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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

Honorable Jocelyn J. Newman, Circuit Court Judge

SEAN L. STROMAN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001981

APPENDIX

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1 State of South Carolina) In the Court
 2 County of Lexington) Of General Sessions

3
 4 Indictment No.: 2015-GS-32-02805
 5 2015-GS-32-02807
 6 2015-GS-32-02812
 7 2015-GS-32-02813
 8 2015-GS-32-02815

9 State of South Carolina,)
 10 Plaintiff.)
 11 vs.) Transcript of Record
 12 Sean Stroman,)
 13 Defendant.)

14 April 5, 2016
 15 Lexington, South Carolina

16 B E F O R E:

17 The Honorable R. Knox McMahon.

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

19 J. Angela Garrick-Martin, Assistant Solicitor
 20 Attorney for the State

21 Derrick E. Mobley, Esquire
 22 Attorney for the Defendant

23
 24 Brenda J. Sigwald, Circuit Court Reporter
 25 To The Honorable R. Knox McMahon
 P.O. Box 206, Jackson, South Carolina 29831

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E X H I B I T S

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(REPORTER'S NOTE: There were no exhibits
entered during this hearing.)

GUILTY PLEA

THE CLERK: Sean Stroman. 2015-GS-32-2815, State versus Sean Stroman, indicted for armed robbery while armed with the deadly weapon. He is pleading as charged.

2015-GS-32-2805, State versus Sean Stroman, indicted for armed robbery while armed with the deadly weapon. He is pleading as charged.

2015-GS-32-2812, State versus Sean Stroman, indicted for kidnapping. He's pleading as charged.

2015-GS-32-2813, State versus Sean Stroman, indicted for kidnapping. He is pleading as charged.

2015-GS-32-2807, State versus Sean Stroman, indicted for kidnapping. He is pleading as charged.

All indictments are true billed and he is represented by Mr. Mobley.

Raise your right hand, please.

SEAN STROMAN,

having been duly sworn, testified as follows:

THE COURT: Mr. Mobley, you represent Sean Lamont Stroman.

MR. MOBLEY: I do, Your Honor.

THE COURT: Have you explained to him the charges, the elements of the charges, the possible punishments and his rights, including his rights to a jury trial.

MR. MOBLEY: I have Your Honor.

1 THE COURT: In your opinion does he understand
2 these things?

3 MR. MOBLEY: He does, Your Honor.

4 THE COURT: How does he indicate he intends to
5 plead to armed robbery, armed robbery, kidnapping,
6 kidnapping, kidnapping -- looked like two counts of
7 kidnapping and three counts of -- two counts of armed
8 robbery and three counts of kidnapping; is that correct.

9 MR. MOBLEY: Yes, Your Honor.

10 THE COURT: And how does he indicate he intends to
11 plead to those charges.

12 MR. MOBLEY: He indicated that he would like to
13 plead guilty, Your Honor.

14 THE COURT: Thank you.

15 Are you Sean Lamont Stroman?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Did I pronounce that middle name
18 correctly?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Before I can accept a plea of guilty,
21 it's necessary for me to determine if your pleas are being
22 given freely and voluntarily; therefore, I need to ask you
23 some questions. If you do not understand my questions,
24 please let me know and I will try to explain them to you.
25 If at any time you wish to talk with your attorney, let me

1 know and I will allow you to do so. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: How old are you, Mr. Stroman?

4 THE DEFENDANT: I just turned 25 in February.

5 THE COURT: How much education do you have?

6 THE DEFENDANT: Eleventh grade.

7 THE COURT: What type of work did you do before you
8 were incarcerated?

9 THE DEFENDANT: I worked for City Movers, moved
10 furniture.

11 THE COURT: Today are you under the influence of
12 any medication, drugs, or alcohol?

13 THE DEFENDANT: No, sir.

14 THE COURT: Are you aware of any physical,
15 emotional, or nervous problem that keeps you from
16 understanding what you're doing today?

17 THE DEFENDANT: No, sir.

18 THE COURT: You heard your attorney, Mr. Mobley,
19 tell the Court that he explained to you these charges, the
20 possible punishments and your rights, and that you
21 understand these things; is that correct?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: I've been handed up five indictments.
24 And I'll go over each of them with you.

25 The first indictment I was handed up is

1 2015-GS-32-02815, it basically alleges that on or about
2 August the 19th of 2015, you did in Lexington County
3 knowingly and willfully, while armed with a pistol,
4 feloniously take from the person or presence of employees
5 of Domino's Pizza by means of force, threats, or
6 intimidation, goods and money described as follows:
7 Approximately \$1,003.34 U.S. Currency, with intent to
8 deprive the owner of the use of said property.

9 For that you can receive a sentence of not less
10 than tenor more than thirty years; do you understand?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: The next indictment, 2015-GS-32-0805
13 alleges on July 27th, 2015, you did in Lexington County
14 knowingly and willfully while armed with a deadly weapon, a
15 pistol, did feloniously take from the person or presence of
16 William Dicks, an employee of Kangaroo Express, by means of
17 force, threats, or intimidation, goods or monies, being
18 described as follows: Between \$125 and \$150 in U.S.
19 Currency, a cordless phone belonging to the store, and the
20 victim's personal cell phone with intent to deprive the
21 owner of use of the said property, in violation of
22 16-11-330.

23 That is a charge of, again, armed robbery, for
24 which you could receive a sentence of not less than ten,
25 nor more than thirty years. Do you understand?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: The next indictment I come to,
3 2015-GS-32-03812, basically alleges that you did in
4 Lexington County on or about August 19th, 2015, knowingly,
5 willfully, unlawfully seize, confine, inveigle, decoy,
6 kidnap, abduct, or carry away one Ulysses Taylor, a Domino
7 Pizza employee, by any means whatsoever without authority
8 of law and without his consent, to wit, the victim was
9 forced at gunpoint to lie on the floor and not move in
10 violation of 16-39-10.

11 That's a charge of kidnapping for which you could
12 receive a sentence of up to thirty years. Do you
13 understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: The next indictment, 2015-GS-32-2813,
16 alleges that on that same date, August 19th, 2015, you did
17 in Lexington County knowingly willfully, unlawfully seize,
18 confine, inveigle, decoy, kidnap, abduct or carry away
19 employee, Ronald Turner of Domino's Pizza by any means
20 whatsoever without authority of law. The victim was forced
21 to lie on the floor at gunpoint in violation of 16-39-10.

22 That is an indictment for kidnapping, for which you
23 could receive a sentence of thirty years. Do you
24 understand?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And finally 2015-GS-32-02807 alleges
2 that you did on or about August 10th, 2015, in Lexington
3 County did knowingly, willfully, unlawfully, seize,
4 confine, inveigle, decoy, kidnap, abduct or carry away
5 employees of Domino Pizza by any means whatsoever without
6 authority of law and without their consent to where the
7 defendant caused forcible confinement of the employees, in
8 violation of 16-39-10.

9 This is an a charge of kidnapping, for which you
10 could receive thirty years. Do you understand?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, Mr. Stroman, When you plead guilty
13 you give up certain very important constitutional rights.
14 First, you give up your right to remain silent, and that is
15 your right against self incrimination, your right to say
16 nothing at all. Second you give up your right to a jury
17 trial that is your right to have a jury decide whether or
18 not you are guilty beyond a reasonable doubt. They would
19 base their decision on evidence which the State presents
20 and on any other evidence you might wish to introduce.

21 In a trial you would be presumed to be innocent and
22 the State would have to produce evidence that would
23 convince all members of the jury that you were guilty
24 beyond a reasonable doubt.

25 Third, you give up our right to confront and be

1 confronted by the witnesses against you. That is the right
2 to see, hear, and cross-examine the witnesses who may be
3 called to testify in your behalf. Do you understand these
4 rights?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand when you plead
7 guilty, you give up all these constitutional rights?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You understand that you will not get a
10 jury trial on any on these charges if you plead guilty?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Understanding the nature of the
13 charges, armed robbery, two counts, and kidnapping three
14 counts, of which if I were to sentence you consecutively,
15 you could receive a sentence of up to one hundred, fifty
16 years, how do you plead to armed robbery, the two counts --
17 how do you plead to the armed robbery of Domino's Pizza?
18 Guilty or not guilty?

19 THE DEFENDANT: Sir, I plead guilty, sir.

20 THE COURT: How do you plead to the armed robbery
21 of the Kangaroo Express? Guilty or not guilty.

22 THE DEFENDANT: Sir, I plead guilty, sir.

23 THE COURT: How do you plea to the kidnapping of
24 the employees of the Domino's Pizza? Guilty or not guilty.

25 THE DEFENDANT: Sir, I plead guilty, sir.

1 THE COURT: And you understand that's three counts?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You understand by pleading guilty, you
4 admit the truth of the charges that have been made against
5 you?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You may have defenses against these
8 charges. I don't know if you do or not. You understand by
9 pleading guilty, you will waive or give up any defenses you
10 will have to any of these charges?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You may have given an incriminating
13 statement in this case. I don't know if you did or not.
14 If you plead guilty, do you understand that you waive or
15 give up the right to contest or challenge whether such
16 statement was made freely and voluntarily and in accordance
17 with your constitutional rights?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Solicitor have there been any plea
20 negotiations in this case?

21 MS. MARTIN: No, as far as sentencing, Your Honor;
22 but our intent today are there are three different sets of
23 charges. He's pleading to some from each offense. Any
24 other general sessions pending charges related to these
25 cases will be nol prosed.

1 THE COURT: I believe you have one set of charges,
2 which is an armed robbery, kidnapping, and kidnapping?

3 MS. MARTIN: Yes, sir.

4 THE COURT: Of the Dominos. And Mr. Turner and
5 Mr. Taylor, employees on 19, August, 2015, right.

6 MS. MARTIN: Yes, sir.

7 THE COURT: Then you have another incident, 10,
8 August of '15, kidnapping of Domino's Pizza employees.

9 MS. MARTIN: Different dominos, still Lexington
10 County, yes, sir.

11 THE COURT: And then you have armed robbery of
12 Mr. Dicks, the employee of Kangaroo Express.

13 MS. MARTIN: That's correct, Your Honor. Today
14 will resolve all of Mr. Stroman's pending GS charges here
15 in Lexington.

16 THE COURT: Is that your understanding, Mr. Mobley?

17 MR. MOBLEY: Yes, sir, Your Honor.

18 THE COURT: Is that your understanding,
19 Mr. Stroman?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Has anyone promised you anything or
22 held out any hope of reward to get you to plead guilty?

23 THE DEFENDANT: No, sir.

24 THE COURT: Speak up for me, please.

25 THE DEFENDANT: No, sir, no, sir.

1 THE COURT: Has anyone threatened you or used force
2 to get you to plead guilty?

3 THE DEFENDANT: No, sir.

4 THE COURT: Has anyone used any pressure or
5 intimidation to cause you to plead guilty?

6 THE DEFENDANT: No, sir.

7 THE COURT: Have you had enough time to make up
8 your mind about whether or not you want to plead guilty?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Are you pleading guilty of your own
11 free will and accord?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you satisfied with the manner in
14 which your lawyer has advised and represented you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Have you talked with your lawyer as
17 often and for as long as you feel necessary for him to
18 properly represent you?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you need anymore time to talk with
21 your lawyer?

22 THE DEFENDANT: No, sir, I don't.

23 THE COURT: Have you understood your talks with
24 your lawyer?

25 THE DEFENDANT: Yes, I have.

1 THE COURT: Has your lawyer done everything for you
2 that you feel like he could have done or should have done?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Has your lawyer done anything in your
5 cases that you feel like he should not have done?

6 THE DEFENDANT: No, sir.

7 THE COURT: Are you totally and completely
8 satisfied with your lawyer's services?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You have any complaints you want to
11 make about your lawyer, the solicitor or any officers
12 involved in any of your cases?

13 THE DEFENDANT: No, sir.

14 THE COURT: Have you understood my questions?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Is there anything you'd like to ask me
17 about what we've just been over?

18 THE DEFENDANT: No, sir.

19 THE COURT: You understand that you have a right to
20 appeal your guilty pleas and the sentence of the Court and
21 that you or your lawyer must do so within ten days?

22 THE DEFENDANT: Yes, sir.

23 MR. MOBLEY: Your Honor, may I beg the Court's
24 indulgence for a split second?

25 THE COURT: Of course.

1 (There was a pause in the proceedings.)

2 MR. MOBLEY: All right, we're ready. Thank you,
3 Your Honor.

4 THE COURT: Do you need more time to talk with your
5 lawyer, Mr. Stroman?

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. Solicitor, the facts.

8 MS. MARTIN: Yes, Your Honor, thank you. May it
9 please the Court. Your Honor, I'm going take them in
10 chronological order.

11 2015-2805, involves an armed robbery that happened
12 on July 27th of 2015, at the Bush River Road location of
13 the Kangaroo Express. Your Honor, it was about ten o'clock
14 at night. The defendant, while armed with a silver and
15 black pistol came in, demanded money from Mr. Dicks. He
16 was the employee there at the business. He said don't make
17 any sudden moves and I won't shoot you.

18 He did rob the business of about \$150, took some
19 cigarettes; took the phone from the store and Mr. Dick's
20 personal cell phone.

21 Your Honor, just so you're aware, Mr. Oscar
22 Calderon is the manager of the Kangaroo Express. He's
23 sitting on the victim row here in court. He wanted to be
24 here just to represent the store. Mr. Dicks did not want
25 to be here today.

1 Your Honor, we're going to talk later about how
2 Mr. Stroman was arrested. But on this case after he was
3 arrested, he did provide a written confession about this
4 robbery and also when Mr. Dicks, the employee was shown a
5 photo lineup, Mr. Stroman was identified as an armed robber
6 that had taken the money on that day from the Kangaroo
7 Express.

8 The next case, Your Honor, involves Domino's Pizza
9 near Lexington, on August 10th of 2015. It was actually at
10 the Irmo, Woodrow Street Dominos. Once again, Mr. Stroman
11 comes into the business, he is armed with a black and
12 silver handgun. He addresses -- there were two employees
13 that day, Ms. Olivia Johnson and Mr. Vasquez. He tells
14 them he's not going to hurt them, he just needs money.
15 Your Honor, he had actually gone -- on this case,
16 Mr. Vasquez was in the back room at the Domino's Pizza
17 washing dishes. He brings Mr. Vasquez around and at that
18 time money is taken from the till. And that's when we
19 believe Mr. Stroman first learned about Domino's Pizza and
20 their safe system. There's a safe that's there. The
21 manager has to enter a code, then there's a time delay.
22 There's ten minutes they have to wait before it will beep
23 and then the manager has to enter the code again. That was
24 done in this case and the defendant was given cash money
25 from Dominos.

1 Your Honor, the next incident is from August 19th,
2 of 2015, and this is a case that actually was on the trial
3 list for next week. It involves a robbery from the St.
4 Andrews locations of Dominos. On this date, Your Honor, it
5 was about 10:30 at night. He comes into the business. He
6 has a gun. The victim, the manager, or assistant manager
7 is Ron Turner. The defendant tells Mr. Turner, you know
8 what this is; and he walks around the counter, corrals up
9 Mr. Turner. He gets Lee Taylor, who's there as well. He
10 asks if anyone else was there. Mr. Turner Humphrey is in
11 the back washing dishes. He goes around the back, calls
12 for that man to come around.

13 So Mr. Stroman has the three of them at gunpoint.
14 He has Mr. Lee Taylor go to the register, pull the money
15 out. He instructs Ron Turner to enter the code into
16 machine and he holds them there. He puts Taylor and Turner
17 on the floor at gunpoint and they wait there for that
18 ten-minute-time period.

19 Your Honor, in trial prep, Mr. Turner indicated
20 that -- that he certainly believed that Mr. Stroman would
21 have shot them if they had tried to fight or anything such
22 as that. The defendant did allow Lee to go turn off the
23 open sign because the business was still open, it wasn't
24 closed; but he allowed them to turn off the open sign to
25 they couldn't owe hopefully wouldn't have any more

1 customers coming in. When the code clicked, Ron Turner put
2 all the money -- it was a little over a \$1,000 into the
3 black book bag that Mr. Stroman had brought with him in the
4 business.

5 Mr. Stroman leaves on foot. Law enforcement is
6 called. They come out, the case is ultimately assigned, I
7 guess, the next morning, to two detectives Vandalaro who
8 stands behind me from the sheriff's department. They are
9 thinking at the beginning that they'll never solve this
10 case because the defendant never touched anything.

11 There's video equipment, obviously in all three to
12 have stores. There are cameras that are working and then
13 some that are not. But we have still shots of the
14 defendant -- it looks like him, but from an evidentiary
15 standpoint, we didn't know if we would ever be able to
16 solve it.

17 The victims in two of the armed robberies had
18 indicated that the defendant -- or the armed robber had a
19 tattoo on one side of his neck and it had a name. It had a
20 name of Vicky. So Detective Vandalaro did what he's very
21 good at and he started tracking down any men in the right
22 age group of the right ethnic group that had such a tattoo
23 on their neck. And he was able to find a photo of the
24 defendant from there in-house system and he put that
25 picture in, I don't know, I think six different lineups for

1 every different clerk to look at. He followed procedure,
2 he interviewed these clerks from the three different
3 instances. Separately he involved Detective Rawl on the
4 other Lexington County case and Detective Trent Williams
5 from the Irmo case; and all the clerks were able to
6 identify the defendant as the armed robber.

7 And actually in the photo lineup, you can't even
8 see the tattoo on his neck, so I felt even more comfortable
9 with the photo ID's.

10 So then the question comes, how do we find this
11 fellow. Actually it was turned over -- warrants were
12 sought and it was turned over to the fugitive task force.
13 Shannon Dykes is in the back of the courtroom along with
14 some of his partners. They see an in-house report of a
15 domestic case between the defendant and his girlfriend,
16 Brittany Felder and it was never assigned. And it happened
17 in August of 2015. It was never assigned to a detective,
18 so they decide they're going to followup on this domestic
19 incident. In fact, it was a case that they believed the
20 defendant would have been the victim.

21 So they go into Richland County with a SLED agent.
22 They're looking for Sean Stroman's family. They're looking
23 for Brittany Felder's family. They put the word out they
24 need Mr. Stroman and Ms. Felder to resolve that case and if
25 they don't want to pursue charges, they need to sign drop

1 charges or do not pursue charges. And lo and behold after
2 a little bit of time, they get contacted by the defendant.
3 They set up a meeting here in Lexington County at the
4 Wal-Mart parking lot. They decide that they want to take
5 him into custody in a parking lot as safely as possible.
6 They have a bunch of officers staged around. They find out
7 what kind of vehicle they'll be coming in and they get
8 there before the defendant and his girlfriend. And the
9 defendant and his girlfriend and I think two or three
10 children do drive up.

11 They asked Mr. Stroman to come forward. And, of
12 course, at that time he had no idea there were warrants for
13 him for these cases. They were able to easily and safely
14 take him into custody, separate him from Ms. Felder and
15 they arrested him for all of these charges. They did,
16 also, on the side note, have Mr. Stroman and Ms. Felder
17 decline to prosecute the unresolved domestic incident.

18 When he was taken into custody here in Lexington on
19 that date, they got a consent to search the car. Ms. --
20 the defendant had over \$2,000, mostly in tens in his
21 pocket. In his car, the children -- one of the children
22 had a Spiderman bookbag and in that bookbag was a loaded
23 Taurus silver and black pistol. And actually, the
24 defendant had told the SLED agent there's a gun in that
25 bookbag. The mama didn't know and he wanted to make sure

1 that the gun was going to be taken out of the car for fear
2 of the children getting it.

3 So he was taken into custody, he was taken back to
4 the headquarters. Major crimes investigators were all tied
5 up, so Detective Dykes and Barry Sowers, Sergeant Sowers,
6 were able to give him his Miranda and he did provide a
7 five-page-written confession indicating the robberies that
8 he did. And he indicates that he's going to apologize for
9 what he did. He was under the influence of drugs and
10 alcohol.

11 And he says, I don't even remember what I was
12 wearing until I saw the video pictures. I apologize. I
13 did it to provide shelter for my family. It's hard when I
14 take care of everything alone. It's a game of survival.

15 So that's what he says, that he's providing for his
16 family, but he's also, he's in the money to get high on
17 molly and drugs.

18 Judge, that's all as far as the case, I do have his
19 prior record at the appropriate time and Detective
20 Vandalaro would like to speak before sentencing.

21 THE COURT: Yes, ma'am, I'll be glad to hear from
22 anyone.

23 MS. MARTIN: Your Honor, his prior record is
24 driving without a license in 2012; DUS in 2013; a CDV first
25 from 2013; false information from 2014. He has a Georgia

1 conviction for bail jumping and it's some type of felony.
2 He had six months -- or six months in prison, suspended to
3 probation here South Carolina; and I think there was a hold
4 on him, but I think Georgia is not -- I think they've
5 declined to come get him for any type of violation. I just
6 want the court to also be aware he has a hold on him from
7 Richland County and a hold on him from Greenwood.

8 THE COURT: All right. And additional, Solicitor?

9 MS. MARTIN: Detective Vandalaro, as far as
10 sentencing.

11 THE OFFICER: Thank you, Your Honor, may it please
12 the Court. The State would just like to add that these
13 were violent crimes that took place, that life could have
14 been lost. It was a real pistol that was used and was very
15 traumatic to the victims from speaking with them when I
16 later interviewed them referencing the case at 597, the
17 second Dominos that was robbed. So I was talking with
18 Chuck Williams with Irmo, the employees from that store and
19 the Kangaroo where the manager is present, the employee
20 that was robbed at that location, that was very traumatic
21 to them experiencing being robbed at gunpoint. I would
22 just ask that you consider that in your sentencing.

23 THE COURT: All right. Thank you, thank you very
24 much.

25 Anything further, Solicitor?

1 MS. MARTIN: No, Your Honor.

2 THE COURT: I find there is a substantial factual
3 basis for each of these guilty pleas. The defendant's
4 decision to enter these guilty pleas of armed robbery, two
5 counts; kidnapping, three counts; is freely, voluntarily,
6 knowingly, and intelligently made. He's had the advise and
7 counsel of a very competent, experienced attorney who he
8 says he is well and totally satisfied. His pleas to armed
9 robbery, two counts; and kidnapping, three counts; are
10 therefore accepted.

11 Mr. Mobley.

12 MR. MOBLEY: Thank you, Your Honor. Thank you,
13 Your Honor, may it please the Court. First and foremost
14 before I begin to go into my little spiel and provide the
15 Court with a little edification and contextual information
16 in regards to my client; although the solicitor's office
17 hasn't negotiated any type of sentence range or anything of
18 that nature, we have discussed and she is okay with the
19 fact that they are not requesting a consecutive sentence;
20 and additionally, they're not opposing a concurrent,
21 they're just taking no position at this time.

22 I've explained that very thoroughly with my client
23 in regards to the maximum sentence on each of these
24 indictments, meaning that on the armed robberies, the
25 mandatory minimum is ten years up to thirty years. On the

1 kidnaps, it's zero up to thirty years, each count. He
2 understands that they are violent, which for classification
3 purposes in SCDC, where he'll be housed, he understands
4 this well. Due to them being a most serious offense, he
5 understands about the two strike system here in the State
6 of South Carolina, where if we had gone to trial on three
7 separate trials, the first trial if he had been found
8 guilty, the State could have actually served him with a
9 notice for LWOP, which is life without parole, in pursuit
10 of that particular conviction.

11 We've discussed each of those very thoroughly, Your
12 Honor. Furthermore, we discussed each of the actual
13 elements of each crime, what it would take to get a
14 conviction beyond a reasonable doubt with a jury here in
15 Lexington County itself. We've discussed pretrial motions
16 that we could have actually taken up in order to attempt to
17 attack the confession that was provided to law enforcement,
18 the written confession, any statements that was provided;
19 Jackson v Denno hearings; Neal v Biggers hearings; in-court
20 identifications that may occur with any victims that may
21 have actually come to participate in any of those trials.

22 He had a very thorough understanding. I provide a
23 very thorough information about that as well. He was able
24 to do independent research as well. So we've had the
25 opportunity to do what we need to do in this particular

1 case, Your Honor.

2 Your Honor, my client stands here, he's 25 years of
3 age, at a young age. He has two children, biological
4 children, and he has two stepchildren with the young lady,
5 Ms. Brittany Felder, who stands here in support of him.
6 And she's back in the courtroom here. She just had his
7 second child, who is eight days old. His oldest child,
8 biologically is one year of age; and he has two other
9 stepchildren with his fiance, Ms. Felder.

10 Now, as he stated before, he's done some moving
11 before, he is eleventh grade -- completed eleventh grade in
12 high school, Your Honor. Subsequently went to the Job Corp
13 and he was able to study for faculty maintenance,
14 facility -- excuse me -- facility maintenance, Your Honor.

15 He is the oldest of two siblings. Your Honor, this
16 has been a difficult case for all of us because going
17 through the preparation for the trial, as well as for each
18 trial and knowing that there are other things that are
19 currently pending as well, in other counties. He stands up
20 here, he understands that at this time he could possibly
21 get a very lengthy sentence, Your Honor.

