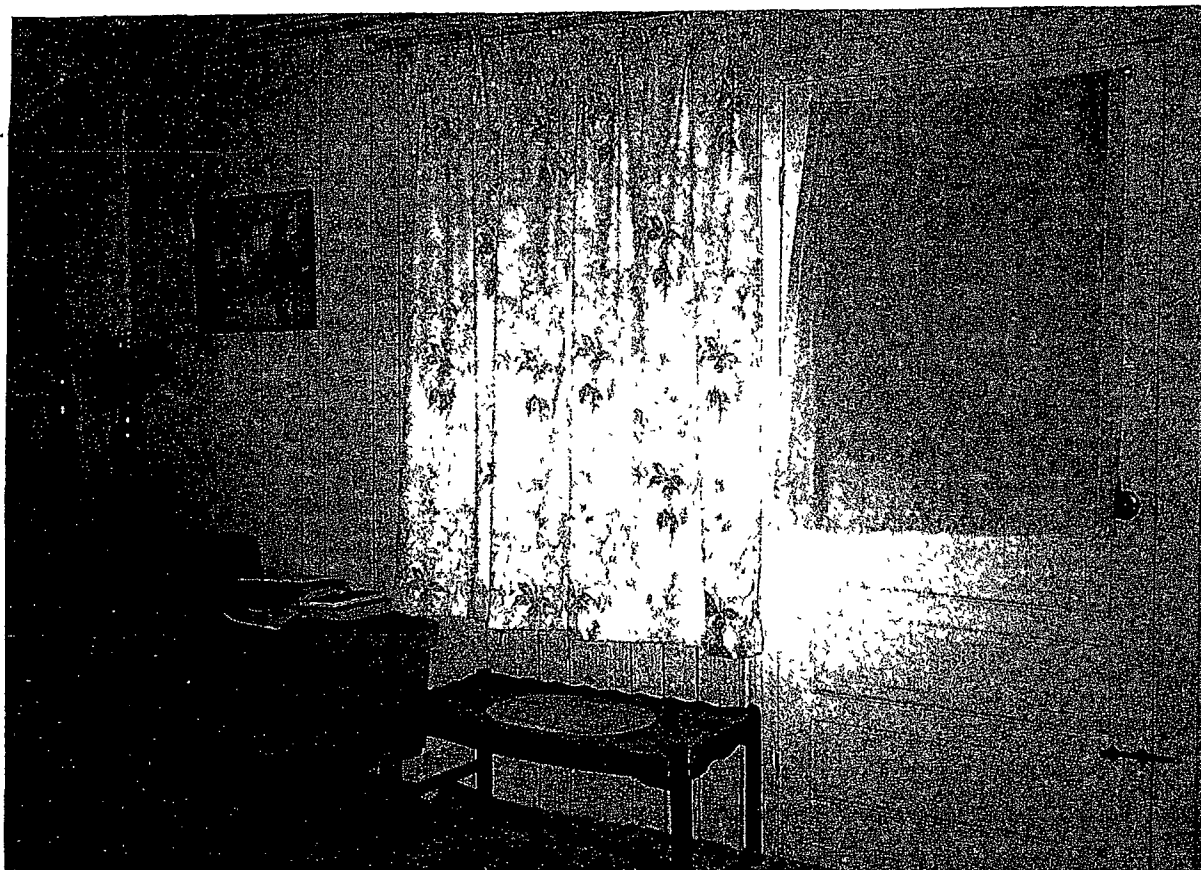
Plates on wall
from Betha's Trips + Church



July 1999

18

good washer
good range



July 1997

18

4 piece sectional sofa



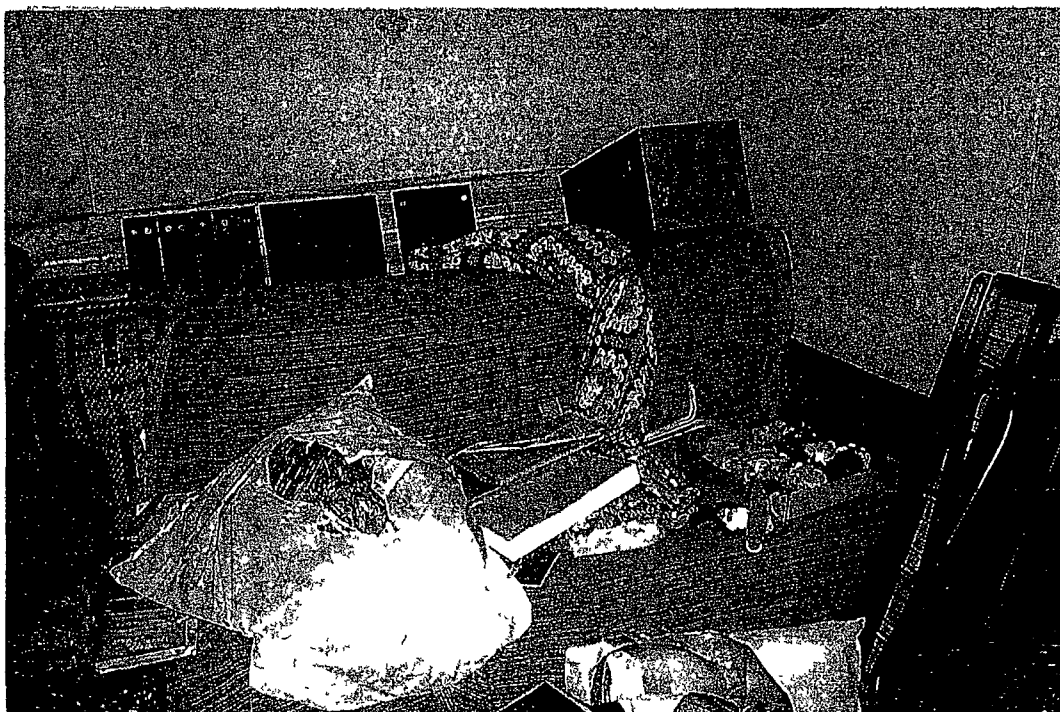
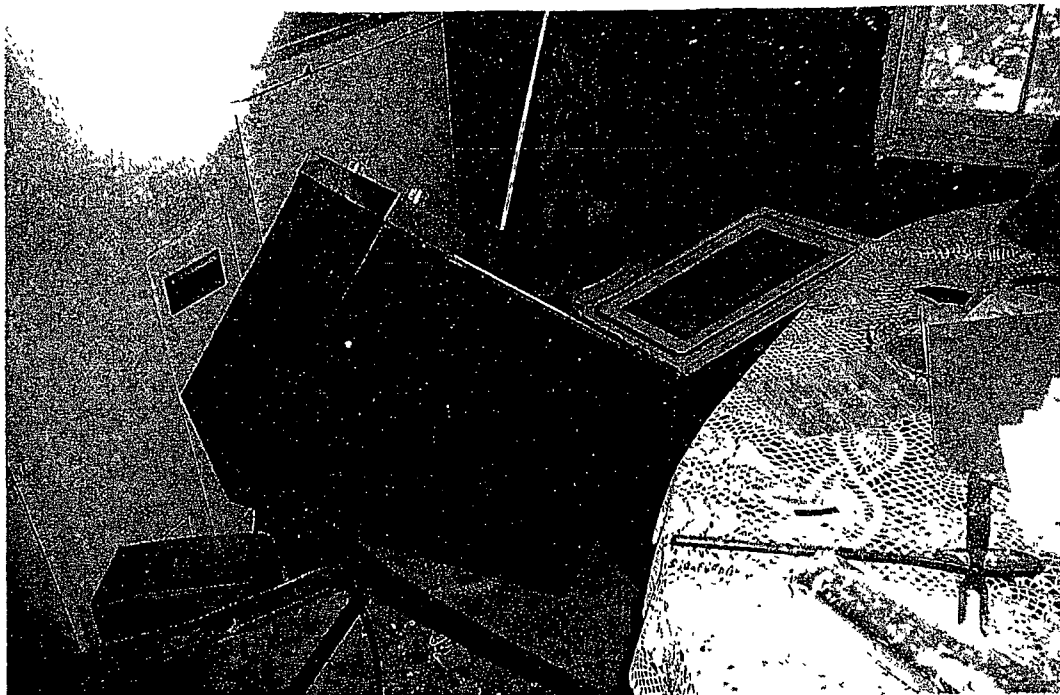
July 1997

