

**RECEIVED**

**Mar 23 2026**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Certiorari to Aiken County

Honorable Debra R. McCaslin, Circuit Court Judge

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JASPER JEFFERSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001626

---

APPENDIX

---

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ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA ) IN THE SOUTH CAROLINA CIRCUIT COURT 2  
 2 COUNTY OF AIKEN ) COURT C.A NO. 2016-GS-02-0090  
 3 2016-GS-02-0091  
 4 2016-GS-02-0092  
 5 2016-GS-02-0093

5 Jasper J. Jefferson, )  
 6 Plaintiff, )  
 7 Versus )  
 8 State of South Carolina, )  
 9 Defendant. )

10  
 11 H E A R I N G

12  
 13 DATE: September 12, 2022

14  
 15 LOCATION: South Carolina Circuit Court 2

16  
 17 JUDGE: William P. Keesley

18  
 19 TRANSCRIBED BY: ERIN REILLY

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APPEARANCES:

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EXHIBITS

(None marked)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH IS  
REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 PROCEEDINGS

2 THE COURT: You are Jasper Jerome Jefferson, sir?

3 MR. JEFFERSON: Yes, sir.

4 THE COURT: I have an indictment. The charges in  
5 Aiken County on or about June 21st, 2016. [Indiscernible]  
6 intent to possess and intent to distribute heroin. On your  
7 arraignment on that charge, it appears that you wish to enter a  
8 plea of guilty as a second offense. Is that correct sir?

9 MR. JEFFERSON: Yes, sir.

10 THE COURT: Another indictment. Charges in Aiken  
11 County on or about June 21st, 2016. You committed trafficking  
12 methamphetamine by knowingly and intention of being in actual  
13 or constructive possession of at least 400 grams of meth upon  
14 your arraignment and offense that you wish to enter a plea of  
15 guilty to trafficking 28 grams or more or less than 100 grams  
16 as a second offense. Is that right sir?

17 MR. JEFFERSON: Yes, sir.

18 THE COURT: Another indictment. Charges in Aiken  
19 County on or about June 21st, 2016. You possessed with intend  
20 to distribute cocaine, on your arraignment it appears you wish  
21 to enter a plea of guilty as a third subsequent offense. Is  
22 that correct?

23 MR. JEFFERSON: Yes, sir.

24 THE COURT: And I have an indictment of charges in  
25 Aiken County on or about June 21st, 2016. You being the father

1 of a 9-year-old child named in the indictment, unlawfully  
2 placed that child at unreasonable risk of harm affecting the  
3 child's life, physical or mental health is alleged that you had  
4 the child present in the vehicle with you transporting various  
5 drugs. Upon your arraignment of that charge, it appears that  
6 you wish to plead guilty to unlawful neglect of the child. Is  
7 that correct?

8 MR. JEFFERSON: Yes, sir.

9 THE COURT: Mr. Screen, you're going to do the  
10 talking?

11 MR. SCREEN: Yes, sir.

12 THE COURT: Have you fully advised your client about  
13 the nature and elements of the offense in each instance of  
14 possible punishment and the constitutional rights, including  
15 trial by jury?

16 MR. JEFFERSON: I have, Your Honor.

17 THE COURT: Are you satisfied with the factual basis  
18 for each plea?

19 MR. JEFFERSON: Yes, sir.

20 THE COURT: Do you agree with his decision?

21 MR. JEFFERSON: Yes, sir.

22 THE COURT: Mr. Jefferson, today, are you under the  
23 influence of any medicine, drug, alcohol, or anything affecting  
24 your thinking?

25 MR. JEFFERSON: No, sir.

1           THE COURT: Do you have any physical or mental  
2 problems that affect your thinking today?

3           MR. JEFFERSON: No, sir.

4           THE COURT: You're clearheaded, you know what you're  
5 doing?

6           MR. JEFFERSON: Yes, sir.

7           THE COURT: When you plead guilty, you give up human  
8 rights including your right to remain silent and your right to  
9 a jury trial. Do you know that?

10          MR. JEFFERSON: Yes, sir.

11          THE COURT: If you want a jury trial, you're presumed  
12 to be innocent. The State has to prove you guilty beyond a  
13 reasonable doubt to convict you. You get to see, hear and have  
14 your lawyer cross-examine every witness against you. Do you  
15 understand?

16          MR. JEFFERSON: Yes, sir.

17          THE COURT: By pleading guilty, you give up all those  
18 rights. You give up any defenses you may have, you give up any  
19 challenges to evidence and you admit that the charges are true.  
20 Do you know all that?

21          MR. JEFFERSON: Yes, sir.

22          THE COURT: Do you want a jury trial on any of these  
23 cases?

24          MR. JEFFERSON: No, sir.

25          THE COURT: I need you to listen to the solicitor

1 plea.

2 MS. YOUNG: Thank you, Your Honor, may it please the  
3 Court. On June 21st, 2016, Deputy Puckett and Deputy Bozark  
4 [phonetic] Aiken County Sheriff's Office were running radar.  
5 The location on Highway 19 here in Aiken County, they observed  
6 vehicle that was speeding. Deputy Bozark got behind it to  
7 initiating a traffic stop. He got the driver who was Mr.  
8 Jasper Jefferson's wife. Out of the vehicle she was acting  
9 very nervous.

10 Deputy Puckett pulled up shortly after the initial stop.  
11 He is a canine deputy and Deputy Bozark indicated he wanted him  
12 to go ahead and run the dog around the car based on the  
13 driver's demeanor. He did do that, he got alerted by sitting  
14 outside the driver's door while he was doing that. Deputy  
15 Argine noticed that Mr. Jefferson, who was in the front  
16 passenger seat, was extremely nervous to the point where he was  
17 well -- he just noticed that he was very nervous and his  
18 demeanor was also unusual.

19 So, the dog alerted. They did do a search vehicle in  
20 a UPS mailing package in the passenger side floorboard where  
21 Mr. Jefferson seated. They found a large quantity of what  
22 appeared to be amphetamine, a pill bottle that contained three  
23 small baggies and the dark white powder substance. Three small  
24 baggies of a white powder substance along with digital scales  
25 and quantity of United States currency. The items were sent

1 off to be tested and came back. Methamphetamine was positive  
2 for methamphetamine, 574.46 grams. Cocaine was positive, 1.09  
3 grams. Heroin was positive, 3.13 grams. When we started getting  
4 this case ready and looking at it numerous years ago, we  
5 discovered that Deputy Bozark's camera had rolled off the  
6 system and was not preserved initially. Deputy -- and  
7 additionally, Deputy Puckett's camera started well into the  
8 traffic stop where all the necessary items or incidents had  
9 already taken place off camera.

10           And this was before either deputy had been issued a  
11 body-worn camera. So, we had some problems with that at the  
12 very beginning of the case. Additionally, Mr. Jefferson did  
13 make some incriminating statements on the scene. He had not  
14 been advised of his Miranda rights, so we're not going to be  
15 able to bring those in at trial.

16           His son was in the backseat of the car and both parents  
17 were arrested on the scene for long conduct as well as these  
18 drug charges. His case just kind of stayed in the back of my  
19 roster because he was out on the line. However, then he was  
20 rearrested in June of this year for driving the wrong way in  
21 this highway and appeared to be under influence as well as  
22 possessing what appear to be cocaine. Those charges will be a  
23 no pause as a result of this plea.

24           We take the State's negotiations, this came up on our  
25 1095 docket. We begin earnestly trying to resolve it in

1 | addressing the issues that the case had. We made a negotiated  
2 | seven year offer for all these four charges to run  
3 | concurrently. If Your Honor will accept it, the law  
4 | enforcement is in support of the negotiation. This was -- we  
5 | were preparing this actually for a trial all last week. When  
6 | we went and reviewed the evidence, we realized that the EPS  
7 | mailer bag that was mentioned in the deputy's report actually  
8 | had Mr. Jefferson's name on it. So, that was another  
9 | incriminating factor that I think led him to ultimately take  
10 | this plea here today.

11 |       Your Honor, he does have a prior record in South Carolina  
12 | in 1990, conviction of possession of cocaine. The remainder of  
13 | all his convictions are federal convictions. In 1992,  
14 | narcotics and conspiracy, 1993, possession of cocaine with  
15 | intent to distribute. 1999, distribution of cocaine as well as  
16 | violation of supervised release and an additional conviction to  
17 | repeat with cocaine in 1999. Based on all the factors going  
18 | into the case since age, we ask that, Your Honor, accept the  
19 | negotiation and sentence him to a seven-year active sentence.

20 |               THE COURT: Do you admit you're guilty of these  
21 | charges, sir?

22 |               MR. JEFFERSON: Your Honor, yes. In '99, I was  
23 | incarcerated I couldn't have did that. It might have been my  
24 | brother -- the younger brother. That's the only one thing I  
25 | know about when I heard her say that but yes sir.

1 THE COURT: The charges you're pleading today, are  
2 you guilty of those?

3 MR. JEFFERSON: Yes, sir.

4 THE COURT: Has anybody forced you, threatened you,  
5 coerced you in any way to get you to enter these pleading  
6 against your will?

7 MR. JEFFERSON: No, sir.

8 THE COURT: Any plea bargain the State might have  
9 made with you, any agreement about dropping the charge,  
10 reducing the charge, recommending the sentence, anything like  
11 that? They have to tell me what it is on the record or you lose  
12 what they have told me, you understand that?

13 MR. JEFFERSON: Yes, sir.

14 THE COURT: Mr. Screen, are all the plea agreements  
15 on the record?

16 MR. SCREEN: Yes, sir.

17 THE COURT: So, Mr. Jefferson, has anybody promised  
18 you anything or offered you any hope or reward to get you to  
19 plead that they haven't told me about?

20 MR. JEFFERSON: No, sir.

21 THE COURT: Are you fully satisfied with your  
22 attorneys?

23 MR. JEFFERSON: Yes, sir.

24 THE COURT: Is there anything you want either of them  
25 to do that they have not done for you other than speak for you?

1 MR. JEFFERSON: No, sir.

2 THE COURT: Do you have any complaint against your  
3 attorneys, law enforcement, anybody who's dealt with your case?

4 MR. JEFFERSON: No, sir.

5 THE COURT: All right. Trafficking and  
6 methamphetamine it's a second offense for this level of drugs  
7 carries seven to 30 years in prison and a \$50,000 fine. Do you  
8 understand that?

9 MR. JEFFERSON: Yes, sir.

10 THE COURT: It's classified as a violent offense, you  
11 understand that?

12 MR. JEFFERSON: Yes, sir.

13 THE COURT: It falls under the two strikes, you're  
14 out, three strikes, you're out of legislation. It's a serious  
15 offense, meaning if you get the right combination of strikes,  
16 you have to do life in prison without parole. Do you  
17 understand that?

18 MR. JEFFERSON: Yes, sir.

19 THE COURT: Possession with intent to distribute  
20 cocaine is a third subsequent offense, also a felony and  
21 carries five to 20 years in prison and a \$20,000 fine. You  
22 understand that?

23 MR. JEFFERSON: Yes, sir.

24 THE COURT: It's classified as a serious offense,  
25 meaning it's a strike. Do you understand?

1 MR. JEFFERSON: Yes, sir.

2 THE COURT: Possession with the intent to distribute  
3 heroin is a second offense carries from five to 30 years in  
4 prison and a \$50,000 fine. You understand that?

5 MR. JEFFERSON: Yes, sir.

6 THE COURT: It's classified as a serious offense  
7 meaning it's a strike. Do you understand that?

8 MR. JEFFERSON: Yes, sir.

9 THE COURT: And unlawful neglect of a child is a  
10 felony that carries up to 10 years in prison and a \$10,000  
11 fine. Do you understand that?

12 MR. JEFFERSON: Yes, sir.

13 THE COURT: Alright. Now, Mr. Jefferson, on a  
14 violent felony, you lose your rights under South Carolina law  
15 to transport, ship, receive or possess any type of firearm  
16 ammunition. Do you understand that?

17 MR. JEFFERSON: Yes, sir.

18 THE COURT: All drug offenses are graduated. So, if  
19 you violate drug laws, again, you face higher punishment  
20 because this would be on your record. Do you understand that?

21 MR. JEFFERSON: Yes, sir.

22 THE COURT: On the unlawful neglect charge, you  
23 understand that I could put you on the registry for, what is it  
24 called, child abuse or neglect. Do you understand that?

25 MR. JEFFERSON: Yes, sir.

1           THE COURT: And you know that violent offenders are  
2 treated differently in the department of corrections than  
3 nonviolent offenders. You won't be eligible for certain  
4 placements or programs that a nonviolent offender might be  
5 eligible for?

6           MR. JEFFERSON: Yes, sir.

7           THE COURT: Okay. And you know, on a second violent  
8 offense, you're required to do all the time without early  
9 release?

10          MR. JEFFERSON: Excuse me, could you repeat that sir?

11          THE COURT: When somebody gets a second violent  
12 offense, the Department of Corrections under the statute is  
13 supposed to require to the full sentence. Do you understand?

14          MR. JEFFERSON: Yes, sir.

15          THE COURT: All right. Now, anything in South  
16 Carolina that carries a possibility of 20 years or more falls  
17 under what's called Truth and Sentencing, those things are  
18 actually called no parole offenses. What that means is that  
19 you have served at least 85% of the time, day for day before  
20 you possibly be released. Do you understand that?

21          MR. JEFFERSON: Yes, sir.

22          THE COURT: When you come out, you automatically come  
23 out on community supervision. If you fail to complete  
24 community supervision, you can be sent back to prison. Do you  
25 understand that?

1 MR. JEFFERSON: Yes, sir.

2 THE COURT: Have you understood everything I've been  
3 over with?

4 MR. JEFFERSON: Yes sir.

5 THE COURT: Are you sure you want to plead guilty?

6 MR. JEFFERSON: Yes, sir.

7 THE COURT: All right. Mr. Jefferson made a free and  
8 knowing involuntary and intelligent decision to waive his  
9 rights and plead guilty. He has done so on the advice of  
10 counsel and his fully satisfied as a factual basis for each  
11 plea. Okay. Mr. Screen?

12 MR. SCREEN: Mr. Hatcher, we'll give the  
13 [indiscernible] and I'll have a few words after that.

14 THE COURT: I'm sorry, Mr. Hatcher.

15 MR. HATCHER: All right. Your Honor, today is  
16 Jasper's 54th birthday.

17 THE COURT: I'm sorry.

18 MR. HATCHER: He is married, his wife is employed at  
19 the Sprint stores. He has two children and four grandchildren.  
20 He has a business where he pressure washes houses and other  
21 buildings with -- and his 16-year-old son, the son that was  
22 with him when this happened, now 16 works with him on that  
23 part-time when he is not in school. Jasper served in the Air  
24 Force for four years and received an honorable discharge for  
25 that.

1           MR. SCREEN: Your Honor, there has been a lot of  
2 meetings and negotiations, these -- as the Court knows are very  
3 serious offenses, which exposes my client to a lot of time.  
4 And because of that, we were meeting with the solicitor and  
5 with him to ensure that we covered all of the bases. I had  
6 along with Mr. Hatcher prepared a motion for suppression. And  
7 looking at Rodriguez cases about extension of traffic stops and  
8 what is permissible once the stop is made, we certainly were  
9 looking at that. We looked at the failure to preserve evidence  
10 and the standard which is required for Defendant to meet in  
11 order to exclude it, which would include but not limit it to  
12 showing that it was not by carelessness or neglect, but  
13 intentional act on the part of law enforcement. And that he,  
14 as a result, he would not be able to obtain his due process  
15 rights. After looking at everything, judge, we finally struck  
16 a deal with the State, which I believe is fair given all of the  
17 circumstances. We understand the one thing that is certain  
18 about trial is the uncertainty of what a jury will do. And  
19 because of that, we stand here now asking this court to accept  
20 the negotiated plea that we've laid. I think it serves its  
21 purpose and I would ask you to accept it on behalf of this  
22 Defendant.