22 We were able to go through each of these cases and
23 we had to figure out why it occurred. And as the solicitor
24 informed the Court, during his particular statement, he had
25 informed the investigators that he did not go in there to

1 cause any harm. He just needed the money. That's in his
2 statement.

3 For the Court's edification, this is what
4 transpired in his personal life. It's not an excuse. He's
5 being accountable, he's responsible for his action, but
6 just for a -- from a contextual standpoint, six months
7 prior to this event, Mr. Stroman was actually suspended
8 from his employment. He was the sole bread winner of a
9 child that had just been born, his oldest son, Keenan,
10 suspended and terminated from his job that he was working
11 at, at the time. He and his fiance were able to live in
12 that apartment for another three months.

13 They were subsequently evicted, they became
14 homeless. They didn't have money to eat with. They didn't
15 have anywhere to stay, so they began to sleep outside.
16 They began to stay in cars. They would do anything they
17 could at that time to keep warm and try to gain any type of
18 food that they could for their young child that was an
19 infant, as well as his fiance. He wanted to be able to
20 provide for her. And he was in a dire situation. He felt
21 as if he was in front of an avalanche and could not stop
22 it. He resorted to something that he should not have,
23 which was criminal activity. He was just trying to provide
24 for his family.

25 Now, that's no excuse for that type of behavior at

1 all, but that's what his mind state was, as he stated
2 inside the actual confession, the written statement, I was
3 trying to survive. He was not only trying to survive, he
4 was trying to survive for his young fiance and his young
5 toddler son, at the time who had just been born.

6 He's a little familiar with the area and he
7 informed me that he had no intentions of firing any shots.
8 There was no, at any point, where anyone was hit with a gun
9 or any type of battery that occurred, Your Honor. He
10 wanted to get in there as quickly as possible and get out
11 so that he could get some money to help to support his
12 family.

13 Now, that even goes along with the investigation,
14 it makes sense. Because the first Dominos had a timer on
15 an he could not just go in and get the money and leave out,
16 so he had to wait for the actual safe to open up. Based
17 off that time he has to do that for the other one as well.
18 And that's the premise of the actual kidnappings because he
19 had to make everyone wait there until the safe opened up.
20 So that's how those kidnappings happened. That was never a
21 violent act other than the crime itself, Your Honor.

22 So he had no intent of that. He was between a rock
23 and a hard place and he made the unfortunate decision at
24 this time by drowning out his worries and stressors about
25 his family and well being with alcohol and drugs at that

1 time. And he made the decision and those are his alone
2 where he needed to get quick money. He could not find a
3 job. He didn't have a very lengthy education at all,
4 anything of that nature, Your Honor.

5 Now, my client, I'm going to provide him -- and I'm
6 sure the Court will, the opportunity if he would like to,
7 to address the Court. But, Your Honor, knowing that we
8 were up for trial coming up next week, my client decided to
9 plead guilty to spare the State the expense of going
10 through a trial, subpoenaing witnesses, taking up the
11 Court's time, anything of that nature, Your Honor. We
12 would like for the Court to take that into consideration.
13 We would beg and plea upon the Court, Your Honor, for what
14 any sentence that is imposed, that it runs concurrent.

15 Furthermore, Your Honor, we would beg and plea and
16 place ourself upon the mercy of the Court with the Court
17 having a full understanding about the background of what
18 occurred that no true violence actually occurred, other
19 than the classification of the actual warrant itself and
20 the indictment to give him the most lenient sentence as
21 possible, Your Honor.

22 So that's what we're here to do, Your Honor, ask
23 for those things respectfully. He's remorseful. He's
24 accountable. He takes full responsibility and he's
25 expressed that in his statements as well as to law

1 enforcement. He's being a man today and standing before
2 your Honorable Court. Thank you, Your Honor.

3 THE COURT: Thank you, thank you, Mr. Mobley.

4 Anything you'd like to say Mr. Stroman?

5 THE DEFENDANT: I'd say, I want to apologize for my
6 actions. They were wrong and I've been doing some dumb
7 things at times. I just ask for the mercy of the Court.
8 That's all I ask.

9 THE COURT: Thank you. Thank you, Mr. Stroman?

10 Anything further, Mr. Mobley.

11 MR. MOBLEY: The only thing is, Your Honor, he's
12 been incarcerated for a total of 224 days by my count. And
13 that concludes it, Your Honor.

14 THE COURT: Anything further, Solicitor?

15 MS. MARTIN: Your Honor, just that the kidnapping
16 charges were not sexual in nature and I believe that -- I
17 just would ask you make that finding --

18 THE COURT: I have to make an affirmative finding
19 of that; is that correct.

20 MS. MARTIN: Yes, sir, Your Honor.

21 THE COURT: You appointed or retained?

22 MR. MOBLEY: Your Honor, I'm appointed under 608.

23 THE COURT: All right. As to 2015-GS-32-02812,
24 kidnapping; 2015-GS-32-0213, kidnapping; 2015-GS-32-0207,
25 kidnapping, as to each of those kidnapping charges, I find

1 as an affirmative fact that they are not sexual in nature.
2 As to each of those charges, the defendant is committed to
3 the State Department of Corrections for a determinate term
4 of thirty years.

5 As to 2015-GS-32-02805, armed robbery, Sean Lamont
6 Stroman, the defendant, is committed to the State
7 Department of Corrections for a determinate term of twenty
8 years.

9 As to 2015-GS-32-02815, Sean Lamont Stroman, armed
10 robbery, the defendant is committed to the State Department
11 of Corrections for a determinate term of 30 years. The 30
12 years on the armed robbery and the 20 years on the armed
13 robbery are consecutive. The kidnappings are all
14 concurrent.

15 Thank you, Mr. Mobley for taking this very
16 important assignment.

17 Thank you and good luck to you, Mr. Stroman.

18 * * * * * END OF TRANSCRIPT * * * * *

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1 State of South Carolina)
2 County of Aiken) Certificate of Reporter
3
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5
6 I, THE UNDERSIGNED, Brenda J. Sigwald, Official
7 Court Reporter for the Eleventh Judicial Circuit of the
8 State of South Carolina, do hereby certify that I reported
9 the proceedings in the captioned case in the Court of
10 General Sessions in and for the State of South Carolina on
11 the 5th day of April, 2016.
12 I FURTHER CERTIFY that the foregoing pages
13 constitute a true, accurate and complete transcript of said
14 hearing.
15 I FURTHER CERTIFY that I am neither kin, counsel,
16 nor of interest to any party hereto.
17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 seal at Aiken County, this 17th day of June, 2017.
19
20
21
22 Brenda J. Sigwald
23 Brenda J. Sigwald,
24 Court Reporter and Notary Public
25 For the State of South Carolina
My commission expires
January 4, 2020

1 State of South Carolina) In the Court
 2 County of Lexington) Of General Sessions

3
 4 Indictment No.: 2015-GS-32-02805
 5 2015-GS-32-02807
 6 2015-GS-32-02812
 7 2015-GS-32-02813
 8 2015-GS-32-02815

9 State of South Carolina,)
 10 Plaintiff.)
 11 vs.) Transcript of Record
 12 Sean Stroman,)
 13 Defendant.)

14 May 31, 2016
 15 Lexington, South Carolina

16 B E F O R E:

17 The Honorable R. Knox McMahon.

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

19 J. Angela Garrick-Martin, Assistant Solicitor
 20 Attorney for the State

21 Derrick E. Mobley, Esquire
 22 Attorney for the Defendant

23
 24 Brenda J. Sigwald, Circuit Court Reporter
 25 To The Honorable Doyet A. Early III
 P.O. Box 206, Jackson, South Carolina 29831

I N D E X

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E X H I B I T S

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(REPORTER'S NOTE: There were no exhibits
entered during this hearing.)

1 THE CLERK: Sean Stroman.

2 MS. GARRICK-MARTIN: This is Mr. Mobley's motion to
3 reconsider Mr. Stroman's sentence, Your Honor.

4 SEAN STROMAN,

5 having been duly sworn, testified as follows:

6 MR. MOBLEY: Thank you, Your Honor, may it please
7 the Court. I stand here with Mr. Stroman and as the
8 solicitor stated, we filed an appropriate and timely motion
9 to reconsider the sentence on a plea of Mr. Stroman you
10 handed down on April 15th, 2016. He was sentenced to a
11 total of 50 years; and that was on two armed robberies with
12 the indictments ending in 2805, which was a sentence of 20
13 years and that was to be run consecutive with the second
14 armed robbery, violent and that was a sentence of 30 years.
15 And then we have the three kidnapping 2807, 2812, and 2813,
16 which was 30 years, concurrent with the two preceding armed
17 robberies.

18 Your Honor, during that particular plea, we
19 attempted mitigation and advised the Court that we did
20 accept responsibility. We expressed to the Court as well
21 that he had a fiance, a young child who was at the time one
22 year old, and then a young -- another baby that had been
23 born two weeks prior to the plea itself. Now, he is the
24 oldest of two siblings and he does have his mother as well
25 as two brothers, and his sister that are sitting in the

1 back of the courtroom. They support him. He is 25 years
2 of age at this particular time. He was a furniture mover
3 prior to his incarceration. And as I indicated to the
4 Court prior to these unfortunate events he fell upon some
5 hard times, not as an excuse at all, just to provide some
6 type of context with regards to where he was at the time he
7 -- before being convicted of the violent crime, if the
8 solicitor would correct me if I'm wrong on that as well.

9 He does have some prior convictions but nothing
10 that is violent in regards to these violent offenses. His
11 fiance and the young child were living in an apartment. He
12 had been laid off for approximately six months prior to
13 these incidents. There was three separate dates in the
14 late Summer of 2015, Your Honor, and he lost his apartment.
15 He was essentially trying to be able to provide food,
16 shelter, and monetary means to be able to take care of his
17 family. He made these decisions at the time to help
18 support his family. He felt as if everything was crashing
19 down upon him.

20 They began to live from home to home and even had
21 had to sleep in the woods with a young child, a toddler
22 without being able to actually provide milk, baby food
23 these type of things. He was having so much difficulty
24 trying to find the monetary means to help. He felt
25 desperate and he took some desperate measures, Your Honor.

1 We are not here to make excuses. We are just
2 wanting to make sure that we help the Court to understand
3 where he was in his life and things of this nature before.

4 Now, Your Honor, there was indication to the Court
5 by me during that time when I was advocating for my client,
6 I indicated during one of the actual incident reports he
7 did provide a full-blown statement in regards to the
8 incidents. He was very candid and honest about what
9 happened and how he went about doing these events to law
10 enforcement. And within the statement as well as what was
11 reported through the incident reports from the detectives
12 wrote he told the victims during one of the armed
13 robberies, quote unquote, I'm not going to hurt you. I
14 just need money. That's how desperate he had become.

15 He informs me that he had no intentions of actually
16 hurting anyone. He never did -- he never did touch anyone
17 when it came down to it. He was there for the sole purpose
18 of obtaining money quickly and he did that, Your Honor.

19 We would respectfully ask this Honorable Court if
20 you would consider the mitigating circumstances. I'm very
21 aware that you've heard these mitigations before and we're
22 just hopeful that you will reconsider them being that he's
23 young. At this point his release date would be -- excuse
24 me -- February 20th, 2061. And that is essentially maxing
25 out his sentence at 45 years. My client will be 70 years

1 old at that time. Essentially his children will be 46 and
2 45 at that time, Your Honor. We would respectfully ask
3 that the Court consider all that.

4 And the last thing in regards to this. I indicated
5 to the Court, although the solicitor did not make the
6 statement on the record, indicated to the Court that the
7 solicitor's office, the State wanted consecutive sentence
8 -- concurrent, I apologize your Honor. I apologize about
9 that. The State was not opposed to a concurrent sentence
10 at the time, Your Honor. So at the bare minimum we would
11 respectfully ask the Court to consider a concurrent
12 sentence for Mr. Stroman so he will be able to still be a
13 contributing member to society. It will also -- his
14 children will still be older adults at that time. He would
15 be middle aged at this time while still being accountable
16 for his actions. He did not and chose not to force the
17 State to prove their case. We understood at the time
18 during the plea that he was actually facing a total of 150
19 years and that was not including the dismissed charges as a
20 part of the plea as well, Your Honor.

21 So we would just ask that you would consider that
22 sentence. In the motion I asked for a 10 to 15 year
23 sentence, Your Honor, and ask that that would be
24 considered. And like I stated before at the bare minimum a
25 concurrent of all the sentences. Mr. Stroman would like to

1 make a statement to the Court, and he will do so at your
2 direction, Your Honor.

3 THE COURT: Thank you, thank you, Mr. Mobley.

4 Mr. Stroman, I'll be glad to hear from you.

5 THE DEFENDANT: Judge, I was young at the time and
6 trying to provide for my family. I do accept
7 responsibility for what I did and would ask that you
8 reconsider and if you could grant me leniency of 10 to 15
9 years; I'll lay down and take my time as a man and that's
10 really all that I have to say. I just want to be home with
11 my family.

12 THE COURT: All right. Thank you.

13 Anything further, Mr. Mobley?

14 MR. MOBLEY: That's all, Your Honor.

15 THE COURT: Solicitor?

16 MS. GARRICK-MARTIN: Thank you, Your Honor, may it
17 please the Court. Certainly under our rules a motion to
18 reconsider is allowed and there's a purpose for it in some
19 cases. I don't think that this is one of those cases. The
20 information in the written motion is information that you
21 had at the time of the plea and as he's said here today you
22 heard it all at the time of the plea, so I don't think
23 there's anything new to consider. We would oppose any
24 consideration for reconsideration on his sentence just on
25 several different levels.

1 One, because these are motions with nothing
2 additional for the judge to consider, certainly opens the
3 door on every guilty plea to come back on these types of
4 motions. Just in principal we would argue and specifically
5 in this case Mr. Stroman, by his actions had shown himself
6 to be an armed robber here in Lexington County. Judge, you
7 know, not only did he do these, he had another armed
8 robbery that was not prosed pursuant to the plea. As you
9 know he was looking at a total of 150 years. This 50 year
10 sentence is certainly less than he could have gotten.

11 As far as the sentence not being concurrent time
12 that's up to the Court, we would have no position on that.
13 At the time of the plea you heard from Andalaro. You heard
14 from Detective Dykes who was involved in the case. You
15 heard that he said he would never would have hurt anyone.
16 Thankfully no one fought back and he didn't use his gun but
17 he did present with a gun. The defendant said the gun
18 should have been unloaded, but it was loaded in these
19 incidents.

20 You heard from the defendant where he talks about
21 times were hard and it's hard to provide for his family.
22 That's all well and good. He was drunk. He was buying
23 drugs, he was not providing for his family. He was
24 purchasing drugs and was so high and messed up that he
25 can't even remember whichever day that the robberies

1 occurred. So I think that is him trying now to get more
2 leniency.

3 He has violent felony convictions in his past and
4 we'd ask you to deny the motion.

5 THE COURT: All right. Tell me about prior
6 criminal record.

7 MS. GARRICK-MARTIN: His prior record is driving
8 without a license in 2012; DUS in 2013; a CDV first from
9 2013; false information from 2014. He has a Georgia
10 conviction for bail jumping and it's some type of felony.
11 He had six months -- or six months in prison, suspended to
12 probation here South Carolina but they were not going to
13 extradite him and he has he a giving false information. I
14 believe that he has similar charges armed robbery out of
15 Richland County that are still pending.

16 THE COURT: Victim impact?

17 MS. MARTIN: Detective Andalaro from the sheriff's
18 department had been here, but was called out just a few
19 minutes ago. The victims were notified of today's hearing
20 and they just didn't feel they could take any time off
21 work, but they felt that you should stand by your
22 previously imposed sentence.

23 THE COURT: Thank you.

24 Anything further, Mr. Mobley?

25 MR. MOBLEY: Just something briefly I discussed

1 with Mr. Stroman in regards that this is at -- in the
2 discretion of the Court and that potentially the sentences
3 can go up, stay the same, or down. So I made sure that I
4 advised my client of that -- what that means in regards to
5 a reconsideration. That's the only thing, but I do believe
6 he would like to speak to the Court briefly for a second if
7 the Court allows.

8 THE COURT: Mr. Stroman?

9 THE DEFENDANT: Mr. McMahon, Judge McMahon, I just
10 wanted to say the gun that was used, found in my
11 possession, the gun that was used was actually not even a
12 gun, sir. And for her to tell the Court that I'm a violent
13 criminal, I was never violent. I was not a violent
14 criminal at all. This was my first violent crime. The
15 only reason that I had a hold in Georgia, I didn't go back.
16 I stayed here in South Carolina. My mom can vouch for me.
17 My father -- I went to Georgia to help my father move back
18 to South Carolina when I was caught driving a car that
19 didn't have a windshield, a defective windshield is what
20 the charges in Georgia is for. I don't have a violent
21 history at all.

22 MR. MOBLEY: Beg the Court's indulgence.

23 (There was a pause in the proceedings.)

24 MR. MOBLEY: That's all, sir.

25 THE COURT: You from Columbia?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Is this address, Schoolhouse, off of
3 Two Notch?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: 2800 block, that's three blocks off of
6 Two Notch?

7 THE DEFENDANT: There's a park down there.

8 THE COURT: What's that Byars --

9 THE DEFENDANT: I think it's been renamed once,
10 Your Honor. It's Pinehurst now, but prior to that it was
11 something else. I can't remember what the name is.

12 THE COURT: How much prior?

13 THE DEFENDANT: I don't want to lie to the Court,
14 that's my understanding.

15 THE COURT: Tell me how prior.

16 THE DEFENDANT: Some years. I think maybe 1998 it
17 could have been prior to 1998. 1999 it was Pinehurst Park.

18 THE COURT: Where's the schoolhouse on Schoolhouse
19 road? I have never figured that out.

20 THE DEFENDANT: I think Schoolhouse Road goes
21 straight after Pinehurst, it goes back, goes back towards
22 Two Notch.

23 Mr. Mobley, prepare me an order. I'll grant his
24 motion to reconsider. Let me see how many sentence sheets
25 I've got.

1 I'm not questioning Mr. Mobley, but is it correct
2 that the State had no objection to concurrent time at the
3 time of the sentencing?

4 MS. GARRICK-MARTIN: We told him at the time of
5 sentencing we would take concurrent or consecutive.

6 THE COURT: Like I say that's not questioning you
7 whatsoever.

8 MR. MOBLEY: Yes, sir, yes, Your Honor.

9 THE COURT: All right. On Indictment 2015GS3202807
10 -- that's for kidnapping. Hold on a second. Let me find
11 the other armed robbery, 20805 and 2815. On 2015GS3202805
12 I'll reconsider that to 20 years and I will run all
13 indictments concurrent.

14 You prepare me an order, get those numbers
15 straight. Thank you, thank you very much.

16 Thank you, Solicitor.

17 MR. MOBLEY: Thank you, Your Honor.

18 THE COURT: Good luck to you, Mr. Stroman.

19 * * * * * END OF TRANSCRIPT * * * * *

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1 State of South Carolina)
2 County of Aiken) **Certificate of Reporter**

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5
6 I, Brenda J. Sigwald, Official Court Reporter for
7 the Second Judicial Circuit of the State of South Carolina,
8 do hereby certify that the foregoing is a true, accurate,
9 and complete Transcript of Record of the proceedings had
10 and evidence introduced in the trial of the captioned case,
11 relative to appeal, in the Court of General Sessions in and
12 for the State of South Carolina on the 31st day of May
13 2016.

14 I FURTHER CERTIFY that I am neither kin, counsel,
15 nor of interest to any party hereto.

16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 seal at Aiken County, this 25th day of May 2018.

18
19
20
21
22 *Brenda J. Sigwald*
23 Brenda J. Sigwald,
24 Court Reporter and Notary Public
25 For the State of South Carolina
 My commission expires
 January 4, 2020

STATE OF SOUTH CAROLINA)
 IN THE COURT OF COMMON PLEAS)
 County of Lexington)

IN THE COURT OF COMMON PLEAS

Sean L Stroman)
 Full name and prison number (if any) of Applicant)

2020CP3204058

v.

ATTORNEY GENERAL

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

FILED

2020 DEC -8 AM 11:00
 LISA M. CONER
 CLERK OF COURT
 LEXINGTON SC

INSTRUCTIONS B READ CAREFULLY

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

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

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

1. Place of detention Broad River Correctional Institution
2. Name and location of Court which imposed sentence State of South Carolina County of Lexington In the Court of General session
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 (a) 2015-GS-32-02815, 2015-GS-32-02805

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Lex. Co. C.C.O.P. G.S. & F.C.

5. Check whether a finding of guilty was made

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

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

Yes

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

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

- i. South Carolina Court of Appeal
 ii. _____
 iii. _____

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

- i. Denial
 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) ineffective assistance of counsel
 (b) _____
 (c) _____

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

- (a) ineffective assistance of Counsel
 (b) Said Indictment is void of true bill, 2015-GS-3202813
 (c) Said Indictment is void of true bill, 2015-GS-3202813

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

- (a) Trial counsel ineffective by not challenging the validity of indictment
 (b) Trial counsel should have moved for trial.
 (c) _____

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Lex. Ct. C.C.C.P., G.S. & F.O.

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

- (a) any petition in a State Court under South Carolina Law? No
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? No
- (d) any other petitions, motions or applications in this or any other Court? No

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

(a) the specific nature thereof:

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

(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?

☒ First P.C.R. application filed, none before this one

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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. _____

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) Because said issues only can be raised on P.C.R.
- (b) _____
- (c) _____

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

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

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. _____
- ii. _____
- iii. _____

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

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

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

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

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA

VERIFICATION

County of _____

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 _____.

(L.S.)
Notary Public

My Commission Expires: _____

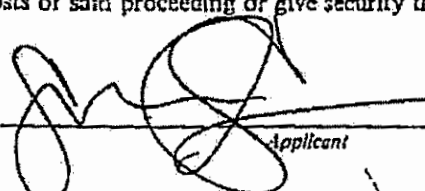
**APPLICATION TO PROCEED WITHOUT PREPAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
(2) Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.

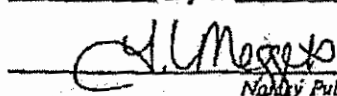
FILED

2020 DEC -8

LISA H. CHEN
CLERK OF COURT
LEXINGTON


Applicant

SWORN or affirmed to and subscribed before me this

1st day of December, 2020

Notary Public

My Commission Expires 7/27/2021

A TRUE COPY
Lex. Co. C.C.C.P. G.S. & E.C.

420 U.S. 636, 638 n.2 (1975) (quoting Schneider v. Rusk
377 U.S. 163, 164 (1964).

Wherefore the Applicant hereby advise the post
 conviction relief counsel to Amend this issue.

sworn to and subscribed before me
 this 18 day of December 2020

[Signature]
 Notary Public For South Carolina
 My Commission Ends 7-27-2026

[Signature]
 Sean L. Stroman
 BRCI WA
 4460 Broad River Rd
 Columbia S.C. 29210

FILED

2020 DEC -8 AM 11:05

LISA M. COMER
 CLERK OF COURT
 LEXINGTON SC

A TRUE COPY

Lex. Co. C.C.P., G.S. & R.O.

2

LEGAL MAIL

State of South Carolina
County of Lexington

Sean L Stromam
 Applicant

v.

State of South Carolina
 Respondent

IN THE COURT OF COMMON PLEAS

Amendment to PCR application

under S.C.R.C.P. 71.1(d)

Ineffective assistance of
 Counsel

FILED
 2020 DEC -8 AM 11:06
 LISA M. CONER
 CLERK OF COURT
 LEXINGTON, SC

The Fifth Amendment provides that "[n]o person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury. The grand Jury serves the dual function of determining if probable cause exists to believe that a crime has been committed and protecting citizen against unfounded criminal prosecutions see Minner v Kerby 30 F.3d 1311, 1318. The Appendix record is evidence that the Court of General session December Term 2015 Indictments No 2015-GS-3202813, 2015 GS 3202815 also 2015 GS-3202812 is void of an indictment True bill see Appendix page 49, 51 53. see Exhibit A). A defendant may challenge a grand jury on the grounds on equal protection. For a defendant to lawfully plead to a crime then the indictment must be stamped as true bill the 5th Amendment forbid[s] discrimination that is so unjustifiable as to be violative of due process." Weinberger v. Wiesenfeld

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Lex. Co. C.C.P., G.S. & E.O.

LEGAL MAIL

State of South Carolina
County of Lexington

In The Court of Common Pleas

Sean L Straman
Applicant

V

CERTIFICATE OF SERVICE

State of South Carolina
Respondent

FILED

2020 DEC -8 AM 11:06

LINA M. COMER
CLERK OF COURT
LEXINGTON SC

I the above Applicant do hereby certify that I have filed a Post conviction Proceeding Application, and attachments that consists of Three Indictments which consists of December term 2015, stated as Donald A. V. Myers as the Solicitor involved: CDR #: 0095.0139.0095 see App-P 49, 51, 53, and a Amendment to PCR application under S.C.R.C.P 71.1(d) said documents was placed in the Broad River correctional inst mailroom.