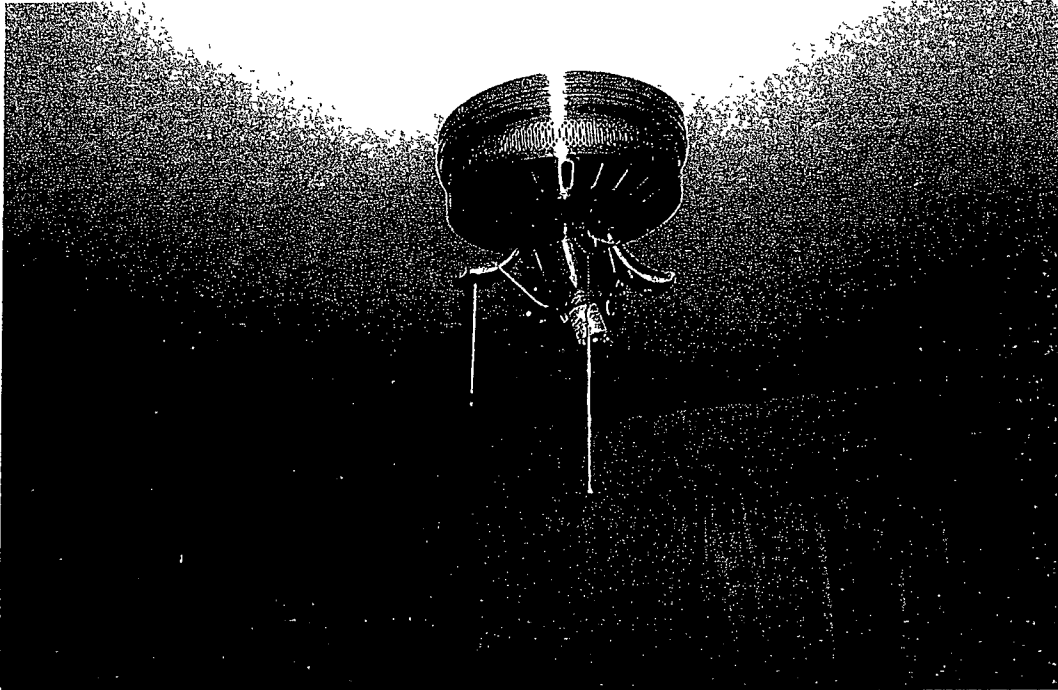
18



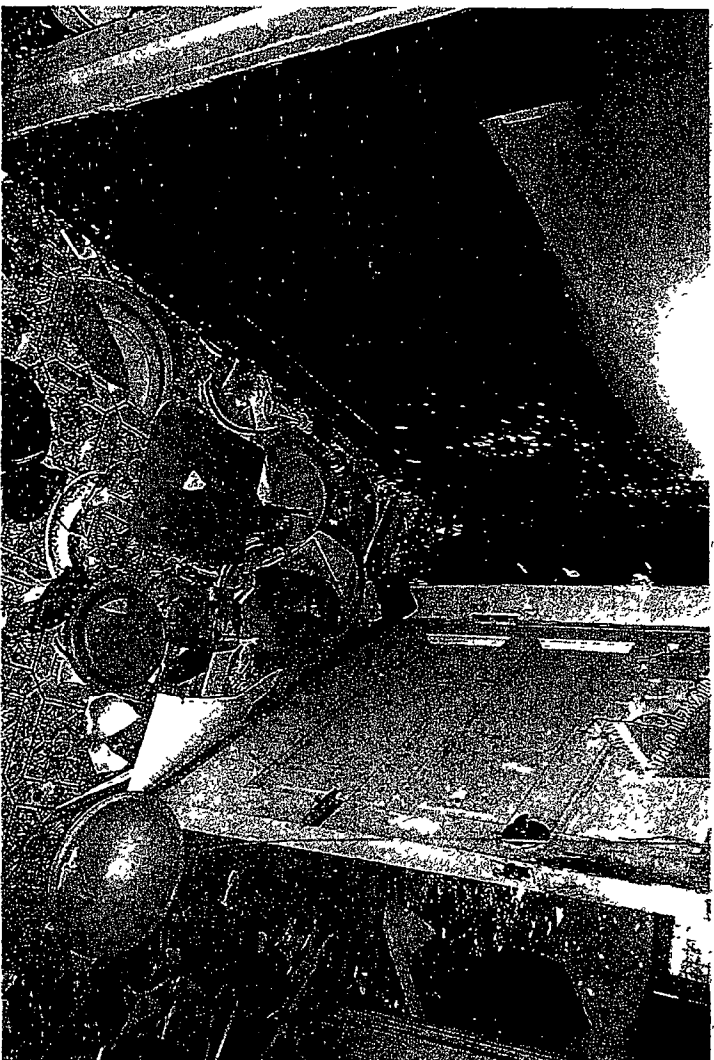
Applicant
1-28-10
9

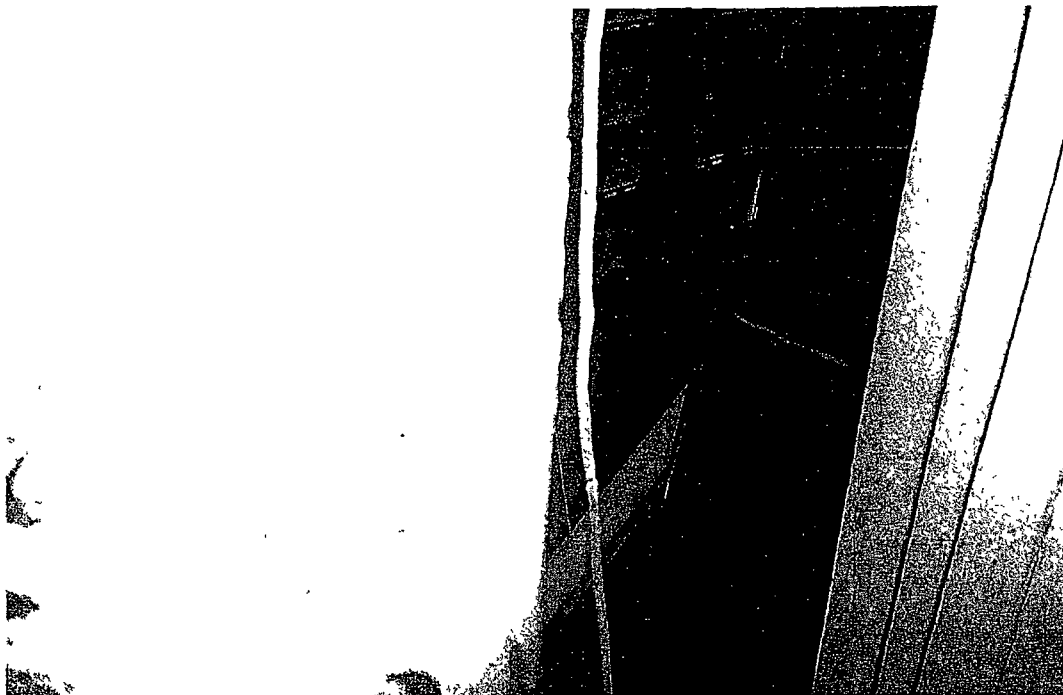




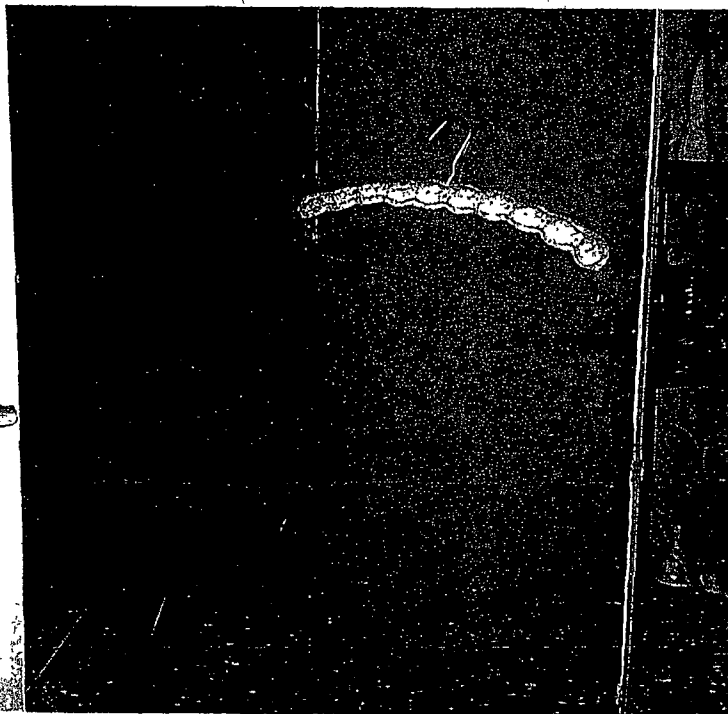
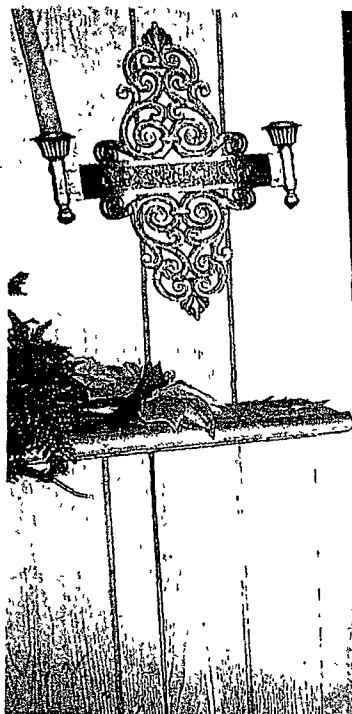