23           THE COURT: Thank you. Do you want to say anything,  
24 Mr. Jefferson?

25           MR. JEFFERSON: No, sir, Your Honor.

1 THE COURT: How long did you stay in jail on these  
2 charges?

3 MR. JEFFERSON: A little over two months, I think  
4 it's something like that.

5 THE COURT: When you say a little over, how much  
6 over?

7 MR. JEFFERSON: Probably about a week.

8 MS. YOUNG: Your Honor, he was arrested on June 12th,  
9 2016 and had a bond order signed by Honorable Judge Cooper on  
10 July 14th.

11 THE COURT: All right. Mr. Jackson, do you  
12 understand if you wish to appeal anything from this proceeding,  
13 you have to do it in a short period of time in writing. You  
14 understand that?

15 MR. JEFFERSON: Yes, sir.

16 THE COURT: So, if you want to appeal anything from  
17 this proceeding, make sure you tell your lawyers immediately.  
18 All right?

19 MR. JEFFERSON: Yes, sir.

20 THE COURT: Nothing further. The Court accepts the  
21 plea, the sentence on each is that you be committed to the  
22 South Carolina Department of Corrections for seven years  
23 [indiscernible]. The sentence is run concurrently given the  
24 credit for jail time under Section 24-13-40 be calculated and  
25 applied by the Department of Corrections. I've written on your

1 sheet to give you credit for 32 days the time served and your  
2 court costs on each charge that one year release for prison.  
3 Do you understand that this prohibits you from transporting,  
4 shifting, receiving, or possessing any type of firearm or  
5 ammunitions?

6 MR. JEFFERSON: Yes, sir.

7 THE COURT: All these sentences are concurrent. Good  
8 luck to you, sir.

9 MR. JEFFERSON: Thank you, Your Honor.

10 [END OF HEARING]

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CERTIFICATE OF TRANSCRIBER

I, ERIN REILY, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 2, South Carolina, on the 12th day of September, 2022.

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

June 14<sup>th</sup>, 2024

ERIN REILLY

TRANSCRIBER

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
 County of Aiken )  
 )  
Jasper Jefferson 389038 )  
 Full name and prison number (if any) of Applicant )

2024CP0200479  
 IN THE COURT OF COMMON PLEAS

v.

State of South Carolina )

APPLICATION FOR  
 POST-CONVICTION RELIEF

FILED February 26 20 24  
Robert J. White 1245  
 C.C.P. & G.S.  
Charla Pearline emp  
 Deputy Clerk

**INSTRUCTIONS - READ CAREFULLY**

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

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

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

1. Place of detention MacDougall Correctional Institution

---

2. Name and location of Court which imposed sentence Aiken County Court, Aiken County

---

3. Name(s) of co-defendant(s) (if any) NA

---

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2016-GS-02-02090      2016A0210201002
  - (b) 2016-GS-02-02091      2016A0210201001
  - (c) 2016-GS-02-02092      2016A0210201003

(d) 2016-GS-02-02093 2016A0210201000

5. The date upon which sentence was imposed and the terms of the sentence: *(concurrent)*

(a) September 12, 2022 17yr's violent All Indictments

(b) " " " " " "

(c) " " " " " "

(d) " " " " " "

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓ (yes)

(b) after a plea of not guilty NA

(c) after a plea of nolo contendere NA

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

No

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

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

i. NA

ii. NA

iii. NA

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

i. NA

ii. "

iii. "

(c) the date of each such result:

i. NA

ii. "

iii. "

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

i. NA

ii. "

iii. "

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) My ATTY failed to respond to my request in court and after.

(b) I did not understand my due process and was coerced into a plea.

- To give back the Plea and wanted a Jury trial.

(c) After sentencing I requested that my Atty. that I wanted

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

\* See Back

- (a) Violation of my Six<sup>th</sup> Amendment Const. Right
- (b) Violation of my Fourteenth Amendment Const. Right
- (c) Attorney Violation Rule 407 Professional Conduct of a Lawyer

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

\* See Back

- (a) Facts that support that the Defendant's
- (b) Constitutional rights were violated begin
- (c) on the back of this page A, B, C, D →

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

- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No

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

- (a) the specific nature thereof:
  - i. NA
  - ii. NA
  - iii. NA
  - iv. NA
- (b) the name and location of the Court in which each was filed:
  - i. NA
  - ii. NA
  - iii. NA
  - iv. NA

#### \* 10(a). Grounds:

Sixth Amendment guarantee's to a Criminal the right to effective assistance of Counsel.

10(b). Fourteenth Amendment promises all citizens of U.S. and State, Life, Liberty or property with Due Process of Law and Equal Protection of the Laws.

10(c). Lawyer's has obligation and responsibilities of Rules Governing the Practice of Law, Rule 407 for South Carolina Court System.

#### \* 10(d). Violation of Fourth Amendment.

Fourth Amendment guarantee's the right of people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated and no warrants issued.

#### 4<sup>th</sup> Amendment

\* 11(a). Facts: Counsel failed to file (as requested) a "Motion" to Suppress evidence for drugs seized from vehicle and have charge(s) dismissed. Had Counsel file the requested motion the outcome of the proceeding against me (Defendant) would have been different. Instead, Counsel threatened →

and coerced me (Defendant) into a plea arrangement or I would have received a much greater sentence. Counsel failed to adequately address the merits of the issue of probable cause, search & seizure of a speedy traffic violation and challenge the State(s) (Officer's) destruction of Body Camera and Officer's Car Dash Camera Footage (date of the tape) during the beginning of the Traffic stop. Per Statute 56-5-2953 Video recording should begin when Blue light activate, to include beginning to the end. Failure to have this Video Footage, alone is enough to have charges dismissed. Counsel representation fell below an objective standard of reasonableness. There is a reasonable probability that, but for the Counsel's unprofessional error, the result of the proceeding would have been different.

---

11(b) Facts: 14<sup>th</sup> Amendment (Due Process)

My (Defendant) Due Process rights was violated as the result of the exculpatory evidence being destroyed. Defendant was pulled over for speeding however the Report states that immediately a second officer →

Continued from pg 4

arrived at or about 45 sec.'s to one minute and deployed a K-9 to the passenger of the vehicle being the Defendant. Based on the Report, Law Enforcement abandoned its traffic stop and shifted attention entirely to a Narcotic's investigation. At this point the traffic stop was prolonged and Defendant didn't feel he was free to leave after a citation was issued. Defendant refused consent to search however Officer proceeded anyway where Narcotic's and possessions was seized. During the Search the Defendant recognized the Officer remove these Monies and Narcotic's to his vehicle. Upon arrival of a "Drug Task Force Unit", the Officer was advised to put Monies, Narcotic's back in Defendant Car's. This is clearly a error in Chain of Custody. To prove the Defendant's Due Process was in violation, the Defendant sought to review dashcam footage and Body Cam footage from Officer's on the scene to learn Officer's did not turn on his DashCam until after the Narcotic's Investigation was essentially complete. Also other dashcam footage was deleted by Law Enforcement from its server before Defendant could review the footage

11(c). Violation of Professional Conduct, Rule 407

Counsel has a responsibility to abide by requests and →

Continued on pg #1

Continued from pg. # 5

decisions by his client concerning the objectives of his representation (Rule 1.2 Scope of Representation) regarding that Counsel file a Motion to Suppress Evidence and dismiss charge's,

Rule 1.4 Communication. Counsel shall consult with his client (Defendant) as to the means by which they are to be pursued and Counsel should take action per client's request.

Rule 1.3 Diligence. A Lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience and take whatever lawful and ethical measures are required to vindicate a client's cause.

Defendant's Attorney was ineffective because he failed to follow the Rules of Professional Conduct.

11(d). 4<sup>th</sup> Amendment, Search and Seizure. Rendering Evidence of the Seizure of the alleged Drugs is inadmissible. Accordingly, evidenced seized in violation of the Fourth (4<sup>th</sup>) Amendment "must be excluded. This →

Continued on back of pg. # 7

Continued from pg. # 6

exclusion is accomplished through the exclusionary rule, "a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved. By excluding the wrongfully obtained evidence, courts effectively compel" respect for the constitutional guaranty in the only effectively available way by removing the incentive to disregard it.

Finally, regarding K-9 deployed Dog Sniff. This is not an ordinary incident of a Traffic Stop.\* See Rodriguez v. U.S. (2015). As a result, and because the sniff is intended to detect ordinary criminal wrongdoing, "it may not prolong the duration of the traffic stop absent consent of those detained or reasonable suspicion of criminal activity.\* See U.S. v. Perez (2022). Absent consent or reasonable suspicion, the critical question, then, is not whether dog sniff occurs before or after the Officer issues a ticket... but whether conducting the sniff prolongs (adds time) to the stop.

End

(c) the disposition thereof:

- i. NA
- ii. NA
- iii. NA
- iv. NA

(d) the date of each such disposition:

- i. NA
- ii. NA
- iii. NA
- iv. NA

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

- i. NA
- ii. NA
- iii. NA
- iv. NA

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

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

(a) which grounds have been presented:

- i. NA
- ii. NA
- iii. NA

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

- i. NA
- ii. NA
- iii. NA

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) my Attorney was "ineffective in his representation"
- (b) I did not know or understand my Due Process.
- (c) I was threatened & Coerced into a Plea arrangement.

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

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

Attorney Violated Rules of Professional Conduct, Rule 407

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

- (a) the name and address of each attorney who represented you:
  - i. Jerry M. Screen, LLC  
1337 Gregg St. Columbia, SC 29201
  - ii. Elmer Hatcher  
142 Pendleton St. N.W. #A  
Aiken, S.C. 29801
- (b) the proceedings at which each such attorney represented you:
  - i. Jerry M. Screen : Plea , Sentencing
  - ii. Elmer Hatcher : Plea , Sentencing
  - iii. \_\_\_\_\_

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

~~\_\_\_\_\_~~  
Case to be dismissed

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

No

STATE OF SOUTH CAROLINA )  
County of Aiken )

VERIFICATION

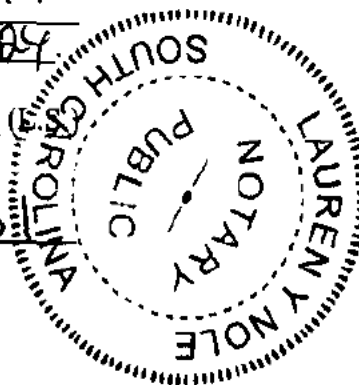
I, Jasper J. Jefferson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and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

Jasper Jefferson

SWORN to and subscribed before me this 16th day of February, 2024.

[Signature]  
Notary Public

My Commission Expires: 04-12-2023



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

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

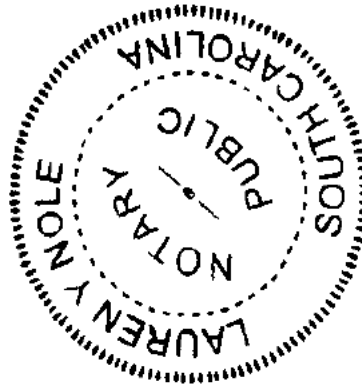
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Jasper Jefferson  
*Applicant*

SWORN or affirmed to and subscribed before me this  
16th day of February, 2024.

[Signature]  
*Notary Public*

My Commission Expires: 07-12-2031



Jasper J. Jefferson  
MacDougall, I, Mag. I  
1516 Old Gilliard Road  
Ridgelyville, S.C. 29472

Feb. 15, 2024

Clerk of Court  
Aiken County  
P.O. Box 583  
Aiken, S.C. 29802

In Re: Appointment of Counsel, PCR

Dear Clerk,

Please find my Post Conviction Relief Application enclosed that I request that you file with the Second Circuit Court.

Also I request that your office contact the Attorney General to have Counsel appointed for my Post Conviction Relief.

Thank you for your time and assistance regarding this matter.

Finally, please forward copies of my case (application) accompanied with the case # for my legal purposes.

Sincerely,

Jasper J. Jefferson

ARREST WARRANT

2016A0210201002

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE 16-035141  
against

Jasper Jerome Jefferson

Address [redacted]  
Trenton, SC 29847-3680

Phone: [redacted] SSN [redacted]  
Sex: M Race: B Height: 5 10 Weight: 205  
DL State: SC DL #: [redacted]  
DOB: [redacted] 1968 Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff  
Prosecuting Officer: Daniel Puckett - 6659  
Offense: Drugs / Trafficking in Heroin (More than 10 grams)  
Offense Code: 2361  
Code/Ordinance Sec: 44-53-0370(e)(3)(c)

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

(L.S.)

Signature of Judge

Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to defendant Jasper J. Jefferson on 6-22-16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
General Sessions  
P O Box 583  
109 Park Avenue  
Aiken, SC 29802

ORIGINAL

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STATE OF SOUTH CAROLINA )

County/  Municipality of )

Aiken )

Personally appeared before me the affiant Daniel Puckett who being duly sworn deposes and says that defendant Jasper Jerome Jefferson did within this county and state on or about 6/21/2016 violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in Heroin (More than 10 grams)

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

That on June 21, 2016 in the county of Aiken, the defendant, one Jasper Jefferson, did knowingly and unlawfully have in his possession more than 10 grams of Heroin, a Scheduled I controlled substance. This occurring at the intersection of Broadwater Loop and Hwy 19 N (Edgefield Hwy), Aiken, SC. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA )

County/  Municipality of )

Aiken )

Affiant's Address 420 Hampton Avenue

Aiken, SC 29801-

Affiant's Telephone \_\_\_\_\_

ARREST WARRANT

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

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

on or about 6/21/2016 defendant Jasper Jerome Jefferson did violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in Heroin (More than 10 grams)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 6/22/2016

Judge's Address Aiken, SC 29801-8743

Judge's Telephone (803)642-2044

Issuing Court:  Magistrate  Municipal  Circuit

Signature of Issuing Judge Sheridan Lee Lynn, Jr. (L.S.)  
Judge Code: 5034

ORIGINAL

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Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 51B

AFFIDAVIT

*Knight ser*

Daniel Puckett

who

Jasper Jerome Jefferson

6/21/2016

violate the criminal laws of the

County/  Municipality of

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Aiken )

Affiant's Address 420 Hampton Avenue

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Affiant's Telephone \_\_\_\_\_

ARREST WARRANT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Alken

STATE

INDICTMENT/CASE#: 2016 - GS - 02 - 02090

VS.

Jasper Jerome Jefferson

AKA:

AW#: 2016A0210201002

Race: Black Sex: M Age: 54

Date of Offense: 6/21/2016

DOB: 1968 SS#: [REDACTED]

S.C. Code §: 44-53-0370(b)(1)

Address: [REDACTED]

CDR Code #: 0185

City, State, Zip: [REDACTED]

DL#\* [REDACTED] SID# SC00690754

SENTENCE SHEET

*5-30 years  
and/or 0-\$50,000*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Drugs / MDP, Narcotic drugs in Sch. II(b) & (c), LSD, and Sched. II - 2nd offense

In violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0184

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State. *7 years cont.*

ATTEST:

Elizabeth B. Young 73947 Solicitor SC Bar # \_\_\_\_\_  
Jasper Jefferson Defendant Attorney for Defendant SC Bar # \_\_\_\_\_  
[Signature] 2831

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 7 days/months/years Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served 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.~~

The sentence shall run

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 SCDOC.

37 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jasper Jerome Jefferson INDICTMENT/CASE#: 2016 - GS - 02 - 02090

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: Pay court costs w/in 1 yr. of release from prison

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§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	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 8.25
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
<b>TOTAL</b>		<b>\$ 283.25</b>

Clerk of Court/Deputy Clerk: Antoya Trajien-Hyos  
Court Reporter: DCRP

Presiding Judge: William P. Hensley  
Judge Code: 20SD  
Sentence Date: Sept. 12, 2022

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

INDICTMENT FOR  
POSSESSION WITH INTENT TO DISTRIBUTE  
HEROIN

§ 44-53-0370(b)(1)

At a Court of General Sessions, convened on October 3, 2016, the Grand Jurors of Aiken County present upon their oath:

That JASPER JEROME JEFFERSON did in Aiken County on or about June 21, 2016, knowingly or intentionally possess with intent to distribute a quantity of Heroin, a controlled substance under provisions §44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

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

*Elizabeth B. Young*  
\_\_\_\_\_  
J. STROM THURMOND, SOLICITOR

**WITNESSES**

Aiken County Sheriff

Daniel Puckett

Law Enforcement Case #: 16-035141

BAY

**ARREST WARRANT NUMBER**

2016A0210201002

FILED September 29 2016

*Liz Hodson*  
K.C.C.P. & G.S.