Sworn to and subscribed before me
this 17th day of August 2020

Theresa Robinson

NOTARY PUBLIC FOR SOUTH CAROLINA
MY Commission Ends 8/5/2021

Sean L Straman
BROCKWAY
4460 Broad River Rd
Columbia S.C. 29210

A TRUE COPY

Lex. Co. C.C.P., C.S. & F.C.

ii

LEGAL MAIL

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	FOR THE ELEVENTH JUDICIAL CIRCUIT
	)	
Sean Larmont Stroman, SCDC #367691,	)	Case No. 2020-CP-32-4058
	)	
Applicant,	)	
	)	
v.	)	RETURN, PARTIAL MOTION TO
	)	DISMISS, AND MOTION FOR A
	)	MORE DEFINITE STATEMENT
State of South Carolina,	)	(Counsel Appointed)
	)	
Respondent.	)	
	)	
	)	

In response to the post-conviction relief (PCR) action commenced by Sean Larmont Stroman (Applicant) on December 8, 2020, the State makes this return:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Lexington County Clerk of Court. Applicant was arrested on August 26, 2015, following an investigation into a string of armed robberies occurring over the course of several weeks in both Lexington and Richland County.¹

During its December 2015 term, the Lexington County Grand Jury indicted Applicant for three counts of armed robbery (2015-GS-32-2805, -2806, -2815); four counts of kidnapping (2015-GS-32-2807, -2811 -2812, -2813); two counts of possession of a weapon during the commission of a violent crime (2015-GS-32-2809, -2814); and one count of pointing and presenting a firearm (2015-GS-32-2808).

¹ On March 26, 2019, Applicant appeared before the Honorable Robert E. Hood and pleaded guilty to three counts of armed robbery in Richland County. Judge Hood sentenced Applicant to ten years' imprisonment on each count, and ordered the sentences to run concurrent to each other and the sentences he received on the Lexington indictments.

On April 5, 2016, Applicant appeared before the Honorable R. Knox McMahon and pleaded guilty to two counts of armed robbery and three counts of kidnapping without formal negotiations or recommendations from the State as to sentencing. The remaining indictments were *nolle prossed* in exchange for Applicant's plea. Derek E. Mobley, Esquire (Counsel) represented Applicant and Assistant Solicitor Angela Garrick-Martin, prosecuted the case.

Judge McMahon ultimately accepted Applicant's plea and sentenced him to an aggregate term of fifty years' imprisonment. Applicant received consecutive terms of thirty years' imprisonment for the West Columbia Domino's armed robbery and twenty years for the Kangaroo Express armed robbery. Judge McMahon further sentenced Applicant to concurrent terms of thirty years' imprisonment on each kidnapping indictment.

On May 31, 2016, Applicant appeared before Judge McMahon on Counsel's motion to reconsider the sentences. (R. 31). Judge McMahon ultimately granted Applicant's motion and entered a written order running all sentences concurrent; thus reducing Applicant's sentence to an aggregate term of thirty years' imprisonment. (R. 44).

Applicant filed a timely notice of appeal. Appellate Defender Victor R. Seeger perfected Applicant's appeal by filing an *Anders*² brief with the Court of Appeals on the following issues:

Whether the court abused its discretion when it failed to take into account, for sentencing purposes, the mitigation evidence that appellant and his family were homeless, and that he stole to feed his family?

Applicant filed a *pro se* brief in response. On March 4, 2020, the Court of Appeals issued an unpublished *per curiam* opinion dismissing the appeal and granting appellate counsel's request to be relieved. *State v. Stroman*, 2020-UP-057 (S.C. Ct. App. filed March 4, 2020). The case was

² *Anders v. California*, 386 U.S. 738 (1967).

remitted back to the circuit court on May 27, 2020.

On April 3, 2017—while Applicant’s direct appeal was pending—he filed an application for post-conviction relief. The State made its return on June 12, 2017, requesting the action be dismissed without prejudice based on Applicant’s pending direct appeal. On February 21, 2018, the Honorable J. Derham Cole issued a Form 4 order dismissing the application without prejudice with leave for Applicant to file a new application for post-conviction relief should he not prevail on direct appeal.

II. STATEMENT OF FACTS

On July 27, 2015, Applicant entered the Kangaroo Express on Bush River Road at approximately 10:00 P.M. (R. 14). Applicant presented a silver and black pistol to the store clerk, William Dicks, demanding money from the cash register. (R. 14). He told Dicks, “don’t make any sudden moves and I won’t shoot you.” (R. 14). Applicant subsequently fled, taking about \$150 from the cash register, two cartons of cigarettes, the store phone, and Dicks’ personal cell phone. (R. 14). Applicant later confessed to the robbery. (R. 15).

On August 10, 2015, Applicant entered the Domino’s Pizza on Woodrow Street in Irmo, again armed with a silver and black pistol. (R. 15). He told the two employees he was not going to hurt them, but that he just needs money. (R. 15). Applicant held the male employee at gunpoint while he opened the safe. (R. 15). It was at that point that Applicant first learned about the Domino’s safe system. (R. 15). In order to open the safe, the manager must first enter a code. There is a ten-minute delay before the safe beeps. (R. 15). The manager must enter the code again to open the safe. (R. 15).

On August 19, 2015, Applicant entered the Domino’s Pizza located on St. Andrews Road in West Columbia at approximately 10:30 P.M. (R. 16). Armed with the same silver and black

firearm, Applicant demanded money from the register and safe. (R. 16). He first approached the assistant manager, Ron Turner, telling Mr. Turner “you know what this is.” (R. 16). Applicant then held Mr. Turner and the other two employees, Lee Taylor and Turner Humphrey, at gunpoint. (R. 16). He ordered Mr. Turner to enter the code into the safe and Mr. Taylor to pull the money from the cash register. (R. 16). He then held the three employees at gunpoint on the floor during the ten-minute period. (R. 16). When the code clicked, Applicant forced Mr. Turner to put all the money—approximately \$1,000—into a black bag. (R. 17). Applicant then fled on foot. (R. 17).

Dicks, Johnson, Vasquez, Turner, Taylor, and Humphrey were all shown around six different lineups. (R. 17). All six of them identified Applicant as the perpetrator. (R. 14, 16–17).

Applicant was later apprehended in the Wal-Mart parking lot in Lexington County, where he gave law enforcement consent to search his vehicle. (R. 19). A loaded Taurus silver and black pistol was recovered from his child’s Spiderman book bag. (R. 19). Law enforcement found over \$2,000 in Applicant’s pocket. (R. 19).

III. CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on the following (excerpted verbatim):

1. “Trial counsel ineffective by not challenging the validity of indictment.”
 - a. “Said indictment is void of true bill, 2015-GS-32-2813”
2. “Trial counsel should have moved for trial”

Attached to this return and incorporated by reference are the Lexington County Clerk of Court records regarding the subject convictions; Applicant’s records from the South Carolina Department of Corrections, a full and complete record of Applicant’s direct appeal, including the plea transcript; and the records of the current PCR action. The State reserves the right to amend

this return upon receipt of any relevant materials.

IV. MOTION FOR A MORE DEFINITE STATEMENT

The State submits Applicant's claims of ineffective assistance of counsel are without merit. However, it is impossible for the State to adequately respond to these allegations because Applicant wholly failed to set forth facts to "support each ground" or to explain with specificity the facts upon which his claims are based. S.C. Code Ann. § 17-27-50 (requiring an applicant to "specifically set forth the grounds upon which the application is based"); *Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the [PCR] court"); *see also Welch v. MacDougall*, 246 S.C. 258, 260, 143 S.E.2d 455, 456 (1965) (stating it is incumbent upon an applicant to make at least a *prima facie* showing entitling him to relief before an evidentiary hearing will be scheduled and held); Rule 8(a)(2), SCRCPP (requiring all civil pleadings to include "a short and plain statement of the facts showing that the pleader is entitled to relief"); Rule 71.1(d), SCRCPP ("Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary."). Accordingly, the State moves for Applicant, through counsel, to amend his application to provide a more definite statement of his allegations pursuant to Rule 12(e), SCRCPP and the Post-Conviction Procedure Act.

V. RESPONSE TO ALLEGATION OF INEFFECTIVE ASSISTANCE OF COUNSEL

A. Ineffective Assistance of Plea Counsel, Generally

Applicant's claims of ineffective assistance of counsel are without merit. The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant—like all other defendants—the right to "assistance by an attorney, whether retained or appointed, who plays the

role necessary to ensure that the trial is fair.” *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCPP; *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in *Strickland* to determine whether counsel’s conduct “was so ineffective as to require reversal” of the applicant’s conviction. 466 U.S. at 687. To obtain relief, a PCR applicant must prove (1) counsel’s performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Id.* at 687–88; *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that “[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable” (citation and internal quotation marks omitted)).

As aforementioned, the applicant has the burden of establishing both deficiency and prejudice in order to be entitled to relief. *Hughes v. State*, 346 S.C. 554, 558, 552 S.E.2d 315, 317 (2001); Rule

71.1(e), SCRCP. To prove deficient performance, the applicant must establish that, in light of all the circumstances, the acts or omissions complained of “were outside the wide range of competence” demanded of attorneys in criminal cases. *Strickland*, 466 U.S. at 688. To prove prejudice, the applicant must establish that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* at 694. A reasonable probability is a probability “sufficient to undermine confidence in the outcome.” *Id.* Significantly, “the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged.” *Id.* at 696.

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, *Hill v. Lockhart*, 474 U.S. 52 (1985), extended the two-part *Strickland* test to challenge guilty pleas based on ineffective assistance of counsel. *See Padilla v. Kentucky*, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a “critical phase of litigation” for purposes of the Sixth Amendment right to effective assistance of counsel). When reviewing a guilty plea, the analysis of counsel’s performance under the first prong of *Strickland* remains unchanged—the applicant must show that counsel’s representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. *Hill*, 474 U.S. at 58–59; *accord Thompson v. State*, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice to plead guilty was not “within the competence demanded of attorneys in criminal cases.” *Hill*, 474 U.S. at 56. The second, or “prejudice” prong, however, “focuses on whether counsel’s constitutionally ineffective performance affected the outcome of the plea process.” *Id.* at 58–59. Specifically, when an applicant claims counsel’s deficient performance caused him to accept a plea, the applicant “must show that there is a reasonable probability that, but for [plea] counsel’s [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial.” *Id.* at 59.

This inquiry “focuses on a defendant’s decisionmaking” and does not turn on the outcome of a defendant’s actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. *Lee v. United States*, 137 S. Ct. 1958, 1966 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. *Padilla*, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. *Turner v. State*, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

B. Involuntary Guilty Plea

“[I]t is the prerogative of any person to waive his rights, confess, and plead guilty, under judicially defined safeguards, which are adequately enforced.” *Reed v. Becka*, 333 S.C. 676, 685, 511 S.E.2d 396, 401 (Ct. App. 1999). Accordingly, because a criminal defendant waives several constitutional rights by pleading guilty, the Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Pittman v. State*, 337 S.C. 597, 524 S.E.2d 623 (1999). To be intelligent, a plea must be made by a mentally competent defendant who understands both the charges against him and the consequences of his plea. *Brady v. United States*, 397 U.S. 742, 748 (1970). To be voluntary, a plea must be free of threats or other coercion that would impermissibly distort the defendant’s choice. *Id.* at 755; *see also United States v. Smith*, 440 F.2d 521, 528–529 (7th Cir. 1971) (Stevens, J., dissenting) (explaining that voluntariness relates to the trustworthiness of the admission of guilt and binding character of the waiver of the constitutional protections which would be available to the accused if he elected to stand trial).

Before a court can accept a guilty plea, the defendant must be advised of the constitutional rights he or she is waiving; the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. *Boykin*, 395 U.S. at 243. Additionally, the defendant "must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Pittman*, 337 S.C. at 599, 524 S.E.2d at 624. The defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993); *see generally Wolfe*, 326 S.C. 158, 485 S.E.2d 367 (guilty plea not involuntary where the colloquy demonstrated the trial judge asked defendant twice whether he understood there were no promises and that no sentencing recommendations were binding on the judge). To ensure the defendant understands the consequences of his guilty plea, the plea judge "usually questions the defendant about the facts surrounding the crime and punishment that could be imposed." *Dover v. State*, 304 S.C. 433, 434–35, 405 S.E.2d 391, 392 (1991). However, the plea judge "does not have to direct the defendant's attention to every consequence of his plea provided the record reveals affirmative awareness of the consequences of a guilty plea." *Carter v. State*, 329 S.C. 355, 362, 495 S.E.2d 773, 776 (1998).

The test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." *North Carolina v. Alford*, 400 U.S. 25, 31 (1970). It is "well established that a guilty plea is not rendered invalid because it represents a compromise by defendant, thrusts a difficult judgment upon him, or is motivated by fear of greater punishment." *United States v. Cox*, 464 F.2d 937, 942 (6th Cir. 1972) (*citing Brady*, 397 U.S. 742). The State may properly encourage guilty pleas either

by being more lenient to those who enter such pleas, *Brady*, 397 U.S. at 750–53, or by increasing the risks of punishment on those who do not. *Alford*, 400 U.S. at 37.

Nonetheless, because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed.” *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison*, 431 U.S. 63, 74 (1977); see also *Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014) (observing that “guilty plea[s] must be treated as final in the vast majority of cases” and instructing that caution must be exercised so as not to “undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea”). Indeed, admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements.” *Dalton*, 376 S.C. at 137–38, 654 S.E.2d at 874 (internal citations and quotation marks omitted); cf. *Blackledge*, 431 U.S. at 73–74 (pointing out that representations made by a defendant, his lawyer, and the prosecutor at a guilty plea hearing, as well as any findings made by the judge accepting the plea, constitute a “formidable barrier in any subsequent collateral proceedings”).

The voluntariness of a guilty plea, however, “is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.” *Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984). An applicant who enters a plea on the advice of counsel may “only attack voluntary, knowing and intelligent character of the plea by showing that plea counsel’s representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel’s errors, the [applicant] would not have pled guilty, but would have insisted on going to trial.” *Roscoe*, 345 S.C. at 20, 546 S.E.2d at 419.

In evaluating an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing. *Wolfe*, 326 S.C. at 165, 458 S.E.2d at 370; *cf. Rayford v. State*, 314 S.C. 46, 443 S.E.2d 805 (1994) (finding that, where the transcript of the guilty plea proceeding refuted applicant's claim that he did not understand the terms of a plea bargain, granting PCR was inappropriate notwithstanding applicant's claim his lawyer misadvised him).

Surmounting *Strickland*'s high bar is never an easy task, and the strong societal interest in finality has "special force with respect to convictions based on guilty pleas." *Lee*, 137 S. Ct. at 1967 (internal citations and quotation marks omitted); *cf. Hill*, 474 U.S. at 58 ("[R]equiring a 'prejudice' showing from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel 'will serve the fundamental interest in the finality of guilty pleas.' "). Reviewing "[c]ourts should not upset a plea solely because of *post hoc* assertions from a defendant about how he would have pleaded but for his attorney's deficiencies." *Lee*, 137 S. Ct. at 1967. Rather, judges should "look to contemporaneous evidence to substantiate a defendant's expressed preferences." *Id.* In determining whether a guilty plea was taken in accordance with constitutional standards, the reviewing judge must analyze and consider the entire record, including the transcript of the guilty plea and the evidence presented at the PCR hearing. *Harres*, 282 S.C. at 134, 318 S.E.2d at 361.

C. Failure to Challenge Indictments

Applicant's contends Counsel was ineffective for failing to challenge the purportedly void indictments on equal protection grounds. As an initial matter, an indictment is a mere notice document, and the indictments in this case were certainly sufficient to give Applicant notice of the

charges against him. Applicant's indictments are further valid on their face because each states all the necessary elements of the crime, the date of the offense, and the name of the accused. *Costello v. United States*, 350 U.S. 359, 363 (1956). Applicant's indictments were clearly clock-stamped by the Lexington County Clerk of Court and signed by the foreperson of the Grand Jury on December 7, 2015. As such, Applicant's allegation pertaining to counsel's failure to challenge the indictments is meritless and offers him no grounds for relief.³

D. Conclusion and Action Requested

The State submits Applicant cannot satisfy either requirement of the *Hill* test. However, as discussed above, the State is presently without sufficient information to fully respond to Applicant's allegations of ineffective assistance of counsel because he failed to set forth facts and circumstances on which his claims are based. Once a more definite statement is provided, the State requests an evidentiary hearing be held on the claims of ineffective assistance of counsel to fully resolve the issues. *See Sharper*, 279 S.C. at 265, 305 S.E.2d at 248 (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

VI. ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file

³ Applicant cites an opinion from the Tenth Circuit Court of Appeals, *Minner v. Kerby*, 30 F.3d 1311, 1318 (10th Cir. 1994), in support of this claim. However, the Court correctly noted in that case that "the Fifth Amendment right to grand jury indictment does not apply to states." *Id.* (citing *Hurtado v. People of State of California*, 110 U.S. 516 (1884)); *see U.S. v. Floresca*, 38 F.3d 706, 709 n. 5 (4th Cir. 1994) (explaining that, "[t]hrough the Grand Jury Clause applies with full force to federal prosecutions . . . , it is one of the few Bill of Rights protections that does not apply to the states").

amendments to this application. *See* Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *Id.* at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss this allegation or claim. S.C. Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRCP. *See also* Rules 15(a)–(b), SCRCP. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. *See* Rule 15(a), SCRCP.

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

VII. GENERAL DENIAL

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

VIII. CONCLUSION

WHEREFORE, the State respectfully requests this Court grant its motion for a more definite statement as set forth in section IV, and thereafter convene an evidentiary hearing on the allegation of ineffective assistance of counsel.

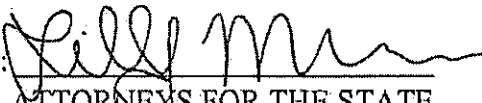
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

LILLIAN L. MEADOWS
Assistant Attorney General

By: 
ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

June 14, 2021

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

SEAN LARMONT STROMAN, #367691

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

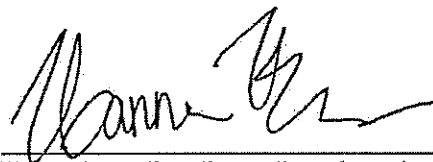
IN THE COURT OF COMMON PLEAS

2020-CP-32-4058

CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
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DATED this 14th day of June, 2021.


Hannah M. Bradham, Legal Assistant
 For Respondent

1 STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA CIRCUIT COURT 11

2 COUNTY OF LEXINGTON) COURT C.A NO.2020-CP-32-04058

3

4 Sean L. Stroman,)

5 Plaintiff,)

6 Versus)

7 State of South Carolina,)

8 Defendant.)

9

10 H E A R I N G

11

12 DATE: June 7th, 2022

13

14 LOCATION: South Carolina Circuit Court 11

15

16 JUDGE: Jocelyn Newman

17

18 TRANSCRIBED BY: ERIN REILLY

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1 PROCEEDINGS

2 THE COURT: I suppose we can go ahead and start with
3 introduction to the case.

4 MR. CORBETT: May I please the court?

5 THE COURT: Yes, sir.

6 MR. CORBETT: This is the case of Stroman versus
7 State, case number is 2020CP324058. Mr. Stroman is currently
8 in prison in the South Carolina Department of Corrections. He
9 was arrested in 2015 following an investigation into a string
10 of armed robberies occurring across multiple counties. And the
11 Lexington County grand jury indicted him for three counts of
12 armed robbery, four counts of kidnapping, two counts of
13 possession of a weapon during commission of a violent crime and
14 one count of pointing and presenting.

15 Mr. Stroman pleaded guilty in April of 2016 before
16 Judge McMahon to two counts of armed robbery. Thank you.
17 Three counts of kidnapping. As part of that plea deal where
18 everything else was dismissed. Judge McMahon sentenced Mr.
19 Stroman to an aggregate term of 50 years with a 20-year
20 sentence being run consecutively to a 30-year sentence. Mr.
21 Mobley who represented him in that case moved for
22 reconsideration. Judge McMahon granted that and ran everything
23 concurrently, said that the 50-year aggregate sentence dropped
24 to 30. Mr. Stroman did appeal and his appellate defendant
25 filed Andrew's brief and Mr. Stroman also filed his own pro se

1 brief in that case. But the Court of Appeals affirmed and
2 dismissed the appeal after doing an Andrews review.

3 This is actually the second application for Mr.
4 Stroman. The first was filed and dismissed without prejudice
5 while his direct appeal was pending. As to the issues of the
6 case there's a pro se application where there are two issues
7 raised. One that Mr. Mobley should have moved for a trial and
8 that Mr. Mobley should have challenged the validity of an
9 indictment. And Mr. Johnson has filed an amendment for Mr.
10 Stroman raising a few issues. And I just wanted to verify that
11 we would only be moving forward today on the issues and the
12 amendment and/or the application other than the State
13 [indiscernible] Your Honor.

14 THE COURT: Mr. Johnson, is it correct that your
15 client's only proceeding on the allegations in the amendment?

16 MR. JOHNSON: We're going forward on the two in the
17 original and plus the amendment.

18 THE COURT: Plus, the amendment?

19 MR. JOHNSON: So, it's the indictments and the
20 request for trial and from the original. And I believe I've
21 got six, there's one through seven but six of them are
22 allegations in the amendment.

23 THE COURT: Okay. I don't believe I have a copy of
24 the amendment.

25 MR. JOHNSON: I got it right here, Judge.

1 THE COURT: Thank you

2 MR. JOHNSON: Yes, ma'am.

3 THE COURT: All right. Mr. Johnson, call your first
4 witness?

5 MR. JOHNSON: Judge, I call Sean Stroman.

6 THE COURT: Do you swear and affirm the testimony you
7 give is the truth, the whole truth, and nothing but the truth
8 so help you God?

9 MR. STROMAN: I do.

10 [WITNESS SWORN]

11 THE COURT: Have a seat and state your full name for
12 the record. And before we begin, I'm going to ask you to take
13 your mask off if you don't mind. If you need to keep it coming
14 -- if you prefer to keep it on, we understand. It's just
15 easier to understand you. And here we're going to -- thank
16 you. Scoot that microphone a little closer to him. Perfect.
17 Yes. Your witness, Mr. Johnson.

18 **DIRECT EXAMINATION OF THE WITNESS, SEAN L. STROMAN.**

19 BY: MR. JOHNSON.

20 Q. Thank you, Judge. Mr. Stroman was it Derrick Mobley
21 that represented you in this case?

22 A. Yes.

23 Q. Okay. And when he represented you, how many times
24 did, he meet with you to prepare and review evidence?

25 A. Maybe once or twice.

1 Q. Okay. And that's all?

2 A. Yes.

3 Q. Did he ever have a private investigator come talk to
4 you?

5 A. No.

6 Q. Did he ever give you a physical copy of your
7 discovery?

8 A. Yes.

9 Q. Okay. And to your knowledge, did he do anything else
10 to investigate this case or anything at all?

11 A. No, sir.

12 Q. Okay. Do you feel like you were coerced into
13 entering this guilty plea?

14 A. Honestly, I do feel like I was coerced into entering
15 the guilty plea because it was multiple occasions where I was
16 told that if I didn't take the plea, I would be faced with a
17 life sentence. I would be sentenced to more time. And also,
18 that if I did take the plea, I would be -- because it's my
19 first offense not charged as much as it would be if it was
20 multiple occasions.

21 Q. Did Mr. Mobley make any statements to you about your
22 mother's comments or recommendations about taking a plea?

23 A. Yes. He actually told me that my mother was sitting
24 in the courtroom and told me to take the plea, which my mom was
25 not there at all.

1 Q. Okay. And did Mr. Mobley promise you receive no more
2 than 15 years in prison and you get out at 12?

3 A. Yes.

4 Q. Okay. And did Mr. Mobley tell you that you were
5 facing only a range of 10-30 years and no more?

6 A. Yes. He never told me that I would receive more than
7 30 years in prison.

8 Q. Okay. And from your original application, did he
9 ever move to withdraw or move for a trial, make a motion for
10 speed trial? Is that what you wanted?

11 A. Honestly, with the trial, I didn't feel like I was
12 prepared for trial but they was trying to force me into trial.
13 So, I took the plea so that I wouldn't have to go to trial and
14 face a more serious stink of time.

15 Q. All right. Do you feel like he should have made a
16 motion to withdraw the plea?

17 A. Yes.

18 Q. And request to trial?

19 A. Yes. And also suppress my evidence.

20 Q. Okay. But regarding indictments, was there a defect
21 in the indictments you felt like you should have challenged?

22 A. The indictments looked rubber stamped, which it feels
23 like it was not stamped by an actual --

24 Q. Were they stamped true bill?

25 A. They had the true bill stamped but the ones that I

1 had seen they were not signed.