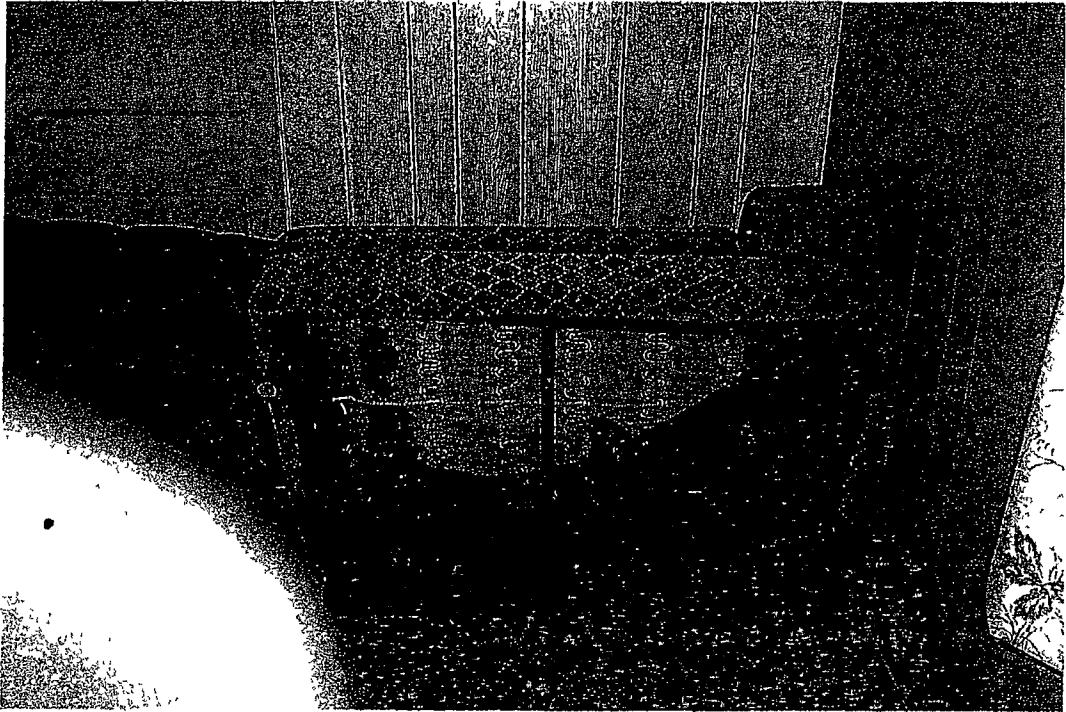






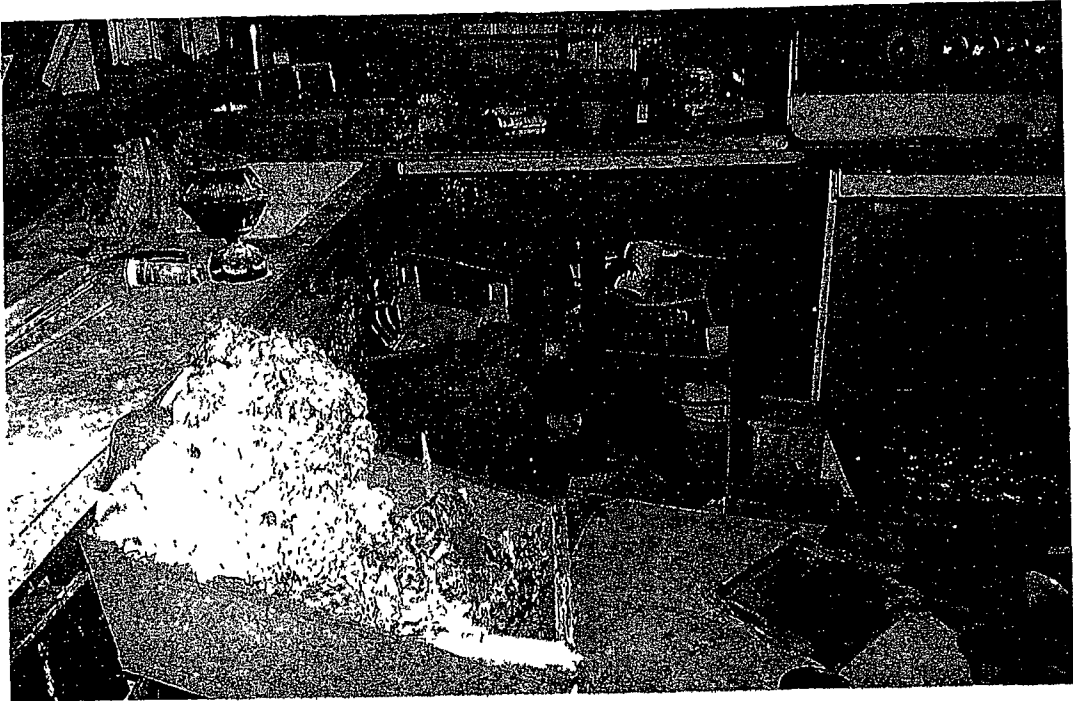


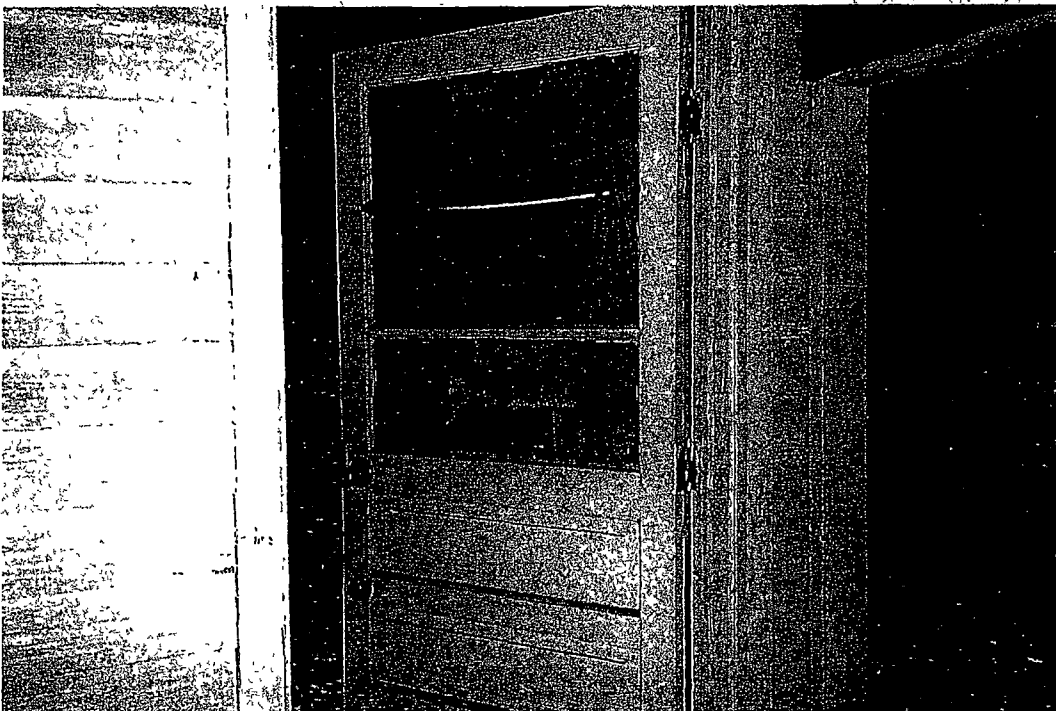












200



ORIGINAL

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON	)	
	)	2009-CP-32-3574
	)	
Steven D. Denton, #331431,	)	
Applicant,	)	ORDER OF DISMISSAL
	)	
v.	)	
	)	
State of South Carolina,	)	
Respondent.	)	

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed August 11, 2009. Respondent made its Return on December 11, 2009. An evidentiary hearing into the matter was convened on November 30, 2011, at the Lexington County Courthouse. The Applicant was present at the hearing and was represented by Tara Dawn Shurling, Esquire. The Respondent was represented by Kaelon E. May of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Additionally, the Applicant offered the testimony of LC Taylor (Mr. Taylor). The State offered the testimony of Casey Cornwell, Esquire (Mr. Cornwell) Applicant's plea counsel. This Court also had before it the records of the Lexington County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

I. PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was charged with Burglary 2nd (Non-violent) (2008-GS-32-3390). He was represented by F. Casey

Cornwell, Esquire. On October 27, 2008, the Applicant pled guilty as charged. He was sentenced by the Honorable William P. Keesley to confinement for a period of fifteen (15) years, provided that upon the service of ten (10) years, the balance would be suspended with five (5) years probation. The Applicant was ordered to pay restitution in the amount of \$24,201.80. The Applicant did not appeal his conviction or sentence

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

(1) Ineffective Assistance of Counsel

(a) "Did not understand the laws."

(b) "Trusted my attorney to represent me successfully in court."

On November 29, 2011, the Applicant filed an amendment to his application raising the following:

(c) Trial counsel was ineffective for waiving the Applicant's right to a hearing on the actual value of the damages done in his case thereby depriving the Applicant of his right to due process of law on the issue of the proper amount of restitution due to the victim.

(d) Trial counsel was ineffective for failing to investigate whether some of the damages being claimed by the victim were in fact the result of previous vandalism at this abandoned house where said prior incidents were documented in the discovery materials in this case.

(e) Trial counsel was ineffective for failing to advise his client that he was entitled to a hearing on the proper amount of restitution due to the victim at which the Court would be required to determine whether there was basis for the amount of damages claimed by the victim.

evidentiary

II. SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED AT THE PCR
EVIDENTIARY HEARING

Mr. Cornwell's Testimony

At the PCR hearing plea counsel testified that at the time he represented the Applicant he was employed by the Lexington County Public Defender's Office and that at the time of the Applicant's guilty plea on October 2008, counsel had been practicing law for three years. Counsel testified that he was familiar with the legal issues involved with court orders concerning restitution. Counsel testified that in exchange for Applicant's plea to Burglary 2nd, the state dropped charges of Malicious Injury to Personal Property and Criminal Conspiracy, and that this was the only agreement that counsel and Applicant had with the state. Counsel testified that it was the policy of the solicitor's office not to make recommendations and that prior to the guilty plea counsel discussed with Applicant that the court would order restitution as a part of the plea. Counsel testified that he and the Applicant discussed the issue of restitution quite a bit and that counsel received an itemized list of the claimed damages that would be used by the court when ordering restitution. Counsel testified that he reviewed the itemized list with Applicant. Counsel testified that Applicant informed him that Applicant and his co-defendant did not take out the copper out of the air unit, which was claimed as part of the damages on the itemized list. Counsel testified that the incident reports reflected estimated amounts of damages of \$20 for a ball and another \$200 in damages.

Counsel testified that the incident reports indicate that the house was abandoned and vandalized in the past. Counsel testified that he spoke with the solicitor and that counsel learned the house was not abandoned because people would stay there from time to time. Counsel testified that