*Anne Sandenat*  
Deputy Clerk

**ACTION OF GRAND JURY**

*Tom Bill*

*[Signature]*

Foreperson of Grand Jury  
Date: September 29, 2016

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2016GS0202090**

**The State of South Carolina**

**County of Aiken**

**COURT OF GENERAL SESSIONS**

**OCTOBER TERM 2016**

**THE STATE**

**vs.**

**JASPER JEROME JEFFERSON**

**CDR #: 0185**

**Indictment for**

**POSSESSION WITH INTENT TO  
DISTRIBUTE HEROIN**

**§ 44-53-0370(b)(1)**

**J. STROM THURMOND, SOLICITOR**

ARREST WARRANT

2016A0210201003

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE

16-035141

against

Jasper Jerome Jefferson

Address:

Trenton, SC 29847-3680

Phone: [redacted] SSN: [redacted]

Sex: M Race: B Height: 5 10 Weight: 205

DL State: SC DL #: [redacted]

DOB: [redacted] 1968 Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Daniel Puckett - 6659

Offense: Drugs / Possession of Cocaine (less than 10grams)

Offense Code: 3011

Code/Ordinance Sec: 44-53-0370(d)(3)

This warrant is CERTIFIED FOR SERVICE in the

County/  Municipality of

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Jasper J. Jefferson on 6-27-16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P O Box 583  
109 Park Avenue  
Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Personally appeared before me the affiant Daniel Puckett who

being duly sworn deposes and says that defendant Jasper Jerome Jefferson

did within this county and state on or about 6/21/2016 violate the criminal laws of the

State of South Carolina (or ordinance of  County/  Municipality of Aiken )

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Possession of Cocaine (less than 10grams)

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

That on June 21, 2016 in the county of Aiken, the defendant, one Jasper Jefferson, did knowingly and without authorization possess a quantity of Cocaine, a Scheduled II controlled narcotic. This occurring at the intersection of Broadwater Loop and Hwy 19 N, (Edgefield Hwy), Aiken, SC. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Affiant's Address 420 Hampton Avenue

Aiken, SC 29801-

Affiant's Telephone

ARREST WARRANT

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

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

on or about 6/21/2016 defendant Jasper Jerome Jefferson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of Aiken ) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Possession of Cocaine (less than 10grams)

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

on 6/22/2016

Signature of Issuing Judge (L.S.) Judge's Address Aiken, SC 29801-8743

Sheridan Lee Lynn Judge's Telephone (803)642-2044

Judge Code: 5034 Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by U.S. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

*Knight for*

Daniel Puckett

FILED June 24 2016  
Richard  
D.C.P. & O.S.  
Kathryn J. Williams  
Deputy Clerk

37

BAIL set by

WITNESSES



Judge [Signature]  
on 6-22-16  
Type and Amount: Denied  
Name of Surety: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defendant Attorney: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Decision: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, not pros., etc.)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Disposition: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Sentence: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

JURORS

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

CODEFENDANTS

\_\_\_\_\_  
\_\_\_\_\_

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

STATE

INDICTMENT/CASE#: 2016 - GS - 02 - 02092

VS.

Jasper Jerome Jefferson

AW#: 2016A0210201003

AKA: \_\_\_\_\_

Date of Offense: 6/21/2016

Race: Black Sex: M Age: 54

S.C. Code §: 44-53-0370(b)(2)

DOB: 1968 SS#: \_\_\_\_\_

CDR Code #: 0188

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# SC00690754

SENTENCE SHEET

*5-20 years  
and/or  
0 - \$20,000*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Drugs / Manuf., poss. of other sub. in Sch. I, II, III or flunitrazepam, w.i.t.d. - 3rd or sub. offense

In violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

*7 years  
conc.*

ATTEST:

*Elizabeta B. Young 73947* ✓ *Jasper Jefferson* *Gary S. ...* *...*  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 7 days/months/years Time Served  YOUTHFUL OFFENDER Act not to exceed \_\_\_\_\_ years.

and/or to pay a fine of \$ \_\_\_\_\_, provided that upon the service of \_\_\_\_\_ days/months/years/Time Served 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.

The sentence shall run

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 SCDOC.

32 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jasper Jerome Jefferson INDICTMENT/CASE#: 2016 - GS - 02 - 02092

**SPECIAL CONDITIONS:**

- PTUP after \_\_\_\_\_ months/years
- And Other Terms Listed Below:**
- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: Pay court costs w/in 1yr. of release from prison

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	<u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$	<u>150.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)	TBD	\$	<u>8.25</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$	_____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	_____
<b>TOTAL</b>		\$	<u>283.25</u>

Clerk of Court/Deputy Clerk: Ruby Frazer Hyes Presiding Judge: William P. Hines  
 Court Reporter: Dcep Judge Code: 2050  
 Sentence Date: Sept. 12, 2022

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	POSSESSION WITH INTENT TO DISTRIBUTE
COUNTY OF AIKEN	)	COCAINE
	)	
		§ 44-53-0370(b)(2)

At a Court of General Sessions, convened on October 3, 2016, the Grand Jurors of Aiken County present upon their oath:

That **JASPER JEROME JEFFERSON** did in Aiken County on or about June 21, 2016, possess with intent to distribute a quantity of Cocaine, a controlled substance under provisions of §44-53-110, *et. seq.*, *Code of Laws of South Carolina (1976)*, as amended, such possession not having been authorized by law.

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

*Elizabeth B. Hurray*  
 J. STROM THURMOND, SOLICITOR

**WITNESSES**

Aiken County Sheriff

Daniel Puckett

Law Enforcement Case #: 16-035141

BAY

**ARREST WARRANT NUMBER**

2016A0210201003

FILED *September 29* 2016

*Liz Hodard*  
U.C.P. & S.

*Anna Anderson*  
Deputy Clerk

**ACTION OF GRAND JURY**

*Bill*

Foreperson of Grand Jury

Date: September 29, 2016

**VERDICT**

Foreperson of Petit Jury

Date:

**DOCKET NO. 2016GS0202092**

**The State of South Carolina**

**County of Aiken**

**COURT OF GENERAL SESSIONS**

**OCTOBER TERM 2016**

**THE STATE**

**VS.**

**JASPER JEROME JEFFERSON**

**CDR #: 0188**

**Indictment for**

**POSSESSION WITH INTENT TO  
DISTRIBUTE COCAINE**

**§ 44-53-0370(b)(2)**

**J. STROM THURMOND, SOLICITOR**

ARREST WARRANT

2016A0210201001

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE

16-035141

against

Jasper Jerome Jefferson

Address:

Trenton, SC 29847-3680

Phone: [redacted] SSN: [redacted]  
Sex: M Race: B Height: 5 10 Weight: 205  
DL State: SC DL #: [redacted]  
DOB: [redacted] 1968 Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff  
Prosecuting Officer: Daniel Puckett - 6659  
Offense: Drugs / Trafficking in Meth. 400 grams or more  
(Felony, 25Y to 30Y)

Offense Code: 0370  
Code/Ordinance Sec: 44-53-0375(C)(5)

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Jasper Jerome Jefferson on 6-22-16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P O Box 583  
109 Park Avenue  
Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Personally appeared before me the affiant Daniel Puckett who being duly sworn deposes and says that defendant Jasper Jerome Jefferson did within this county and state on or about 6/21/2016 violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in Meth. 400 grams or more (Felony, 25Y to 30Y)

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

That on June 21, 2016 in the county of Aiken, the defendant, one Jasper Jefferson, did have in his possession more than 400 grams of Methamphetamine, a Scheduled II controlled substance. This occurring at the intersection of Broadwater Loop and Hwy 19 N (Edgefield Hwy), Aiken, SC. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

Affiant's Address 420 Hampton Avenue  
Aiken, SC 29801-

Affiant's Telephone

ARREST WARRANT

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

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

on or about 6/21/2016 defendant Jasper Jerome Jefferson did violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in Meth. 400 grams or more (Felony, 25Y to 30Y)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 6/22/2016

Signature of Issuing Judge  
Sheridan Lee Lynn

Judge Code: 5034

(L.S.)

Judge's Address

Aiken, SC 29801-8743

Judge's Telephone

(803)642-2044

ORIGINAL

Issuing Court  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 516

AFFIDAVIT

knights for  
Daniel Puckett

FILED JUNE 24 2016  
S. C. J. G. S.  
Katie Williams  
Deputy Clerk

43

ORIGINAL

BAIL set by

WITNESSES



Judge Jhly-r  
 on 6-23-16  
 Type and Amount: Denied  
 Name of Surety: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
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 Telephone: \_\_\_\_\_

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Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 Defendant Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_  
 \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 by \_\_\_\_\_  
 (indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_  
 Sentence: \_\_\_\_\_

JURORS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CODEFENDANTS

\_\_\_\_\_  
 \_\_\_\_\_

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

STATE

INDICTMENT/CASE#: 2016 - GS - 02 - 02091

VS.

Jasper Jerome Jefferson

AW#: 2016A0210201001

AKA: \_\_\_\_\_

Date of Offense: 6/21/2016

Race: Black Sex: M Age: 54

S.C. Code §: 44-53-0375(C)(5)

DOB: 1968 SS#: \_\_\_\_\_

CDR Code #: 0370

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL#\* \_\_\_\_\_ SID# SC00690754

SENTENCE SHEET

*7-30 years  
and \$50,000*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Drugs / Trafficking in ice, crank or crack - 28 g or more, but less than 100 g - 2nd offense

In violation of § 44-53-0375(C)(2)(b) of the S.C. Code of Laws, bearing CDR Code # 0389

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

*7 years cc*

ATTEST:

*Elizabeth B. Young 73947*  
Solicitor SC Bar # \_\_\_\_\_

*Jasper Jefferson*  
Defendant Attorney for Defendant

*Sony Spear*  
SC Bar # 3835

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 7 days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served 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.

The sentence shall run  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 SCDOC. 32 days/months

To include time spent on monitored house arrest prior to trial and sentencing.  
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jasper Jerome Jefferson INDICTMENT/CASE#: 2016 - GS - 02 - 02091

SPECIAL CONDITIONS:

PTUP after \_\_\_\_\_ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_

Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: Pay court costs within 1 yr. of release from prison

~~Def. understands that conviction for violent felony prohibits him from transporting, shipping, receiving, or possessing any firearm or ammunition~~

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§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	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ 8.25
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
	<b>TOTAL</b>	<b>\$ 283.25</b>

Clerk of Court/Deputy Clerk: Albyn Frajce-Hyes  
Court Reporter: Dcab

Presiding Judge: William P. Hodges  
Judge Code: 2050  
Sentence Date: Sept. 12, 2022

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	TRAFFICKING METHAMPHETAMINE
COUNTY OF AIKEN	)	
	)	§ 44-53-0375(C)(5)

At a Court of General Sessions, convened on October 3, 2016, the Grand Jurors of Aiken County present upon their oath:

That JASPER JEROME JEFFERSON did in Aiken County on or about June 21, 2016, commit the offense of Trafficking In Methamphetamine by knowingly or intentionally having in actual or constructive possession at least 400 grams or more of Methamphetamine, a controlled substance under provisions of Section 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

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

*Elizabeth B. Hung*  
 J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Daniel Puckett

Law Enforcement Case #: 16-035141

BAY

ARREST WARRANT NUMBER

2016A0210201001

FILED September 29 2016

*Liz Hodard*  
D.C.P.&G.S.

*Anna Sanders*  
CLERK

ACTION OF GRAND JURY

*Tom Bill*

*Frank Massey*

Foreperson of Grand Jury  
Date: September 29, 2016

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016GS0202091

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

OCTOBER TERM 2016

THE STATE

vs.

JASPER JEROME JEFFERSON

CDR #: 0370

Indictment for

TRAFFICKING METHAMPHETAMINE

§ 44-53-0375(C)(5)

J. STROM THURMOND, SOLICITOR

ARREST WARRANT

2016A0210201000

STATE OF SOUTH CAROLINA

County/  Municipality of

Aiken

THE STATE  
against

16-035141

Jasper Jerome Jefferson

Address:   
Trenton, SC 29847-3680

Phone:   
Sex: M Race: B Height: 5 10 Weight: 205  
DL State: SC DL #:   
DOB: 1968 Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff  
Prosecuting Officer: Daniel Puckett - 6659  
Offense: Children /Unlawful Conduct toward a child

Offense Code: 2481  
Code/Ordinance Sec: 63-05-0070

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to  
defendant Jasper J. Jefferson  
on 6-22-16

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P O Box 583  
109 Park Avenue  
Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA )

County/  Municipality of )

Aiken )

Personally appeared before me the affiant

Daniel Puckett

who

being duly sworn deposes and says that defendant Jasper Jerome Jefferson

did within this county and state on or about 6/21/2016

violate the criminal laws of the

State of South Carolina (or ordinance of  County/  Municipality of Aiken )

in the following particulars:

DESCRIPTION OF OFFENSE: Children /Unlawful Conduct toward a child

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

That on June 21, 2016 in the county of Aiken, the defendant, one Jasper Jefferson, did knowingly place a (juvenile black male) at unreasonable risk of harm affecting the child's life, physical or mental health, or safety by having the child present during the distribution of a quantity of Methamphetamine, Heroin and Cocaine, in the vehicle during a traffic stop on Edgefield Hwy at Broadwater Loop, Aiken, SC. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA )

County/  Municipality of )

Aiken )

Affiant's Address 420 Hampton Avenue

Aiken, SC 29801-

Affiant's Telephone

ARREST WARRANT

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

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

on or about 6/21/2016 defendant Jasper Jerome Jefferson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of Aiken ) as set forth below:

DESCRIPTION OF OFFENSE: Children /Unlawful Conduct toward a child

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

Sworn to and subscribed before me  
on 6/22/2016

Signature of Judge  
Sheridan Lee Lynn Jr.  
Judge Code: 5034

(L.S.)

Judge's Address

Aiken, SC 29801-8743

Judge's Telephone

(803)642-2044

Issuing Court:  Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

FILED JUNE 24 2016  
Kati L. Williams  
Deputy Clerk

BAIL set by

WITNESSES



Judge Stacy P  
 on 6-22-16  
 Type and Amount: Denied  
 Name of Surety: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 Defendant Attorney: \_\_\_\_\_

Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 by \_\_\_\_\_  
 (indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_

Sentence: \_\_\_\_\_

JURORS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name \_\_\_\_\_  
 Address \_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_  
 Address \_\_\_\_\_

Telephone \_\_\_\_\_

CODEFENDANTS

\_\_\_\_\_  
 \_\_\_\_\_

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

STATE

INDICTMENT/CASE#: 2016 - GS - 02 - 02093

VS.

Jasper Jerome Jefferson

AW#: 2016A0210201000

AKA: \_\_\_\_\_

Date of Offense: 6/21/2016

Race: Black Sex: M Age: 54

S.C. Code §: 63-05-0070

DOB: 1968 SS#: \_\_\_\_\_

CDR Code #: 2481

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_ SID# SC00690754

SENTENCE SHEET

*0-10 years  
and/or up to  
\$10,000*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Children / Legal custodian, unlawful neglect of child or helpless person

In violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

*Elizabeth B. Young 73947* *Jasper Jefferson* *Ray Swann 5001*  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

*7 years  
conv.*

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 7 days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served 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.~~

The sentence shall run

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 SCDOC.