2 Q. They were not true billed?

3 A. They were not.

4 Q. Okay. And you felt like you should have challenged
5 the indictments?

6 A. Yes.

7 Q. Okay. And did you speak to your mother about this
8 later to confirm whether or not she said anything to him?

9 A. Yes.

10 Q. And was she in agreement with you that she did not
11 say that?

12 A. Yes. My father actually wanted to be here to testify
13 as well but I don't think he could make it.

14 Q. Okay. And did you communicate to Mr. Mobley about
15 whether or not he should challenge indictments? Did you ask him
16 to do that?

17 A. I don't -- I can't remember if I asked him to do that
18 but once I got to prison, yes, I did.

19 Q. Okay. Did he respond in any way to help you with
20 that?

21 A. No, he actually left my case after he filed the rape
22 appeal.

23 Q. Okay. But prior to that -- prior to the plea, he
24 never did anything to challenge the indictment?

25 A. No.

1 MR. JOHNSON: Okay. No question, Your Honor.

2 THE COURT: Cross examination.

3 CROSS EXAMINATION OF THE WITNESS, SEAN L. STROMAN.

4 BY: MR. CORBETT.

5 Q. Mr. Stroman, isn't it true that you met with Mr.
6 Mobley at least 14 times?

7 A. No, it's not true at all.

8 Q. Do you deny that?

9 A. Yes, I do.

10 Q. Okay. And you testified earlier that Mr. Mobley gave
11 you a copy of the evidence in the case?

12 A. Yes. The first time that he actually came to the
13 county jail to see me he gave me the discovery pack. He said
14 that he couldn't give me the disc because I mean, he couldn't
15 give me rest of the evidence because it was on disc and that
16 there was actually no evidence from the robberies of
17 surveillance or something like that.

18 Q. Okay. And he reviewed the discovery with you, didn't
19 he?

20 A. Yes, he went over the discovery with me.

21 Q. Okay. On the day of your guilty plea hearing in
22 front of Judge McMahon, you were there when the clerk of court
23 read the charges though, right?

24 A. Yes.

25 Q. Okay. And you were there, weren't you, when the

1 clerk said on the record that the indictments had been true
2 billed?

3 A. Honestly, I don't remember.

4 Q. You don't remember? Okay. And at your guilty plea
5 hearing after Judge McMahon explained to you what was in the
6 indictment, you agreed with him that you understood what was in
7 them, right?

8 A. Yes.

9 Q. Okay. And you agreed with him that you understood
10 the possible sentences you were facing?

11 A. I did. Only on the circumstances that I thought I
12 would get lesser, I would get -- he would tell me an exact
13 amount and then he would drop the charges down to a lesser
14 offense.

15 Q. Okay. So, I'm just -- I'm trying to understand. So,
16 if the judge says, "Do you understand for this offense you
17 could get this potential sentence and you tell him you
18 understand?"

19 A. Yes.

20 Q. That meant you understood what he was saying, right?

21 A. Because before I went into the courtroom, Derrick
22 Mobley told me and he said, "Don't be alarmed by the first
23 amount of time that he tell you because he may drop it down to
24 a lesser amount of time."

25 Q. But you understood that you potentially could get

1 those ranges the judge was talking about, right?

2 A. Ten to thirty. Yes, sir --

3 Q. Okay.

4 A. -- I do.

5 Q. And then when the judge explained that he could run
6 your sentences consecutively and stack them together and you
7 agreed with him, you understood, right?

8 A. No, sir.

9 Q. So, are you saying -- are you denying that you told
10 the judge you understood?

11 A. I was under the influence that I would get the 10-30,
12 no more than 10-30.

13 Q. Okay. But --

14 A. I was actually told before I went into the courtroom
15 that I would -- I -- the ranges are 10-30 because it's my first
16 offense I wouldn't receive any more than 15 years. I would be
17 out of prison before my son turned 12 it's the reason -- the
18 only reason. And him telling me that my mom was in the
19 courtroom and told me to take the 10 to 30 plea why I plead.

20 Q. But I'm asking you what Judge McMahon said.

21 A. Okay.

22 Q. Judge McMahon said, "I can run your sentences
23 consecutively and stack them together," right? And you agreed
24 that you understood that?

25 A. Well, I didn't understand that.

1 Q. Okay. So, you just agreed for no reason?

2 A. Because I -- like I said I felt like I didn't have
3 any other choice but to take a plea, sir.

4 Q. Okay. So, you did understand what you were -- he was
5 saying but you just were agreeing. You told him you agreed
6 even if you didn't. Is that what you're saying?

7 A. Yes.

8 Q. Okay. And Judge McMahon told you about pleading
9 guilty, you'd be waiving you in defenses and you told him you
10 wanted to go ahead and plead guilty, right?

11 A. Yes.

12 Q. Okay. And after the solicitor explained the terms of
13 the plea deal that there would be no recommendations made, you
14 agreed that you understood the terms of the plea deal, right?

15 A. Yes.

16 Q. Okay. And then when Judge McMahon asked you, has
17 anyone coerced you, made any promises in order to get you to
18 plead guilty today, you told him no?

19 A. Yes.

20 Q. It was your own decision?

21 A. Only because I didn't understand.

22 Q. So, you don't understand -- explain what you don't
23 understand by that?

24 A. The coercion part, I didn't understand what coercion
25 was at the time.

1 Q. Do you understand what the word threat means?

2 A. I do understand what the word threat means

3 Q. How about intimidation?

4 A. I do understand what the word intimidation means.

5 Q. How about pressure?

6 A. Pressure is kind of difficult because you can be
7 pressured in two different ways. You can be pressured to
8 either go to trial or take a 10 to 30 plea or you can be
9 pressured into -- yeah, you're going to get this amount of
10 time. So, if you take the plea you don't have to go to trial
11 and deal with the LWOP was the pressure that I didn't
12 understand at the time. Now the word pressure, yes, I do
13 understand the word pressure.

14 Q. Okay. So, when Judge McMahon asked you, is anyone
15 pressuring you to plead guilty you said no, right?

16 A. I was not pressured because I had no other choice but
17 to take a plea or deal with the LWOP that Mr. Mobley told me
18 that I would get if I would go to trial.

19 Q. Okay. So, you were worried about spending life in
20 prison, right?

21 A. Didn't have a choice.

22 Q. Okay. Well, you did though, right?

23 A. I did.

24 Q. Didn't you make the choice?

25 A. Did I make the choice?

1 Q. Didn't you decide that taking the deal was better
2 than risking life in prison?

3 A. Did I?

4 Q. Right, didn't you?

5 A. I honestly had no other choice but to take the plea
6 because it was less time than the LWOP sentence. I didn't want
7 to be LWOP it was my first violent offense.

8 Q. Okay.

9 A. What I'm I being LWOP for?

10 Q. So, you were hoped to get a benefit by pleading
11 guilty that you would avoid the life sentence?

12 A. Correct.

13 Q. Okay.

14 A. So, I didn't think I was being pressured or coerced
15 or threatened into going to trial.

16 Q. Okay. So, when Judge McMahon asked you, are you
17 pleading guilty of your own free will, you told him yes, right?

18 A. Yes.

19 Q. Okay. And you told him that you were satisfied with
20 Mr. Mobley's representation, right?

21 A. Yes.

22 Q. Okay. And that you had talked with Mr. Mobley as
23 much as you needed to, right?

24 A. When he asked me.

25 Q. Yeah.

1 A. Yes.

2 Q. Okay. And you told Judge McMahon that Mr. Mobley had
3 done everything you wanted him to do, right?

4 A. Yes.

5 Q. Okay. And then when Judge McMahon asked, did you
6 have any questions for him, you said you didn't have any
7 questions, right?

8 A. Yes.

9 Q. Okay. And Judge McMahon gave you extra time to talk
10 to Mr. Mobley and you said you didn't need it, right?

11 A. Correct.

12 Q. Okay. And so, I just have a question. Earlier when
13 you were testifying, you said you didn't think you'd get as
14 much time as you did because it was your first offense but it
15 was not your first offense, it was multiple offenses, right?

16 A. Violent offenses.

17 Q. You said offenses?

18 A. No, I said violent.

19 Q. Okay. So, you're qualifying it now. So, explain the
20 qualification?

21 A. Violent offenses.

22 Q. Okay. You don't think a CDV is a violent offense?

23 A. A CDV that was dropped. Do you know what the charges
24 were before the CDV?

25 THE COURT: You can't ask him questions.

1 MR. STROMAN: I -- honestly because it was -- it's
2 just like when the hearing was going --

3 BY: MR. CORBETT.

4 Q. You don't know your own record?

5 A. Angela Garrick said that I was a violent offender,
6 you know, was a violent offender. The reason why I have a CDV
7 first defense on my record is because I was caught with a gun
8 that they dropped down to a CDV because of the crime that was
9 committed during the possession of the gun. So, they dropped
10 my gun charges from the possession of a firearm to a CDV first
11 offense. Why? Because my -- the mother of my children called
12 the police, so they dropped it to a CDV. I never touched
13 anyone, I never pointed and presented the gun and shot anyone.
14 I never discharged the firearm at all, I'm not a violent
15 offender at all.

16 Q. Okay.

17 A. That's -- this is what I'm saying.

18 Q. But you do have multiple convictions on your record,
19 right?

20 A. Yes, sir I do.

21 Q. Okay. And the offenses you pled guilty to that day
22 were from multiple armed robberies, right?

23 A. Correct.

24 Q. That occurred on different days, right?

25 A. Correct.

1 Q. Okay. You testified earlier that your mother told
2 you that Mr. Mobley told you -- say what she told you again.

3 A. Mr. Mobley told me my mother was in the courtroom and
4 she advised me to take the [inaudible] plea.

5 Q. Okay.

6 A. My mother was never in the courtroom.

7 Q. What was the date on which you say she said you --
8 let me rephrase. On what date do you allege that that
9 happened?

10 A. On what date did I alleged what happened?

11 Q. That Mr. Mobley told you?

12 A. April 6th, 2016.

13 Q. Okay. Was that the day of your plea hearing?

14 A. Yes, sir.

15 MR. CORBETT: Okay. Just one moment please. No more
16 questions. Thank you

17 THE COURT: Mr. Johnson?

18 MR. JOHNSON: Just briefly, Your Honor.

19 THE COURT: Yes, sir.

20 **REDIRECT EXAMINATION OF THE WITNESS, SEAN L. STROMAN.**

21 BY: MR. JOHNSON.

22 Q. All these questions and answers you went through at
23 your plea, do you felt like -- I mean, do you feel like at this
24 time that any of that was voluntary on your behalf or no?

25 A. No, sir. It wasn't voluntary only because I say I

1 was coerced into taking the plea, because they threatened me
2 with the LWOP. If there was no -- if they never told me about
3 the LWOP, I'm sorry, it's cold in here so I'm kind of jittery.
4 If they never told me about the LWOP I probably would've just
5 went to trial.

6 Q. And they attempted you -- according to you with this
7 statement about what you could receive, which was much less
8 than what you actually received?

9 A. Right.

10 MR. JOHNSON: Okay. No more questions, Your Honor.

11 THE COURT: Anything further?

12 **RE CROSS EXAMINATION OF THE WITNESS, SEAN L. STROMAN.**

13 BY: MR. CORBETT.

14 Q. Yes, Your Honor. Mr. Stroman so when you say you
15 were coerced, what you're saying is that you felt that you had
16 no choice but to take the deal to avoid an LWOP sentence?

17 A. Right?

18 Q. Because that was coming, right?

19 A. Right.

20 Q. Okay. You were what, a week away from trial?

21 A. Yeah, supposedly.

22 Q. Okay.

23 A. Like I never received any -- yeah, we're going to do
24 this investigation. We're going to do that investigation so
25 that we can prepare for a trial. Never. But Derick Mobley

1 presented me with the plea agreement. I actually pushed the
2 paper back to him three times and told him that I didn't want
3 to take the plea because it looked like blood was on the paper.
4 You remember that?

5 Q. Okay. So --

6 A. I told him three different times that I didn't want
7 to take the plea and he still went out to Angela Gary and asked
8 her multiple times. What can we do to and he came back to me
9 every time and told her -- told me, oh yes, she's willing to
10 drop this, she's willing to drop that, she's willing to drop
11 this so that you can take the plea?

12 Q. Didn't you write letters to the solicitors asking for
13 a plea deal?

14 A. Did I write a letter to the solicitor asking for a
15 plea deal?

16 Q. Right.

17 A. The first plea that he came to me was a 15-year plea.
18 The first -- the very first plea --

19 MR. CORBETT: Objection, non-responsive

20 THE COURT: Answer his question. Well, repeat your
21 question.

22 MR. STROMAN: I never remember writing a letter to
23 the solicitor asking for a plea agreement.

24 BY: MR. CORBETT.

25 Q. You don't remember?

1 A. I don't remember.

2 Q. Okay. Would it be surprised that you had done that?

3 A. If I did ask for a plea agreement, it was probably
4 for that 15 years.

5 Q. Okay. So, you probably did it then.?

6 A. I don't remember.

7 MR. CORBETT: You don't remember but if you did it
8 would've been that you wanted a plea deal. Okay. All right.
9 Thank you. No more questions.

10 THE COURT: Okay. You can go sit back next to your
11 lawyer.

12 MR. CORBETT: Your Honor, we're calling Ms. James.

13 THE COURT: Ms. James?

14 MR. CORBETT: Vickie James.

15 THE COURT: Vickie James. Come on board, Ms. James.
16 Vickie with a Y or an I-E?

17 MS. JAMES: I-E.

18 THE COURT: Okay. Raise your right hand. Do you
19 swear and affirm the testimony you give is the truth, the whole
20 truth, and nothing but the truth so help you God?

21 MS. JAMES: Yes, ma'am.

22 [WITNESS SWORN]

23 THE COURT: Have a seat and state your full name for
24 the record.

25 MS. JAMES: My name is Vickie James.

1 **DIRECT EXAMINATION OF THE WITNESS, VICKIE JAMES.**

2 BY: MR. JOHNSON.

3 Q. Thank you, Your Honor. Ms. James, now you're my
4 client's mother?

5 A. Yes.

6 Q. Okay. And were you present that day at court when he
7 was entering the guilty plea?

8 A. I want to say I was, he went to court twice. Once I
9 wasn't and once, I was.

10 Q. Okay.

11 A. And I can't remember --

12 Q. Okay.

13 A. -- which time it was.

14 Q. Okay. And during one of those times or any of the
15 time, did you have conversations with his attorney, Mr. Derrick
16 Mobley?

17 A. Yes.

18 Q. Okay. Did you ever tell Mr. Mobley to communicate to
19 Mr. Stroman that he should enter this guilty plea?

20 A. I told him that he should tell him to enter the plea
21 for the first deal they gave him not for 50 years.

22 Q. Okay. So, you did not tell him to take this guilty
23 plea that resulted in the 50 years. You told him -- you did
24 not make that statement.

25 A. I did not make that statement.

1 Q. Okay.

2 A. Not for 50 years.

3 MR. JOHNSON: Okay. And that's all I have, Judge.

4 No questions.

5 THE COURT: Cross examination.

6 **CROSS EXAMINATION OF THE WITNESS, VICKIE JAMES.**

7 BY: MR. CORBETT.

8 Q. Ms. James, you testified that you can't remember on
9 which time in court you told Mr. Mobley the thing you're saying
10 today. Give me some context so I can understand what was going
11 on the day that this happened.

12 A. The day that this happened, he came in he stood in
13 front of the judge, he talked to him.

14 Q. Who stood in front of the Judge?

15 A. Sean and Mr. Mobley.

16 Q. And which judge?

17 A. He was a white guy, I'm not sure.

18 Q. Okay.

19 THE COURT: Most of them.

20 MS. JAMES: I'm really not sure what's the name but
21 we -- he stood in front of him he talked for a while. I
22 actually got up and walked out, came back in and he was saying
23 I do. Yes, yes.

24 BY: MR. CORBETT.

25 Q. Who was saying that?

1 A. A bunch of questions, Sean.

2 Q. Okay.

3 A. The judge was asking him a bunch of questions.

4 Q. Okay.

5 A. And yes, a bunch of things and then that's when he
6 said 50 years and I just like, I lost it and I walked out
7 again. I was standing outside the courtroom when it was over
8 and Mr. Mobley came out and he talked to me and I was like why
9 so much? Like why 50 years? I thought we were talking less
10 years. And he said, you know, there's no control over what the
11 judge says and I thought we had a plea agreement in order. And
12 he was like, you know, it's between -- so he had no control
13 over that.

14 Q. Okay. So -- and what -- was it before or after that
15 that you told -- that you say you told Mr. Mobley?

16 A. I spoke to Mr. Mobley on the phone. No, I spoke to
17 Mr. Mobley outside the courtroom before this happened.

18 Q. Okay.

19 A. Me, him and my daughter, and my son was outside and
20 we was talking.

21 Q. So, what was the plea deal that you were talking
22 about that you're saying today you were talking about

23 A. I think it was 10 to 15. I'm not -- the first number
24 is shaky but I know it was 15 but I think it was 10 to 15.

25 Q. Okay.

1 A. I'm more than positive it was 10 to 15 because that's
2 when he called me once before. Because I spoke to him maybe
3 twice and he said one Sean turned down the first one. Then
4 when he called back, I was fussing and I was like, he should
5 have took the first one. And then when he called back, he
6 said, okay. They brought another one to the table and he
7 finally took it.

8 Q. Okay. So, you weren't present when Mr. Mobley talked
9 to your son after that, right?

10 A. No, after that.

11 MR. CORBETT: Okay. Thank you. No more questions.

12 No question.

13 THE COURT: Anything further? Okay. Thank you, ma'am
14 you may seat down.

15 MR. JOHNSON: That's all we have, Judge.

16 THE COURT: All right. State can call its first
17 witness

18 MR. CORBETT: Call Mr. Mobley, Your Honor.

19 THE COURT: Do you swear and affirm the testimony you
20 give is the truth, the whole truth, and nothing but the truth,
21 so help you God?

22 MR. MOBLEY: I do.

23 [WITNESS SWORN]

24 THE COURT: If you state -- have a seat, state your
25 full name for the record please.

1 MR. MOBLEY: Thank you. Derrick Mobley.

2 **DIRECT EXAMINATION OF THE WITNESS, DERRICK MOBLEY.**

3 BY: MR. CORBETT.

4 Q. Mr. Mobley, when were you admitted to practice law in
5 South Carolina?

6 A. July 20, 2007.

7 Q. Okay. Can you give me a summary of your legal
8 experience since then?

9 A. First, I was working with the -- I was a law clerk
10 for the Honorable Allison Lee. I was a law clerk for the
11 Department of Labor Licensing and Regulations. I subsequently
12 worked at the solicitor's office as an assistant solicitor. I
13 went into private practice at the law office of Richard J.
14 Breibart. I opened up my law office and that was 2012 -- June
15 5th, 2012. I was appointed a municipal court judge at the City
16 of Malden, July of 2014. And I'm still working at the Law
17 office of Derick Mobley.

18 Q. Okay. Can you tell me the approximate percentage of
19 your experience has been devoted to criminal law?

20 A. I would say around 80 to 85 percent.

21 Q. Okay. How did you get involved in Mr. Stroman's
22 case?

23 A. I was appointed on a 608 contract with the Office of
24 Indigent Defense. I think they call it something else now, the
25 South Carolina Commission of Indigent Defense.

1 Q. Right. Okay. Can you sort of give me an overview of
2 the charges you represented Mr. Stroman for and other cases he
3 may have had pending elsewhere?

4 A. So, the charges that I was appointed to were three
5 separate events in Lexington County. There was three separate
6 armed robberies that occurred in Lexington County in the
7 general vicinity of Irma, South Carolina on the Lexington
8 County side. Those were the ones that I was appointed to. I
9 subsequently found out that he had some pending on robberies.
10 I think it was Greenwood County and Richland County.

11 Q. Okay.

12 A. But I wasn't appointed to those and did not handle
13 those.

14 Q. Okay. Do you remember -- tell me in your own words
15 the facts of the crimes and issue in these cases?

16 MR. MOBLEY: So -- may I look at my notes?

17 THE COURT: Yes, sir.

18 MR. MOBLEY: It's been quite some time. From what I
19 recall, there were some armed robberies that occurred at, I
20 think it was at Domino's, a convenience store and another
21 Domino's I think it was. But it was three separate incidents
22 where allegedly this individual went into these locations,
23 presented firearm, demanded money from the employees that were
24 there. What I recall is that it was either close to -- closing
25 time or something of that nature where that person would come

1 to the door, the employees were -- would let them in and then
2 they would present a firearm to demand money. Take some money
3 was retrieved from safes within those locations.

4 BY: MR. CORBETT.

5 Q. Okay. How many times did you meet with Mr. Stroman
6 while you represented him?

7 A. So, we have October the 29th, 2015, October 30th,
8 2015, November the 9th, 2015, January the 21st, 2016, February
9 the 6th, 2016, March 19th, 2016. We met at the courthouse on
10 March the 22nd for a supposed plea 2016 that he did not plead
11 guilty then, had a subsequent visit with him. March 23rd,
12 2016, April 1st, 2016, April 4th, 2016 and then we met again
13 April the 5th. At which time, that's when the guilty plea was
14 entered.

15 Q. Okay.

16 A. -- 2016, April 6th, 2016 after the plea. And then we
17 had the motion for reconsideration May the 31st, 2016. And I'm
18 not sure if I mentioned March the first. We went to the
19 Lexington County courthouse. And I don't think a plea went
20 then as well because we met with Suzanne Mays from the
21 solicitor's office about information that client offered to try
22 to get the assigned solicitor to reduce the charges.

23 Q. Okay. Who was the assigned solicitor?

24 A. It was Angela Garrick Martin.

25 Q. Okay. So, you just detailed those, that was more

1 than one or two meetings, right?

2 A. Yes.

3 Q. Okay. Did you communicate with Mr. Stroman outside
4 of those meetings by mail, email, phone call?

5 A. I can't recall. Typically, and that was pre Covid, I
6 would go visit my clients personally.

7 Q. Okay.

8 A. I didn't want to have it relegated to just emails or
9 phone calls or letters or anything of that nature, trying to
10 make it more personal.

11 Q. Okay. And so outside of the court meetings, were
12 those visits to the jail?

13 A. Yes.

14 Q. Okay. Can you tell me what you remember about
15 discussing the discovery with Mr. Stroman?

16 A. Some of the points of -- some of the highlighted
17 points were that the individuals that were identified as
18 witnesses and/or detainees as victims in these cases they
19 identified some distinct tattoos on the neck. One actually
20 writes in a report what it allegedly says. There was some
21 identification through photos through I think a SLED six pack
22 to identify prospective suspects. There was a five-page
23 confession that was given later by the defendant. There was --
24 what I recall is the distinctly the mention of the tattoos by
25 multiple individuals that were alleged victims. The

1 identification by those victims in a six pack from SLED owe him
2 money and guns that were found -- and a gun, excuse me, that
3 was found when they captured the Defendant at the time.

4 Q. Okay.

5 A. Mr. Stroman.

6 Q. And that gun matched the victim's description, right?

7 A. Description.

8 Q. Okay. How about the tattoo? What was remarkable
9 about the tattoo identification?

10 A. Well, in one of the incident reports it gives a
11 specific name. They have in one of the incident reports
12 something about Vickie being the actual name that was tattooed
13 upon that person's neck and they described tattoos on his neck.

14 Q. Okay. Mr. Stroman has a tattoo reading Vickie on his
15 neck, doesn't he?

16 A. I haven't seen him in years and I can't remember --

17 Q. Okay.

18 A. -- if it does.

19 Q. That something that if he had not had that, would it
20 have stood out to you?

21 A. Oh yeah.

22 Q. Okay. And his mother's name is Vickie, right? She
23 just testified

24 A. I wasn't even listening to her first name, I heard
25 Ms. James.

1 Q. Okay. How many times did you talk about the
2 discovery and the evidence with Mr. Stroman?

3 A. Well, each time that I went to the Lexington County
4 Detention Center, we discussed the evidence.

5 Q. Okay. Did he give you any reason to believe that he
6 didn't understand your explanations about the evidence?

7 A. No.

8 Q. Okay. Did you see any reason to -- any reason that
9 you had to challenge the indictments?

10 A. Not at that time, I didn't have any reason to
11 challenge the indictments at that time. Typically, with
12 challenging an indictment would involve having gone to trial
13 and I didn't see anything that was apparent to me at the time
14 when we were proceeding to the actual plea itself.

15 Q. Okay. The case had gone to trial, was that something
16 you would've considered further?

17 A. I'm sorry?

18 Q. If Mr. Stroman had gone to trial, would you have
19 considered that further?

20 A. Absolutely. Because they had the opportunity to try
21 to quash the indictment or challenge the sufficiency on his
22 face itself. We in fact went over the possibility of going to
23 trial and that it could possibly be, three separate trials that
24 we could be preparing for at the time.

25 Q. Okay. And that would be one trial for each of the

1 robberies?