he did not visit the scene, that counsel was not able to speak with the victim but able to meet with the solicitor. Counsel testified that he did not review any previous incident reports of vandalism to the house. Counsel testified that he investigated the items in the incident report and the itemized list, and compared the two. Counsel testified that in negotiations if the defense wants to challenge the restitution amount then they would proceed to trial. Counsel testified that the solicitor was aware that counsel was not in complete agreement with the restitution amount. Counsel testified that after discussing with Applicant the issues surrounding restitution and a restitution hearing, Applicant decided not to challenge the restitution amount. Counsel testified that he explained to Applicant, Applicant's right to a restitution hearing, what a restitution hearing concerned, and that Applicant was not required to go forward with the restitution hearing on the day of the guilty plea.

Counsel testified that he explained to Applicant that the purpose of a restitution hearing was to question the individual claiming damages, that Applicant would be able to question the individuals who Applicant was charged to owe money to, and that the hearing was akin to a mini-trial. Counsel testified that he reviewed the discovery materials with Applicant. Counsel could not recall whether he discussed the option of challenging the previous vandalism to the house with Applicant. Counsel testified that he did not inquire into a rider of vandalism coverage on the victim's insurance policy. Counsel testified that he discussed and reviewed the damage amounts on the itemized list with the officer who completed the incident report.

Counsel testified that Applicant was on probation for Burglary 3rd at the time of his guilty plea for Burglary 2nd and that restitution was ordered on the Burglary 3rd charge. Counsel testified that he explained to Applicant that if Applicant did not pay restitution during the probation period that Applicant could be sent back to jail. Counsel testified that he recalled some drug use by the

Applicant being involved and that Applicant informed counsel. 'if they say we did it then we probably did.' Counsel testified that Applicant at the guilty plea he disputed the allegation that copper was removed from the air conditioner unit

Counsel testified that the indictment charged Applicant with the burglary occurring at [REDACTED] [REDACTED] that the itemized list of damages refers to [REDACTED] and that counsel assumed this was a scrivener's error because [REDACTED] was field directly next to and touching [REDACTED] [REDACTED]. Counsel testified that the incident report reflects the address as [REDACTED]. Counsel testified that he reviewed the co-defendant's statement with Applicant prior to the guilty plea. Counsel testified that the investigative report goes into more detail then the co-defendant's statement and that counsel did not question the officer concerning an alleged discrepancy between the statement and the incident report. Counsel testified that he reviewed the photographs of the damage to the house, that counsel did not recall physically showing the photographs to Applicant but that counsel discussed the contents of the photographs with Applicant.

LC Taylor's Testimony

At the PCR hearing Mr. Taylor testified that he is the owner of the property at [REDACTED] [REDACTED] and that the home on the property was not abandoned but vacant. Mr. Taylor testified that no one stayed at the house after his parents passed away, that the previous instances of vandalism resulted in the door being kicked in, the taking of a few items, but that no damage was done to house itself. Mr Taylor testified that he prepared the damage summary with his wife, that [REDACTED] [REDACTED] is the vacant house, that [REDACTED] is the adjacent lot, and that all the land/property runs together. Mr. Taylor testified that with regard to the incident report dated July 9, 2004 indicating that a fire damaged a structure. that the structure which burned down was a mobile home that his son

lived in, and that this was not the house that Applicant and his co-defendant burglarized. Mr. Taylor testified that he subtracted the amount of the 'found items' from the itemized list, that the animals were let out of the fence by Applicant and his co-defendant, and that he reported the previous acts of vandalism to the police department.