32 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jasper Jerome Jefferson INDICTMENT/CASE#: 2016 - GS - 02 - 02093

**SPECIAL CONDITIONS:**

- PTUP after \_\_\_\_\_ months/years  
And Other Terms Listed Below:
- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: Pay court costs in lieu of release from prison

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____		
§14-1-208 (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	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)		\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____
<b>TOTAL</b>			<b>\$ 128.75</b>

Clerk of Court/Deputy Clerk: Ra Taya Trainger-Hynes  
Court Reporter: DCEP

Presiding Judge: William P. Hardy  
Judge Code: LD5D  
Sentence Date: Sept. 12, 2022

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	UNLAWFUL CONDUCT TOWARDS A CHILD
COUNTY OF AIKEN	)	
	)	§ 63-05-0070

At a Court of General Sessions, convened on October 3, 2016, the Grand Jurors of Aiken County present upon their oath:

That **JASPER JEROME JEFFERSON**, father of [REDACTED] a child of nine (9) years of age, did in Aiken County on or about June 21, 2016, unlawfully place the child at unreasonable risk of harm affecting the child's life, physical or mental health, to wit: [REDACTED] was present in the vehicle while Jasper Jerome Jefferson was transporting various drugs inside the vehicle. All in violation of §63-5-70, 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.

*Elizabeth B. Young*  
 J. STROM THURMOND, SOLICITOR

**WITNESSES**

Aiken County Sheriff

Daniel Puckett

Law Enforcement Case #: 16-035141

BAY

**ARREST WARRANT NUMBER**

2016A0210201000

FILED September 29 2016

*Liz Adair*  
D.C.P. & G.S.

*Anna Sandrowal*  
Clerk

**ACTION OF GRAND JURY**

*Tamara Bill*

*[Signature]*  
Foreperson of Grand Jury  
Date: September 29, 2016

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2016GS0202093

**The State of South Carolina**

**County of Aiken**

**COURT OF GENERAL SESSIONS**

**OCTOBER TERM 2016**

**THE STATE**

**vs.**

**JASPER JEROME JEFFERSON**

CDR #: 2481

**Indictment for**

**UNLAWFUL CONDUCT TOWARDS A  
CHILD**

§ 63-05-0070

**J. STROM THURMOND, SOLICITOR**

STATE OF SOUTH CAROLINA )  
 COUNTY OF AIKEN )

IN THE COURT OF COMMON PLEAS )  
 FOR THE SECOND JUDICIAL CIRCUIT )

Jasper Jefferson, SCDC #389038, )

Case No. 2024-CP-02-00479 )

Applicant, )

v. )

**RETURN AND PARTIAL MOTION TO DISMISS** )  
**(Counsel Appointed)** )

State of South Carolina, )

Respondent. )

In response to the post-conviction relief (PCR) action commenced by Jasper Jefferson (Applicant) on February 26, 2024, the State makes this return:

**PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Aiken County Clerk of Court. During its October 2016 term, the Aiken County Grand Jury indicted Applicant for possession with intent to distribute heroin (2016-GS-02-02090); trafficking methamphetamine, 400 grams or more (2016-GS-02-02091); possession with intent to distribute cocaine (2016-GS-02-02092); and unlawful conduct towards a child (2016-GS-02-02093). The case was prosecuted by Elizabeth B. Young, Esquire, of the Second Circuit Solicitor's Office. Applicant was represented by Jerry M. Screen, Sr., Esquire.

On September 12, 2022, Applicant pleaded guilty to the lesser included offense of trafficking methamphetamine, 28-100 grams, and as indicted on the remaining charges before the Honorable William P. Keesley. Pursuant to negotiations between the State and Applicant, Judge

FILED July 25 20 24  
*Robert J. White* CLK  
 C.C.P. & G.S.  
Charla Peoubbe CLK  
 Deputy Clerk

Keesley sentenced Applicant to seven years' imprisonment on each charge, with those sentences to run concurrently. Applicant did not file a direct appeal.

### FACTS

The following summary was taken, verbatim, from the Solicitor's recitation of the facts at Applicant's guilty plea hearing:

On June 21<sup>st</sup>, 2016, Deputy Puckett and Deputy Bozark Aiken County Sherriff's Office were running radar. The location on Highway 19 here in Aiken County, they observed vehicle that was speeding. Deputy Bozark got behind it to initiating a traffic stop. He got the driver who was Mr. Jasper Jefferson's wife. Out of the vehicle she was acting very nervous.

Deputy Puckett pulled up shortly after the initial stop. He is a canine deputy and Deputy Bozark indicated he wanted him to go ahead and run the dog around the car based on the driver's demeanor. He did do that, he got alerted by sitting outside the driver's door while he was doing that. Deputy Argine noticed that Mr. Jefferson, who was in the front passenger seat, was extremely nervous to the point where he was well - - he just noticed that he was very nervous and his demeanor was also unusual.

So, the dog alerted. They did do a search vehicle in a UPS mailing package in the passenger side floorboard where Mr. Jefferson seated. They found a large quantity of what appeared to be amphetamine, a pill bottle that contained three small baggies of a white powder substance along with digital scales and quantity of United States currency. The items were sent off to be tested and came back. Methamphetamine was positive for methamphetamine, 574.46 grams. Cocaine was positive, 1.09 grams. Heroin was positive, 3.13 grams. When we started getting this case ready and looking at it numerous years ago, we discovered that Deputy Bozark's camera had rolled off the system and was not preserved initially. Deputy - - and additionally, Deputy Puckett's camera started well into the traffic stop where all the necessary items or incidents had already taken place off camera.

And this was before either deputy had been issued a body-worn camera. So, we had some problems with that at the very beginning of the case. Additionally, Mr. Jefferson did make some incriminating statements on the scene. He had not been advised of his Miranda rights, so we're not going to be able to bring those in at trial.

His son was in the backseat of the car and both parents were arrested on the scene for long conduct as well as these drug charges. His case just kind of stayed in the back of my roster because he was out on the line. However, then he was rearrested in June of this year for driving the wrong way in this highway and appeared to be under the influence as well as possessing what appear to be cocaine. Those charges will be no pause as a result of this plea.

We take the State's negotiations, this came up on our 1095 docket. We begin earnestly trying to resolve it in addressing the issues that the case had. We made a negotiated seven year offer for all these four charges to run concurrently. If Your Honor will accept it, the law enforcement is in support of the negotiation. This was - - we were

preparing this actually for trial all last week. When we went and reviewed the evidence, we realized that the EPS mailer bag that was mentioned in the deputy's report actually had Mr. Jefferson's name on it. So, that was another incriminating factor that I think led him to ultimately take this plea here today.

Your Honor, he does have a prior record in South Carolina in 1990, conviction of possession of cocaine. The remainder of all his convictions are federal convictions. In 1992, narcotics and conspiracy, 1993, conspiracy of cocaine with intent to distribute. 1999, distribution of cocaine as well as violation of supervised release and additional conviction to repeat with cocaine 1999. Based on all the factors going into the case since age, we ask that, Your Honor, accept the negotiation and sentence him to a seven-year active sentence.

(Gp. Tr. p.7-9).

### CURRENT APPLICATION

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

1. Ineffective Assistance of Counsel
  - a. "Counsel failed to file (as requested) a "Motion" to Suppress evidence for drugs seized from vehicle and have charge(s) dismissed. Had Counsel file the requested motion the outcome of the proceeding against me (Defendant) would have been different. Instead, Counsel threatened and coerced me (Defendant) into a plea arrangement or I would have received a much greater sentence. Counsel failed to adequately address the merits of the issue of probable cause, search and seizure of a speedy traffic violation and challenge the State's (Officer's) destruction of Body camera and Officer's car dash camera footage ([sic] or the tape) during the beginning of the Traffic stop. Per Statute 56-5-2953 Video recording should begin when Blue light activate, to include beginning to the end. Failure to hear this video footage, alone is enough to have charges dismissed. Counsel representation fell below an objective standard of reasonableness. There is a reasonable probability that, but for the Counsel's unprofessional error, the result of the proceeding would have been different."
  - b. "Violation of Professional Conduct, Rule 407. Counsel has a responsibility to abide by requests and decisions by his Client concerning the objective's of his representation (Rule 1.2 Scope of Representation) regarding that Counsel file a Motion to Suppress Evidence and dismiss charges. Rule 1.4 Communication, Counsel shall consult with his Client (Defendant) as to the means by which they are to be pursued and Counsel should take action per Client's request. Rule 1.3 Diligence. A Lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience and take whatever lawful and ethical measures are required to vindicate a client's cause. Defendant's attorney was ineffective because he failed to follow the Rules of Professional Conduct.
  - c. "Counsel's ineffective assistance rendered the Guilty Plea involuntary."
2. 14<sup>th</sup> Amendment (Due Process)

- a. “My (Defendant) Due Process rights was violated as the result of the exculpatory evidence being destroyed Defendant was pulled over for speeding however the Report states that immediately a second officer arrived at or about 45 secs to one minute and deployed a K-9 to the passenger of the vehicle being the Defendant. Based on the Report, Law Enforcement abandoned its traffic stop and shifted attention entirely to a Narcotic’s investigation. At this point the traffic stop was prolonged and Defendant didn’t feel he was free to leave after a citation was issued. Defendant refused consent to search however Officer proceeded anyway where narcotic’s and possessions was seized. During the search the Defendant recognized the Officer remove these monies and narcotics to his vehicle. Upon arrival of a “Drug Task Force Unit”, the Officer was advised to put monies, narcotics back in Defendant’s car. This is clearly a error in chain of custody. To prove the Defendant’s Due Process was in violation, the Defendant sought to review dashcam footage and body cam footage from Officer’s on the scene to learn officer’s did not turn on his dashcam until after the narcotics investigation was essentially complete. Also other dashcam footage was deleted by Law Enforcement from its server before Defendant could review the footage.
3. 4<sup>th</sup> Amendment Violation
    - a. “4<sup>th</sup> Amendment, search and seizure rending evidence of the seizure of the alleged drugs is inadmissible. Accordingly, evidenced seized in violation of the fourth (4<sup>th</sup>) Amendment must be excluded. This exclusion is accomplished through the exclusionary rule, ‘a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved. By excluding the wrongfully obtained evidence, Courts effectively compel’ respect for the constitutional guarantee in the only effectively available way by removing the incentive to disregard it. Finally, regarding K-9 deployed dog sniff. This not an ordinary incident of a traffic stop. See Rodriguez v. U.S. (2015). As a result, and because the sniff is intended to detect ordinary criminal wrongdoing, ‘it may not prolong the duration of the traffic stop absent consent of those detained or reasonable suspicion of criminal activity. See U.S. v. Perez (2022). Absent consent or reasonable suspicion, the critical question, then, is not whether dog sniff occurs before or after the office issues a ticket... but whether conducting the sniff prolongs (adds time) to the stop.
  4. White v. State Claim
    - a. “My attorney failed to respond to my request in court and after.”
    - b. “I did not understand my Due Process and was coerced into a plea.”
    - c. “After sentence I requested that my attorney that I wanted to give back the Plea and wanted a Jury Trial.”

Applicant requests relief as follows:

“Case to be dismissed.”

Attached to this return and incorporated by reference are the Aiken County Clerk of Court records regarding the subject conviction, Applicant’s records from the South Carolina Department

of Corrections, 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.

**RESPONSE TO ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL**

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a prima facie violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel’s conduct “was so ineffective as to require reversal” of the applicant’s conviction or sentence. 466 U.S. at 687. First, the applicant must show that counsel’s performance was deficient; and second, that the deficient performance prejudiced the applicant. Id. at 668; Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The first prong—constitutional deficiency—is “necessarily linked to the practice and expectations of the legal community.” Padilla v. Kentucky, 559 U.S. 356, 366 (2010). In order to prove deficient performance, the applicant must show counsel’s representation fell below an

objective standard of “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814.

Strickland, however, “does not guarantee perfect representation[—]only a ‘reasonably competent attorney.’” Harrington v. Richter, 562 U.S. 86, 110 (2011) (quoting Strickland, 466 U.S. at 687). Representation is constitutionally ineffective only if counsel’s conduct “so undermined the proper functioning of the adversarial process” that the defendant was denied a fair proceeding. Strickland, 466 U.S. at 686. Just as there is “no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities.” Harrington, 562 U.S. at 110.

Accordingly, “[j]udicial scrutiny of counsel’s performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.” Strickland, 466 U.S. at 689; see also Yarborough v. Gentry, 540 U.S. 1, 6 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Thus, the question is whether an attorney’s representation amounted to incompetence under “prevailing professional norms,” not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690).

Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged

conduct, and to evaluate the conduct from counsel's perspective at the time. Id. Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a "strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance." Butler, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Reviewing courts "must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed at the time of counsel's conduct." Strickland, 466 U.S. at 690. An applicant making a claim of ineffective assistance "must identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment." Id. The reviewing court must then "determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance." Id.

The Strickland standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690; see also Harrington, 562 U.S. at 105 (cautioning that an ineffective assistance of counsel claim could potentially function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial). Even under *de novo* review, the standard for judging counsel's representation is a most deferential one. Harrington, 562 U.S. at 105. Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney's representation amounted to incompetence under "prevailing professional norms," not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690) (emphasis added).

The second, or "prejudice" prong of Strickland is rooted in the very purpose of the Sixth

Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. Id. at 691–92. In order to prove prejudice, an applicant must demonstrate counsel’s deficient performance prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability “sufficient to undermine confidence in the outcome.” Strickland, 466 U.S. at 694. Thus, it is not enough “to show the errors had some conceivable effect” on the outcome of the proceeding—counsel’s errors must be “so serious as to deprive the defendant of a fair trial.” Id. at 687 (emphasis added).

The performance and prejudice standards, however, “do not establish mechanical rules; [t]he ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged.” Strickland at 696. Moreover, “there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one.” Strickland at 697. The court “need not determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. Id. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, the court may evaluate the prejudice prong only. Id.

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, Hill v. Lockhart extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel.” Hill, 474 U.S. 52; cf. Padilla, 559 U.S. at 373 (recognizing the guilty plea process is a “critical phase of litigation” for purposes of the Sixth Amendment right to effective assistance of counsel). A claim of ineffective assistance of guilty plea counsel requires

the applicant present evidence satisfying two prongs: first, evidence that counsel's performance was deficient; and second, evidence that counsel's deficient performance prejudiced the defendant by causing him to plead guilty rather than go to trial. Hill, 474 U.S. 52.

The analysis of counsel's performance under the first prong of Strickland remains unchanged—the applicant must show counsel's representation fell below the 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 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 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. \_\_\_, 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).

### **Response to Allegation Counsel Failed to File a Motion to Suppress**

Applicant alleges Counsel failed to file a motion to suppress the drugs found in his girlfriend's vehicle following a traffic stop. This allegation is without merit. At Applicant's guilty plea, Counsel explained to the plea court he prepared a suppression motion that he was ready to argue if the case proceeded to trial. (GP. Tr. p.15). Immediately following this, Applicant stated he had nothing further to say. (GP. Tr. p.15). Furthermore, the Solicitor explained to the plea court the potential weaknesses in the State's case and the possible evidentiary issues. (GP. Tr. pp.8-9). The Solicitor explained that these issues, along with the age of the case, were factors in the State's decision to offer this very favorable plea deal. (GP. Tr. p.9). Applicant was clearly aware of the evidentiary issues in the case prior to his guilty plea and that Counsel was prepared to argue the suppression of the drugs had Applicant proceeded to trial. Therefore, Respondent denies this allegation.

### **Response to Allegation Counsel Failed to File Direct Appeal**

Counsel has a constitutionally imposed duty to consult with a defendant about an appeal only when there is reason to think (1) that a rational defendant would want to appeal, or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. *Roe v. Flores-Ortega*, 528 U.S. 470, 471 (2000). These elements are much harder to establish when a conviction follows a guilty plea, because a plea both reduces the scope of appealable issues and indicates that the defendant sought an end to judicial proceedings. *Id.* In addition, to prove prejudice, an applicant must demonstrate a reasonable probability that he would have timely appealed but for counsel's deficiency. *Id.* Evidence that there were nonfrivolous grounds for appeal or that the defendant promptly expressed a desire to appeal is highly relevant to this determination. *Id.* at 472. Respondent denies this allegation.