2 A. Yes, because they were on different dates and to go
3 back to in regards to the evidence, one specific time I know
4 that -- excuse me, November the 12th -- excuse me, January the
5 21st, 2016, we discussed each individual case. Because prior
6 to that November the 9th, that was right before the holidays, I
7 hand delivered paper copies of the discovery to client, advised
8 to review the actual discovery that was provided to him and to
9 make notes on discrepancies. I returned after the holidays,
10 January the 21st, 2016, from the time of 8:25 a.m. until 9:18
11 a.m. We first discussed the Domino's on Woodrow Street which
12 is in Lexington County the Irmo area, discuss client's
13 observations on discovery for each incident. We discussed some
14 highlights. The photo lineup, one of the bullet points,
15 tattoos on neck. Discuss statements that in that particular
16 incident, no one describes the actual gun but in the subsequent
17 incidents they described a black and silver handgun. So, we
18 did go over very thoroughly and that wasn't the only time that
19 we actually went over the discovery.

20 Q. Okay.

21 A. I'm sorry, go ahead.

22 Q. So, you consider -- so I think you said you
23 considered the evidence in each case individually?

24 A. Yes.

25 Q. All right.

1 A. Okay.

2 Q. Because there was potential for three different
3 trials?

4 A. Yes.

5 Q. Okay. Did you have a private investigator working
6 for you on this case?

7 A. I did not have one on this case?

8 Q. Okay. Did you think you needed one?

9 A. I did not.

10 Q. Why not?

11 A. I didn't feel that with the evidence that was
12 presented because it was going to be the, the solicitor's
13 office burden of proof to prove beyond a reasonable doubt with
14 the evidence that was given. The statements were already
15 provided by the witnesses that were on scene and that were
16 identified within the incident reports. So, all I had to do is
17 cross examine during a trial. Those specific eyewitnesses,
18 there were none that were identified that did not provide a
19 statement knew where the incident locations were, had pictures
20 of all, any and all evidence itself. So, a private
21 investigator I didn't feel was necessary because we -- you
22 know, everything was provided within the discovery and felt
23 that I had sufficient amount of evidence to challenge anything
24 that they went forward to on any of the trials.

25 Q. Okay. Did Mr. Stroman give you any leads that you

1 needed to use, you felt required in investigator services to
2 follow up upon?

3 A. No.

4 Q. Okay. Have you worked on cases in the past where
5 you've used an investigator?

6 A. Yeah.

7 Q. Okay. So, tell me how did plea negotiations begin in
8 this case?

9 A. So, I got appointed to this case I went to meet with
10 Mr. Stroman. Mr. Stroman wanted a specific range and/or cap.
11 I began to speak with the solicitor's office, which was Angela
12 Garrick at the time and letting her know what client's wishes
13 were.

14 Q. Okay.

15 A. And it actually got quite contentious between Angela
16 Garrick and I because I was -- I thought she was being a little
17 harsh.

18 Q. Okay.

19 A. Okay. And so, she would not give us the sentencing
20 recommendation of between 10 and 15 nor 15-year cap. In fact,
21 one of her emails came back, I think it was March -- I beg the
22 Court's indulgence, March 22nd, 2016, sent solicitor email
23 requesting a 15-year cap. Solicitors email response, she
24 responded with a simple N-O-P-E, nope.

25 Q. Okay.

1 A. Then I sent a second email stating that she would not
2 take a position on sentencing though.

3 Q. Okay. Did Mr. Stroman -- did he seem willing to
4 plead guilty or was he resistant to the idea of pleading
5 guilty?

6 A. He was resistant to pleading guilty.

7 Q. Okay.

8 A. I told him, ultimately, it's his decision, I cannot
9 make it for him. It is his decision ultimately to go forward,
10 whether rejected or go to trial. At which time because we got
11 notice for a trial during April the 11th of 2016. So, I had to
12 advise them whether we go to trial we just have to prepare each
13 individual one to go forward. At that particular time,
14 whenever we are called. First one had already been noticed
15 they had sent a proper notice to us. April the 1st, I had to
16 go back to Lexington County Detention Center and that's where
17 he and I went over some of the trial prep. That was from 11:37
18 a.m. to 12:51 p.m. I had to hand deliver printed copies of
19 photos of the gun, the book bag as well as the money that was
20 confiscated from him at the scene when he was captured.

21 Q. You hand delivered that to Mr. Stroman?

22 A. Yeah, a colored copy because previously I provided
23 black and white copies.

24 Q. Okay.

25 A. We went over and discussed Jackson v. Denno, whether

1 his statement, the five-page statement, was freely and
2 voluntarily given, whether it was coerced. Whether they were -
3 - whether it would be admitted or whether it would be
4 inadmissible deemed by the Court pretrial. We discussed Neil
5 v. Biggers whether it was prejudicial with the actual
6 identification in a six pack. We had a whether it was an
7 improper panel that was provided at the time and whether the
8 Court would deem that to be admissible or inadmissible at the
9 time.

10 We also had to go over and we actually went over in
11 court identification separate from Neil v. Biggers advised two
12 of the three witnesses; witnesses had already been subpoenaed
13 for the trial. One was in North Carolina on military leave so
14 he would not be there. So, three of -- two of those three
15 witnesses would not be there.

16 Q. So, you were gearing up for trial?

17 A. Yeah.

18 Q. Okay.

19 A. We only had about 10 days left.

20 Q. Okay. And that was the first of three?

21 A. Yes, that's the first of three. Now, during that
22 conversation a client states that on the August 19th - 15th --
23 2015 incident that we were gearing up for trial stated that he
24 would plead guilty to one armed robbery and two kidnapping if
25 it dismissed one kidnapping. That was when we were preparing

1 for trial at the Lexington County Detention Center that was
2 between the hours of 11:37 a.m. to 12:51 p.m. that was on
3 April 1st.

4 Q. Okay.

5 A. There's additional stuff that we were preparing for
6 too but it was going to take time.

7 Q. Okay. What was your understanding of the solicitor's
8 intention with respect to an LWOP sentence?

9 A. Her? Well, and I had to convey, I couldn't -- I can't
10 keep that type of information from my client.

11 Q. Right.

12 A. Okay. Because then I would not be doing my due
13 diligence nor my ethical obligation with keeping that
14 information from him. There was an email that was sent from
15 the solicitor stated basically if the -- if Mr. Stroman is not
16 going to accept the plea offer and I'm not taking a position on
17 the sentencing, then we will proceed to trial. And then if we
18 get a conviction, we will serve him with a LWOP notice to
19 pursue an LWOP. I had to advise my client that I can't
20 ethically keep it from him.

21 Q. Okay. So, that was a real risk?

22 A. I'm sorry?

23 Q. That was a real risk, LWOP?

24 A. Yeah. Okay. And if I can get into my file, I
25 probably may be able to find that email because I provided it

1 to my client with that statement in there from the solicitor
2 and he reviewed it. I wanted him to see it so that he doesn't
3 think that it's me trying to pressure him to do anything. I
4 had to provide it to him. He read the email itself when we
5 were at Lexington County Detention Center.

6 Q. What was his reaction to that?

7 A. He got upset.

8 Q. Okay. And even without the LWOP, just the
9 consecutive potential sentencing range in this case was 150
10 years, right?

11 A. Yes.

12 Q. Okay. Did Mr. Stroman give you any indication of how
13 much he wanted to avoid a potential LWOP sentence?

14 A. I'm sorry?

15 Q. Did Mr. Stroman give you an indication of how
16 strongly he wanted to avoid an LWOP sentence?

17 A. He said he didn't want an LWOP. Yeah. I don't want
18 to get an LWOP.

19 Q. Okay. So, between that and the plea -- and the day
20 of his plea hearing is when the final plea deal was worked out?

21 A. Yes.

22 Q. Okay. Did you go over the terms of that deal with
23 Mr. Stroman?

24 A. I did.

25 Q. Okay. Did you promise him that he'd get 15 years or

1 less and serve only 12?

2 A. No.

3 Q. Okay. Tell me what you told him about what could
4 happen at the plea hearing?

5 A. So, I let him know what the solicitor actually stated
6 in the email. They would not take a position on sentencing
7 that law enforcement and her would not advocate for a
8 consecutive sentence. So, what we theoretically were looking
9 at that time were 10-30 years as the solicitor being silent on
10 sentencing and not recommending a consecutive sentence but it's
11 ultimately up to the judge.

12 Q. Okay.

13 A. I'm going to go in there and advocate on your behalf
14 and I'm going to throw everything against the wall to try to
15 get you a lowest sentence as possible.

16 Q. Okay. So, you didn't make any promises?

17 A. No, never make any promise to clients. Too many
18 things out of my hand, too experienced to make promises to any
19 client.

20 Q. Okay. Did you explain to Mr. Stroman what it would
21 mean to get a consecutive sentence?

22 A. Yes.

23 Q. Okay.

24 A. He was very well aware because we had to go over each
25 one of those indictments. I had to provide him with the actual

1 amount of time he was facing on each of the indictments and
2 somewhere here -- I have to go back. It was one doing -- one
3 of my visits with him. We had to actually go over the minimum
4 and maximum sentence on each of the charges. So, yes, to
5 answer your question.

6 Q. Okay. Did you tell Mr. Stroman what your opinion was
7 on she plead guilty and take the deal or go to trial?

8 A. I did.

9 Q. Okay. Well, what did you tell him about that?

10 A. I said, based on my experience looking at the
11 evidence and the amount of trials that I've gone into, I don't
12 think that it would be beneficial for him to go to trial
13 because it was more evidence than not that was pointing to him
14 and directly identified him. However, I cannot make you go to
15 trial or make you plead. That's ultimately your decision, it
16 is totally up to his decision. In fact -- and I have after I
17 left there -- hold on. Because I told him I would go to war
18 for him whatever he chose whether it was a plea or trial.

19 Q. Okay. Did you -- tell him what you thought you'd do
20 as your trial strategy if he went to trial?

21 A. Yes.

22 Q. Okay.

23 A. I told him I would have to attack the identification
24 and the veracity and the memory of those alleged witnesses at
25 that time. From each of the incidents, I had to undermine

1 their testimony to make it seem as if they don't remember those
2 things as accurately as they were. I would try to suppress his
3 statement on the Jackson v Denno at that time because it was
4 five pages admitting to each one of these incidents itself.
5 Told her how we would proceed pretrial to get some of these
6 matters taken out. Because if I can get the statement out then
7 they -- the State has to rely upon the identification of the
8 witnesses at the time of the incident and then the witnesses
9 while they on the stand during trial. So, we were having to
10 discuss those things, what the burdens of proof were for each
11 of the incidents every one of the elements as well on every
12 indictment also.

13 Q. Okay. Did you tell Mr. Stroman what his
14 constitutional rights would be that he could exercise at trial?

15 A. Yes.

16 Q. What'd you tell him about that?

17 A. Fifth Amendment. I mean everything from, you know,
18 right to cross examine every witness. His Fifth Amendment
19 Right. Not make any statements or -- but he can take the stand
20 on his own behalf, which is risky within itself. However, he
21 does have that right. He will be given that opportunity at the
22 close of the State's case. Yeah, we went over all of that.

23 Q. Okay. Mr. Stroman did have a prior record, right?

24 A. If I recall correctly.

25 Q. Okay.

1 A. But I don't think it was nothing significant like
2 this, that's why Angela Garrick and I got into it.

3 Q. Right.

4 A. It was very contentious between us.

5 Q. Well, let me ask you about Mr. Stroman's mother. On
6 the day of the plea hearing. Did she -- did you have any
7 conversations with her on the day of the plea hearing?

8 A. I can't recall be very candid with you, I can't
9 recall. Now, I know there was one point where she appeared in
10 court, but as I stated I think it was three times we were
11 brought to the Lexington County Courthouse. I just don't know
12 which one it was and I don't -- I can't recall what I stated
13 towards that, you know, I can't recall that --

14 Q. Okay.

15 A. -- what the conversation would be.

16 Q. Do you know if she ever told you to tell Mr. Stroman
17 that she wanted him to plead guilty?

18 A. I don't recall that.

19 Q. Okay. So, you -- do you have no memory of it or do
20 you doubt that it happened?

21 A. I don't have a memory of that at all but I don't have
22 a memory of going back and telling him that his mom said to
23 plead guilty.

24 Q. Okay. Did the solicitor ever offer a 10-to-15-year
25 plea deal?

1 A. No.

2 Q. Okay. So, there wouldn't have been a situation where
3 you would've told Mr. Stroman to take that plea deal because
4 there was no deal?

5 A. There would -- there was never a deal.

6 Q. Okay.

7 A. The solicitor was -- her only compromise was being
8 silent on sentencing.

9 Q. Okay.

10 A. And I was trying to get her to give me a cap at the
11 request of my client. At first it was a negotiated 10 for all
12 the warrants then it went to a negotiated 15-year cap. Let me
13 work and make my arguments from 10 to 15 years but she said no
14 and that was in March of 2016.

15 Q. Okay. Did you share with Mr. Stroman every plea
16 offer that the solicitor made?

17 A. Absolutely.

18 Q. Okay. Did that -- did you ever tell him that there
19 was a 10-to-15-year option cap?

20 A. No.

21 Q. Okay. Do you know the date on which Mr. Stroman told
22 you he wanted to take the deal that he ultimately accepted?

23 A. That ended up being the day of the actual plea.

24 Q. Okay.

25 A. Because we had to meet and he made that decision then

1 | because I think I met with him in a span of a week the 22nd of
2 | March, the 23rd of March, the 1st of April, the 4th of April,
3 | and then the 5th right there, there is 1, 2, 3, 4, 5. Five
4 | times in the span of a week discussing his options, he would go
5 | back and forth. He was afraid and I understand that he was
6 | afraid. He was afraid at that time; he didn't know if he was
7 | going to get significant time or not that's why I went so many
8 | times. Although, you know what -- I know we had gone over
9 | everything but we had to explore all options because we are
10 | preparing for trial by this point.

11 | Q. That was just around the corner, wasn't it?

12 | A. Yeah.

13 | Q. Okay.

14 | A. We only had a little less than a week. Well, I'm
15 | sorry, it was a little more than a week. It was on the 11th
16 | that we had gotten notice with first stop.

17 | Q. So, on the day of the plea hearing, would you have
18 | told -- come back and told Mr. Stroman, your mother wants you
19 | to take the 10-15-year deal?

20 | A. No, there was never a plea offer that of 10-15.

21 | Q. Okay.

22 | A. If it was 10 to 15, I think he and I both would've
23 | agreed to take 10-15.

24 | Q. Okay.

25 | A. The solicitor would -- she would not bend or break on

1 offering a negotiated 10 nor a cap of 15.

2 Q. Okay. Because they were going to try to LWOP it,
3 right?

4 A. Yeah. There's an email -- in her email to me.

5 Q. Did you discuss parole eligibility with Mr. Stroman?

6 A. Yeah. Because when we went -- when we were pleading
7 guilty those are 85% crimes. So, we discussed all of that
8 before we had actually pled guilty.

9 Q. Okay. Did Mr. Stroman write letters to the solicitor
10 in this case?

11 A. He did.

12 Q. Okay. To which solicitor?

13 A. I know I have a copy of one that was to solicitor
14 Angela Garrick, the assigned solicitor and that is dated
15 January 27th, 2016. That's when he was offering information
16 for Ms. -- a case that Ms. Garrick, who was Ms. Garrick at the
17 time, who she was prosecuting separately on another case as
18 well as Suzanne Mays who --

19 Q. By Ms. Garrick you're referring to she's now Ms.
20 Martin?

21 A. She's now Ms. Martin --

22 Q. Okay.

23 A. -- she's since been married.

24 Q. Okay.

25 A. And a case that Suzanne Mays, who is a deputy

1 solicitor here now, at the time she was a senior solicitor who
2 she was looking to prosecute. He wrote a letter, Ms. Garrick
3 subsequently sent that letter to me for me to have, I advised
4 my client not to directly come to contact the solicitor's
5 office, let me handle it and try to talk to them. At which
6 point that's why Suzanne Mays ultimately during the march turn
7 met with the client and I in regards to information he had for
8 her case.

9 Q. Okay. Did you discuss -- the letter you just
10 referenced; did you discuss that with Mr. Stroman?

11 A. Yes.

12 Q. Did he deny that he sent that letter to the
13 solicitors?

14 A. No.

15 Q. Okay. Did he admit it, was there any doubt?

16 A. There was no doubt because we ended up meeting with
17 Suzanne Mays after this letter was received by them then they
18 forwarded it to me.

19 Q. And at that meeting you discussed the same things
20 that --

21 A. Yes, he addressed in that letter.

22 Q. We had a sit down with Suzanne Mays and that
23 conversation ended up -- bear with me a moment. Because what
24 Suzanne Mays ultimately ended up saying is that the
25 information, he provided was information that most people in

1 the detention center already was aware of. And they -- there
2 was no promises if he were to provide additional information.
3 Here it goes. March the first, and this is just a synopsis of
4 the meeting. Met with Solicitor Suzanne Mays regarding
5 client's info on --- and I don't know whether you want me to
6 place that name on the record, who the Defendant was at the
7 time.

8 Q. I don't need that.

9 A. Okay. Mays states said that she isn't sure that the
10 info client sent via letter will be used. States that info is
11 what they already know, the info he placed in letter and other
12 inmates know info also. She will let us know if they want to
13 utilize client in the future, met with client, advised per
14 email Solicitor Angela Garrett Martin would not reduce charges
15 or negotiate a 10-year sentence.

16 Q. Okay. What was Mr. Stroman's reaction once he got
17 the aggregate 50-year sentence?

18 A. Well, he was upset and I understand because I was
19 upset as well. What ended up happening while we were standing
20 at the podium after everyone was shocked and round about the --
21 simultaneously, he tries to pull off the handcuffs towards me
22 at the time while we were standing there. The deputies and I
23 can't remember who all that was there, they immediately came up
24 behind the client and separated us two as we were finishing up
25 with that plea and everything else Judge McMahon had to say at

1 the time.

2 Q. Okay. Did you tell Mr. Stroman he could potentially
3 get up to 150 years in prison at his plea hearing if his
4 sentences were all run consecutively?

5 A. If they run consecutive, yes.

6 Q. Okay. And Judge McMahon did grant your motion to
7 reconsider the sentence, right?

8 A. He did. I filed it in a timely manner within the 10
9 days for -- to reconsider the sentence. Yes, he ended up
10 reducing it from 50 years aggregate down to 30 years total.

11 MR. CORBETT: Okay. Give me just a moment please.

12 Okay. No more questions. Thank you.

13 MR. MOBLEY: Thank you

14 THE COURT: Mr. Johnson?

15 MR. JOHNSON: Your Honor, I would just ask this
16 letter that was referenced, I don't know if the Attorney
17 General has a copy or Mr. Mobley has a copy.

18 MR. MOBLEY: You can have this.

19 MR. JOHNSON: Thank you.

20 **CROSS EXAMINATION OF THE WITNESS, DERRICK MOBLEY.**

21 BY: MR. JOHNSON.

22 Q. Mr. Mobley, do you remember during the plea actually
23 discussing in front of the judge the LWOP kind of possibility
24 or threat or whatever from the solicitor that that was
25 something they may have known to you, you put that on the

1 record?

2 A. I may have.

3 Q. Okay. And I'll just direct you so the Attorney
4 General knows what I'm referencing on page 23 about halfway
5 down and I'll show you the transcript.

6 A. Okay.

7 Q. Just that you discussed that on the record?

8 A. Yes.

9 Q. Okay.

10 A. Yes.

11 Q. Okay. Do you feel like that was something that was -
12 - you sense it was a mandatory life sentence that would be
13 pressuring your client into taking the plea, but that was the
14 intention of it by the solicitor? Do you feel that was the
15 intention of it?

16 A. I think it was the intention, that was definitely her
17 option.

18 Q. Okay. And the statement -- when you said you met
19 with the client, Mr. Stroman, did you have anyone go with you
20 on these meetings?

21 A. No, I tried to protect attorney-client privilege as
22 much as possible.

23 Q. Okay. You had no assistance or investigators?

24 A. No.

25 Q. Do you ever find that having an investigator that has

1 law enforcement experience could be beneficial if that person
2 sits down and talks to a client?

3 A. Not in a case of this nature because this is more
4 evidentiary not investigative type case because the
5 investigation had already been done by law enforcement.
6 Everyone that was identified, provided statements, physical,
7 tangible, fungible evidence had been confiscated from the
8 client. So, getting that investigated to and go back over the
9 same things would revealed the same file that I didn't see it
10 was necessary.

11 Q. Okay. You said you provide a copy of evidence to Mr.
12 Stroman?

13 A. Yes.

14 Q. Did you get a written receipt or a letter or anything
15 where he signed it, acknowledging receipt of the evidence?

16 A. No.

17 Q. No, you don't have that?

18 A. No, I didn't. No.

19 Q. Did -- you said you did have some conversation with
20 Ms. Vickie James' mother?

21 A. I did.

22 Q. Okay. Is it possible that you did make statements to
23 her about whether or not or she made statements to you about
24 whether or not there was an offer or kind -- you indicated
25 maybe you didn't have the greatest recollection of her meetings

1 with her but is it possible that at some point you told him
2 that she approved of a plea? Is that possible?

3 A. I can't recall a conversation about whether she
4 approved of a plea or not.

5 Q. Okay.

6 A. But yeah, it goes back ultimately to where I advised
7 all my clients. Ultimately, it's their decision. I know
8 anyone else can make that decision.

9 Q. Okay. And did you ever have a conversation with him
10 that there was a chance at getting 15 years of this plea that
11 there would be a 15-year sentence from this plea?

12 A. There's always a chance because it was a range from
13 10-30. So, that's why when I met with the client, I advised
14 him I have to throw everything against the wall to try to get
15 this sentence as low as possible. Unfortunately, the judge
16 didn't agree with the mitigation.

17 Q. Do you feel like your statements about a 10-30 range
18 gave him the impression that 30 was the ultimate cap of what he
19 could receive?

20 A. No, it couldn't be because as I advised him the
21 solicitor was going to remain quiet in regards to sentencing
22 while ultimately, it's the judge's decision and the judge can
23 run these consecutive or concurrent.

24 Q. Mr. Mobley, did you review indictments in this case?

25 A. I did.

1 Q. And when you reviewed indictments, did you notice
2 whether or not they were true bill -- stamped true bill on the
3 indictments?

4 A. I would have otherwise it would've raised the flag
5 and we would've had to proceed under a waiver for the
6 indictments itself.

7 Q. Okay. And I'll show you under -- now, I'm passing up
8 here just to show you indictments ending in 28122015 and 2807.
9 And I'll also show you from the packet this is one referenced
10 in the PCR application indictment. Indictment ending 2813.
11 And -- excuse me, Your Honor, I'll just -- when you review
12 these, are these indictments stamped true bill -- are these
13 indictments from the case?

14 A. Right here?

15 Q. Yes.

16 A. In front of me?

17 Q. Yes.

18 A. So --

19 Q. And I'll just provide you with a packet. Got two --
20 three here, this is the remainder of packet that you're looking
21 at.

22 A. No, I don't see a stamp true bill.

23 Q. Okay.

24 A. What I see is a date of -- by four person under
25 action of grand jury.

1 Q. Okay.

2 A. And the four person signs and they dated it looks
3 like 12-7-2015.

4 Q. Okay. And traditionally you would see a true bill
5 stamp on -- a true bill at that?

6 A. Traditionally. that's what I've seen.

7 Q. Okay. Did you fail to raise that objection or not
8 take that and until that could be done properly before
9 proceeding?

10 A. I don't recall. So, if I'm looking at the
11 transcript, I don't think I raised that as an issue. And it
12 may because I saw a signature of the indictment. Now, if we
13 had proceeded to trial that was -- that would certainly be an
14 issue to try to quash the indictment and see whether why a
15 stamp wasn't there.

16 Q. If you -- well, is it fair to say if you did not
17 notice that then you did not have a conversation with Mr.
18 Stroman about that prior to the plea about no true bill being
19 stamped on?

20 A. I guess that's fair to say.

21 Q. Okay. All right. Did you fail to or have a
22 conversation with him about withdrawing the plea, making a
23 motion for a trial? Do you remember that?

24 A. When?

25 Q. Before the plea or during the plea, did you ever have

1 a conversation about -- ever have a conversation about making a
2 motion to withdraw the plea and having a request for a trial
3 meeting?

4 A. Yeah, of course, right before we went out. Told him
5 you literally can -- you can reject this plea and we can go to
6 trial. We'll be ready for trial, April the 11th. March the
7 21st, told him the same thing while we were up there at the
8 Lexington County Courthouse when he rejected the plea then,
9 told him we could proceed to trial, we got notice right
10 thereafter. March the 19th, advise client -- is his choice on
11 whether to plea or ask for a trial. Then went over advised in
12 my professional opinion that he shouldn't go to trial to -- due
13 to confession, still pictures of client, identification by
14 victims. However, advise client that if he wants to proceed to
15 trial that I would oppose and defend each case individually or
16 collectively and fight against being served with an LWOP.

17 Q. Okay.

18 A. That advise -- and this on March the 19th between the
19 hours of 11:02 a.m. to 11:45 a.m. advise due to the number of
20 charges and severity that even a plea will more than likely
21 result in significant incarceration. However, it is ultimately
22 the judge's decision on incarceration. Advise client that
23 solicitor rejected any type of cap i.e. 10-15 years.