Mr. Taylor testified that no one was caught in connection with the previous vandalism reflected in a July 16, 2004 incident report and that no one was ordered to pay restitution for the items previously stolen. Mr. Taylor testified that he compiled the itemized damage list using price quotes from Lowe's and other retailers. He testified that he had pictures of the house prior to it being destroyed as well as pictures of the house after it was destroyed by Applicant and his co-defendant. Mr. Taylor testified that the cabinets were damaged, that the cabinets have not been replaced since the break-in occurred, and that the cabinets have not been repaired either. Mr. Taylor testified that the damage to the walls and the required cleaning was an estimated \$1,300 and that no cleaning has taken place yet. Mr. Taylor testified that the damage to the windows reflected the glass and wood was broken, that the damage to the windows was estimated to be \$1,800, and that Mr. Taylor arrived at this damage amount based on Lowe's estimated cost of repair. Mr. Taylor testified that the police initially responded to [REDACTED] where his son lives and that the paintball equipment was taken from that address.

Mr. Taylor testified that he noticed the copper had been removed from the air conditioning unit when it was destroyed, that Mr. Taylor prior to the Applicant's vandalism he checked the air conditioning unit about every two weeks, that his son checked on the air unit all the time because they were aware of people trying to steal copper from air conditioning units. Mr. Taylor testified that the copper was not missing until after the Applicant and his co-defendant vandalized the house and

that Mr. Taylor took pictures of the missing copper. Mr. Taylor testified that he has not received any insurance money for any of the past vandalisms and the recent burglary of his house.

Mr. Taylor testified that the damage amount for the award plaques amounted to \$700 based on a quote for replacement of the plaques by a local business that made plaques and that as of today the plaques have not been replaced. Mr. Taylor testified that the heating system inside the house was sprayed with a chemical and paint during the burglary, that it was a working kerosene stove prior to the burglary, that the cost of replacing the stove was estimated to be \$2,000, and that Mr. Taylor was not sure if the stove worked after the burglary. Mr. Taylor testified that the dishes, linens, and curtain were damaged and/or destroyed, that his wife calculated the damage amount for these items by speaking with businesses that sold those type of items. Mr. Taylor testified that the photographs he took of the damage to the house after the burglary were provided to the judge at the guilty plea, that he did not speak with Applicant's attorney or anyone from the Public Defender's Office.

Applicant's Testimony

At the PCR hearing Applicant testified that at his guilty plea he thought that he was going to receive a YOA sentence or probation, that plea counsel did not discuss restitution with him, and that Applicant understood there would be restitution ordered but that Applicant did not know the amount. Applicant testified that he did not review the itemized damages list, that he did not know the restitution amount requested was \$24,000, and that he recalled the solicitor discussing a restitution hearing. Applicant testified that he agreed to pay for the damages but that if he knew all the detail that Applicant would have investigate more

Applicant testified that he was not aware of the previous vandalisms to the house, that if Applicant was made aware of these previous vandalisms then Applicant would not have waived his

right to the restitution hearing. Applicant testified that plea counsel did not explain what a restitution hearing would entail, that plea counsel did not say anything about a restitution hearing, that Applicant did not understand what he was waiving, and that Applicant did not know there must be a sufficient evidentiary basis for the restitution amount.

Applicant testified that he was not clearheaded on the day of the burglary, that he and his co-defendant did not damage the curtains, linens, or remove the copper from the air unit. Applicant testified that they stayed in the living room of the house during the burglary and that he recalled breaking one television. Applicant testified that he believed that because restitution was being requested that Applicant would be sentenced to probation until the restitution amount was paid. Applicant testified that if he was aware of the extent of the monetary damages being claimed by the victim prior to the guilty plea, then Applicant would have had concerns about his ability to pay the restitution amount.

III. APPLICABLE LAW

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

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional

judgment Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

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

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

Ineffective Assistance of Counsel

The Applicant asserts that plea counsel was ineffective for waiving the Applicant's right to a hearing on the actual value of the damages done in this case thereby depriving Applicant of his right to due process of law on the issue of the proper amount of restitution due to the victim. Plea counsel testified that he was provided an itemized list of the damages claimed by the victim and that he reviewed the list with the Applicant. Plea counsel testified that he compared the damage amounts reported in the incident report and itemized list, and that he discussed the damages reported in the itemized list with the officer who prepared incident report. Plea counsel testified that he reviewed the photographs of the damage to the house and discussed the contents of the photographs with Applicant. This Court finds Applicant's testimony that he did not review the itemized damages list prior to his guilty plea is not credible. At the guilty plea hearing plea counsel informed the court that Applicant had one discrepancy with the claimed damages; that Applicant did not recall taking any copper out of the air conditioner. (Tr. p.13). The missing copper from the air conditioner is claimed on the itemized damage list.

Plea counsel testified that he explained to Applicant, Applicant's right to a restitution hearing, that the purpose of a restitution hearing was to question the individual claiming the damages, and that Applicant through counsel would be able to question the individuals who Applicant was charged to owe money to. The record reflects that the solicitor reported the total restitution amount to the court as being \$24,201.80 and that the plea judge later confirmed with plea counsel that the amount was \$24,201.80 (Tr. p.8, line 1, p. 14, line 1). The Applicant was given the opportunity to address the court and engaged in a lengthy colloquy with the plea judge. Not once does the Applicant refer to the restitution amount stated to him in open court by the solicitor and the plea judge. Under the due process clause of both the South Carolina Constitution and the United



States Constitution, the defendant must receive notice of the hearing, and during the hearing, the defendant must be given the opportunity to be heard and to cross-examine witnesses. S.C. Const. art. I, §3, Const. amend XIV. This Court finds that plea counsel discussed with Applicant his right to a restitution hearing and what said hearing entailed. This Court finds that Applicant was aware of the damages being claimed, evidenced by Applicant's discrepancy concerning the copper. During the guilty plea the full restitution amount was stated in open court two times and at no time did Applicant refer to or even challenge the amount. This Court finds that Applicant has failed to show that the amount of restitution claimed by the victim on the itemized damage list and ordered by the court was otherwise incorrect. Applicant made a voluntary, intelligent, and knowing waiver of his right to a restitution hearing. This Court finds that Applicant has failed to show that plea counsel's performance was deficient and any resulting prejudice, therefore this allegation is denied and dismissed.

The Applicant also asserts that plea counsel was ineffective for failing to investigate whether some of the damages claimed by the victim were in fact the result of previous vandalism at the abandoned house where said prior incidents were documented in the discovery materials. Plea counsel testified that he did not review any previous incident reports of vandalism to the house, however through discussions with the solicitor and the investigating officer counsel learned that the house was not abandoned. Plea counsel testified that he reviewed the itemized damages list and discussed the contents of the photographs of the damages with Applicant. At the guilty plea hearing counsel informed the plea court with regard to the Applicant's agreement to the damages claimed, that Applicant understood he and his co-defendant tore the house up pretty good. This Court already found that Applicant was fully apprised of the damages being claimed by the victim. The only



challenge raised by the Applicant concerned the copper removed from the air unit. Additionally, Mr. Taylor testified that the previous instances of vandalism resulted in a door being kicked in and items stolen, but that no damage was done to the house itself. Mr. Taylor also provided this Court with testimony as to how he determined the damage amounts for certain items. This Court has reviewed the incident reports, investigative reports, the co-defendant's statement, and the itemized damages list. The damages claimed on the itemized list do not appear to be claimed or documented in any of the prior reports of vandalism. The Applicant has not provided this Court with any evidence that the damages claimed by the victim were in fact the result of the previous vandalism at the house and not attributable to Applicant.