However, because this allegation arguably raises a question of fact that is not conclusively refuted by the record, Respondent requests an evidentiary hearing solely on this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (“Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.”).

#### **MOTION TO DISMISS BASED ON STATUTE OF LIMITATIONS**

If the Court denies the White v. State claim, Respondent submits the additional claims of ineffective assistance of counsel in his application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act, S.C. Code Ann. sections 17-27-10 to -160. Section 17-27-45 requires as follows:

(A) An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). In the present case, Applicant was convicted and sentenced on September 12, 2022. Based on Section 17-27-45(a), Applicant needed to file an application for post-conviction relief on or before September 12, 2023. This Application was filed on February 26, 2024, after the expiration of the statutory filing period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) authorizes the Court to “grant a motion by

either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, the Respondent requests that this Court summarily dismiss the allegations of ineffective assistance of counsel for failure to file within the time mandated by the Post-Conviction Procedure Act.

#### **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 amendments to this application. See Rule 11, SCRPC. *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, SCRPC; see also Rules 15(a)-(b), SCRPC. 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), SCRPC.

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.

**GENERAL DENIAL**

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

[CONCLUSION PAGE FOLLOWS]

CONCLUSION

WHEREFORE, Respondent respectfully requests an evidentiary hearing be held solely on the issue of whether Applicant was denied his right to a direct appeal, and, if this allegation is denied, Respondent moves to dismiss the remaining allegations of ineffective assistance of counsel as untimely.

Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

T. CRUISE MITCHELL  
Assistant Attorney General

By: 

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

July 17, 2024

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	)	FOR THE SECOND JUDICIAL CIRCUIT
	)	
	)	
Jasper Jefferson, #389038,	)	Case No.: 2024-CP-02-00479
Applicant,	)	
v.	)	<b>APPLICANT'S AMENDED APPLICATION</b>
State of South Carolina,	)	
Respondent.	)	

NOW COMES Applicant, Jasper Jefferson, amending his application filed February 26, 2024. In addition to the allegations raised in his initial application, Mr. Jefferson, through PCR Counsel, submits the following:

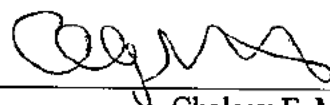
1. Applicant requests a belated appeal pursuant to *White v. State*.
2. Applicant requests this court grant equitable tolling concerning the remainder of his issues because Applicant's application was filed late because of COVID restrictions at Manning Correctional Institution that lasted for several months and inhibited his ability to access the law library. Applicant submits that he drafted and submitted the application as soon as he could, given the limitations.
3. If the Court grants equitable tolling, Applicant raises the following:
  - a. Ineffective assistance of counsel:
    - i. Failure to file a motion to suppress that was already drafted before Applicant pled.
    - ii. Failure to sufficiently communicate with Applicant.
    - iii. Failure to collaborate with Applicant concerning approach, defenses and strategy.
    - iv. Failure to develop a valid trial strategy or defense.
    - v. Failure to move to withdraw the plea on the spot.

FILED June 12 20 25  
 Robert J. White 1245  
 C.O.P. & G.S.  
 Charla Peoubie cnp  
 Deputy Clerk

- vi. Failure to pursue a motion to dismiss challenging the amount of drugs found, the stop itself, and the video footage.
  - vii. Failure to pursue a preliminary hearing.
- b. Invalid plea:
- i. Applicant was coerced into trial.
    - 1. Counsel repetitively informed Applicant that if he did not plead, he would receive twenty-five years' at trial.
    - 2. Applicant was intimidated into pleading through introduction of a second lawyer into the case.
  - ii. Applicant was erroneously informed he was pleading to a non-violent offense.

### Conclusion

Based upon the above, Mr. Jefferson requests that this Court grant relief, vacate the convictions, and remand the case to the court of general sessions for a new trial.



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S.C. Bar No. #104191

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**For Applicant Jasper Jefferson**

June 9, 2025

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN


) IN THE COURT OF COMMON PLEAS  
) FOR THE SECOND JUDICIAL CIRCUIT  
)  
)  
)

Jasper Jefferson, #389038,  
Applicant,  
v.  
State of South Carolina,  
Respondent.

) Case No.: 2024-CP-02-00479  
)  
) Affidavit of Service by Mail  
)  
)  
)

1. I am the attorney for Applicant in the above-captioned matter.
2. Regular communication by mail exists throughout the state of South Carolina and this is a proper circumstance of service by mail.
3. I have this day served a copy of the Amended Application on the above-captioned matter on the following person by depositing the same in the United States mail with the proper postage affixed thereto:

**Office of the Attorney General  
Attn: Zachary Jones, Esquire  
PCR Division  
P.O. Box 11549  
Columbia, SC, 29211**



Attorney for Applicant

June 9, 2025

FILED June 12 20 25

Robert J. White 1245  
C.C.P. & G.S.

Charla Peoubbe emp  
Deputy Clerk



I N D E X

(AW) - Denotes Applicant's Witness  
 (RW) - Denotes Respondent's Witness

	<u>Page No.</u>
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<u>(AW) JERRY SCREEN:</u>	
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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
	(Applicant's Exhibits)		
1	Motion		11

All Exhibits were retained by the Clerk of Court for Aiken County.

P R O C E E D I N G S

1  
2 THE COURT: Call your case.

3 MR. MITCHELL: Your Honor, this is the matter of Jasper  
4 Jefferson vs. The State of South Carolina, case number  
5 2024-CP-02-479. My name is Zachary Jones for the State of  
6 South Caroline. Mr. Jefferson is present as is his  
7 attorney, Chesley Marto.

8 Mr. Jefferson was indicted during the October 2016 term  
9 of the Aiken County Grand Jury for possession with intent to  
10 distribute heroin, indictment number 2016-GS-02-02090,  
11 trafficking methamphetamine 400 grams or more, that's  
12 2016-GS-02-2091, possession with intent to distribute  
13 cocaine, 2092, and unlawful conduct towards a child, 2093.

14 On September 12th, 2022, Mr. Jefferson pleaded guilty  
15 to the lesser included offense of trafficking  
16 methamphetamine 28 to 100 grams and as indicted on the  
17 remaining charges before Judge Keesley. Pursuant to  
18 negotiations between the State and Mr. Jefferson, Judge  
19 Keesley sentenced Mr. Jefferson to seven years imprisonment  
20 on each charge, all to run concurrently. Mr. Jefferson did  
21 not file a direct appeal. This post-conviction relief  
22 action was filed on February 26th, 2024.

23 With that, I will turn it over to Ms. Marto.

24 MS. MARTO: Judge, I have spoken with Mr. Jefferson  
25 multiple times. He wants to go forward today.

1 THE COURT: Mr. Jefferson, let me just make sure that  
2 you understand. I know that this was a plea. You  
3 understand -- I looked and you want me to dismiss your case?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: I can't do that.

6 THE WITNESS: Yes, ma'am.

7 THE COURT: That's not an option here. What can  
8 happen, though, is that if you win your PCR and I agree with  
9 you that your counsel was ineffective, you're just going to  
10 get tried all over again with your original charges, which  
11 was the trafficking, the CSC --

12 MR. JONES: It was child endangerment.

13 THE COURT: Child endangerment and there were several  
14 other charges. All those charges will be brought back and  
15 you'll either -- you would start the process all over again.  
16 So I don't want you to think that I can dismiss your case  
17 because I cannot.

18 THE WITNESS: I understand, Your Honor.

19 THE COURT: Okay. Now, I know you had the benefit of a  
20 plea negotiation. I want to make sure that you understand  
21 that that offer will not be brought back. You'll be giving  
22 up that benefit. What would happen, again, should you  
23 prevail is that all your charges will be brought back and  
24 we'll start it all over again.

25 THE WITNESS: I understand, Your Honor.

1 THE COURT: Okay. Knowing all that, you wish to go  
2 forward?

3 THE WITNESS: Yes, ma'am.

4 THE COURT: All right. Let's do it then.  
5 Call your first witness.

6 MS. MARTO: Judge, I would call Mr. Jefferson.

7 JASPER JEFFERSON,

8 after being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. MARTO:

11 Q Good afternoon, sir.

12 A Good afternoon.

13 Q So what were you charged with?

14 A I was charged with trafficking methamphetamine,  
15 possession with intent to distribute heroin, possession of  
16 cocaine, child endangerment. I think that's it.

17 Q You understand that trafficking 400 grams or more  
18 carries a mandatory minimum of 25 years in prison, right?

19 A Yes, ma'am.

20 Q You understand that you received seven when you could  
21 have received 25 or more?

22 A Yes, ma'am.

23 Q You understand that by the time the PCR appeal is  
24 exhausted, you'll probably be out before your case is  
25 totally resolved, you understand that, right?

1 A Yes, ma'am.

2 Q You still want to go forward?

3 A Yes, ma'am.

4 Q So you're raising a direct appeal issue; is that  
5 correct?

6 A Yes, ma'am.

7 Q And why did you want a direct appeal in this case?

8 A Well, I wanted -- at the time, I didn't agree with  
9 taking the plea. I felt I was coerced in taking the plea.  
10 I felt like I had -- I mean, that was, also, ineffective in  
11 the case. He didn't explain to me everything. I don't feel  
12 like he -- he didn't challenge my due process of the law.  
13 He didn't challenge certain things that should have been  
14 challenged in my case. And I will address those.

15 Q But, specifically, on direct appeal, it sounds like  
16 your claims are ineffective assistance of counsel; is that  
17 correct?

18 A Yes, ma'am.

19 Q So why did you want a direct appeal then?

20 A Well, I wanted to take my plea back right there. I  
21 don't know if that's the same thing right there, so.

22 Q Okay. So you wanted counsel to move to withdraw the  
23 plea?

24 A That's right. Actually, when I went to the county  
25 jail, I had him to come to the county jail, my attorney, and

1 I told him that I wanted to, but nothing was ever said of it  
2 right there. He never got back in touch with me or  
3 anything. I just ended up going to R&E and that was it.

4 Q You asked counsel to withdraw the plea that day?

5 A Yes, ma'am.

6 Q And did you ask him to file an appeal?

7 A I just asked him to withdraw the plea. Well, I  
8 actually -- what it was was I had an attorney that handled  
9 some civil matters for me. He came to see me at the county  
10 after I got sentenced. When he heard about I had got  
11 sentenced, he came to see me because he was handling some  
12 civil matters for me, some estate matters. And I told him  
13 -- he knows the attorney right there and I asked him to get  
14 in touch with him and let him know that I wanted to take my  
15 plea back. He came up there to -- then he came up there to  
16 see me and I told him that I wanted to take my plea back. I  
17 never heard from him again.

18 Q You filed your PCR application about five months after  
19 the year that you get; is that correct?

20 A Yes, ma'am.

21 Q And can you explain to the Court why you filed it so  
22 late?

23 A Yes, ma'am. When I first came and I first got -- they  
24 took me somewhere. When you go to R&E, you can't do  
25 anything right there. You're not allowed to go anywhere.

1 The first place they took me to was Goodman. Goodman didn't  
2 have a library at all, so there was nothing I could do. I  
3 stayed there for about six months, then Goodman closed down.

4 Then they sent me to Manning. When I went to Manning,  
5 they had us on Covid restrictions, so they wouldn't let us  
6 out. Then maybe a week or so right there, but they wouldn't  
7 let us go. We had certain days you could go to the library,  
8 but they wouldn't let us go because they had us on strict  
9 Covid restrictions. So I was there about eight months.

10 As soon as I got to MacDougall, that's when I filed.  
11 Because I was able to move around and I was able to go the  
12 library. And I filed it as soon as I went to MacDougall  
13 when I requested my records and stuff from my attorney. I  
14 requested everything from the courts. And as soon as the  
15 stuff got to me, that's when I filed.

16 Q So is it fair to say that but for the Covid  
17 restrictions, you would have been able to file this on time?

18 A Yes, ma'am, I would have.

19 Q How many times did you talk to Mr. Screen?

20 A I talked to him a few times, maybe three or four times.

21 Q And what did you discuss during those meetings?

22 A Mainly, we discussed about me taking this plea. We  
23 were saying that, okay, if I was to go and try this in trial  
24 right there, they're going to give me 25 years. Mr. Screen  
25 informed me that I was not going to get a jury of my peers

1 if I go to trial. He said if I go, they're going to give me  
2 25 years. You're going to get tried in Aiken County -- when  
3 you get tried in Aiken County, that's what's going to happen  
4 right there. I don't want to see you get 25 years.

5 Well, my argument was right there, he was focusing on  
6 my past and telling me that they're going to bring up my  
7 past and was focusing on the amount of drugs that they found  
8 in my car. And I'm asking him, I said, Well, what about the  
9 stop? Why can't we focus on the stop itself? I'm saying  
10 that the stop was illegal in itself right there. You know  
11 what I mean? Why aren't you questioning the stop? Why  
12 aren't you questioning the body cam that they don't have?  
13 Why aren't you questioning the blue light camera that they  
14 didn't have because the blue lights didn't come on when they  
15 pulled me over. So they don't have the stop itself on film.  
16 So you mean to tell me that I am going to get convicted  
17 without them having the tape of them pulling me over?

18 He told me that they could convict me without pulling  
19 me over -- I mean, without having a tape. I said, I  
20 understand that they can, but will they? Will the jury find  
21 me guilty beyond a reasonable doubt with them not having  
22 video of them pulling me over after he said that he found  
23 drugs in my car?

24 Now, keep in mind, also, the video that they have, when  
25 the video does come on, the video -- he wrote the ticket at

1 1:27 p.m. Now, I should have been allowed to go when he  
2 gave us a ticket. I wasn't even driving the vehicle. So  
3 when he wrote the ticket at 1:27, the camera of the car that  
4 does come on, it's about 3:00 or 3:30. So I've been on the  
5 side of the road all this time right there.

6 And the video that you're showing when the video does  
7 come on is of the officer putting something in my car.  
8 Okay, y'all have got a video of him putting something in the  
9 car, but there's no video of him taking anything out. So I  
10 said how can I be found guilty beyond a reasonable doubt  
11 with this? I said, You mean to tell me that I can't have  
12 one juror convinced of this? Is that not reasonable doubt  
13 enough for not having -- for having to destroy the camera?  
14 Because I can't argue what I'm talking about without y'all  
15 having the video footage. So how am I supposed to make this  
16 argument if there is no video footage?

17 Mr. Screen, also, informed me that, Mr. Jefferson,  
18 constitutionally, you are right. He told me this. I said,  
19 So you mean to tell me constitutionally, I'm right, but I'm  
20 not going to get a fair trial and that I'm going to be found  
21 guilty and the constitution is not going to work. This is  
22 what he was telling me.

23 Q So you wanted counsel to move to dismiss the charges  
24 based upon the lack of video evidence, correct?

25 A I wanted him -- the thing about it that I feel right

1       there, I -- I feel like if he would have filed a motion to  
2       suppress the evidence to challenge my due process with them  
3       not having this right here, I feel like I wouldn't have been  
4       here today.

5               MS. MARTO: Judge, if I may approach?

6               THE COURT: Sure.

7       BY MS. MARTO:

8       Q       Can you identify this for me, please?

9       A       Yes, ma'am. This is a motion that I got, motion to  
10       dismiss or suppress the evidence from Mr. Screen. But I did  
11       not receive this until after I requested my paperwork and  
12       told him that I was going to try and go fight my case and go  
13       back to court. But I didn't understand why he would send me  
14       this after I've taken the plea. Why didn't you fight? This  
15       only proves that he didn't do everything that he could  
16       lawfully and ethically to try and help me to beat the case.  
17       Because if he would have, he would have filed this, I think.

18       Q       So you wanted counsel to file this, correct?

19       A       Yes, ma'am.

20               MS. MARTO: We've move to enter this into evidence as  
21       Applicant's Exhibit No. 1.

22               MR. JONES: Without objection, Your Honor.

23               THE COURT: It's admitted.

24               (WHEREUPON, Applicant's Exhibit No. 1 was admitted into  
25       evidence.)