24 MR. JOHNSON: No more questions, Your Honor.

25 THE COURT: Anything further?

1 MR. CORBETT: A few, Your Honor.

2 THE COURT: Sure.

3 REDIRECT EXAMINATION OF THE WITNESS, DERRICK MOBLEY.

4 BY: MR. CORBETT.

5 Q. Mr. Mobley, Judge McMahon did agree with your
6 mitigation that right because he granted your motion.

7 A. He ended up granting my motion I --

8 Q. A 20-year difference.

9 A. A 20-year difference.

10 Q. Okay. Did Mr. Stroman tell you why he ultimately
11 accepted the plea deal?

12 A. Let me see if I wrote anything down. Well, I know
13 one of his greatest concerns was possibly getting LWOPed.

14 Q. Okay. He told you about that?

15 A. Yes.

16 Q. Okay.

17 A. And he had -- we had discussions previously as well
18 about the Richland and Greenwood cases and trying to get those
19 combined as solicitors said, no, I don't care about the other
20 county's charges. So, we were advised of that. And what was
21 the first question you asked?

22 Q. If he told you the reason, he was taking the plea
23 deal?

24 A. Yeah. Ultimately it boiled down, he did not want to
25 get LWOPed. He wanted a chance to get home to his family and

1 his children. I think it was children or a child, wanted to be
2 able to have that opportunity.

3 MR. CORBETT: Okay. No more questions. Thank you.

4 THE COURT: Anything further, Mr. Johnson?

5 MR. JOHNSON: No, Your Honor. Thank you, sir, you
6 may step down.

7 MR. MOBLEY: Thank you.

8 THE COURT: You have additional witnesses?

9 MR. CORBETT: No, Your Honor. But I would ask that
10 the Court take judicial notice of the fact that Mr. Stroman has
11 a tattoo on the right side of his neck that reads Vickie.

12 THE COURT: I need him to stand up and come closer,
13 my eyes are bad.

14 MR. STROMAN: It's spelled V-I-C-K-I-E not V-I-C-K-Y
15 because that's what they put in the statements.

16 THE COURT: Got you. Okay. I do see a tattoo V-I-C-
17 K-I-E on the right side of Mr. Stroman's neck.

18 MR. CORBETT: Okay. The State rests

19 THE COURT: All right. You want to make some
20 arguments Mr. Johnson?

21 MR. JOHNSON: Your Honor, we have nothing further but
22 we'll stay on the record.

23 THE COURT: Okay. Good enough. I'll let y'all know
24 something in writing.

25 MR. JOHNSON: Thank you, Judge.

1 [END OF HEARING]

2
3
4
5 CERTIFICATE OF TRANSCRIBER

6 I, ERIN REILLY, a court-approved transcriber, do hereby certify
7 that the foregoing is a true, accurate and complete Transcript
8 of Record of the proceedings had and evidence introduced in the
9 trial of the captioned case, relative to appeal, in the South
10 Carolina Circuit Court 11, South Carolina, on the 7th day of,
11 June 2022.

12
13 I do further certify that I am neither of kin, counsel, nor
14 interest to any party hereto.

15 February 18th, 2025

16 ERIN REILLY

17 TRANSCRIBER



FILED

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

Sean L. Stroman, #367691, **ORDER**
CLEAN OF COURT CASE NO. 2020-CP-32-04058

Applicant,

v.

State of South Carolina,

Respondent.

**ORDER OF DISMISSAL
WITH PREJUDICE**

Presiding Judge: Hon. Jocelyn Newman

Applicant's Attorney: Ola A. Johnson, Esq.

Respondent's Attorney: Taylor Z. Smith, Esq.

Plea Counsel: Derrick E. Mobley, Esq.

Date of Hearing: June 7, 2022

Court Reporter: Erin Reilly

This matter comes before this Court by way of Sean L. Stroman's (Applicant) application for post-conviction relief (PCR) commenced on December 8, 2020. Respondent, the State of South Carolina, made its Return, Partial Motion to Dismiss, and Motion for a More Definite Statement on June 14, 2021. Applicant, through Ola A. Johnson, Esquire (PCR Counsel), amended his application on May 26, 2022.

On June 7, 2022, an evidentiary hearing convened before the Honorable Jocelyn Newman. Applicant was present at the hearing and represented by PCR Counsel, Ola Johnson. Assistant Attorney General Taylor Z. Smith appeared on behalf of Respondent. In support of his claims, Applicant testified on his behalf and called his mother, Vickie James at the evidentiary hearing. Respondent presented the testimony of Derrick E. Mobley, Esquire (Plea Counsel).


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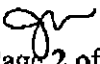
Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action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

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to order of commitment of the Lexington County Clerk of Court. Applicant was indicted at the December 2015 term of court for Armed Robbery (2015-GS-32-2805), Armed Robbery (2015-GS-32-2815), Kidnapping (2015-GS-32-2807), Kidnapping (2015-GS-42-2812), and Kidnapping (2008-GS-32-2813). Applicant was represented on the charges by Derrick E. Mobley, Esquire. Assistant Solicitor Angela Garrick-Martin prosecuted the case.

On April 5, 2016, Applicant pleaded guilty to each of the above indictments before the Honorable Knox McMahon, Circuit Court Judge. Judge McMahon initially sentenced Applicant to an aggregate sentence of fifty (50) years. Applicant was sentenced to thirty (30) years confinement for the kidnapping charges (Indictment 2015-GS-32-02812, Indictment 2015-GS-32-02813, and Indictment 2015-GS-32-02807), to be served concurrent to all other sentences. Applicant was also sentenced to twenty (20) years for one count of armed robbery (Indictment 2015-GS-32-02805), and thirty (30) years for the second count of armed robbery (Indictment 2015-GS-32-02815), to be served consecutively. (Sentencing Sheets, Plea Tr. pp. 28:23-29:14).

On April 13, 2016, Mobley filed a Motion for Reconsideration of Sentence on behalf of Applicant. That Motion for Reconsideration was heard on May 31, 2016, before Judge McMahon. Judge McMahon granted the motion, reducing Applicant's sentence for Indictment 2015-GS-32-2815 to twenty (20) years from thirty (30) years and running all sentences concurrently. This


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resulted in an aggregate sentence of thirty (30) years rather than fifty (50) years. (Motion for Reconsideration Tr. 12:9-14). ROA 42. Order Reconsidering Sentence filed June 20, 2017.

Applicant filed a timely appeal. In the appeal, Applicant was represented by Appellate Counsel Victor R. Seeger, who filed an Anders brief raising the following issue:

Did the court abuse its discretion when it failed to take into account, for sentencing purposes, the mitigation evidence that Appellant and his family were homeless, and that he stole to feed his family?

On March 4, 2020, the South Carolina Court of Appeals filed an opinion dismissing Applicant's appeal and granting counsel's motion to be relieved. State v. Stroman, Appellate Case No. 2017-001430, Unpublished Opinion No. 2020-UP-057, (S.C. Court Appeals, March 4, 2020).

FACTUAL BASIS FOR THE CONVICTION

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

[This case], involves an armed robbery that happened on July 27th of 2015, at the Bush River Road location of the Kangaroo Express. Your Honor, it was about ten o'clock at night. The defendant, while armed with a silver and black pistol came in, demanded money from Mr. Dicks. He was the employee there at the business. He said don't make any sudden moves and I won't shoot you. He did rob the business of about \$150, took some cigarettes; took the phone from the store and Mr. Dick's personal cell phone. Your Honor, just so you're aware, Mr. Oscar Calderon is the manager of the Kangaroo Express. He's sitting on the victim row here in court. He wanted to be here just to represent the store. Mr. Dicks did not want to be here today.

Your Honor, we're going to talk later about how Mr. Stroman was arrested. But on this case after he was arrested, he did provide a written confession about this robbery and also when Mr. Dicks, the employee was shown a photo lineup, Mr. Stroman was identified as an armed robber that had taken the money on that day from the


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Kangaroo Express. The next case, Your Honor, involves Domino's Pizza near Lexington, on August 10th of 2015. It was actually at the Irmo, Woodrow Street Dominos. Once again, Mr. Stroman comes into the business, he is armed with a black and silver handgun. He addresses -- there were two employees that day, Ms. Olivia Johnson and Mr. Vasquez. He tells them he's not going to hurt them, he just needs money. Your Honor, he had actually gone --on this case, Mr. Vasquez was in the back room at the Domino's Pizza washing dishes. He brings Mr. Vasquez around and at that time money is taken from the till. And that's when we believe Stroman first learned about Domino's Pizza and their safe system. There's a safe that's there. The manager has to enter a code, then there's a time delay. There's ten minutes they have to wait before it will beep. That was and then the manager has to enter the code again, done in this case and the defendant was given cash money from Dominos.

Your Honor, the next incident is from August 19th of 2015, and this is a case that actually was on the trial list for next week. It involves a robbery from the St. Andrews locations of Dominos. On this date, Your Honor, it was about 10:30 at night. He comes into the business. He has a gun. The victim, the manager, or assistant manager is Ron Turner. The defendant tells Mr. Turner, you know what this is; and he walks around the counter, corrals up Mr. Turner. He gets Lee Taylor, who's there as well. He asks if anyone else was there. Mr. Turner Humphrey is in the back washing dishes. He goes around the back, calls for that man to come around. So Mr. Stroman has the three of them at gunpoint. He has Mr. Lee Taylor go to the register, pull the money out. He instructs Ron Turner to enter the code into the machine and he holds them there. He puts Taylor and Turner on the floor at gunpoint and they wait there for that ten-minute-time period.

Your Honor, in trial prep, Mr. Turner indicated that -- that he certainly believed that Mr. Stroman would have shot them if they had tried to fight or anything such. The defendant did allow Lee to go turn off the open sign because the business was still open, it wasn't closed; but he allowed them to turn off the open sign so hopefully they wouldn't have any more customers coming in. When the code clicked, Ron Turner put all the money -- it was a little over



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a \$1,000, into the black book bag that Mr. Stroman had brought with him in the business. Mr. Stroman leaves on foot. Law enforcement is called. They come out, the case is ultimately assigned, I guess, the next morning, to two detectives, Vandalaro, who stands behind me from the sheriff's department. They are thinking at the beginning that they'll never solve this case because the defendant never touched anything. There's video equipment, obviously in all three stores. There are cameras that are working and then some that are not. But we have still shots of the it looks like him, but from an evidentiary standpoint, we didn't know if we would ever be able to solve it. The victims in two of the armed robberies had indicated that the defendant or the armed robber had a tattoo on one side of his neck and it had a name. It had a name of Vicky.

So Detective Vandalaro did what he's very good at and he started tracking down any men in the right age group of the right ethnic group that had such a tattoo on their neck. And he was able to find a photo of the defendant from there in-house system and he put that picture in, I don't know, I think six different lineups for every different clerk to look at. He followed procedure, he interviewed these clerks from the three different instances. Separately he involved Detective Rawl on the other Lexington County case and Detective Trent Williams from the Irmo case; and all the clerks were able to identify the defendant as the armed robber. And actually in the photo lineup, you can't even see the tattoo on his neck, so I felt even more comfortable with the photo ID'S. So then the question comes, how do we find this fellow. Actually it was turned over -- warrants were sought and it was turned over to the fugitive task force. Shannon Dykes is in the back of the courtroom along with some of his partners.

They see an in-house report of a domestic case between the defendant and his girlfriend, Ms. Felder, and it was never assigned. And it happened in August of 2015. It was never assigned to a detective, so they decide they're going to follow up on this domestic incident. In fact, it was a case that they believed the defendant would have been the victim. So they go into Richland County with a SLED agent. They're looking for Sean Stroman's family, for Ms. Felder's family. They put the word out they need Mr. Stroman and Ms. Felder

to resolve that case and if they don't want to pursue charges, they need to sign drop charges or do not pursue charges. And lo and behold after a little bit of time, they get contacted by the defendant.

They set up a meeting here in Lexington County at the Wal-Mart parking lot. They decide that they want to take him into custody in a parking lot as safely as possible. They have a bunch of officers staged around. They find out what kind of vehicle they'll be coming in and they get there before the defendant and his girlfriend. And the defendant and his girlfriend and I think two or three children do drive up. They asked Mr. Stroman to come forward. And, of course, at that time he had no idea there were warrants for him for these cases. They were able to easily and safely take him into custody, separate him from Ms. Felder and they arrested him for all of these charges. They did, also, on the side note, have Mr. Stroman and Ms. Felder decline to prosecute the unresolved domestic incident. When he was taken into custody here in Lexington on that date, they got a consent to search the car. The defendant had over \$2,000, mostly in tens in his pocket. In his car, one of the children had a Spiderman bookbag and in that bookbag was a loaded Taurus silver and black pistol. And actually, the defendant had told the SLED agent there's a gun in that bookbag. The mama didn't know and he wanted to make sure that the gun was going to be taken out of the car for fear of the children getting it.

So he was taken into custody, he was taken back to the headquarters. Major crimes investigators were all tied up, so Detective Dykes and Barry Sowers, Sergeant Sowers, were able to give him his Miranda and he did provide a five-page-written confession indicating the robberies that he did. And he indicates that he's going to apologize for what he did. He was under the influence of drugs and alcohol. And he says, I don't even remember what I was wearing until I saw the video pictures. I apologize. I did it to provide shelter for my family. It's hard when I take care of everything alone. It's a game of survival. So that's what he says, that he's providing for his family, but he's also, he's in the money to get high on molly and drugs. Judge, that's all as far as the case...

(Plea Tr. pp. 14-20). ROA 14-20.



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Sean L. Stroman | Order of Dismissal | 2020-CP-32-04058

CURRENT ACTION BEFORE THE COURT

In Applicant's original application, filed on December 8, 2020, Applicant alleged he was being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel.
 - a. Applicant's counsel, Derrick E. Mobley, was ineffective because he should have moved for trial.
 - b. Applicant's counsel, Derrick E. Mobley, was ineffective because he did not challenge the validity of Applicant's indictments.
 - i. Indictment 2015-GS-32-02813 was void of true bill.

On May 26, 2022, Applicant, through PCR Counsel Ola Johnson, filed an Amendment to Application for PCR. In the Amendment, Applicant argued:

1. Ineffective Assistance of Counsel
 - a. Applicant's counsel, Derrick E. Mobley, failed to meet with applicant a sufficient number of times to properly review the evidence and discuss this case with Applicant.
 - b. Applicant's counsel, Derrick E. Mobley, failed to properly investigate the facts of this case and did not have a private investigator work on this case.
 - c. Applicant's counsel, Derrick E. Mobley, failed to provide a copy of the evidence to Applicant.
 - d. Applicant was coerced into entering a guilty plea after counsel Derrick E. Mobley told Applicant his mother said he should enter a guilty plea.
 - e. Applicant was told by counsel Derrick E. Mobley he would receive no more than 15 years incarceration as his sentence if he entered a guilty plea and would be out of jail in 12 years.
 - f. Applicant thought he had a range of 10-30 years and counsel Derrick E. Mobley failed to advise him it could go beyond this.

Applicant proceeded on the original and amended allegations at the PCR evidentiary hearing.

STANDARD OF REVIEW



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Sean L. Stroman | Order of Dismissal | 2020-CP-32-04058

The Uniform Post-Conviction Procedure Act¹ (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

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

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d

¹ S.C. Code Ann. §§ 17-27-10 to -160.

813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. Strickland v. Washington, 466 U.S. 668 at 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. Id. at 687-88; Cherry V. State, 300 S.C. 115, 117-18, 386 S.E.2d 624,625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002).

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

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


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but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

This inquiry "focuses on a defendant's decision making" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed the Court to evaluate and scrutinize their credibility. See, e.g., State v. Mercer, 381 S.C. 149, 166, 672 S.E.2d 556, 565 (2009) ("In this post-trial setting, our jurisprudence recognizes the gatekeeping role of the trial court in making a credibility assessment.") The Court has before it the record on appeal, including the guilty plea and the transcript from Applicant's PCR hearing.

Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. See Rule 71.1(e), SCRCP (stating that in a post-conviction

relief action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."); Lucero v. State, 414 S.C. 238, 244, 777 S.E.2d 409, 412 (Ct. App. 2015) ("In a PCR proceeding, the applicant bears the burden of establishing that he or she is entitled to relief."); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) ("The burden of proof is on the Applicant in post-conviction proceedings to prove the allegations in his application.").

Accordingly, set forth below are the relevant findings of facts and conclusions of law as required by § 17-27-80 of the South Carolina Code:

INITIAL FINDINGS

This Court finds applicable the strong presumption that at all stages of Derrick Mobley's representation of Applicant, Mobley rendered adequate assistance and exercised reasonable professional judgment in his representation. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, *supra*). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689; see Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

This Court makes the following findings from the record: 1. Applicant affirmed he understood the charges and sentences he faced at his plea hearing (Plea Tr. pp. 5-9); 2. Applicant affirmed that Mobley explained to him what it meant to plead guilty and the ramifications of that decision (Plea Tr. p. 5); 3. Mobley affirmed he explained to Applicant his constitutional rights to a trial and what it meant to plead guilty to Applicant's charges (Plea Tr. pp. 3-4); 4. Applicant was apprised of his constitutional rights to a trial by the plea court and that he waived those rights by

pleading guilty (Plea Tr. pp. 8-9); 5. Applicant affirmed that he understood the details of the plea agreement (Plea Tr. p. 9); 6. Applicant affirmed he was satisfied with Mobley (Plea Tr. p. 12); 7. Applicant affirmed no promises were made to him, and his decision to plead guilty was voluntary (Plea Tr. pp. 11-12); 8. Applicant affirmed he was not under the influence of any substance that would affect his ability to understand the plea proceedings (Plea Tr. p. 5); 9. Applicant's plea was qualified as freely, knowingly, and voluntarily entered into (Plea Tr. p. 12).

INEFFECTIVE ASSISTANCE OF PLEA COUNSEL ALLEGATIONS ON MERITS

Allegation: Applicant's plea counsel, Derrick E. Mobley, should have moved for trial.

In his original *pro se* application, Applicant alleged Mobley was constitutionally ineffective for failing to move for trial. During the PCR hearing, counsel Johnson addressed the Applicant concerning this ground on whether his counsel had moved to withdraw or move for a trial or make a motion for a speedy trial in addressing the Applicant's *pro se* allegation. PCR Tr. 8, l. 2-17. The Applicant responded that he felt that they were not prepared for trial so he took the plea offer to avoid a more serious charge. He asserted that he wished counsel would have moved to withdraw the plea. And requested a trial PCR Tr.p. 8, l. 11-18. This Court finds these allegations are without merit because the Applicant failed to prove either deficient performance or prejudice under Strickland.

Counsel may be ineffective for failure to move for withdrawal of a guilty plea where defendant indicates before or during the hearing that they do not wish to plead guilty. See Rolen v. State, 384 S.C. 409, 683 S.E.2d 471 (2009) (holding that defendant's trial counsel was ineffective for failing to move to withdraw his guilty plea when defendant told the plea judge, "This has went too far, I ain't doing this. . . [s]hould never have pled guilty, I didn't do this," and repeatedly asserted his innocence throughout the hearing.).



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On direct examination, Applicant testified that he felt Plea Counsel Derrick Mobley should have made a motion to withdraw the plea and a motion for a trial. (PCR Tr. 8:15-19). Applicant testified that he did not feel prepared for trial and took the plea to avoid trial and the possibility of a more serious sentence. (PCR Tr. 8:8-14).

On cross examination, Applicant testified that he pled guilty in order to obtain the benefit of avoiding a life sentence. (PCR Tr. 15:10-12).

On recross examination, Applicant testified that when he took the plea, he was roughly a week away from going to trial. (PCR Tr. 19:20-21). Applicant testified that he told counsel Mobley that he did not want to take a plea agreement, but Mobley continued to ask the solicitor for plea deals. (PCR Tr. 20:6-11). Applicant testified that he did not remember writing to the solicitor asking for a plea deal. (PCR Tr. 20:22-21:6). Applicant also testified that if he hadn't been told about the possibility of being sentenced to life without parole he probably would have gone to trial. (PCR Tr. 19:4-5).

On direct examination, Derrick Mobley testified that Applicant was initially resistant to pleading guilty. (PCR Tr. 35:6). Mobley testified that at the time Applicant accepted the plea agreement, a date a little over a week away had been set for his first trial of three trial on some of the charges. (PCR Tr. 35:10-36:19). Mobley testified that they were actively preparing for the trials when Applicant decided to plead guilty after learning that if he was convicted at trial the solicitor intended to file a notice to pursue a sentence of life without parole based upon an email he had received from the solicitor. (PCR Tr. 37:12-20, 44:1-10). Counsel had learned that if Mobley also testified that Applicant wrote a letter to the solicitor asking for a deal in return for information on another case. (PCR Tr. 46:2-11).



On cross examination, Mobley testified that directly before the plea hearing he had a conversation with Applicant advising Applicant that he could still reject the plea and go to trial if Applicant so desired. (PCR Tr. 54:4-10). Mobley testified that he advised Applicant that trial was not in his best interest due to the evidence, but if Applicant wished to go to trial he would put on a defense and oppose a sentence of life without parole. (PCR Tr. 54:11-16).

On redirect, Mobley testified that Applicant's greatest concern was avoiding facing a sentence of life without parole. (PCR Tr. 55:12-25).

Findings

As an initial matter, this Court finds Mobley's testimony credible and Applicant's testimony generally not credible on this matter. This Court finds that Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome his burden in proving Mobley's representation was deficient and that any prejudice resulted from that alleged deficiency. See Butler, *supra*.

Applicant testified that Mobley should have moved for a trial or requested a withdrawal of the guilty plea. However, Mobley credibly testified that Applicant was presented with opportunities to communicate that he wished to withdraw the plea and motion for trial, and instead chose to take the plea agreement. Mobley also credibly testified that while Applicant was hesitant to plead guilty, Applicant made it clear that he wanted to avoid facing a potential sentence of life without parole. Mobley's account is supported by Applicant's own numerous statements that he pled guilty to avoid receiving life without parole.

This Court finds Applicant has failed to show Mobley was ineffective for not moving to

withdraw from the plea offer and not moving for a trial. Applicant has produced no evidence that Mobley initiated the plea agreement or conducted the plea hearing without his consent or against his wishes. Moreover, to whatever extent Applicant wanted Mobley to withdraw the plea and move for or renew a request for a trial, he was presented with an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Mobley failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Mobley committed either errors or omissions to prove the second prong of Strickland as laid out in Hill—that but for Mobley's deficient performance, Applicant would have gone to trial and not pled guilty.

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

Allegation: Applicant's plea counsel, Derrick E. Mobley, should have challenged the validity of Applicant's indictments.

Applicant alleged Mobley was constitutionally ineffective for failing to challenge the validity of Applicant's indictments. In his *pro se* application, he claims that Indictment 2015-GS-32-02813 was void of a true bill (Kidnapping)(2015A3210201421). This Court finds as a fact that the clerk announced at the outset of the guilty plea that all the indictments before the court were true billed. This Court further finds that all of the copies of indictments were signed by the grand jury foreman. This Court also finds that all of the copies the indictments that it reviewed show a faint stamp indicating True Bill." This Court also finds that a copy of Indictment 2015-GS-32-02807 is signed by the grand jury foreman, but unlike the other copies of the indictments it does

not clearly indicate any stamp. The Court further finds credible counsel's testimony that he reviewed the indictments prior to the plea and if he had seen any indictment did not indicate a "true bill" he would have waived grand jury presentiment and gone forward with the guilty pleas. This Court finds these allegations are without merit as a ground for relief.

"The indictment is a notice document." State v. Gentry, 363 S.C. 93, 102, 610 S.E.2d 494, 500 (2005). "Subject matter jurisdiction of the circuit court and the sufficiency of the indictment are two distinct concepts and the blending of these concepts serves only to confuse the issue. Circuit courts obviously have subject matter jurisdiction to try criminal matters." Id. at 101, 610 S.E.2d at 499. "The regularity of the proceedings of a court of general jurisdiction will be assumed in the absence of evidence to the contrary." Tate v. State, 345 S.C. 577, 581, 549 S.E.2d 601, 603 (2001). "[T]he caption of an indictment is no part of the finding of the grand jury." Id. at 581, 549 S.E.2d at 603. "[I]t is the body of the indictment rather than its caption that is important. If the body specifically states the essential elements of the crime and is otherwise free from defect, defect in the caption will not cause it to be invalid." Id. (internal quotation marks omitted).

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On direct examination, Applicant testified that his indictments were defective because the ones he saw had a true bill stamp but were not signed and he felt they were just rubber stamped. (PCR Tr. 8:20-9:5). Applicant testified he felt Mobley should have challenged the indictments. (PCR Tr. 9:4-6). Applicant testified that he could not recall if he spoke with Mobley about any issue with the indictments before Applicant pled guilty. (PCR Tr. 9:17-18). He claimed that he first asked counsel to raise this issue after he got to prison subsequent to his sentencing.