To establish counsel was inadequately prepared, an Applicant must present evidence of what counsel could have discovered or what other defenses could have been pursued had counsel been more fully prepared. Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998). The "brevity of time spent in consultation, without more, does not establish that counsel was ineffective." Easter v. Estelle, 609 F.2d 756, 759 (5th Cir. 1980). When claims of ineffective assistance of counsel are based on lack of preparation time, an Applicant challenging his conviction must show specific prejudice resulting from counsel's alleged lack of time to prepare. United States v. Cronin, 466 U.S. 648 (1984); U.S. v. LaRouche, 896 F.2d 815 (4th Cir. 1990). Here, the Applicant could not point to any specific matters counsel failed to discover which would have caused him to proceed with a jury trial instead of pleading guilty; or in Applicant's case proceeding with a restitution hearing instead of waiving his right to the hearing. This Court finds the Applicant offered no evidence at the PCR hearing that counsel could have found that would have been likely to have any outcome more favorable to the Applicant. This Court finds that Applicant failed to present any evidence or

testimony that the damages claimed were the result of the prior instances of vandalism. The Applicant did not produce any witnesses or offer any other evidence from which this Court could conclude that the outcome of the case would likely have been different, had that evidence been developed. This Court finds that plea counsel's performance was not deficient. Plea counsel reviewed the itemized list, photographs, and discussed the claimed damages with Applicant. Plea counsel informed the plea court of the one discrepancy that Applicant had with the damages claimed. The Applicant was given the opportunity to address the plea court. Even if this Court found counsel's failure to investigate the prior vandalisms was deficient, the Applicant failed to show any resulting prejudice. This Court finds that the Applicant has failed to meet his burden of proof; therefore this allegation is denied and dismissed.

The Applicant further asserts that plea counsel was ineffective for failing to advise Applicant that he was entitled to a hearing on the proper amount of the restitution due to the victim at which the Court would be required to determine whether there was an evidentiary basis for the amount of damages claimed by the victim. Plea counsel testified that he and the Applicant discussed the issue of restitution quite a bit. Plea counsel testified that he explained to Applicant, Applicant's right to a restitution hearing, what a restitution hearing concerned, and that Applicant was not required to go forward with the restitution hearing on the day of the guilty plea. Plea counsel further testified that he explained to Applicant that the purpose of a restitution hearing was to question the individual claiming damages, that Applicant would be able to question the individuals who Applicant was charged to owe money to and that the hearing was akin a mini-trial. Applicant testified that he was aware prior to his guilty plea that restitution would be ordered. This Court has already found that Applicant was advised of his right to a restitution hearing and that such a hearing would give



Applicant the opportunity to challenge the amount of damages claimed by the victim. Plea counsel reviewed the itemized damage list and discussed the photographs of the damage with Applicant. Applicant raised one issue regarding the claimed damages. This Court also has already found that Applicant made a voluntary, intelligent, and knowing waiver of his right to a restitution hearing.

At the guilty plea hearing the solicitor recited the facts of the case including the claimed restitution amount of \$24,201.80 (Tr. p 6-8). The plea judge then asked Applicant if he was guilty of burglary in the second degree and Applicant indicated that he was guilty. (Tr. p 8, lines22-25). Applicant indicated to the judge that no one promised him anything to get Applicant to plead guilty. (Tr. p 9, lines20-23). The plea judge asked Applicant if there was anything else he wanted plea counsel to do on the case that had not been done, and Applicant indicated that there was not (Tr. p.10, lines2-5). The plea judge stated the claimed restitution amount to be \$24,201.80 for the court. (Tr. p.13, line25 – p.14, line1). Plea counsel stated to the plea court that the restitution was a lot of money and that Applicant understood that. (Tr. p 16, line23 – p.17, line1). Applicant was then given the opportunity to address the plea court and Applicant engaged in a lengthy colloquy with the court, and apologized for his actions. (Tr. p.17-21) The Applicant insists that he was not aware of the total restitution amount being claimed and that if he had been apprised of the amount that Applicant would not have waived his right to a restitution hearing. However, after being apprised of the restitution amount by the solicitor the Applicant pled guilty; and after a second announcement of the restitution amount by the judge the Applicant made no statement concerning the amount. Even if this Court could find plea counsel's performance deficient, Applicant failed to show resulting prejudice.

A restitution hearing is part of the sentencing proceeding, and thus, the trial court may conduct an inquiry broad in scope, largely unlimited either as to the kind of information it may consider or the source from which the information may come, to assist it in determining the amount of restitution. State v. Gulledge, 326 S.C. 220, 487 S.E.2d 590 (1997). At the PCR hearing Mr. Faylor testified the method he employed in determining the damage amounts reflected on the itemized list. The guilty plea record reflects that the itemized list was provided to the plea court as evidence of the restitution amount. This Court finds that the Applicant failed to show that there was not evidentiary basis for the amount of damages claimed by the victim. Therefore, this Court finds that Applicant is unable to show resulting prejudice. This allegation is denied and dismissed.

All Other Claims

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

V. CONCLUSION

Based on all the forgoing, this Court finds and concludes that the Applicant has not

established any constitutional violations or deprivations that would require this Court to grant his application for post conviction relief. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 23

day of March 2012.

Edward W. Miller
Edward W. Miller
Presiding Judge

Greenville, South Carolina

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

STEVEN D. DENTON, #331431,

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Order of Dismissal has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

Tara D. Shurling, Esquire
3614 Landmark Dr., Ste. A
Columbia, SC 29204

This 12th Day of April, 2012.

Lena Pelishenko

Lena Pelishenko
Legal Assistant for Respondent

SWORN to before me this 12th Day of April, 2012.

Allen Measa

Notary Public for South Carolina.

My Commission Expires: 9/25/19

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

COPY

FILED

2009-CP-32-3574

STEVEN DARRELL DENTON, 331431

2012 APR 12 2 42b

Applicant.

PETHA CARRIGG
CLERK OF COURT
LEXINGTON SC

RULE 59(e) SCRCP, MOTION TO
ALTER OR AMEND

v.

THE STATE OF SOUTH CAROLINA,

Respondent.

NOW COMES the Applicant in the above-captioned case, acting by and through undersigned counsel, respectfully moving this Court pursuant to Rule 59(e), SCRCP, to alter or amend its Order of Dismissal filed March 28, 2012. The Application for Post-Conviction Relief in this matter was filed on August 11, 2009. The State filed its Return on December 11, 2009. An evidentiary hearing was convened on November 30, 2011, at the Lexington County Courthouse. The Applicant was present and represented by Tara Dawn Shurling, Esquire and the State was represented by Kaelon E. May, of the South Carolina Attorney General's Office. An Order of Dismissal was filed in this case on March 28, 2012 and was received by counsel for the Applicant on April 2, 2012.

The Applicant now respectfully notes that this Order fails to address the fact that the sole remedy sought by the Applicant was a remand for an evidentiary hearing based on a finding that trial counsel was ineffective in failing to adequately advise the Applicant concerning his rights with regard to an order for restitution and a hearing to address the proper amount of such an order. It was the position of this Court in the November 30, 2011 hearing that a presiding judge in a PCR proceeding did not have the authority to grant the relief requested. The Court specifically ruled that the Court in a PCR action could either overturn the judgment and sentence altogether or do nothing at all. The Applicant respectfully objected to that position for the record. The Order of Dismissal in this case fails to address that issue.

[Handwritten signature]

In the landmark case of State v. Wilson, 274 S.C. 352, 264 S.E 2d 414 (1980), our Supreme Court found that the sentencing court had the authority to impose, as condition of probation, that defendant make reparation in the form of payment of damages to the victim, but additionally found that an evidentiary basis was required to be shown for the amount of the payments ordered. In so ruling, the high court found the appropriate remedy to require that so much of the judgment and sentence *as fixed the amount of reparations be reversed* and the matter remanded for redetermination of the amount of reparations in the light of the evidence produced at the rehearing. In all other respects the judgment and sentence in Wilson was affirmed. Contrary to the position taken by the Court, there is South Carolina authority for the position that a judge in a PCR proceeding has the authority, on appropriate facts, to remand for a new sentencing hearing only. *See, 'Davie v. State*, 381 S.C.601, 675 S.E.2d 416 (2009). Where the Applicant in Davie had not expressed a desire to proceed to trial, our Supreme Court found that a remand for a new trial was not the appropriate remedy.