1 BY MS. MARTO:

2 Q Now, do you feel like you and counsel had enough time  
3 to discuss trial strategies and defenses in this case?

4 A I feel like we didn't take advantage of the time that  
5 we had.

6 Q Was there have been a defense at trial that the stop  
7 was unconstitutional in your opinion?

8 A Ma'am? Could you repeat that, please?

9 Q The defense you would have gone with at trial would  
10 have been that the stop was unconstitutional; is that  
11 correct?

12 A Yes, ma'am, I do feel that the stop was  
13 unconstitutional. The search was unconstitutional. The  
14 chain of command in which he took control of the situation  
15 was unconstitutional.

16 Q Did you discuss all that with counsel?

17 A Yes, ma'am, I did discuss this with counsel.

18 Q Do you feel like counsel would have been prepared to  
19 use those defenses at trial?

20 A I felt like he -- I mean, I don't know what -- I felt  
21 like he could have used them definitely. He definitely  
22 could have used them. I feel like if it would have made it  
23 to trial, I feel like I would have been able to convince a  
24 jury just on the footage -- the missing footage alone by  
25 them saying it was their fault that they dismissed this

1       footage. I mean, this is something that's going to help me  
2       because of what you all were saying. So I feel like that  
3       would have helped me right there to convince a jury, at  
4       least, somebody on the jury that I'm not guilty.

5               And I feel like if maybe this stuff would have been  
6       filed right here, I probably would have had a chance to have  
7       the evidence dismissed alone because -- maybe because of  
8       that footage alone right there being missing right there  
9       because of them saying what they did. And how do we know  
10      that this is true what y'all are saying because there's no  
11      way that we can prove that?

12      Q       Did you want a preliminary hearing?

13      A       Yes, I did want one, but I didn't get one.

14      Q       How do you feel counsel was ineffective in that?

15      A       By skipping it and not telling me.

16      Q       Did you feel like it was your decision to plead or did  
17      you feel like you were being forced into it?

18      A       I felt like I was being forced into taking a plea. I  
19      would have never taken that plea if I knew everything about  
20      my due process that I know now. There's no way I would have  
21      taken it.

22      Q       Was Mr. Screen your second lawyer in this case?

23      A       Yes, Mr. Screen was my second lawyer. My first lawyer  
24      was Elmer Hatcher. He had the case for six years right  
25      there and he had me convinced that he was going to have this

1 case taken care of. He never did anything. He never filed  
2 any paperwork at all. He retired in the middle of the case,  
3 actually, and that's when he got Mr. Screen to help with the  
4 case.

5 Q Now, did Mr. Screen do anything that would intimidate  
6 you into pleading?

7 A No, he didn't do anything to intimidate me, but, I  
8 mean, he just was telling me that I wasn't going to get a  
9 fair trial and they were going to give me 25 years. We  
10 never talked about making a plea. He told me that he would  
11 go to trial, but they're going to give you 25 years. He had  
12 me convinced that this is what's going to happen right here  
13 if you go to trial. They're going to convict you. And I  
14 just find it hard to believe without all this evidence.

15 I was thinking in my mind it only takes one person.  
16 You mean to tell me you can't convince one? I mean, why  
17 didn't we fight for this right here and file this paperwork  
18 right here with the judge before you convinced me to take a  
19 plea? Why didn't you exhaust all of your resources to help  
20 me before you convinced me to take this plea? You  
21 understand what I'm saying? I feel like we had more things  
22 that we could have done before you coerced me and got me  
23 right here to get in my mind there's no way you can get out  
24 of this. Let's throw a right jab. Let's throw a left punch  
25 first right here. Let's throw something. We ain't throwed

1 nothing at them. We ain't throwed nothing at them. All he  
2 did was convince me to take a plea.

3 Q Not to veer too far off the railroad tracks, but you  
4 know that if you were take this case to trial and were to be  
5 remanded, every single juror would have to find you not  
6 guilty for you to be not guilty, otherwise, the jury would  
7 be hung and you've have to have a retrial, you understand  
8 that, right?

9 A I'd have to have a retrial?

10 Q Yeah.

11 A Okay.

12 Q Okay. So it's not just one juror. It's every single  
13 one needs to find you not guilty, that's if we go back. You  
14 understand that now?

15 A [Indiscernible].

16 Q Okay.

17 A Okay.

18 Q Now, did you think that you were pleading to a violent  
19 or nonviolent offense?

20 A I thought I was pleading to a nonviolent offense.

21 THE COURT: Hang on one second.

22 THE COURT REPORTER: Did he say no or now?

23 THE WITNESS: Do what now?

24 THE COURT: To he understands that now.

25 THE WITNESS: Yes, now, yes, ma'am.

1 THE COURT REPORTER: Okay.

2 BY MS. MARTO:

3 Q Does that impact your decision to go forward with the  
4 PCR?

5 A No, ma'am.

6 Q Did you think you were pleading to a violent or  
7 nonviolent offense?

8 A I thought I was pleading to a nonviolent offense. We  
9 discussed things on a Friday. I was sentenced on a Monday.  
10 And Mr. Screen and Mr. Hatcher, we met earlier and he said,  
11 Well, what they're going to do is they're going to give you  
12 seven years nonviolent and you're going to plead to such and  
13 such. We're going to plead to this right here and we're  
14 going to get you seven years nonviolent right there. And I  
15 said, Okay, then I'm going to plead to the seven years  
16 nonviolent, which means I'll do, like, three years off of it  
17 or something a little less than that.

18 When Monday came, it changed. When I got the paperwork  
19 -- I never read the plea right there. But when it was time  
20 for me to go up before the Judge, he said you need to sign  
21 this plea right here. I said, Wait a minute, what's that?  
22 It's going to be 85 percent. I said, Wait a minute, you  
23 told me that it was going to be nonviolent. 85 percent  
24 violent, that's all we can do, so we're going to have to  
25 have the 85 percent violent. I'm like, But you told me

1 something different and now that I get here, it's 85 percent  
2 violent.

3 It's like they were rushing me and I didn't have time  
4 to read it or look at it or anything. I was at the point to  
5 where I felt like -- I mean, I'm getting ready -- you know,  
6 if you're getting ready to go and get into a fight with  
7 somebody and you've got somebody that's supposed to have  
8 your back, they don't have it, so you don't have anything to  
9 do but surrender. So I'm feeling like man, I don't have a  
10 dog in the fight right now. This is all I can do. You know  
11 what I mean? They doing this to me right here now, so I  
12 don't know what else to do. I can't go up here and try to  
13 fight now. I felt like my hands were tied then.

14 Q So if you had been told that it was going to be a  
15 violent offense from the beginning, would you have pled?

16 A No, ma'am.

17 Q And are there any other issues that we haven't already  
18 talked about that you wish to raise today at your PCR  
19 hearing?

20 A I just feel like -- I mean, I just want the Court to  
21 know that I never would have took this plea until I've had  
22 -- until I felt like we have exhausted all of our resources  
23 to try to get this case dismissed right here with the  
24 evidence that they had right there, you know. I feel like  
25 there was just a lot of stuff that could have been

1 challenged right there that wasn't challenged by my  
2 attorneys. And I, at least, would have felt -- you know  
3 what I mean, I would have felt better right here about this  
4 situation if he would have fought a little bit more, you  
5 know what I mean, challenged this stuff right here because I  
6 feel like this stuff needs to be challenged if they don't  
7 have the video footage right here. That's one of the main  
8 things that was in my file that I felt like needed to be  
9 challenged right there. You got video of him putting  
10 something in my car, but you don't have anything of him  
11 taking it out. That should have been the main thing  
12 challenged.

13 MS. MARTO: Nothing further.

14 MR. JONES: Nothing from the State, Your Honor.

15 THE COURT: Okay. I'm going to let you step down then,  
16 Mr. Jefferson.

17 THE WITNESS: Thank you, ma'am.

18 MS. MARTO: We call Jerry Screen.

19 THE COURT: Mr. Screen, come on up, sir.

20 JERRY SCREEN,

21 after being duly sworn, testified as follows:

22 THE WITNESS: My name is Jerry M. Screen, Sr.

23 DIRECT EXAMINATION

24 BY MS. MARTO:

25 Q Good afternoon, Mr. Screen. You represented Mr.

1       Jefferson, right?

2       A     I did.

3       Q     When did you come in on the case?

4       A     Well, his case had gotten kind of elderly by the time I  
5       got in. He was represented by Mr. Hatcher. And I came in,  
6       to put it bluntly, on a search and rescue mission.

7       Q     Would you define what you mean by search and rescue  
8       mission?

9       A     When I got in and talked to Mr. Hatcher, I realized he  
10      was representing a client that was in very deep waters,  
11      faced a lot of jeopardy. So I wanted to see if there was  
12      any possibility of rescuing him from this situation. A good  
13      criminal defense lawyer is like an NFL quarterback, he's  
14      always looking down field for six, but he'll take what he  
15      can get if he can't get it down the field. So in other  
16      words, I wanted to save him, if possible, from that time  
17      that was facing him or, at least, do whatever I could to  
18      whittle away at the State's case and cut down on his time.

19      Q     So are you the one that got the negotiated seven-year  
20      offer?

21      A     You better tell me that again because I'm not sure.

22      Q     Okay. Do you know if it was you or Mr. Hatcher that  
23      got the seven-year offer that he, ultimately, pled to?

24      A     Mr. Hatcher had been in this case long enough where he  
25      and the solicitor had irritated each other to some extent.

1 So they weren't making any -- weren't getting any traction.  
2 Now, he's under an order from the administrative judge to  
3 get moving this case. It's on a list of cases that's got to  
4 be tried or disposed of. So he doesn't have the luxury of  
5 years. Look at when it came up, in '16. Remember, Covid.  
6 So it sat on the docket for a good while.

7 Q Did Mr. Jefferson request that you file an appeal in  
8 this case?

9 A I have no recollection of him requesting that.

10 Q Do you recall if he asked you to withdraw the plea the  
11 day he pled?

12 A I do not, ma'am. If any question of appeal would have  
13 come up, as I look back at it, we got seven years in our  
14 pocket and we're facing mandatory time, that's like kicking  
15 a dog to wake him up to bite you.

16 Q So you just wanted him to take the plea and run; is  
17 that fair to say?

18 A Take the seven.

19 Q How many times did you meet with him, do you recall?

20 A A number of times, ma'am, a number of times. I am a  
21 plain-spoken lawyer and I'm very firm. And if I made any  
22 error, it was because I was zealous enough to try to save  
23 his life to try to get him back home to his kids and his  
24 wife in a reasonable time.

25 Q Did you tell him he would lose the trial if he took

1 this case to trial?

2 A I talked to him about a lot of things, ma'am. He was  
3 -- and he may have had reason to be, but he was somewhat  
4 perturbed with one of the officers in this case. That  
5 officer knew him and he knew the officer. He didn't like  
6 him and I don't think that officer cared much about my  
7 client. But he did not believe that officer was a  
8 straight-shooting fair guy and he -- that, perhaps,  
9 interfered with his ability to allow his reasoning to outrun  
10 his aggravation for the situation.

11 Q You ever tell him he wouldn't get a fair trial due to  
12 the officer?

13 A I talked to him about the demographics of trial, ma'am.  
14 I've tried enough cases here in Aiken County, including a  
15 death penalty. I know what kind of jury you're going to  
16 draw. I know about the educational level. I know about  
17 whether they work in factories or whether they work in the  
18 system. Because I know that, I can tell my client pretty  
19 much what kind of jury he's likely to face.

20 Q So you were worried about the people from Aiken County  
21 and the way they might judge him; is that fair?

22 A I wasn't worried about it. I was simply advising him  
23 of some factors surrounding a decision to go forward given  
24 all the circumstances we were aware of at that point.

25 Q Did you ever tell him that the police might tell

1 falsehoods on the stand at times?

2 A The courtroom is fertile ground for lying.

3 Q And so there was the motion to suppress that you  
4 drafted in this case in preparation for trial, correct?

5 A Ma'am, I had the pleasure some years ago to use a group  
6 out of the University of Virginia Law School. It's called  
7 the National Legal Research Group. I have been successful  
8 in federal court and state court with their help and  
9 guidance with motions and memorandums, you name it.

10 I had them prepare such a document on behalf of my  
11 client, which he paid for. I did not file that motion. I  
12 played poker kind of with the solicitor with it. I met with  
13 her on, at least, three or four occasions and made her very  
14 aware that I had such -- was armed with such a motion. And  
15 we talked about a number of cases that I believe captured  
16 the facts of this case. Rodrigues vs. United States and  
17 Williams that came behind that, and the DC Court of Appeals  
18 had a case out there, then South Carolina Fourth Circuit  
19 came out with Junkins (ph).

20 So I wanted to make her aware that this was an iffy  
21 situation even for her, that she didn't have all the cards,  
22 even though I knew she had the best hand in my opinion. So  
23 that is the reason why he sits there now with seven years  
24 instead of 30.

25 Q If you went to trial, would you have filed the motion?

1       A     I didn't have to file it. I told him I wasn't going to  
2       file it. I was going to use it to persuade the State to  
3       back off of us. Once the motion was filed -- we had a  
4       circuit judge, a seasoned circuit judge then, William  
5       "Billy" Keesley, and I've tried a lot of cases in front of  
6       him. If we file that motion and have a hearing, my words to  
7       him were if we win this motion, you're going home and having  
8       supper with the family. If we lose it, excuse my language,  
9       you're on a bobsled to hell.

10      Q     So you discussed trial strategy and defenses with Mr.  
11      Jefferson, right?

12      A     Yeah, I talked to Mr. Hatcher and all. But as we  
13      approached the hour of trial and they put seven years on the  
14      table, I firmly sit here today and tell you that I firmly  
15      recommended he take that deal. And I have not changed one  
16      iota in these years.

17      Q     Do you recall if you told him it was a violent or a  
18      nonviolent offense?

19      A     We talked about it, I'm sure. Mr. Hatcher talked to  
20      him about it and I talked to him. He had priors, so,  
21      basically, I remember telling him that the legislature in  
22      South Carolina had already systematically set up certain  
23      cases as violent. And if you fall in that violent category,  
24      you got 85 percent. If it's nonviolent, you probably drop  
25      back to 65. I am convinced as I sit here that he had fully

1       been told about it and that when he stepped before Judge  
2       Keesley, I told Judge Keesley I recommend he take the deal,  
3       the plea. And Judge Keesley queried him as carefully as you  
4       would want the Defendant to be queried. He answered all the  
5       right questions. He got the seven years. End of story.

6       Q     You became involved in this case long after the  
7       preliminary hearing would have taken place, right?

8       A     Was I involved at that point?

9       Q     The preliminary hearing probably happened long before  
10      --

11      A     That was well before I got in it.

12      Q     So that would have been Mr. Hatcher?

13      A     That was Mr. Hatcher.

14      Q     Is there a reason why you didn't pursue a motion to  
15      dismiss the charges like Mr. Jefferson requested or is that  
16      something you would have done at trial?

17      A     That's not something that would have come up by the  
18      time I got in. If they wanted to file a motion like that,  
19      they would have filed it. Frankly, looking at it, a motion  
20      like that wasn't going anywhere fast.

21           MS. MARTO: One moment, Your Honor.

22           (Pause.)

23           MS. MARTO: Nothing further.

24           THE COURT: Anything from the State?

25                           CROSS-EXAMINATION

1 BY MR. JONES:

2 Q I think y'all went over most of the stuff I was going  
3 to ask, but just to clarify a couple of points. Your  
4 recommendation to Mr. Jefferson was just that, a  
5 recommendation, correct? You didn't command him or tell him  
6 --

7 A It was a firm recommendation based upon a lot of years  
8 of trial experience in the criminal courts of this county  
9 and this state. So it was a hard recommendation. It was  
10 not slow pitched, it was a fast ball.