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On cross examination, Applicant testified that he did not remember if the clerk of court at his plea hearing said on the record that the indictments had been true billed. (PCR Tr. 10:25-11:3).² Applicant testified Judge McMahon explained the indictments and their content at his plea hearing, and Applicant understood them. (PCR Tr. 11:4-8).

On direct examination, Mobley testified that he did not have any reason to challenge the indictments at the plea hearing, as indictments were generally challenged before trial. He stated that he did not see anything apparent at that time when they were proceeding to the actual plea. (PCR Tr. 31:10-14). However, Mobley testified that had Applicant gone to trial, he would have tried to quash the indictment or challenge the sufficiency on its face. (PCR Tr. 31:10-24).

On cross examination, counsel Mobley testified that he reviewed the indictments prior to the plea. (PCR Tr. 52:4-53:3). He stated that if he saw that they had not been stamped true bill he would have raised it at the time and proceeded with a waiver of grand jury presentment and continued with the guilty plea. PCR Tr.p. 52. The counsel was shown a copy of the indictments – 2015 and -2807 and indicated that he did not see “True Bill” on them, but saw the date and name of the foreperson.³ Mobley testified that if they had gone to trial, he would have tried to quash the indictment and would have investigated why the indictment was not stamped. (PCR Tr. 53:10-15).

Findings

As an initial matter, this Court finds Mobley's testimony credible and Applicant's testimony generally not credible on this matter. This Court finds that Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised

² The record of the guilty plea proceeding reflects that the Clerk of Court indicated in announcing the indictments that “all indictments are true billed.” Guilty Plea Tr. p. 3:14-15. ROA 3.

³ This Court states as a fact that the court reviewed a similar copy of indictment 2015-GS-32-02015 and can see a faint stamp notation stating “True Bill.”



reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome his burden in proving Mobley's representation was deficient and that any prejudice resulted from that alleged deficiency. See Butler, supra.

First, this Court finds that the record of the guilty plea proceeding reflects that the Clerk of Court indicated in announcing the indictments that "all indictments are true billed." Guilty Plea Tr. p. 3:14-15. ROA 3. This statement carries a presumption of regularity. This assertion undermines the allegations made in this section.

Second, the Applicant and counsel signed all the sentencing sheets, including the sheet on indictment 2015-GS-32-2807. Assuming arguendo that indictment 2807 was not presented to the grand jury, the signing of the sentencing sheet acts as a waiver of presentment. See State v. Smalls, 364 S.C. 343, 348, 613 S.E.2d 754, 756-57 (2005) ("defendant may waive presentment by signing a sentencing sheet that indicates the crime charged. Moreover, it is not necessary to prepare another indictment for the charge to which Defendant plead guilty. A signed document gives rise to a presumed regularity in the proceedings that the defendant was informed of the charges against him").

Third, Applicant testified during the PCR action that his indictments were invalid as they were not signed. However, this Court finds the indictments for kidnapping and armed robbery while armed with a deadly weapon (2015-GS-320-2805, -2807, -2812, -2813, -2815) were all signed and dated by the foreperson. The Applicant's claim otherwise must be denied.

Fourth, this Court has also reviewed certified copies of each of the copies of the indictments (2015-GS-320-2805, -2812, -2813, -2815) which show, albeit it lightly, that each was stamped as "True Bill." The only indictment copy that did not clearly reveal the stamp was (2015-

GS-320-2807 (20115A3220400905) (kidnapping), not 2015-GS-320-2813 as alleged. Nonetheless, this Court finds Mobley was not ineffective for not objecting or moving to quash the indictments on the basis they were not clearly stamped "True Bill." Applicant has not overcome the presumption of the regularity in Grand Jury proceedings. See Tate v. State, 345 S.C. at 581, 549 S.E.2d at 603 (2001).

Further, counsel testified that if he had noticed any of the indictments were not stamped true bill, he would have waived presentment. Under Smalls, this is effectively what occurred by the signing of the sentencing sheets. The Applicant had notice of the charges. Counsel's and the Applicant's intent was to avoid a potential life without parole sentence.

Further, indictments are simply notice documents that do not implicate subject matter jurisdiction. Gentry, 363 S.C. at 101-02, 610 S.E.2d at 499-500. Finally, the body of the indictments - based upon this Court's review - were sufficient to put Applicant on notice of his charges. Because Applicant pled guilty, there was nothing for Mobley to gain by moving to quash the indictments when they were adequate to put Applicant on notice of his charges and had no effect on the court's subject matter jurisdiction. At the plea, as to indictment 2015-GS-32-2807, the indictment was read to the Applicant involving the kidnapping of employees at Domino's Pizza on August 10, 2015. Guilty Plea Tr.p. 8, l. 1-12. The Applicant declared that he understood, which the Applicant confirmed that he understood. *Id.*

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Mobley failed to render reasonably effective assistance under prevailing professional norms. As stated all the indictments were declared by the Clerk of Court to have been true billed. All the indictments were signed by the grand jury foreperson. No indictment indicated "No Bill." This Court concludes the defect was the

failure of the foreman of the grand jury to more firmly press the stamp “True Bill” on the indictments, particularly 2015-GS-32-2807, which is solely a clerical error if any related to the indictment. This defect does not create deficient performance on the part of counsel.

Further, as noted above, the Applicant signed each of the sentencing sheets on each indictment. Under State v Smalls, supra, Sixth Amendment prejudice cannot be shown. As Justice Pleicones stated in his concurring opinion in Smalls,

“[W]hile there is nothing in the record that indicates when the sentencing sheet was signed, in the absence of evidence to the contrary, proceedings in the court of general sessions are presumed to have been regular. E.g., Pringle v. State, 287 S.C. 409, 339 S.E.2d 127 (1986). Applying this presumption, I conclude respondent failed to meet his burden of showing there was no valid waiver of presentment.”

State v. Smalls, 364 S.C. 343, 348, 613 S.E.2d 754, 757 (2005) (Pleicones, J, concurring).

Furthermore, Applicant has failed to present specific and compelling evidence that Mobley committed either errors or omissions to prove the second prong of Strickland as laid out in Hill — that but for Mobley's deficient performance, Applicant would have gone to trial and not pled guilty. Assuming the regularity of the proceedings and the clerk's statement in open court, as well as the signature of the foreperson, it would appear that all indictments were actually true billed. Alternately, as to every indictment, including 2807, the Applicant signed the sentencing sheets which was sufficient under Smalls.

Accordingly, this Court finds that Applicant did not overcome the presumption that counsel was effective and, as there was nothing to gain from an objection, Applicant did not demonstrate any prejudice flowing from Mobley's alleged deficiency. Applicant did not prove deficiency or

prejudice, and thus this allegation must be **DENIED** and **DISMISSED**.⁴

Allegation: Applicant's plea counsel, Derrick E. Mobley, failed to meet with applicant a sufficient number of times to properly review the evidence and discuss this case with Applicant.

In the first allegation in the amended application, the Applicant alleged plea counsel Mobley was constitutionally ineffective for failing to communicate and meet a sufficient number of times, and for failing to review discovery with Applicant. This Court finds these allegations are without merit because the Applicant failed in his burden of proof.

Federal case law holds that there is no constitutional minimum number of meetings between attorneys and their clients to satisfy competency. Campbell v. Polk, 447 F.3d 270, 279 fn.2 (4th Cir. 2006) (no constitutional minimum number of meetings to satisfy competency); United States v. Olson, 846 F.2d 1103, 1108 (7th Cir. 1988) (reciting that there is no constitutional minimum number of meetings between attorney and client and observing that an experienced attorney may get more out of a single meeting than a neophyte).

South Carolina case law has established that even if counsel only met with his client very briefly, that alone does not establish that he was unprepared or ineffective at trial. See Harris v. State, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008) (citing Easter) (finding "Even if the meetings were brief, this fact alone is not indicative of inadequate trial preparation."), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018).

Additionally, "brevity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation." Smith v. State, 404 S.C. 493, 500, 745 S.E.2d 378, 382 (2012). Applicant must show evidence indicating "how additional preparation or communication would

⁴ This Court finds that even if it would have concluded that indictment 2015-GS-32-02807 had not been indicted the impact on the aggregate sentence would have been on no consequence because the sentences all ran concurrent.

have resulted in a different outcome." Id.; see Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (where application failed to show ineffective assistance of counsel based on lack of preparation by neglecting to show evidence of what counsel failed to discover or what defenses counsel could have pursued had he more fully prepared for the case); Skeen v. State, 325 S.C. 210, 214-15, 481 S.E.2d 129, 132 (1997) (where applicant failed to show ineffective assistance of counsel when he did not present evidence showing how additional preparation would have impacted the trial).

An applicant who alleges his or her defense attorney was ineffective in failing to spend more time preparing or providing a copy of the discovery materials must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)), abrogated on other grounds by Smalls, 422 S.C. 174, 810 S.E.2d 836. An applicant must also show how the new evidence or defenses would have resulted in a different outcome. Id. (citing David v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

PCR Evidentiary Hearing

On direct examination, Applicant testified he only remembered meeting with Mobley once or twice while in jail. (PCR Tr. 6:23-25). Applicant testified that he did not feel prepared for trial. (PCR Tr. 8:11-12).



On cross-examination, Applicant denied having met with Mobley at least fourteen (14) times. (PCR Tr. 9:5-9). However, Applicant testified that Mobley gave him a copy of the evidence and reviewed discovery materials with him. (PCR Tr. 10:10-20).

On direct examination, counsel Mobley testified that he met with Applicant at least thirteen (13) times and provided the dates of the meetings. (PCR Tr. 28:7-22). Mobley recounted going over the discovery pack with Applicant, discussing key pieces of evidence, and discussing strategy for both a trial and a potential plea agreement. (PCR Tr. 29:14-32:19). Specifically, Mobley testified that he discussed with Applicant the statements of the state's witnesses who identified the distinctive tattoo on Applicant's neck, Applicant's written confession, and the positive identifications of Applicant from a SLED photo line-up. (29:16-30:13).

Findings

As an initial matter, this Court finds Mobley's testimony credible and Applicant's testimony not credible on this matter. This Court finds that Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." *Ard v. Catoe, supra*. This Court further finds Applicant has failed to overcome his burden in proving Mobley's representation was deficient and any resulting prejudice from that alleged deficiency. *See Butler, supra*.

Mobley credibly testified that he met with Applicant at least thirteen (13) times, listed the particular dates and reviewed discovery materials with Applicant. Applicant also testified that Mobley reviewed discovery with him. Mobley credibly testified that he discussed with Applicant specific discovery materials like witnesses' positive identification of Applicant and the distinctive tattoo on his neck. Notably, Applicant has provided nothing that could have been discovered or what other defenses could have been pursued had Mobley spent more time reviewing discovery

with Applicant.

Furthermore, Applicant has failed to show what could have been discussed or brought out that would have impacted his decision to plead guilty, and, notably, speculation cannot satisfy Applicant's burden of proving prejudice. See Clark v. State, 315 S.C. 385, 388, 434 S.E.2d 266, 267 (1993) (concluding pure conjecture fails to establish prejudice).

Moreover, to whatever extent Applicant was not entirely satisfied with the communications or the number of times he met with Mobley, or with Mobley's preparations and review of discovery, Applicant was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea. See Plea Tr. 12-13 ROA 12-13.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Mobley failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Mobley committed either errors or omissions to prove the second prong of Strickland as laid out in Hill—that but for Mobley's deficient performance, Applicant would have gone to trial and not pled guilty.

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

Allegation: Applicant's plea counsel, Derrick E. Mobley failed to properly investigate the facts of this case and did not have a private investigator work on this case.

Applicant alleged Mobley was constitutionally ineffective for failing to properly investigate the facts of the case. This Court finds these allegations are without merit.



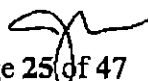
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Strickland makes clear that defense counsel "has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." 466 U.S. at 691. "The reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements or actions." Id. "Counsel's actions are usually based, quite properly, on informed strategic choices made by the defendant and on information supplied by the defendant." Id. "In particular, what investigation decisions are reasonable depends critically on such information." Id.

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

PCR Evidentiary Hearing

On direct examination, Applicant testified that Mobley did not involve a private investigator or conduct any independent investigation. (PCR Tr. 7:3-11). Applicant testified that he did not feel like he [Applicant] was prepared for a trial. (PCR Tr. 8:11-14).



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On recross examination, Applicant further testified that Mobley never discussed with him any investigations done to prepare for trial, and instead presented him with plea agreements Applicant did not want. (PCR Tr. 19:23-20:4).

On direct examination, counsel Mobley testified that he did not have a private investigator work on Applicant's case. (PCR Tr. 33:5-7). Mobley further testified that he did not think one was needed for Applicant's case, because all the witnesses involved in the incidents were identified and gave statements in discovery materials, and he intended to cross examine them at trial. (PCR 33:8-24). Mobley testified that the evidence in the discovery materials, including specific eyewitness statements and pictures, was sufficient to allow him to mount a defense. (PCR Tr. 33:16-24). Mobley also testified that Applicant provided no leads that would require investigatory services to follow up on. (PCR Tr. 33:25-34:2).

On cross-examination, Mobley testified that he did not feel that a private investigator would be able to reveal any information that was not already in the discovery materials. (PCR Tr. 50:3-10).

Findings

As an initial matter, this Court finds Mobley's testimony credible and Applicant's testimony generally not credible on this matter. This Court finds that Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome his burden in proving Mobley's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*.

Applicant testified that Mobley did not hire a private investigator or conduct any independent investigation of the facts. However, Mobley credibly testified that the nature of the case did not necessitate independent investigation, as all the relevant facts were collected within the discovery materials. Mobley credibly testified that the discovery materials provided him with the evidence he needed to mount a defense at trial.

This Court finds Applicant has failed to show Mobley was ineffective for not conducting further investigation on the facts of his case. Importantly, Applicant has produced no evidence of what counsel would have discovered through further investigation. See Jackson, 329 S.C. at 353–54, 495 S.E.2d at 772 (1998) (reversing PCR court's grant of relief when applicant failed to "present any evidence of what counsel could have discovered or what other defenses he would have requested had counsel more fully prepared for the trial").

Moreover, to whatever extent Applicant was not entirely satisfied with Mobley's preparation and investigation, he was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea. See Plea Tr. 12-13 ROA 12-13. The Applicant's statements during the guilty plea carry a presumption of verity. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977). His statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir.1976). Dalton v. State, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (Ct. App. 2007)

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Mobley failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to



present specific and compelling evidence that Mobley committed either errors or omissions to prove the second prong of Strickland as laid out in Hill—that but for Mobley's deficient performance, Applicant would have gone to trial and not pled guilty.

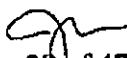
Accordingly, this Court finds Applicant has failed to establish any deficiency by Mobley or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: Applicant's counsel, Derrick E. Mobley, failed to provide a copy of the evidence to Applicant.

In his third amended allegation, Applicant alleged Mobley was constitutionally ineffective for failing to provide Applicant with a copy of the evidence. This Court finds this allegation to be without merit and specifically finds that counsel Mobley went over the discovery and evidence with the Applicant..

An applicant who alleges his or her defense attorney was ineffective in failing to spend more time preparing or providing a copy of the discovery materials must demonstrate prejudice by showing what evidence could have been discovered or what other defenses could have been pursued. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)), abrogated on other grounds by Smalls, 422 S.C. 174, 810 S.E.2d 836. Furthermore, an applicant must also show how the new evidence or defenses would have resulted in a different outcome. Id. (citing David v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

PCR Evidentiary Hearing


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On direct examination, Applicant testified that Mobley gave him a physical copy of the discovery packet. (PCR Tr. 7:6-8). On cross examination, Applicant testified that Mobley gave him a copy of discovery and reviewed that discovery packet with him. (PCR Tr. 10:11-20). Applicant testified that he did not see or receive any video evidence. (PCR Tr. 10:13-17).

On direct examination, Mobley testified that he hand-delivered paper copies of discovery to Applicant. (PCR Tr. 32:6-9). Counsel testified about his discussions with the Applicant about the discovery:

Some of the points of -- some of the highlighted points were that the individuals that were identified as witnesses and/or detainees as victims in these cases they identified some distinct tattoos on the neck. One actually writes in a report what it allegedly says. There was some identification through photos through I think a SLED six pack to identify prospective suspects. There was a five-page confession that was given later by the defendant. There was -- what I recall is the distinctly the mention of the tattoos by multiple individuals that were alleged victims. The identification by those victims in a six pack from SLED owe him money and guns that were found -- and a gun, excuse me, that was found when they captured the Defendant at the time.

PCR 29: - 30:3.14 On cross examination, Mobley testified that he provided a copy of discovery to Applicant. (PCR Tr. 50:11-13).

Findings

This Court finds that Applicant has failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, *supra*. This Court further finds Applicant has failed to overcome his burden in proving Mobley's representation was deficient and any resulting prejudice from that alleged deficiency. See Butler, *supra*. Applicant testified that Mobley provided physical copies of discovery, which he reviewed with Applicant. Mobley testified that he delivered a copy of discovery, which he reviewed with Applicant.

This Court finds that based upon counsel's credible testimony as cited above, not only was the discovery given to the Applicant, but it was also thoroughly discussed with him. The Applicant even admitted in this proceeding that it was provided to him. Moreover, to whatever extent Applicant was not entirely satisfied with Mobley's preparation and review of discovery, he was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to avail himself of the benefit of his guilty plea. See Plea Tr. 12-13 ROA 12-13. Blackledge v. Allison, *supra*.

Based on the foregoing, this Court finds the Applicant has failed to present sufficient evidence to prove the first prong of the Strickland test—that Mobley failed to render reasonably effective assistance under prevailing professional norms. Furthermore, Applicant has failed to present specific and compelling evidence that Mobley committed either errors or omissions to prove the second prong of Strickland as laid out in Hill—that but for Mobley's deficient performance, Applicant would have gone to trial and not pled guilty.

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

INVOLUNTARY GUILTY PLEA

To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a complete understanding of the consequences of the plea and the charges against him or her. Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991); see also Boykin v. Alabama, 395 U.S. 238, 244 (1969) (Courts must make sure defendants have "a full understanding of what the plea connotes and of its consequence. When the judge discharges that function, he leaves a record adequate for any review that may be later sought and forestalls the spin-off of collateral proceedings that seek to probe murky memories.").

In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. See Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984) (finding the voluntariness of a guilty plea "is not determined by an examination of the specific inquiry made by the sentencing judge alone but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.").

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

Allegation: Applicant was coerced into entering a guilty plea after plea counsel, Derrick Mobley, told Applicant his mother said he should enter a guilty plea.

In his fourth amended allegation, Applicant alleged his plea was involuntary because of Mobley's ineffective assistance. Specifically, Applicant contends that his guilty plea was coerced by certain statements allegedly made by Mobley to him regarding Applicant's mother. As stated below, this Court rejects the allegation based upon the credible testimony of counsel Mobley that he did not discuss with the Applicant his mother's position. This Court disagrees with the Applicant's underlying assertion and concludes the combined record from the plea hearing and the PCR hearing establishes Applicant freely, knowingly, and voluntarily pleaded guilty.



Plea Hearing Testimony

At applicant's plea hearing, the following exchange between the Plea Court and Applicant occurred as follows:

Q. I believe you have one set of charges, which is armed robbery, kidnapping, and kidnapping? . . . Is that your understanding Mr. Stroman?

A. Yes, sir.

Q. Has anyone promised you anything or held out any hope of reward to get you to plead guilty?

A. No, sir.

Q. Has anyone threatened you or used force to get you to plead guilty?

A. No, sir.

Q. Has anyone used any pressure or intimidation to cause you to plead guilty?

A. No, sir.

Q. Have you had enough time to make up your mind about whether or not you want to plead guilty?

A. Yes, sir.

Q. Are you pleading guilty of your own free will and accord?

A. Yes, sir.

Q. Are you satisfied with the manner in which your lawyer has advised and represented you?

A. Yes, sir.

Q. Have you talked with your lawyer as often and for as long as you feel necessary for him to properly represent you?

A. Yes, sir.



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Q. Do you need any more time to talk with your lawyer?

A. No sir, I don't.

Q. Have you understood your talks with your lawyer?

A. Yes, I have.

Q. Has your lawyer done everything for you that you feel like he could have done or should have done?

A. Yes, sir.

Q. Has your lawyer done anything in your case that you feel like he should not have done?

A. No, sir.

Q. Are you totally and completely satisfied with your lawyer's services?

A. Yes, sir.

Q. Do you have any complaints you want to make about your lawyer, the solicitor, or any officers involved in any of your cases?

A. No, sir.

(Plea Tr. pp. 11-13).

PCR Evidentiary Hearing

On direct examination, Applicant testified Mobley coerced him into taking the plea. (PCR Tr. 7:14-20). Applicant testified that he felt that if he did not take the plea, he would be facing a life sentence. (PCR Tr. 7:14-17). Applicant also testified that Mobley told Applicant his mother was in the courtroom and wanted him to take the plea. (PCR Tr. 7:21-25).

On cross examination, Applicant testified that Mobley told him his mother was in the courtroom and had expressed to Mobley that she believed Applicant should take the plea. (PCR Tr. 18:1-4). Applicant testified that his mother was never in the courtroom. (PCR Tr. 18:6).



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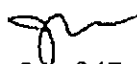
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The Applicant's mother, Vickie James, testified at the PCR hearing. PCR Tr. p. 21 – 25.

On direct examination, Mobley testified that he did not remember if he had any conversations with Applicant's mother on the day of the plea hearing. (PCR Tr. 42:5-13). She testified that she was present in court on one of the two occasions Applicant was in court. She recalled that she had conversations with his attorney. She denied that she told counsel to tell the Applicant to take the plea offer. PCR Tr. p. 22.

On cross-examination, the mother recalled it was the day the court said 50 years. She stated that after the 50 year sentence she confronted counsel outside the courtroom and stated that she thought they were talking about less years was advised that they had no control over what the judge did. PCR Tr. p. 24. She stated that she thought the plea was for possibly 10 to 15 years. Id. She said that she had talked with counsel by phone and outside the courtroom. She said she spoke with counsel maybe twice and her son had turned down the first offer. She stated when counsel called back, she complained that the Applicant should have taken the first offer. She said they offered another one then and Sean took it. PCR Tr.p. 25. She admitted that she was not present when counsel spoke with her son after that. Id.

On direct examination, counsel Mobley stated that he could not recall if he had any conversations with the mother. He acknowledged that she was at court at one point of the three times they were in court, but he could not recall what he stated to her. However, he stated that he did not recall telling Mr. Stroman that his mother wanted him to plead guilty. PCR Tr. p. 42: 16-23. He stated also that there was never an offer of a 10 to 15 year plea offer. PCR Tr.p. 42-43. Counsel indicated that since there was never a plea offer of 10-15 years, he would not have told Stroman that his mother wanted him to take that 10-15 year offer.



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On cross examination, Mobley testified that he could not recall whether Applicant's mother had approved of a plea or not. (PCR Tr. 51:3-4).

Findings

This Court finds as a fact that counsel did not advise the Applicant that his mother wanted him to take the plea. Counsel credibly denied it . Further, his mother rejected that she told counsel to tell her son. This Court rejects the Applicant's factual assertion that counsel told him his mother wanted him to take the plea.

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

Applicant alleged Mobley was constitutionally ineffective and coerced him into involuntarily pleading guilty due to Mobley's statements that Applicant's mother wanted him to take the plea. This Court disagrees, and finds that the combined records from the plea hearing and PCR hearing established Applicant freely, knowingly, and voluntarily pleaded guilty. Additionally, this Court finds Applicant has failed to show that Mobley's representation fell below an objective standard of reasonableness, and that but for Mobley's alleged errors, Applicant would not have



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pled guilty and proceeded to trial. See Roscoe v. State, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993).

Furthermore, this Court finds the combination of the record and Mobley's credible testimony at the evidentiary hearing provides Applicant knew the nature of the charges against him and the consequences of pleading guilty. The plea transcript reflects that Applicant entered his plea knowingly and voluntarily, engaged in an intelligent colloquy with the plea court, and gave appropriate responses to the plea court's questions. Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so).

Accordingly, this Court finds Applicant freely, voluntarily, and intelligently entered his guilty plea and Applicant has failed to establish any deficiency by Mobley or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: Applicant was told by plea counsel, Derrick E. Mobley, he would receive no more than 15 years' incarceration as his sentence if he entered a guilty plea and would be out of jail in 12 years.

In his fifth allegation in the amended application, Applicant alleged that his plea was involuntary because of Mobley's ineffective assistance. Specifically, Applicant contends that his guilty plea was coerced by Mobley's alleged statements that if Applicant pleaded guilty, he would be sentenced to no more than fifteen (15) years and would be out of jail in twelve (12) years. This Court disagrees and finds that the combined records from the plea hearing and PCR hearing established Applicant freely, knowingly, and voluntarily pleaded guilty.