The Applicant would further note that the Order of Dismissal, at page 4, paragraph 1, states *that "Counsel testified that in negotiations if the defense wants to challenge the restitution amount then they would proceed to trial."* The Applicant would respectfully note that the guilty plea transcript in his case clearly establishes that the only plea agreement in this case was for the State to drop charges of malicious injury and criminal conspiracy in exchange for the Applicant's plea to second degree burglary "*straight up* " Guilty Plea Tr. p. 9, ll. 9 – 18. Therefore, the record clearly establishes that there was no agreement for the Applicant to pay any specific amount of restitution in exchange for the dismissal of the other two charges against him.

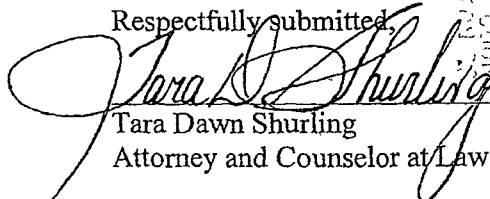
The Applicant would further note that the testimony of the victim during his PCR hearing clearly demonstrates that the victim did not present competent evidence in support of the extremely high damages he claimed resulted from the actions of the Applicant and his codefendant. He would argue that the record demonstrates that if an evidentiary hearing were held, the victim could not,

contrary to the findings of this Court, establish an adequate factual basis for the amount of damages claimed.

For all the reasons set forth herein, the Applicant asserts that he has met his burden of proof with regard to his claim that he received ineffective assistance of counsel in his sentencing proceeding in that defense counsel failed to adequately advise him concerning his rights with regard to an evidentiary hearing on the amount of restitution appropriate in this case. He now asks that this Court reconsider its decision to deny him the relief requested during his PCR hearing and asks the Court to remand his case to the Court of General Sessions for an evidentiary hearing on the appropriate amount of restitution in this case based upon a finding of ineffective assistance of counsel during the sentencing phase of his guilty plea proceeding.

For these reasons, the Applicant now prays that this Court might amend its Order pursuant to Rule 59(e), SCRCP, grant relief and remand the Applicant's case to the Lexington County Court of General Sessions for an evidentiary hearing addressing the limited issue of restitution in this matter. In the alternative, the Applicant would respectfully request that the Court issue an Amended Order of Dismissal making finding of fact and rulings of law concerning the issues addressed at his PCR hearing which were not addressed in this Court's Order of Dismissal. The Applicant would assert that his request for an Amended Order is necessary in order to fully preserve all of his arguments for appellate review.

Respectfully submitted,


Tara Dawn Shurling
Attorney and Counselor at Law

3614 Landmark Dr., Suite A
Columbia, S.C. 29204
(803) 738-8622
(803) 738-1600 (fax)
tdslaw@shurlinglaw.com

This 12th day of April, 2012.

Attorney for the Applicant

FILED
2012 APR 12 2 4 27
CLERK OF COURT
LEXINGTON COUNTY

COPY²²

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

STEVEN D. DENTON, #331431,)

Applicant,)

v.)

STATE OF SOUTH CAROLINA,)

Respondent.)

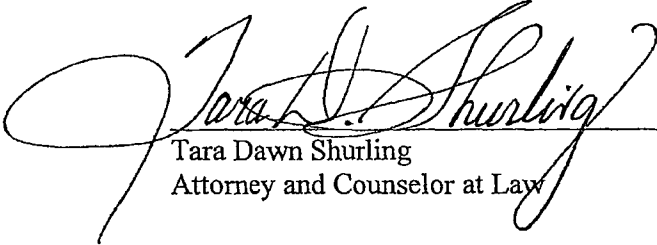
CASE NO.: 2009-CP-32-3574

CERTIFICATE OF SERVICE

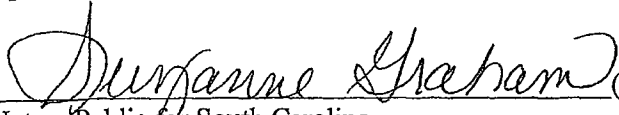
The undersigned hereby certifies that a true copy of the Rule 59(e) Motion to Alter or Amend in the above matter has been served on opposing counsel this the 12th day of April, 2012, by mailing one (1) copy in a stamped envelope properly addressed to:

Kaelon May
Assistant Attorney General
Office of the Attorney General
P. O. Box 11549
Columbia, SC 29211

The original having been hand delivered to the Lexington County Clerk of Court for filing.


Tara Dawn Shurling
Attorney and Counselor at Law

SWORN TO BEFORE ME this 12th day of
April, 2012

 (L.S.)
Notary Public for South Carolina

My Commission Expires: 3/12/2013

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2012 APR 12 3 42 PM
JESSICA CARPISG
CLERK OF COURT
LEXINGTON SC

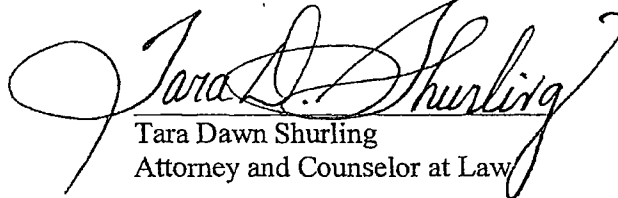
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STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	ELEVENTH JUDICIAL CIRCUIT
STEVEN D. DENTON, #331431	)	CASE NO.: 2009-CP-32-3574
	)	
Applicant,	)	
v.	)	CERTIFICATE OF SERVICE
	)	
STATE OF SOUTH CAROLINA,	)	
Respondent.	)	

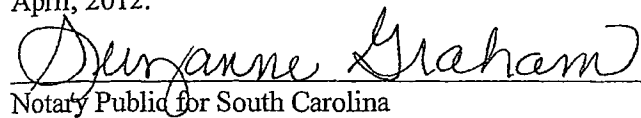
The undersigned hereby certifies that a true copy of the Rule 59(e) Motion to Alter or Amend in the above matter has been served on the Honorable Edward W. Miller presiding judge, this 12th day of April, 2012, by mailing one (1) copy in a stamped envelope properly addressed to:

The Honorable Edward W. Miller
Circuit Court Judge for the Eleventh Circuit
305 E. North Street, Suite 219
Greenville, SC 29601

The original having been hand delivered to the Lexington County Clerk of Court for filing.


Tara Dawn Shurling
Attorney and Counselor at Law

SWORN TO BEFORE ME this 12th day of
April, 2012.

 (L.S.)
Notary Public for South Carolina

My Commission Expires. 3/12/2013

FILED
2012 APR 12 3 42 PM
JETH A. CARRIG
CLERK OF COURT
LEXINGTON SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	Case No.: 2009-CP-32-3574
	)	
Steven D. Denton, #331431.	)	
	)	
Applicant,	)	RETURN TO APPLICANT'S MOTION
	)	TO ALTER OR AMEND
v	)	
	)	
State of South Carolina.	)	
	)	
Respondent.	)	
	)	

This matter comes before this Court by way of the Applicant's Motion pursuant to Rule 59(e), SCRPC, in which Applicant asks this Court to alter or amend its Order denying and dismissing Applicant's application for post-conviction relief (PCR). The Respondent would submit the following:

I.

The Order of Dismissal issued by the Honorable Edward W. Miller on March 23, 2012 and filed on March 28, 2012, contains the required findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1976), and Rule 52(a) SCRPC. *See McCray v. State*, 305 S.C. 329, 408 S.E.2d 241 (1991). Respondent submits this Court did not err in issuing the Order of Dismissal and that the Order fully addresses all of the Applicant's claims.

The Court's Order properly found that Applicant made a voluntary, intelligent, and knowing waiver of his right to a restitution hearing and that plea counsel was not ineffective for failing to adequately advise Applicant concerning his right to a restitution hearing (Order p. 11, 13). Respondent submits that the Order does not address the issue of remanding for a restitution hearing because this Court found that counsel was not ineffective and that Applicant knowingly waived his

right to a restitution hearing. Had this Court found counsel ineffective or that Applicant did not knowingly waive his right to a restitution hearing, only then would it have been proper for this Court to address the remedy sought by Applicant. While it was the position of this Court at the PCR hearing on November 30, 2011 that a presiding judge in a PCR proceeding did not have the authority to grant the relief requested by Applicant, this Court did not deny Applicant's PCR application based on that position. This Court denied Applicant's requested relief because Applicant failed to meet his burden of proof in showing that plea counsel was ineffective and that Applicant did not knowingly waive his right to a restitution hearing.

The Applicant also asserts that the testimony of the victim (Mr. Taylor) during the PCR hearing demonstrates that the victim did not present competent evidence in support of the damages he claimed resulted from the actions of the Applicant and his co-defendant. Respondent would note that the victim's testimony at the PCR hearing was not in lieu of what his testimony would have been at a restitution hearing, and therefore, it is improper for Applicant to conclude that Mr. Taylor's testimony at the PCR hearing would have been the entirety of his testimony at a restitution hearing.

Respondent submits that Applicant fails to provide any support that counsel was ineffective in failing to adequately advise Applicant concerning his rights to a restitution hearing in Applicant's motion to alter or amend. Respondent further submits that this Court did not err in issuing the Order of Dismissal and that the Order fully addresses all of the Applicant's claims.

II.

The State therefore requests that the relief requested by the Applicant be denied and that his Motion be dismissed.

WHEREFORE, having made its Return to the motion, the State requests that the relief requested in the Motion be denied and that said Motion be dismissed.

Respectfully submitted,

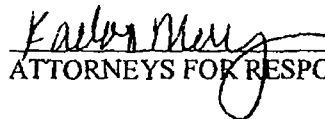
ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

KAELOE E. MAY
Assistant Attorney General

BY


ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-3737

Columbia, South Carolina
April 30, 2012

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	
	)	
	)	2009-CP-32-3574
	)	
STEVEN DENTON, #331431,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

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

Tara D. Shurling, Esquire
3614 Landmark Dr., Ste. A
Columbia, SC 29204

DATED this 30th day of April, 2012.

Lena Pelishenko

Lena Pelishenko, Legal Assistant
 For Respondent

FILED

ORIGINAL

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON) 2012 MAY 25 PM 2:50
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))
Steven D. Denton, #331431,) CLERK OF COURT 2009-CP-32-3574
Applicant,) LEXINGTON SC
))
vs.) ORDER DENYING APPLICANT'S
) MOTION TO ALTER OR AMEND
))
State of South Carolina,)
))
Respondent.)

This matter comes before the Court by way of Applicant's Motion to Alter or Amend Judgment pursuant to Rule 59(e), SCRCP. The Order of Dismissal in this matter was signed by me on March 23, 2012 and filed with Lexington County Clerk of Court on March 28, 2012.

Based upon careful reconsideration of all of the pleadings and exhibits presented in this case, the Respondent's Return, and upon full consideration of Applicant's motion, this Court is not persuaded to alter or amend the judgment. This Court's previous Order of Dismissal fully comports with the requirements of Rule 52(a) and Rule 59(e), SCRCP.

IT IS THEREFORE ORDERED.

1 That the Applicant's motion is denied and dismissed.

AND IT IS SO ORDERED this 22 day of MAY, 2012

Edward W. Miller
Edward W. Miller
Presiding Judge

Steven D. Denton South Carolina

SS DUCK

VITNESSES

Lexington County Sheriffs Department

Ashley Russell

Law Enforcement Case # 08049312

OAJ

ARREST WARRANT NUMBER

1846835

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date

VERDICT

Foreperson of Petit Jury
Date:

228

DOCKET NO. 2008-GS-32- 3390

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2008

THE STATE
vs.

Steven Darrell Denton

CDR #: 0080

Indictment for

Burglary 2nd (Non-violent) ✓

§ 16-11-0312

DONALD V. MYERS, SOLICITOR

I DO HEREBY WAIVE MY RIGHT
TO GRAND JURY PRESENTMENT

Steven Darrell Denton
DEFENDANT

10-27-08
DATE

T. Cary H. Cull
WITNESS

A TRUE COPY
[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

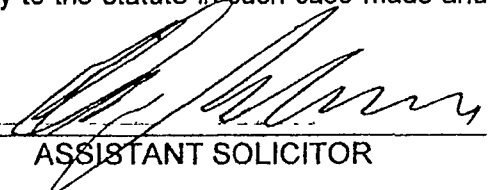
INDICTMENT FOR
Burglary 2nd (Non-violent)

§ 16-11-0312

At a Court of General Sessions, convened on OCTOBER 2008, the Grand Jurors of Lexington County present upon their oath:

That Steven Darrell Denton did in Lexington County, South Carolina on or about May 30, 2008 knowingly and willfully enter a dwelling, without consent and with the intent to commit a crime therein, to wit: Lexington, SC, such being the dwelling of L. Taylor, in violation of § 16-11-312 (A) of 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

230 STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE VS.
Steven Denton

AKA:

Race: W Sex: M Age: 19

DOB: SS#:

Address: Gilbert, SC 29054-8727

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-GS-32-33

A/W#: J846835

Date of Offense: 5/30/2008

S.C. Code §: 16-11-0312

CDR Code #: 0080

A TRUE COPY
SENTENCE SHEETIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF ☒ PLEADS
TO: Burglary (Non - Violent) (After June 20, 1985) - Second degree

in violation of § 16-11-0312 of the S.C. Code of Laws, bearing CDR Code # 0080

☒ 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. SD (Defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

SC Bar# 73191

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 10 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference. (APL)☐ 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.

SPECIAL CONDITIONS:

☒ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered PTUP

Total: \$ 24201.80 plus 20% fee \$

Payment Terms: By SERVING PUBLIC SERVICE EMPLOYMENT. NOT TO

☒ set by SCDPPPS EXCEED 6 mo., w/ BAL SET UP ON

Pymts.

Recipient: L.C. TAYLOR

*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

\$

§ 35 13 (Public Def/Prob)

\$500

\$500.00

§ 73 3, 1B TP (Law Enforce. Funding)

\$25

\$25.00

§ 33 7, 1B TP (Drug Court Surcharge)

\$100

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$

§ 90 11 TP (SCCJA Surcharge)

\$5

\$5.00

TOTAL

\$24201.80

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. ☒

May serve W/E beginning

Substance Abuse Counseling ☒ IN DISCRETIONRandom Drug/Alcohol testing ☒ SCORPFine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other: NO CONTACT w/ VICTIM; Pay P.D. FEE

& COURT COSTS @ RATE SET BY SCDPPPS;

NO CONTACT w/ CO-DEF.; INTENSIVE SUPERV. FOR

1st 6 mo. AFTER RELEASE FROM REST. CRT.

DEF. IS TO FULLY COOPERATE w/ EVALUATION;

☒ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PROBATION / MONTHLY HEALTH CAREERING NEEDS

FULLY COMPLY w/ ANY TREATMENT REGIMEN.

PRESIDING JUDGE William P. Harding

Judge Code: 210 15 10

Sentence Date: OCT. 27, 2008

SCCA/217 (07/2008)

Court Reporter: Stacy Sheppard

Clerk of Court/ Deputy Clerk

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of LEXINGTON
STATE VS.

STEVEN DENTON
AKA: _____
Race: W Sex: M
DOB: _____
SSN: _____
SID#: 1787135

INDICTMENT#: 08-GS-32-00044
Probation C/W#: W-32-08-1600
CC-32-08-0053
Name of Original Offense: BURB 3RD
Original A/W#: J-846875
Date of Original Offense: 10/30/07
Conviction S.C. Code §: 16-11-0313
Conviction CDR Code #: 141217
Original Sentence: 10 DATE 5X 51 30 m p

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 11/15/08 in the Court of General Sessions of LEXINGTON County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 10/27/08, as set forth in the attached warrant(s) or citation(s) dated 11/15/08. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$_____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$_____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☒ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Additional Conditions ordered by the Court:

Restitution to C. Investment

☒ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.

☒ The defendant has previously served 0 months/years on this sentence.
(split sentence time and/or prior partial revocation time)

☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

TRUE COPY

This 27 day of OCTOBER, 2008
LEXINGTON, SC

William P. Keesley
Presiding Judge
1st Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation, impose any lawful conditions it deems proper, or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature _____

Witnessed by, _____

Signed this _____ day of _____, at _____ SC
Day Month Year City