11 Q Nevertheless, he was the one who, ultimately, made the  
12 decision to --

13 A It was his call. I'm going home no matter what.

14 Q Yes, sir. Did you tell Mr. Jefferson he was  
15 constitutionally in the right, but that he would lose at  
16 trial because he wouldn't get a fair trial?

17 A No, sir. I told him we were on the tip of the spear  
18 when it comes to the constitution. That every time I dig up  
19 a case, it might lean one way. The Fourth Circuit came  
20 along in 2021 and cleaned up Rodrigues and everything.

21 His primarily complaint was about the stop, the traffic  
22 stop and things that happened after that. And that was  
23 something that the court coined a phrase called de minimis,  
24 which means once you stop -- if you're an officer and you  
25 stop him for at traffic stop, you can keep him there no

1 longer than it takes to carry out the function or purpose  
2 for which you stopped him. You cannot unduly delay the  
3 stop. I found no evidence of that in this case.

4 Q In fact, wasn't there evidence that the drug dog  
5 arrived pretty much immediately after --

6 A He was on scene.

7 Q On scene, all right. Nevertheless, you were able to  
8 use that motion to sort of hold that over the solicitor to  
9 argue for a lower --

10 A Gave the solicitor plenty of credit. They've seen me  
11 in this courtroom and the courtrooms in that old courthouse,  
12 death penalty and all. A good boxer can fix it. If you  
13 can't fight, you can't fix.

14 Q And just to clarify something I think Ms. Marto asked  
15 you about earlier, when you took over the case, was the  
16 seven-year offer -- had that already been made or did it  
17 come after you took over the case?

18 A Oh, no, that did not come for a while after I got in.

19 Q I thought that's what you said, but I wanted to make  
20 sure that was clear.

21 A Yes.

22 MR. JONES: Thank you, Mr. Screen. I think that's all  
23 I have for you.

24 THE COURT: Any redirect?

25 MS. MARTO: No redirect.

1 THE COURT: Mr. Screen, I've got just a couple of  
2 questions.

3 THE WITNESS: Yes, Your Honor.

4 EXAMINATION

5 BY THE COURT:

6 Q How long have you been practicing law?

7 A This year 50 years.

8 Q And you haven't retired yet, I know, because I saw you  
9 in my courtroom in Lexington, have you?

10 A That's correct.

11 Q Let me ask you something, because he had a trafficking,  
12 what he originally had. Was that a mandatory 25 years?

13 A It was a mandatory 25.

14 Q 85 percent time, right?

15 A Yes, ma'am.

16 Q And then you had it reduced to the lower level of  
17 trafficking that carried the seven to 30?

18 A Seven to 30.

19 Q Seven to 30. Meaning that the Judge couldn't give him  
20 less than seven?

21 A That's right.

22 Q And that is what the offer was, was seven. Normally,  
23 judges on a third offense being dropped down to a second  
24 tier don't even go to the low end. I assume you've found  
25 that out in your experience in practicing law?

1 A Absolutely.

2 Q And then he was talking about this video, that nobody  
3 would convict him of it because there was no video. Was  
4 there a video?

5 A Well, when they stopped him, they supposed to have a  
6 video. Somehow during this period of Covid, that video was  
7 lost or erased unintentionally. I explained to him about  
8 the video, that we have to demonstrate bad faith on the part  
9 of the police in erasing the video and that whatever was on  
10 it was exculpatory. I'm convinced he knew it and I think he  
11 knows it now. He's smart enough he knows.

12 Q So on your search and rescue mission, the best you  
13 could have done for him is the seven years. That's what  
14 most criminal defense lawyers would call a really good deal?

15 A I thought it was till I got the notice to come here.

16 THE COURT: That's all I have, Mr. Screen. Thank you.

17 MR. SCREEN: Thank you, Judge. It's wonderful to see  
18 you.

19 THE COURT: You, too. Take care.

20 I'm going to excuse Mr. Screen unless there's any  
21 objection.

22 MS. MARTO: No objection.

23 MR. JONES: No objection.

24 The State has no witnesses, Your Honor.

25 THE COURT: Okay.

1           All right. I'm going to take this matter under  
2 advisement. I'll let y'all know.

3           Thank you.

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STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF GENERAL SESSIONS  
Warrant No. 2016A0210201000-04

THE STATE OF SOUTH CAROLINA,

v.

JASPER JEROME JEFFERSON,

MOTION TO SUPPRESS/DISMISS  
WITH MEMORANDUM OF LAW  
IN SUPPORT THEREOF

**Defendant,**

COMES NOW Jasper Jerome Jefferson ("Defendant"), by counsel, pursuant to Rule 4(a) of the South Carolina Rules of Criminal Procedure, and respectfully requests that this Honorable Court suppress the evidence of the drugs that were seized from the Defendant's vehicle in the above-captioned matter and dismiss the charges against Defendant as a result of the destruction of exculpatory evidence in violation of Defendant's Due Process rights. In support of this motion, Defendant states as follows:

#### STATEMENT OF THE FACTS

On June 21, 2016, Defendant was pulled over while driving in Aiken, South Carolina. While the Incident Report ("Report") filled out by law enforcement states that the Defendant was pulled over for speeding, the Report offers little to no insight into what steps law enforcement took to complete the traffic stop. Instead, the Report picks up when a second officer arrived on scene and deployed a K-9 to conduct an exterior sniff of the Defendant's vehicle. Based upon the Report, it appears that law enforcement abandoned its traffic stop once the K-9 unit arrived and shifted its attention entirely to a narcotics investigation. This investigation was initiated despite the fact that nothing in Defendant's



behavior or demeanor prior to the search of his vehicle is offered as suspicious. See Report at 1 (Narrative details that law enforcement noticed that Defendant was "twitching very nervously and seemed agitated . . . [after] his vehicle was being searched"). Law enforcement's search ultimately revealed suspected narcotics/paraphernalia and Defendant was charged with multiple counts of possession of narcotics as well as endangering a juvenile in the car with Defendant at the time of the stop.

The Defendant maintains that law enforcement unreasonably prolonged the traffic stop so that the K-9 unit could be deployed and officers could proceed with the narcotics investigation. Seeking support for this position, Defendant sought to review dashcam footage taken from the officers on scene. Defendant has learned however, that one of the officers did not turn on his dashcam until after the narcotics investigation was essentially completed while the other officer's dashcam footage was deleted by law enforcement from its server before Defendant could review the footage.

## ARGUMENT

### **I. STALLING TO PROCURE/DEPLOY A K-9 UNIT VIOLATES THE FOURTH AMENDMENT, THEREBY COMPROMISING THE SUBSEQUENT SEARCH AND RENDERING EVIDENCE OF THE SEIZURE OF THE ALLEGED DRUGS INADMISSIBLE**

The Fourth Amendment "prohibits unreasonable searches and seizures." *State v. Dill*, 423 S.C. 534, 542, 816 S.E.2d 557, 562 (2018) (quoting *State v. Khingratsaphon*, 352 S.C. 62, 69, 572 S.E.2d 456, 459 (2002)). Accordingly, evidenced seized in violation of the Fourth Amendment "must be excluded from trial." *Id.* This exclusion is

accomplished through the exclusionary rule, "a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved." *State v. Adams*, 409 S.C. 641, 647, 763 S.E.2d 341, 345 (2014) (quoting *United States v. Calandra*, 414 U.S. 338, 348, 94 S. Ct. 613, 38 L. Ed. 2d 561 (1974)). By excluding the wrongfully obtained evidence, courts effectively compel "respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it." *Id.* (quoting *Elkins v. United States*, 364 U.S. 206, 217, 80 S. Ct. 1437, 4 L. Ed.2d 1669 (1960) (citation omitted)).

The Supreme Court has expressly held that a drug dog sniff "is not an ordinary incident of a traffic stop." *Rodriguez v. United States*, 575 U.S. 348, 356, 135 S. Ct. 1609, 1615 (2015). As a result, and because the sniff is intended to detect ordinary criminal wrongdoing, "it may not prolong the duration of the traffic stop absent consent of those detained or reasonable suspicion of criminal activity." *United States v. Perez*, 30 F.4th 369, 375 (U.S. 4th Cir. 2022) (cleaned up). Absent consent or reasonable suspicion, the "critical question, then, is not whether the dog sniff occurs before or after the officer issues a ticket . . . but whether conducting the sniff 'prolongs'—i.e., adds time to—"the stop". *Rodriguez*, 575 U.S. at 357, 135 S. Ct. at 1616; see also *United States v. Williams*, 321 F. Supp. 3d 594, 598 (D.S.C. 2018) (a canine sniff is constitutionally acceptable if performed within the time reasonably required to issue a traffic citation). Needless delays and efforts to stall the completion of the traffic stop are therefore unconstitutional. Compare *United States v. Martin*, No. 2:15-00136, 2016 U.S. Dist. LEXIS 13989, at \*9 (S.D. W. Va. Feb.

5, 2016) ("Deputy Williams unnecessarily stalled the write up of the citations for the ten minutes elapsing from 3:11 a.m. to the point he says he began the write up at 3:21 a.m. As noted, he had in hand all the information he needed to start the write up at 3:11 a.m. when so directed by Sgt. Rhodes. Indeed, had he not allowed his attention to be diverted by his mere suspicions, he could have commenced that process several minutes earlier") and *United States v. Digiovanni*, 650 F.3d 498, 510 (4th Cir. 2011) (Trooper's actions and questions "bespeak an utter lack of diligence. He asked Digiovanni numerous questions concerning his travel history and travel plans, only a few of which possibly related to the justification for the stop. At the conclusion of this questioning, Trooper Conner embarked on a sustained investigation into the presence of drugs, instead of either completing the warning ticket or beginning the driver's license check"); with *United States v. Jenkins*, 860 F. App'x 297, 302 (4th Cir. 2021) (officers did not extend stop beyond its initial scope to stall for the canine unit to arrive where evidence demonstrated that officer received confirmation that vehicle was insured and was still writing citations when the dog alerted) and *United States v. Farrior*, 535 F.3d 210, 219-20 (4th Cir. 2008) (a minimal delay in conducting a dog-sniff caused by a police officer's inexperience was de minimis where there was no attempt at subterfuge or stalling on the part of the police officer).

In the case at bar, the Defendant maintains that law enforcement needlessly prolonged his traffic stop in order to provide time for a second officer to deploy a K-9 unit and begin a narcotics investigation. Law enforcement's version of the stop in the Report appears to support this contention as the Defendant's alleged speeding receives only a

passing reference with no mention made of steps taken to issue Defendant a citation for his infraction. Instead, the narrative picks up almost immediately with the Defendant being removed from his vehicle so that a K-9 unit can be deployed. By seemingly abandoning the traffic stop as soon as Defendant was pulled over, law enforcement necessarily prolonged the traffic stop in order to search for narcotics which, at the time, it has no reason to think were present. Law enforcement, however, "may not prolong the duration of the traffic stop absent consent of those detained or reasonable suspicion of criminal activity." *Perez*, 30 F.4th at 375. As law enforcement never possessed consent and did not have of reasonable suspicion until after the search was underway, *see* Report at 1 (Narrative details that law enforcement noticed that Defendant was "twitching very nervously and seemed agitated . . . [after] his vehicle was being searched"), their decision to prolong the stop beyond the time reasonably required to complete the issuance of the citation was unlawful. *Rodriguez*, 575 U.S. at 357, 135 S. Ct. at 1616. Accordingly, the evidence obtained as a result of this unlawful "violation of the Fourth Amendment must be excluded from trial." *Dill*, 423 S.C. at 542, 816 S.E.2d at 562.

## **II. THE DESTRUCTION OF DASHCAM FOOTAGE OF THE STOP CONSTITUTES A VIOLATION OF DEFENDANT'S DUE PROCESS RIGHTS**

While the Report makes clear that law enforcement needlessly prolonged the traffic stop to conduct a narcotics investigation, it provides few details on just how long the stop was extended and what law enforcement said/did in an effort to complete the traffic stop before this mission was abandoned. While these details would normally be available by

simply reviewing the dashcam footage recorded as part of every traffic stop, neither of the officers on scene has produced relevant footage. Deputy Puckett did not activate his camera until well after the stop and arrest of the Defendant. While Deputy Bozard activated his camera, this footage was erased from law enforcement's server before it could be reviewed by the Defendant.

South Carolina has adopted the duty to preserve analysis of *Arizona v. Youngblood*, 488 U.S. 51, 109 S. Ct. 333 (1988), in its jurisprudence. *State v. Moses*, 390 S.C. 502, 518, 702 S.E.2d 395, 404 (2010). Under this analysis, while the State does not possess an absolute duty to preserve potentially useful evidence, *id.*, a defendant can establish that his due process rights have been violated if he can demonstrate either "(1) that the State destroyed the evidence in bad faith, or (2) that the evidence possessed an exculpatory value apparent before the evidence was destroyed and the defendant cannot obtain other evidence of comparable value by other means." *State v. Cheeseboro*, 346 S.C. 526, 538-39, 552 S.E.2d 300, 307 (2001); *see also State v. Singleton*, 319 S.C. 312, 317, 460 S.E.2d 573, 576 (1995) ("if the evidence possesses exculpatory value that is apparent before its destruction, its disposal constitutes a denial of due process").

While it does not appear that law enforcement acted in bad faith in destroying the dashcam footage, there can be little doubt that the exculpatory value of the video would have been apparent prior to its destruction. By viewing the footage, Defendant could have provided the court with an exact accounting of the actions, and inactions, of law enforcement which contributed to his traffic stop being needlessly prolonged. Any stalling,

subterfuge, or attempts to avoid complete what should have been a routine traffic stop would be readily apparent. The need for this footage would also be all the more apparent given the fact that the second officer on scene did not begin recording until long after the investigation and arrest of the Defendant was completed. In light of the failure to activate the second camera, Defendant's only means of presenting this court with evidence of the needless delays accompanying his traffic stop were the footage destroyed by law enforcement. Given the apparent exculpatory nature of the video footage prior to its destruction, and the fact that law enforcement's own failures precludes Defendant from obtaining other evidence of comparable value by other means, the destruction of the footage of Defendant's traffic stop violates his right to due process. *See Moses*, 390 S.C. at 518, 702 S.E.2d at 404; *Cheeseboro*, 346 S.C. at 538-39, 552 S.E.2d at 307; *Singleton*, 319 S.C. at 317, 460 S.E.2d at 576.

### CONCLUSION

In the case at bar, the law enforcement needlessly prolonged a traffic stop in order to investigate a narcotics investigation which was, at the time, without justification. The extent of law enforcement's stalling tactics has been obscured from this court by the destruction of one officer's dashcam footage coupled with the convenient failure of a second officer to turn on his camera. These actions constitute violations of Defendant's right to be free from unreasonable searches and seizures as well as his right to due process under the Constitution. The drugs found and seized in violation of the Fourth Amendment

are inadmissible and the charges against Defendant should be dismissed for the flagrant violation of his due process rights. WHEREFORE, Defendant respectfully requests that this Court grant this motion to suppress/dismiss along with any other and further relief the Court deems just.

Dated: September \_\_, 2022

Respectfully submitted,

JASPER JEROME JEFFERSON

By Counsel

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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF AIKEN )  
 )  
 State of South Carolina, )  
 Respondent, )  
 )  
 Vs. )  
 )  
 Jasper Jefferson, )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2024-CP-02-00479

**ORDER OF DISMISSAL**

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by Jasper Jefferson (Applicant) on February 26, 2024. The State made its return and partial motion to dismiss on July 25, 2025. In addition to the pleadings in this action, this Court had before it a copy of the Aiken County Clerk of Court records, the Applicant's SCDC records, and the transcript from the Applicant's plea on September 12, 2022.

On June 10, 2025, this Court convened an evidentiary hearing in the Aiken County Courthouse. Applicant was present at the hearing and was represented by Chelsey Marto, Esquire. Cruise Mitchell, Esquire, and Zachary Jones, Esquire of the South Carolina Attorney General's Office were present on behalf of the State. Applicant and his former Counsel, Jerry M. Screen, Sr., Esquire both testified at the hearing.

After hearing the testimony at the PCR hearing and a full review of the record, this Court finds Applicant's allegations are without merit. Therefore, for the reasons discussed below, this Court denies relief and hereby dismisses this action with prejudice.

STATE OF SOUTH CAROLINA  
 COUNTY OF AIKEN  
 I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

AUG 11 2025

*Robert J. Harte*  
 C.C.P. & G., Aiken County, S.C.  
*Shadell Parks*  
 Deputy Clerk

FILED 8-11 2025 9:32 SP  
*Robert J. Harte*  
 C.C.P. & G.S.  
*Shadell Parks*  
 Deputy Clerk

### **PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Aiken County Clerk of Court. During its October 2016 term, the Aiken County Grand Jury indicted Applicant for possession with intent to distribute heroin (2016-GS-02-02090); trafficking methamphetamine, 400 grams or more (2016-GS-02-02091); possession with intent to distribute cocaine (2016-GS-02-02092); and unlawful conduct towards a child (2016-GS-02-02093). The case was prosecuted by Elizabeth B. Young, Esquire, of the Second Circuit Solicitor's Office. Applicant was represented by Jerry M. Screen Sr., Esquire.

On September 12, 2022, following a thorough colloquy, Judge Keesley found Applicant entered a plea knowingly, voluntarily, and intelligently. Applicant plead guilty to the lesser included offense of trafficking methamphetamine, 28-100 grams, and as indicted on the remaining charges before the Honorable William P. Keesley. Pursuant to negotiations between the State and Applicant, Judge Keesley sentenced Applicant to seven years' imprisonment on each charge, with those sentences to run concurrently. Applicant did not file a direct appeal.

### **FACTS PRESENTED AT THE GUILTY PLEA HEARING**

The following summary was taken, verbatim, from the Solicitor's recitation of the facts at Applicant's guilty plea hearing:

On June 21, 2016, Deputy Puckett and Deputy Bozark Aiken County Sherriff's Office were running radar. The location on Highway 19 here in Aiken County, they observed vehicle that was speeding. Deputy Bozark got behind it to initiating a traffic stop. He got the driver who was Mr. Jasper Jefferson's wife. Out of the vehicle she was acting very nervous.

Deputy Puckett pulled up shortly after the initial stop. He is a canine deputy and Deputy Bozark indicated he wanted him to go ahead and run the dog around the car based on the driver's demeanor. He did do that, he got alerted by sitting outside the driver's door while he was doing that. Deputy Argine noticed that Mr. Jefferson, who was in the front passenger

seat, was extremely nervous to the point where he was well - - he just noticed that he was very nervous and his demeanor was also unusual.

So, the dog alerted. They did do a search vehicle in a UPS mailing package in the passenger side floorboard where Mr. Jefferson seated. They found a large quantity of what appeared to be amphetamine, a pill bottle that contained three small baggies of a white powder substance along with digital scales and quantity of United States currency. The items were sent off to be tested and came back. Methamphetamine was positive for methamphetamine, 574.46 grams. Cocaine was positive, 1.09 grams. Heroin was positive, 3.13 grams. When we started getting this case ready and looking at it numerous years ago, we discovered that Deputy Bozark's camera had rolled off the system and was not preserved initially. Deputy - - and additionally, Deputy Puckett's camera started well into the traffic stop where all the necessary items or incidents had already taken place off camera.

And this was before either deputy had been issued a body-worn camera. So, we had some problems with that at the very beginning of the case. Additionally, Mr. Jefferson did make some incriminating statements on the scene. He had not been advised of his Miranda rights, so we're not going to be able to bring those in at trial.

His son was in the backseat of the car and both parents were arrested on the scene for long conduct as well as these drug charges. His case just kind of stayed in the back of my roster because he was out on the line. However, then he was rearrested in June of this year for driving the wrong way in this highway and appeared to be under the influence as well as possessing what appear to be cocaine. Those charges will be no pause as a result of this plea.

We take the State's negotiations; this came up on our 1095 docket. We begin earnestly trying to resolve it in addressing the issues that the case had. We made a negotiated seven year offer for all these four charges to run concurrently. If Your Honor will accept it, the law enforcement is in support of the negotiation. This was - - we were preparing this actually for trial all last week. When we went and reviewed the evidence, we realized that the EPS mailer bag that was mentioned in the deputy's report actually had Mr. Jefferson's name on it. So, that was another incriminating factor that I think led him to ultimately take this plea here today.

Your Honor, he does have a prior record in South Carolina in 1990, conviction of possession of cocaine. The remainder of all his convictions are federal convictions. In 1992, narcotics and conspiracy, 1993, conspiracy of cocaine with intent to distribute. 1999, distribution of cocaine as well as violation of supervised release and additional conviction to repeat with cocaine 1999. Based on all the factors going into the case since age, we ask that, Your Honor, accept the negotiation and sentence him to a seven-year active sentence.

### CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges claims for:

1. Ineffective Assistance of Counsel

- a. "Counsel failed to file (as requested) a "Motion" to Suppress evidence for drugs seized from vehicle and have charge(s) dismissed. Had Counsel file the requested motion the outcome of the proceeding against me (Defendant) would have been different. Instead, Counsel threatened and coerced me (Defendant) into a plea arrangement or I would have received a much greater sentence. Counsel failed to adequately address the merits of the issue of probable cause, search and seizure of a speedy traffic violation and challenge the State's (Officer's) destruction of Body camera and Officer's car dash camera footage ([sic] or the tape) during the beginning of the Traffic stop. Per Statute 56-5-2953 Video recording should begin when Blue light activate, to include beginning to the end. Failure to hear this video footage, alone is enough to have charges dismissed. Counsel representation fell below an objective standard of reasonableness. There is a reasonable probability that, but for the Counsel's unprofessional error, the result of the proceeding would have been different."
- b. "Violation of Professional Conduct, Rule 407. Counsel has a responsibility to abide by requests and decisions by his Client concerning the objective's of his representation (Rule 1.2 Scope of Representation) regarding that Counsel file a Motion to Suppress Evidence and dismiss charges. Rule 1.4 Communication, Counsel shall consult with his Client (Defendant) as to the means by which they are to be pursued and Counsel should take action per Client's request. Rule 1.3 Diligence. A Lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience and take whatever lawful and ethical measures are required to vindicate a client's cause. Defendant's attorney was ineffective because he failed to follow the Rules of Professional Conduct.
- c. "Counsel's ineffective assistance rendered the Guilty Plea involuntary."

2. 14<sup>th</sup> Amendment (Due Process)

- a. "My (Defendant) Due Process rights was violated as the result of the exculpatory evidence being destroyed Defendant was pulled over for speeding however the Report states that immediately a second officer arrived at or about 45 secs to one minute and deployed a K-9 to the passenger of the vehicle being the Defendant. Based on the Report, Law Enforcement abandoned its traffic stop and shifted attention entirely to a Narcotic's investigation. At this point the traffic stop was prolonged and Defendant didn't feel he was free to leave after a citation was issued. Defendant refused consent to search however Officer proceeded anyway where narcotic's and possessions was seized. During the search the Defendant recognized the Officer remove these monies and narcotics to his vehicle. Upon arrival of a "Drug Task Force Unit", the Officer was advised to put monies, narcotics back in Defendant's car. This is clearly a error in chain of custody. To prove the Defendant's Due Process was in violation, the Defendant sought to review dashcam footage and body cam footage from Officer's on the scene to learn officer's did not turn on his dashcam until after the narcotics investigation was essentially complete. Also other dashcam footage was deleted by Law Enforcement from its server before Defendant could review the footage.

3. 4<sup>th</sup> Amendment Violation

- a. “4<sup>th</sup> Amendment, search and seizure rendering evidence of the seizure of the alleged drugs is inadmissible. Accordingly, evidenced seized in violation of the fourth (4<sup>th</sup>) Amendment must be excluded. This exclusion is accomplished through the exclusionary rule, ‘a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect, rather than a personal constitutional right of the party aggrieved. By excluding the wrongfully obtained evidence, Courts effectively compel’ respect for the constitutional guarantee in the only effectively available way by removing the incentive to disregard it. Finally, regarding K-9 deployed dog sniff. This not an ordinary incident of a traffic stop. See *Rodriguez v. U.S.* (2015). As a result, and because the sniff is intended to detect ordinary criminal wrongdoing, ‘it may not prolong the duration of the traffic stop absent consent of those detained or reasonable suspicion of criminal activity. See *U.S. v. Perez* (2022). Absent consent or reasonable suspicion, the critical question, then, is not whether dog sniff occurs before or after the office issues a ticket... but whether conducting the sniff prolongs (adds time) to the stop.
4. White v. State Claim
    - a. “My attorney failed to respond to my request in court and after.”
    - b. “I did not understand my Due Process and was coerced into a plea.”
    - c. “After sentence I requested that my attorney that I wanted to give back the Plea and wanted a Jury Trial.”
  5. Applicant also alleges that he did not get a preliminary hearing, that he was coerced into a plea, and did not realize he was charged with a violent crime that carried 85 percent time.

Applicant requests relief as follows:

“Case to be dismissed.”

Before this Court are the records of the Aiken County Clerk of Court regarding the subject convictions, Applicant’s records from the South Carolina Department of Corrections, the plea transcript, and the records of the current action.

### STANDARD OF REVIEW

An applicant may seek PCR 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).

#### **INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY**

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984). 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 or sentence. Id. at 687. First, the applicant must show that counsel's performance was deficient; and second, that the deficient performance prejudiced the applicant. Id. at 668.

In order to prove deficient performance, the applicant must show counsel's representation fell below an objective standard of "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). Strickland, however, "does not guarantee perfect representation[—]only a 'reasonably competent attorney.'" Harrington v.

Richter, 562 U.S. 86, 110 (2011) (quoting Strickland, 466 U.S. at 687). Just as there is “no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities.” Id., see also Yarborough v. Gentry, 540 U.S. 1, 8 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Rather, Counsel’s performance, even if “far from exemplary,” will only be found deficient if “no competent lawyer” would have acted the same way. Dunn v. Reeves, 594 U.S. 731, 739 (2021).

To satisfy the second, or “prejudice,” prong of Strickland, an applicant must demonstrate counsel’s deficient performance prejudiced him such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117–18, 386 S.E.2d at 625. A reasonable probability is a probability “sufficient to undermine confidence in the outcome.” Strickland, 466 U.S. at 694. In the context of a guilty plea, the applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

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 v. United States, 582 U.S. 357, 368–69 (2017) (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.’”).

**FINDINGS OF FACT & CONCLUSIONS OF LAW**

This Court has reviewed the testimony presented at the PCR evidentiary hearing, observed the witnesses, passed upon their credibility, and weighed their testimony accordingly. After hearing the testimony presented and considering the legal arguments of counsel, as well as the records incorporated by way of the State's return, this Court rules that the Applicant's claims are without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence presented.

**EVIDENTIARY HEARING**

The Applicant testified that he did not get a preliminary hearing, and that he was coerced into taking a plea. He also testified that he felt the stop and search were unconstitutional and that he could have convinced a jury that he was not guilty because of a missing tape. Because of this, he wanted his Counsel to file a Motion to Suppress, and he believed that the case would have been dismissed. Applicant further testified that he thought he was pleading to a non-violent offense but then contradicted himself by admitting that his Counsel told him that it was a violent offense and 85% time. Lastly, Applicant testified that he wanted Counsel to withdraw the plea or appeal.

Mr. Screen (Counsel), who the Court found credible, testified that he was not the original counsel on the case and that the preliminary hearing was a matter well before he became involved in the case. Counsel testified that he came in on a "search and rescue" mission." Counsel testified that he did draft a Motion to Suppress, but he never filed it and instead used it as a trial strategy to persuade the State to make the deal of 7 years active time. Counsel testified that he firmly

recommended Applicant take the deal because he could end up doing 25 years had he went to trial and was convicted. Further, Counsel testified that there was no evidence being unduly kept at the scene. In addition, he testified that there was no video because it was erased during COVID unintentionally and they must demonstrate bad faith on the part of erasing the video. Lastly, Counsel testified that he has no recollection of Applicant ever requesting to withdraw the plea or appeal.

**ALLEGATION COUNSEL FAILED TO FILE MOTION TO SUPPRESS**

This Court finds that Counsel did not coerce or threaten the Applicant to take the plea deal. Applicant's representation did not fall beneath the standard of "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Therefore, Applicant has failed to prove prong one that Counsel's representation was deficient.

Further, this Court finds that there is not a reasonable probability that, but for counsel's alleged errors, he would not have not pleaded guilty and would have insisted on going to trial. Applicant knew that he could have been facing 25 years had he proceeded to trial. Judge Keesley found that he entered the plea knowingly, voluntarily, and intelligently. Therefore, Applicant has failed to prove prong two that the outcome would have been different.

Accordingly, this allegation is DENIED.

**ALLEGATION COUNSEL FAILED TO FILE DIRECT APPEAL**

Applicant alleges Counsel failed to file a direct appeal on his behalf. This Court finds this allegation is without merit.

Counsel has a constitutionally imposed duty to consult with a defendant about an appeal when there is reason to think (1) that a rational defendant would want to appeal, or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528 U.S. 470, 471 (2000). These elements are much harder to establish when a conviction follows a guilty plea, because a plea both reduces the scope of appealable issues and indicates that the defendant sought an end to judicial proceedings. Id. In addition, to prove prejudice, an applicant must demonstrate a reasonable probability that he would have timely appealed but for counsel's deficiency. Id. Evidence that there were nonfrivolous grounds for appeal or that the defendant promptly expressed a desire to appeal is highly relevant to this determination. Id. at 472.

At the plea hearing, Judge Keesley found that Applicant entered a plea knowingly, voluntarily, and intelligently. Since Applicant pled guilty, it indicates that he wanted to end judicial proceedings, and that a rational defendant would not want to appeal. Therefore, Applicant has failed to prove the first element of the Roe test.

At the PCR evidentiary hearing, Applicant testified that he wanted Counsel to withdraw the plea, but never asked Counsel to file an appeal. Applicant testified that he was five months late on appeal because he was at Goodman Correctional Institute, then transferred to Manning Correctional Institute where he was on lockdown due to COVID-19 restrictions. Counsel testified that he has no recollection of Applicant ever requesting him to appeal. Therefore, this Court finds that Applicant has failed to prove the second element of the Roe test because he never demonstrated to Counsel that he was interested in appealing.

Accordingly, this allegation is DENIED.

**ALL OTHER ALLEGATIONS**

As to any and all allegations raised in the application or at the hearing in this matter and not specifically addressed in this order, this Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds those claims were voluntarily waived and abandoned, and those claims are therefore DENIED and dismissed with prejudice. S.C. Code Ann. § 17-27-90.

In the alternative, Applicant filed an untimely PCR Application. Section 17-27-45 (A) states:

(A) An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

Applicant needed to file an application for post-conviction relief on or before September 12, 2023. This Application was filed on February 26, 2024, after the expiration of the statutory filing period.

**CONCLUSION**

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. This Court finds that Counsel was not deficient in any manner, nor was Applicant prejudiced by Counsel's representation. This Court finds Applicant freely, knowingly, and voluntarily pleaded guilty. Therefore, this Court denies relief on all allegations and dismisses this PCR action with prejudice.

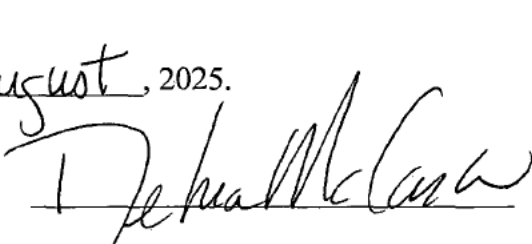
Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review

pursuant to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of the denial of PCR. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

1. The application for post-conviction relief be denied and dismissed with prejudice; and
2. Applicant must remain in the custody of the State.

AND IT IS SO ORDERED this 5 day of August, 2025.

  
DEBRA R. MCCASLIN  
Presiding Judge

Aiken, South Carolina