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To be knowing and voluntary, a plea must be entered with awareness of consequences of the plea, i.e. proper advice by judge on mandatory sentencing. Pittman v. State, 337 S.C. 597, 524 S.E.2d 623 (1999); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). A plea may be knowing and voluntary even though there was confusion at plea proceeding over sentencing range and whether fine was mandatory since applicant was correctly informed of maximum exposure. Carter v. State, 329 S.C. 355, 495 S.E.2d 773 (1998). A defendant who pleads guilty on advice of counsel may collaterally attack plea only by showing that (1) counsel was ineffective and (2) there is reasonable probability that but for counsel's errors, defendant would not have pled guilty. Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998). A guilty plea entered because of a belief that a judge will impose a certain sentence is not involuntary. Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997) (fact that defendant "hoped" and "expected" to get reduced sentence does not render plea invalid); Harres v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984) (fact that defendant "thought" judge would give lighter sentence not ground for relief).

Plea Hearing Testimony

At applicant's plea hearing, the following exchange between the Plea Court and Applicant occurred as follows:

Q. Before I can accept a plea of guilty, it's necessary for me to determine if your pleas are being given freely and voluntarily; therefore, I need to ask you some questions. If you do not understand my questions, please let me know and I will try to explain them to you. If at any time you wish to talk with your attorney, let me know and I will allow you to do so. Do you understand?

A. Yes, sir.

Q. I've been handed up five indictments, and I'll go over each of them with you. The first indictment I was handed up is 2015-GS-32-02815. . . . For that you can receive a sentence of not less than ten nor more than thirty years; do you understand?


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A. Yes, sir.

Q. The next indictment, 2015-GS-32-02805. . . That is a charge of, again, armed robbery, for which you could receive a sentence of not less than ten nor more than thirty years. Do you understand?

A. Yes, sir.

Q. The next indictment I come to, 2015-GS-32-02812. . . That's a charge of kidnapping for which you could receive a sentence of up to thirty years. Do you understand?

A. Yes, sir.

Q. The next indictment, 2015-GS-32-02813. . . That is an indictment for kidnapping, of which you could receive a sentence of up to thirty years. Do you understand?

A. Yes, sir.

Q. And finally 2015-GS-32-02807. . . That is a charge of kidnapping, for which you could receive thirty years. Do you understand?

A. Yes, sir.

(Plea Tr. pp. 4-8).

At applicant's plea hearing, the following exchange between the Plea Court and Applicant occurred as follows:

Q. Understanding the nature of the charges, armed robbery, two counts, and kidnapping, three counts, of which if I were to sentence you consecutively, you would receive a sentence of up to one hundred-fifty years, how do you plead. . . ? Guilty or not guilty?

A. Sir, I plead guilty, sir.

Q. Do you need more time to talk with your lawyer, Mr. Stroman?

A. No, sir.

(Plea Tr. pp. 9:12-19).

More probative are counsel comments in the plea proceeding about his discussions with his client and the development of the of the guilty plea:

First and foremost before I begin to go into my little spiel and provide the Court with a little edification and contextual information in regards to my client; **although the solicitor's office hasn't negotiated any type of sentence range or anything of that nature, we have discussed and she is okay with the fact that they are not requesting a consecutive sentence; and additionally, they're not opposing a concurrent, they're just taking no position at this time.**

I've explained that very thoroughly with my client in regards to the maximum sentence on each of these indictments, meaning that on the armed robberies, the mandatory minimum is ten years up to thirty years. On the kidnaps, it's zero up to thirty years, each count. He understands that they are violent, which for classification purposes in SCDC, where he'll be housed, he understands this well. **Due to them being a most serious offense, he understands about the two strike system here in the State of South Carolina, where if we had gone to trial on three separate trials, the first trial if he had been found guilty, the State could have actually served him with a notice for LWOP, which is life without parole, in pursuit of that particular conviction.**

We've discussed each of those very thoroughly, Your Honor. Furthermore, we discussed each of the actual elements of each crime, what it would take to get a conviction beyond a reasonable doubt with a jury here in Lexington County itself. We've discussed pretrial motions that we could have actually taken up in order to attempt to attack the confession that was provided to law enforcement, the written confession, any statements that was provided; Jackson v Denno hearings; Neal v Biggers hearings; in-court identifications that may occur with any victims that may have actually come to participate in any of those trials.

He had a very thorough understanding. I provide a very thorough information about that as well. He was able to do independent research as well. So we've had the opportunity to do what we need to do in this particular case, Your Honor.

Plea Tr.p. 22:14 - 24:1. ROA 22-24.

PCR Evidentiary Hearing

On direct examination, Applicant testified that Mobley promised he would receive no more than fifteen (15) years in prison and would be out in twelve (12) years. (PCR Tr. 8:1-3).

On cross examination, Applicant testified that he felt he had no choice but to take the plea, because Mobley had advised him that if he went to trial it was possible he would get life without parole. (PCR Tr. 14:6-13). Applicant testified that his belief that he would receive no more than

fifteen (15) years was the “only reason” he took the plea. (PCR Tr. 12:14-19). However, Applicant further testified that he pled guilty in order to obtain the benefit of avoiding a life sentence, and that if he hadn’t been told about the possibility of being sentenced to life without parole he probably would have gone to trial. (PCR Tr. 15:10-12, 19:4-5). Applicant testified that during his plea colloquy with Judge McMahon he understood the possible sentences he was facing, but only agreed because he thought he would not receive the maximum. (PCR Tr. 11:4-11). Applicant testified that before his plea hearing Mobley had told him not to be alarmed by the Judge reading the maximums, because “he may drop it down to a lesser amount of time.” (PCR Tr. 11:20-24). Applicant testified that he understood that the solicitor would not be making any recommendations for the plea agreement. (PCR Tr. 13:12-15).

On direct examination, Mobley testified that he did not promise Applicant that he would get no more than fifteen (15) years and serve only twelve (12). (PCR Tr. 38:25-39:2). Mobley testified that he had attempted to negotiate a fifteen (15) year cap with the Solicitor, but was unsuccessful. (PCR Tr. 43:10-14). Mobley testified that he informed Applicant that the Solicitor had rejected the ten (10) to fifteen (15) year cap Mobley proposed. (PCR Tr. 54:22-23). Mobley testified that he advised his client that he would try to get the sentence as low as possible, but that ultimately it was the judge’s decision, and it was possible the judge could give Applicant the maximum sentence. (PCR Tr. 51:9-23).

Findings

This Court finds as a fact that there was no cap of a sentence in any agreed plea negotiations at the time of the plea. This Court finds that the state was taking no position as to whether the sentence should be consecutive or concurrent. This Court finds that the Applicant was aware from his discussions with his counsel at the time of the guilty plea that he faced the possibility at the

plea of receiving consecutive sentences up to an aggregate of 150 years. This Court further finds that the Applicant was aware due to the nature of the charges running from three separate incidents, that if he went to trial on each set of charges and was convicted he would be subject to a sentence of life without parole on the second trial if convicted. This Court further finds that there was a legal possibility that if the Applicant went to trial and was convicted on the first set of charges, he could face a sentence of life without parole. This Court finds that the Applicant was not under the impression that he would receive a sentence of no more than 15 years and be out of custody in 12 years or the that range of the sentence in an aggregate was limited to 10 to 30 years. See Rayford v. State, 314 S.C. 46, 48-49, 443 S.E.2d 805, 806 (1994) (where transcript of guilty plea proceeding refuted applicant's claim that he did not understand the terms of a plea bargain, grant of PCR was inappropriate notwithstanding applicant's claim lawyer misadvised him). This Court further finds that the actual legal possibility of a sentence of life without parole if he faced the trials is not, as a matter of law legal coercive related to the voluntariness of a guilty plea. See Sanders v. Leeke, 254 S.C. 444, 175 S.E.2d 796 (1970) (Defendant's fear of receiving death penalty if he risked jury trial by plea of not guilty to murder charge was not inherently coercive factor which necessarily deprived him of freedom of choice in making his plea of guilty to lesser included offense of manslaughter and did not impose impermissible burden upon his exercise of his Fifth and Sixth Amendment rights); Brady v. United States, 397 U.S. 742, 90 S.Ct. 1463, 25 L.Ed.2d 747 (1970) (Brady affirmed the denial of habeas relief for a federal prisoner who claimed his guilty plea wasn't voluntary because he feared he could receive the death penalty if he went to trial)

This Court finds that the record refutes Applicant's allegations and reflects that Applicant's guilty plea was knowingly and voluntarily entered with a complete understanding of the charges and consequences of the plea. Additionally, this Court finds Mobley's statements at the plea and

testimony credible and Applicant's testimony not credible on this matter. Furthermore, this Court finds Applicant has failed to show that Mobley's representation fell below an objective standard of reasonableness, and that but for Mobley's alleged errors, Applicant would not have pled guilty and proceeded to trial. See Roscoe v. State, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993).

Furthermore, this Court finds the combination of the record and Mobley's credible testimony at the evidentiary hearing demonstrates Applicant knew the nature of the charges against him and the consequences of pleading guilty. Applicant was aware that the solicitor did not intend to recommend or oppose any particular sentence, nor did they. Applicant's plea was not induced by a promise from the solicitor or judge, Applicant was informed of sentence his charges could carry during his plea hearing, and Mobley credibly testified that Applicant was made aware that a maximum sentence was possible.

Moreover, the plea colloquy cured any alleged deficiency regarding Mobley's advice. The plea transcript reflects that Applicant entered his plea knowingly and voluntarily, engaged in an intelligent colloquy with the plea court, gave appropriate responses to the plea court's questions, and was given ample opportunity to ask for clarification from the judge or Mobley on any points he did not understand. Applicant presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so).

Accordingly, this Court finds Applicant freely, voluntarily, and intelligently entered his guilty plea and Applicant has failed to establish any deficiency by Mobley or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: Applicant thought he had a range of 10-30 years and plea counsel, Derrick E. Mobley, failed to advise him it could go beyond this.

In his sixth amended allegation, Applicant alleged that his plea was involuntary because of Mobley's ineffective assistance. Specifically, Applicant contends that his guilty plea was coerced by Mobley's failure to advise Applicant that his sentence could go beyond the range of ten (10) to thirty (30) years. As noted in the above claim, the Applicant failed to prove deficient performance on a related ground. This Court incorporates its findings in amended ground five. In particular, this Court finds that there was no promise that the range was limited to a 10 to 30 year sentence without the possibility of a consecutive sentence. The Applicant affirmed at the plea that he was aware that he could receive 150 years, the Applicant was advised the State would not agree to a concurrent sentence but was taking no position on whether the sentences would be concurrent or consecutive. The statement at the plea carry a presumption of verity that the Applicant has failed to overcome. Blackledge v Allison, *supra*. As noted above, the threat of life without parole, an available sentence based upon the Applicant's actions and charges, does not undermine the voluntariness of the plea. Brady v. U.S., *supra*. This Court disagrees and finds that the combined records from the plea hearing and PCR hearing established Applicant freely, knowingly, and voluntarily pleaded guilty.

Plea Colloquy

At applicant's plea hearing, the following exchange between the Plea Court and Applicant occurred as follows:

Q. Understanding the nature of the charges, armed robbery, two counts, and kidnapping, three counts, of which if I were to sentence



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you consecutively, you would receive a sentence of up to one hundred-fifty years, how do you plead. . . ? Guilty or not guilty?

A. Sir, I plead guilty, sir.

Q. Do you need more time to talk with your lawyer, Mr. Stroman?

A. No, sir.

(Plea Tr. pp. 9:12-19).

PCR Evidentiary Hearing

On direct examination, Applicant testified that Mobley told him that he would receive no more than thirty (30) years in prison if he took the plea agreement. (PCR Tr. 8:4-7).

On cross examination, Applicant testified that he had not understood what Judge McMahon meant when he informed Applicant that the sentences could be run consecutively or could be stacked together. (PCR Tr. 12:22-25). Applicant further testified that even though he did not understand what that meant, he agreed because he felt he had no choice but to take the plea. (PCR Tr. 13:1-3). Applicant testified that he felt he had no choice but to take the plea to avoid facing a life without parole sentence if he went to trial. (PCR Tr. 14:6-18, 15:1-7).

On redirect examination, Applicant testified that “it wasn’t voluntary only because I saw, I was coerced into taking the plea, because they threatened me with the LWOP [life without parole].” (PCR Tr. 18:25-19:2).

On direct examination, Mobley testified that he informed Applicant that he could potentially be sentenced to up to one-hundred and fifty (150) years in prison if his sentences were run consecutively. (PCR Tr. 48:2-5). Mobley testified that he explained to Applicant what a consecutive sentence meant, and that Applicant was aware that he could receive consecutive sentences as Mobley discussed it with him when they reviewed the minimum and maximum sentences associated with Applicant’s indictments. (PCR Tr. 39:3-40:5). Mobley further testified

that he informed Applicant that the solicitor had not recommended a consecutive sentence, but that ultimately it would be up to the judge. (PCR Tr. 39:8-11). Mobley testified that after sentencing, he was able to successfully motion for Applicant's sentence to be reconsidered, after which it was reduced from fifty (50) years aggregate down to thirty (30) years aggregate. (PCR Tr. 48:6-10).

On cross examination, Mobley testified that he did not believe his statements to Applicant about the ten (10) to thirty (30) year sentencing ranges associated with Applicant's charges could have given Applicant the impression that there was a thirty (30) year cap on sentencing, because Mobley had also discussed the possibility of the judge running the sentences consecutively with Applicant. (PCR Tr. 51:17-23).

Findings

AS stated above, the Court has found that he was correctly advised about the penalty he was facing with his guilty and the legitimate possibility of life without parole he faced if he chose to go to trial on all the charges which would require three separate trials. This Court finds that the record refutes Applicant's allegations and reflects that Applicant's guilty plea was knowingly and voluntarily entered with a complete understanding of the charges and consequences of the plea. Additionally, this Court finds Mobley's testimony credible and Applicant's testimony not credible on this matter. Furthermore, this Court finds Applicant has failed to show that Mobley's representation fell below an objective standard of reasonableness, and that but for Mobley's alleged errors, Applicant would not have pled guilty and proceeded to trial. See Roscoe v. State, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); see also Richardson v. State, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993). To the contrary, this Court finds that counsel actions and advice concerning the potential punishments were correct and potential range of 150 at the plea and potential of LWOP



if he chose to go to trial were required information to be given by a lawyer for the plea to be knowing and voluntary.

This Court finds the combination of the record and Mobley's credible testimony at the evidentiary hearing demonstrates Applicant knew the nature of the charges against him and the consequences of pleading guilty. Moreover, the plea colloquy cured any alleged deficiency regarding Mobley's advice. The plea transcript reflects that Applicant was specifically informed by the court that he could be sentenced to up to one-hundred and fifty (150) years. Applicant entered his plea knowingly and voluntarily, engaged in an intelligent colloquy with the plea court and gave appropriate responses to the plea court's questions, and was given ample opportunity to ask questions of the court or Mobley on any points he did not understand. Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985) (finding that the accuracy and truth of an accused's statements at a guilty plea proceeding are "conclusively" established unless he makes some reasonable allegation why this should not be so).

Accordingly, this Court finds Applicant freely, voluntarily, and intelligently entered his guilty plea and Applicant has failed to establish any deficiency by Mobley or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be **DENIED** and **DISMISSED** with **PREJUDICE**.

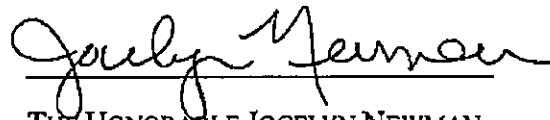

Page 46 of 47

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 22nd day of August, 2025.



THE HONORABLE JOCELYN NEWMAN.

Presiding Judge

Eleventh Judicial Circuit

Columbia, South Carolina

WITNESSES

Lexington County Sheriffs Department

M. Rawl

Law Enforcement Case #: 15014181

JAG

ARREST WARRANT NUMBER

2015A3210800328

ACTION OF GRAND JURY

Amela Bader
Foreperson of Grand Jury
Date: *12/7/2015*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015GS3202805

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2015

THE STATE
vs.

Sean Larmont Stroman

CDR #: 0139

Indictment for

**ARMED ROBBERY WHILE ARMED WITH
A DEADLY WEAPON**

§ 16-11-0330(A)

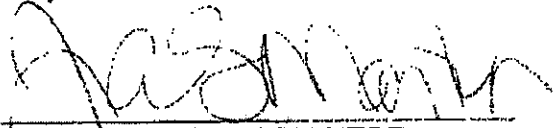
DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	ARMED ROBBERY WHILE ARMED WITH A
COUNTY OF LEXINGTON	)	DEADLY WEAPON
	)	
		§ 16-11-0330(A)

At a Court of General Sessions, convened on DECEMBER 2015, the Grand Jurors of Lexington County present upon their oath:

That **Sean Larmont Stroman** did in Lexington County, South Carolina on or about July 27, 2015, knowingly and willfully while armed with a deadly weapon; to wit: a pistol did feloniously take from the person or presence of William Dicks (an employee of Kangaroo Express), by means of force, threats or intimidation goods or monies being described as follows: between \$125.00 and \$150.00 in U. S. currency, a cordless phone belonging to the store, and the victim's personal cell phone, with the intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended.

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


 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.Sean Lamont Stroman

AKA:

Race: Sex: M Age: 24DOB: -1991 SS#: Address: School House RdCity, State, Zip: Columbia, SC 29204DL#: SID#: *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Armed RobberyINDICTMENT/CASE#: 2015GS3202805A/W#: 2015A3210800328Date of Offense: 7/27/2015S.C. Code §: 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lowd Act)The charge is: ☒ As Indicted, ☐ Lesser included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: with 201565322815☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessment: 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$130	\$

Clerk of Court/ Deputy Clerk: Court Reporter:

SCCA217 (03/2011)

Presiding Judge: Judge Code: Sentence Date: 3 April 16

WITNESSES

Irmo Police Department

T L Williams

Law Enforcement Case #: 1501555

JAG

ARREST WARRANT NUMBER**2015A3220400905****ACTION OF GRAND JURY**

Andrea Baker
 Foreperson of Grand Jury
 Date: *12/1/2015*

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2015GS3202807**The State of South Carolina****County of Lexington****COURT OF GENERAL SESSIONS****DECEMBER TERM 2015****THE STATE****vs.****Sean Larmont Stroman****CDR #: 0095****Indictment for****KIDNAPPING****§ 16-03-0910****DONALD V. MYERS, SOLICITOR**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

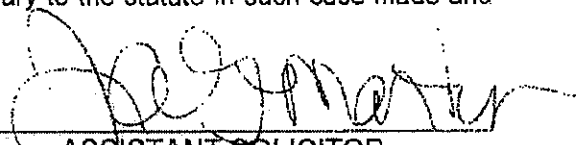
INDICTMENT FOR
 KIDNAPPING

§ 16-03-0910

At a Court of General Sessions, convened on DECEMBER 2015, the Grand Jurors of Lexington County present upon their oath:

That **Sean Larmont Stroman** did in Lexington County, South Carolina on or about August 10, 2015, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away employees of Domino's Pizza by any means whatsoever without authority of law, and without their consent, to wit: the defendant caused forcible confinement of the employees, in violation of § 16-3-910 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.Sean Larmont Stroman

AKA:

Race: Black Sex: M Age: 25DOB: -1991 SS# [REDACTED]Address: School House RdCity, State, Zip: Columbia, SC 29204DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping / Kidnappingin violation of § 16-03-0910of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.[Signature] Solicitor [Signature] SC Bar# [REDACTED] Defendant [Signature] Attorney for Defendant 748482 SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$/00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2925 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$05
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/cs	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$130

Clerk of Court/ Deputy Clerk [Signature]Court Reporter: Brenda Sigurdson

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3202807A/W#: 2015A3220400905Date of Offense: 8/10/2015S.C. Code § 16-03-0910CDR Code #: 0095

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/F beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: I, [Signature] Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.Presiding Judge [Signature]Judge Code: 2145Sentence Date: 3 Apr 16Charge is not equal in nature

WITNESSES

Lexington County Sheriffs Department

J Andaloro

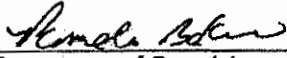
Law Enforcement Case #: 15015826

JAG

ARREST WARRANT NUMBER

2015A3210201420

ACTION OF GRAND JURY


Foreperson of Grand Jury
Date: 01/2/2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015GS3202812

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2015

THE STATE
vs.

Sean Larmont Stroman

CDR #: 0095

Indictment for

KIDNAPPING

§ 16-03-0910

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 KIDNAPPING

§ 16-03-0910

At a Court of General Sessions, convened on DECEMBER 2015, the Grand Jurors of Lexington County present upon their oath:

That **Sean Larmont Stroman** did in Lexington County, South Carolina on or about August 19, 2015, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Uluse Taylor, a Domino's Pizza employee by any means whatsoever without authority of law, and without his consent, to wit: victim was forced at gunpoint to lie on the floor and not move, in violation of § 16-3-910 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

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

Sean Lamont Stroman

AKA:

Race: Black Sex: M Age: 25

DOB: -1991 SS#: [REDACTED]

Address: School House Rd

City, State, Zip: Columbia, SC 29204

DL#: [REDACTED] SID#: [REDACTED]

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

INDICTMENT/CASE#: 2015GS3202812

A/W#: 2015A3210201420

Date of Offense: 8/19/2015

S.C. Code §: 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

TEST:

[Signature] Solicitor SC Bar# [Signature] Defendant [Signature] Attorney for Defendant [Signature] SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BLI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/cv \$

Proviso 90.5 (SCJA Surcharge) \$5 \$5.00

3% to County (if paid in installments) \$

TOTAL \$130

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

SCCA217 (03/2011)

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. []

May serve W/B beginning []

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning []

\$ paid to Public Defender Fund

Other: []

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

Presiding Judge [Signature]

Judge Code: 2145

Sentence Date: 5 April 16

Charge is not sexual in nature

WITNESSES

Lexington County Sheriffs Department

J Andaloro

Law Enforcement Case #: 15015826

JAG

ARREST WARRANT NUMBER**2015A3210201421****ACTION OF GRAND JURY**

Foreperson of Grand Jury

Date: 12/7/2015

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015GS3202813**The State of South Carolina****County of Lexington****COURT OF GENERAL SESSIONS****DECEMBER TERM 2015****THE STATE****vs.****Sean Larmont Stroman****CDR #: 0095****Indictment for****KIDNAPPING****§ 16-03-0910****DONALD V. MYERS, SOLICITOR**

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	KIDNAPPING
COUNTY OF LEXINGTON	)	
	)	§ 16-03-0910

At a Court of General Sessions, convened on DECEMBER 2015, the Grand Jurors of Lexington County present upon their oath:

That **Sean Larmont Stroman** did in Lexington County, South Carolina on or about August 19, 2015, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away employee Ronald Turner of Domino's Pizza by any means whatsoever without authority of law, and without his consent, to wit: victim was forced to lie on the floor at gunpoint, in violation of § 16-3-910 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

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE VS.

Sean Larmont Stroman

AKA:

Race: Black Sex: M Age: 25

DOB: -1991 SS#: [REDACTED]

Address: School House Rd

City, State, Zip: Columbia, SC 29204

DI #: [REDACTED] SID #: [REDACTED]

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

INDICTMENT/CASE#: 2015GS3202813

A/W#: 2015A3210201421

Date of Offense: 8/19/2015

S.C. Code §: 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lowd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

	\$	\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SUCJA Surcharge)	\$5	\$5
3% to County (if paid in installments)		\$
TOTAL		\$132

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/B beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date:

Change is not signed in whole

WITNESSES

Lexington County Sheriffs Department

J Andaloro

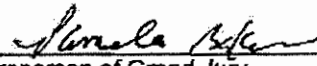
Law Enforcement Case #: 15015826

JAG

ARREST WARRANT NUMBER

2015A3210201423

ACTION OF GRAND JURY


Foreperson of Grand Jury

Date: 12/1/2015

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015GS3202815

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2015

THE STATE

vs.

Sean Larmont Stroman

CDR #: 0139

Indictment for

ARMED ROBBERY WHILE ARMED WITH
A DEADLY WEAPON

§ 16-11-0330(A)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	ARMED ROBBERY WHILE ARMED WITH A
COUNTY OF LEXINGTON	)	DEADLY WEAPON
	)	
		§ 16-11-0330(A)

At a Court of General Sessions, convened on DECEMBER 2015, the Grand Jurors of Lexington County present upon their oath:

That **Sean Larmont Stroman** did in Lexington County, South Carolina on or about August 19, 2015, knowingly and willfully while armed with a pistol did feloniously take from the person or presence of employees of Domino's Pizza, by means of force threats or intimidation goods or monies being described as follows: approximately \$1,003.34 in U. S. currency with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended.

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


 ASSISTANT SOLICITOR.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.

Sean Larmont Stroman

AKA:

Race: Black Sex: M Age: 25

DOB: 1991 SS#

Address: School House Rd

City, State, Zip: Columbia, SC 29204

DL#: SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Armed Robbery

INDICTMENT/CASE#: 2015GS3202815

A/W#: 2015A3210201423

Date of Offense: 8/19/2015

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The charge is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: with 2015GS32-02805
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5
3% to County (if paid in installments)	\$	\$
TOTAL		\$130

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel.

§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code:

Sentence Date: