

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from York County

Lee S. Alford, Circuit Court Judge

RECEIVED

DEC - 6 2013

S.C. Supreme Court

TED LESTER COIT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000744

A P P E N D I X

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INDEX

INDEX	i
GUILTY PLEA TRANSCRIPT DATED MARCH 25, 2011	1
SENTENCING TRANSCRIPT DATED MARCH 28, 2011	21
APPLICATION FOR POST-CONVICTION RELIEF	26
RETURN	33
POST-CONVICTION RELIEF HEARING TRANSCRIPT (February 6, 2013).....	40
ORDER OF DISMISSAL	80
INDICTMENTS	89

STATE OF SOUTH CAROLINA.,)
)
)
)
)
COUNTY OF YORK.,)

IN THE GENERAL SESSIONS
COURT OF YORK

CASE NO.: 2011-GS-46-00265
00267, 00271, 00601

STATE OF SOUTH CAROLINA.,)
)
PLAINTIFF,)
)
-VS.-)
)
TED LESTER COIT.,)
)
DEFENDANT.)

TRANSCRIPT OF RECORD

MARCH 25, 2011
YORK, SOUTH CAROLINA

B E F O R E:

HONORABLE JOHN C. HAYES, III, Judge.

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

MR. WILLIE THOMPSON
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1 (ON THE RECORD FRIDAY, MARCH 25TH, 2011 AT 11:35 AM.)

2 (NOTE: BLACK MALE ENTERING COURTROOM.)

3 THE COURT: Thank you. Take your seats.

4 SOLICITOR THOMPSON: May it please the court, Your
5 Honor.

6 THE COURT: Yes, sir.

7 SOLICITOR THOMPSON: The State of South Carolina
8 versus Ted Lester Coit he is pleading to four indictments,
9 Your Honor, he's pleading to 2011-GS-46-00265 to Grand
10 Larceny and this is also a third and subsequent property
11 crime he's pleading guilty as charged. And Indictment
12 2011-00267 Possession of a Stolen Vehicle the third and
13 subsequent property crime. He's pleading guilty as
14 charged. Indictment 2011-00271 for Attempted First Degree
15 Burglary he's pleading guilty under North Carolina versus
16 Alford to that charge. And the final charge is a Grand
17 Larceny third and subsequent property crime and it's
18 Indictment 2011-GS-46-00601. As to the indictments he's
19 pleading to he's pleading guilty to each one under Alford
20 to the attempted burglary offered and True Billed by the
21 Grand Jury. There are a number of charges that will be
22 dismissed as part of his plea. I will get you the warrants
23 on those as the way I have them listed it's J156080 for
24 felon in possession of a firearm; J156081 for unlawful
25 carrying of a pistol; J156082 for possession of a stolen

1 pistol; J216195 for prescription drug possession; J216196
2 for prescription drug possession; J216197 for prescription
3 possession; J216198 for possession of marijuana; J216199
4 for driving under suspension; J216200 for uninsured motor
5 vehicle; J216243 for burglary; J216244 for grand larceny;
6 J216321 for criminal conspiracy; J216315 for grand larceny;
7 J216322 for malicious injury to property; J216327 for grand
8 larceny; J216332 for criminal conspiracy; J216335 for
9 criminal conspiracy; J216310 for grand larceny -- I'm sorry
10 these two charges there is no probable cause found so I
11 don't need to mention those. The warrant K247263 for grand
12 larceny; Warrant J155973 for possession of a stolen goods;
13 Warrant J155949 for criminal conspiracy; J155952 for -- I'm
14 sorry that one he's pleading to, that one is not being
15 dismissed as part of the plea. Warrant J155981 for
16 entering a vessel without breaking with the intent to
17 commit a crime; Warrant J155982 for criminal conspiracy and
18 J156003 for possession of stolen goods.

19 The defendant's prior record, Your Honor, that causes
20 these to be enhancement I have two Court's Exhibits,
21 Court's Exhibit Two and Three they are indictments 2004-GS-
22 46-4032 where the defendant pled guilty to possession of a
23 stolen vehicle. He was convicted in that case and that
24 occurred on December 13th of 2004. And 2002-GS-46-3470 for
25 possession of a stolen vehicle and he was convicted on that

1 case December 6, 2002 and they are Court's Exhibits Two and
2 Three and I pass these up and make these part of the court
3 record. Since we are dismissing the gun charges Court
4 Exhibit One is no longer necessary, it shows his conviction
5 for not possessing a firearm.

6 THE COURT: All right. Mr. Coit, how old are you?

7 MR. COIT: Twenty-six.

8 THE COURT: You represented by Mr. Sample?

9 MR. COIT: Yes, sir.

10 THE COURT: You satisfied with his services?

11 MR. COIT: Yes, sir.

12 THE COURT: I have in front of me four indictments the
13 first is for attempted first degree burglary it carries
14 fifteen years up to life and it alleges that that occurred
15 on or about October 8th, 2010 when you did unlawfully
16 attempt to enter a dwelling at Lake Wylie Woods Apartments
17 here in York County that you attempted to enter without
18 consent and with the intent to commit a crime therein and
19 that you did this in the night time and or while armed with
20 a deadly weapon. Do you understand that charge and the
21 potential penalty?

22 MR. COIT: Yes, sir.

23 THE COURT: All of these are True Billed. It's
24 indicated to me that as to that charge you wish to enter a
25 plea to what's called the doctrine established in the case

1 of North Carolina versus Alford. That means to me that you
2 are entering a plea of guilt even though you maintain your
3 innocence as to this charge. You are entering a plea of
4 guilt because you believe it's in your best interest to do
5 so particularly because you have worked out an arrangement
6 with the Solicitor in which he has gone over and not
7 completed yet. He hasn't told me the cap or anything like
8 that but you maintain your innocence but you are entering
9 your plea because of the situation you believe it's in your
10 best interest to enter a plea of guilt and maintain your
11 innocence and you believe that the evidence would be such
12 that if it were represented to a jury there is a strong
13 likelihood or probability that the jury would convict you.
14 Is that basis on which you are pleading guilty to attempted
15 burglary?

16 MR. COIT: Yes, sir.

17 THE COURT: All right. Now as to the grand larceny
18 each of those are what's called third property offenses and
19 so they carry up to ten years in jail and are a felony.
20 The burglary is also a felony. The grand larcenies are
21 alleged to have occurred here in York County on or about
22 October 8th 2010 when you took a Honda Accord belonging to
23 Pamela Afgan without her knowledge and with intent to
24 deprive her of that property and it's alleged that you at
25 that time had two or more property crimes. Do you

1 understand that charge and the potential penalty?

2 MR. COIT: Yes, sir.

3 THE COURT: How do you plead to that charge?

4 MR. COIT: Guilty.

5 THE COURT: You are charged also on another indictment
6 on the same date October 8th, 2010 receiving or being in
7 possession of a 2007 Honda Ridgeline belonging to the Wingo
8 family and at that time you were not entitled to possess
9 the vehicle you knew the vehicle was stolen or converted or
10 other circumstances which constitute this crime and that
11 you had two or more prior property crime offenses. Do you
12 understand that charge and the potential penalty?

13 MR. COIT: Yes, sir.

14 THE COURT: How do you plead to that?

15 MR. COIT: Guilty.

16 THE COURT: The final indictment is one for grand
17 larceny. Its alleged that on October 8, 2010 you
18 feloniously took and carried away two Asanti rims, wheels
19 and tires from the home belonging to Sammy Quinn, this
20 occurred in York County on Blucher Circle in Clover and
21 that you at that time had two or more property offenses.
22 Do you understand that charge and the potential penalty?

23 MR. COIT: Yes, sir.

24 THE COURT: How do you plead?

25 MR. COIT: Guilty.

1 THE COURT: Mr. Sample, - -

2 You deferring sentencing?

3 SOLICITOR THOMPSON: We are asking that you defer
4 sentencing although we've already agreed to the sentence
5 and the negotiations was for four to fifteen years no
6 parole sentence.

7 THE COURT: You understand that's part of the
8 negotiations in regard to what I talked about earlier in as
9 far as impacting your decision to enter your plea?

10 MR. COIT: Yes, sir.

11 THE COURT: Other than the recommendations just stated
12 to me and the dismissal of certain charges has anyone made
13 any other promises or threats to cause you today to enter
14 your plea of guilt to this set of charges?

15 MR. COIT: No, sir.

16 THE COURT: Are you today under the influence of
17 anything that would cause you to be intoxicated?

18 MR. COIT: No, sir.

19 THE COURT: Are you entering your plea today to these
20 charges freely and voluntarily?

21 MR. COIT: Yes, sir.

22 THE COURT: Have you ever been treated for any mental
23 or emotional disability?

24 MR. COIT: No, sir.

25 THE COURT: You have a right to a trial by a jury on

1 these charges, Mr. Coit, and you are presumed innocent of
2 these charges until such time as the State is able to prove
3 if it can your guilt beyond a reasonable doubt. As to the
4 charges you have the right to remain silent, the right to
5 confront witnesses against you and you have the right to
6 have your witnesses made to come to court to testify for
7 you. Do you understand you have those rights?

8 MR. COIT: Yes, sir.

9 THE COURT: Do you have any questions about them?

10 MR. COIT: No, sir.

11 THE COURT: I advise you that when you enter a plea of
12 guilt to a charge you are giving up these rights and you
13 are also giving up any defense that you might have to the
14 charge. Do you understand that?

15 MR. COIT: Yes, sir.

16 THE COURT: You also give up any right that you have
17 to challenge any statements you may have given the police.
18 Do you understand that?

19 MR. COIT: Yes, sir.

20 THE COURT: And you also give up any rights to
21 challenge any arrest or any collection of evidence or
22 search and seizure when you enter your pleas of guilt even
23 under Alford do you understand that?

24 MR. COIT: Yes, sir.

25 THE COURT: Knowing all those things I ask again how

1 do you plead to attempted burglary first degree?

2 MR. COIT: Alford.

3 THE COURT: Guilty under Alford?

4 MR. COIT: Yeah.

5 THE COURT: How do you plead to the property crime of
6 grand larceny involving the Honda tires and rims?

7 MR. COIT: Guilty.

8 THE COURT: How do you plead to a third property crime
9 involving a Honda Ridgeline?

10 MR. COIT: Guilty.

11 THE COURT: How do you plead to a property crime
12 involving the 2000 Honda Accord how do you plead to that
13 charge?

14 MR. COIT: Guilty.

15 THE COURT: All right. I'm going to ask you to listen
16 now.

17 First has the State complied with the Victim's Rights
18 Act?

19 SOLICITOR THOMPSON: Yes, Your Honor, we have.

20 THE COURT: I'm going to ask you to listen while I'm
21 given the facts.

22 SOLICITOR THOMPSON: May it please the court, Your
23 Honor. This occurred on October 7th that evening going
24 into the early morning of October 8th of 2010 here in York
25 County in the Clover, Lake Wylie area. The defendant was

1 with his co-defendant John Harfield the two of them lived
2 together in an apartment in Pineville just across the line
3 in North Carolina. They were from the Fort Mill area and
4 spent much time there. They were living there together as
5 well as Sade Peele who is the girlfriend of John Harfield.
6 This particular night the two defendants went out and the
7 police were following John Harfield and had planned to
8 actually serve warrants on both of the defendants that
9 night that had already been pending in Fort Mill. When
10 they realized that they were actually involved in criminal
11 activity on Blucher Circle in the Clover, Lake Wylie area
12 at that point they blocked, attempted to try to block the
13 defendants in so that when they attempted to leave that
14 area they could pull them over. In doing so the defendants
15 as they began to leave in the stolen Honda Ridgeline the
16 police turned on their lights and blocked the roadway.
17 They turned quickly onto a dirt road and the car ran into a
18 ditch they jumped out and ran at that point. Officers were
19 right there chasing them at that point as well chased them
20 through a set of woods there into an opening where officers
21 then again saw them run through another patch of woods
22 towards an apartment complex. As they ran to that
23 apartment complex the two SWAT officers who saw the
24 defendants run that way heard banging that sounded like
25 someone trying to bang in a door either with a shoulder or

1 with a foot trying to bang in a door. At that point when
2 they arrived at the apartment people - witnesses telling
3 them he went upstairs, he went upstairs. We would have
4 presented witnesses regarding this, Your Honor. A lady who
5 lives there at the down stairs apartment actually was going
6 out to start her car and as she did she went out and
7 started her car to warm it up to go to work it was in the
8 wee hours of the morning of course at nighttime at this
9 point. As she was heading back to her apartment she
10 literally ran into the defendant or he ran into her as he
11 came around the apartment that part of the apartment. She
12 then was able to see him at that point and was able to give
13 the police a description of someone who was between a
14 hundred and fifty pounds and two hundred pounds that was
15 six foot tall was a black male and he had on orange gloves
16 and he had dark pants on and a white what appeared to be a
17 white T-shirt that he looked startled when he ran into her
18 and then he ran up the stair well where there was only two
19 apartments at the top of the steps. I would add that later
20 on when his apartment was searched in North Carolina they
21 did find the pair of boots, boot type shoes and the orange
22 gloves with those boots being wet at the time that this
23 chase of the defendant in that area. He had gone through
24 water and I will get to that later. Going back to the
25 burglary itself the officers then went up the stair well

1 and then the first officer up the stair well saw that there
2 was a pistol lying on the table there next to the door of
3 one of the apartments. He glanced he looked at both doors
4 saw that one door was completely to that the other door was
5 actually pushed it was about an inch gap in the door but
6 that he didn't know if it had been opened or entered at
7 that point. He thought maybe the defendant was inside so
8 he attempted to gain entry and could not and getting a
9 battering ram rather quickly because they had the SWAT team
10 there broke in the door. He had not gained entry as often
11 what they determined but he had - there were marks on the
12 door, shoe prints where someone had kicked the door as well
13 as the door as I said was pushed about an inch gap. The
14 owner of the apartment had just finished renting the
15 apartment to someone when their lease had run out and had
16 renovated it and was in the process of renting it out
17 again. She would have testified that they had recently
18 just repaired that door so that there was no give in the
19 door at all that it shut fine and it was a closed door. In
20 addition I would say that there were two officers that
21 would testify that they heard the banging on the door
22 itself. And one other lay witness had said that he also
23 heard thuds or banging that sounded like someone could be
24 hitting a door. So I would put that out as the possibility
25 of what we could present as far as testimony goes regarding

1 the attempted the first degree burglary. Of course it
2 would have been at night and would have been at a residence
3 and as well the defendant with a pistol that he laid down
4 at the table next to him at that table. Going back to that
5 pistol as I explained to the court Ted Harfield or John
6 Harfield that pistol was the one that was stolen from
7 another person in York County that is along the lines that
8 the defendants ran as they came out of the first wooded
9 area right near the apartments before they entered this
10 second wooded area where the apartments are they found a
11 clip to that pistol in the same line where they had run
12 through. In addition to the service of the warrant on Mr.
13 Harfield's girlfriend after they had had a discussion over
14 the phone about her hiding something for him after he had
15 been arrested they found a holster and a clip that belonged
16 to that Sig-Sauer .9 mm so this linked back basically to
17 both defendants. I go back to the description that the
18 witness gave of this defendant. He is six foot tall and
19 he's about a hundred and seventy-five pounds. The
20 description is very accurate. Mr. Harfield is much shorter
21 than that and he weighs much less than that and we believe
22 it was Mr. Coit so I would point out that her description
23 was also very accurate in the situation. The defendants
24 obviously split when they had reached the apartment and
25 this defendant trying to go up to that or the apartment

1 complex this defendant trying to go into that apartment and
2 then taking off around the lake while the other defendant
3 and went across the street towards Camp Thunderbird where
4 he was caught. Mr. Coit went around the lake the dogs
5 tracked him around the lake as he went around various parts
6 of it and through yards and across hills they were even
7 able to tell that at some point he stepped into the lake
8 because at one point as they were, the dogs were tracking
9 and still pulling them along the officer running the dog
10 could see the muddy prints of the shoes kind of disappeared
11 on the edge line so he looked and glanced into the water to
12 see that the person had actually gone into part of the
13 water and they were running to I guess allude the dogs or
14 try to mask the scent plus the dogs could still track
15 through that. As the dogs tracked through they came up out
16 away from the lake and as they got up into a development
17 there the dogs suddenly lost scent but within thirty-five
18 yards of where the dog lost scent was where the Honda,
19 Accord was stolen. So that owner came out and reported to
20 the police that her Honda had been stolen and so at that
21 point they started looking for the Honda Accord. As they
22 looked for the Honda Accord they ask Charlotte, Mecklenberg
23 to look for it around the apartment in Pineville where the
24 defendants lived. They found it at the apartment complex
25 basically right across the street diagonally from where the

1 defendant was living. It was backed into a parking space
2 and locked with the sun visor put up at that point and the
3 -- and it's a four tenths mile walk from where that car was
4 parked to where the apartment is where the defendant was
5 living at that period of time. When he came to that
6 apartment he told Sade Peele that he had just -- that the
7 police were chasing him and John Harfield and she said why
8 did you left him back there and they decided -- she ask him
9 how he got back he said he stole car to do it so she would
10 testify to that as well. They go back and attempted to --
11 He goes back and attempted to find Mr. Harfield and was
12 unable to do so. He stays in contact with Sade during that
13 period of time to try and get directions as to where to go
14 to try and find him because she's able to see the GPS on
15 his phone to try to locate him. In addition there are text
16 to this girlfriend who will also testify his girlfriend
17 this defendant's girlfriend told and I'm sorry her last
18 name escapes me but her girlfriend was also prepared to
19 testify and gave sworn statements to the police he had
20 called her around Two o'clock in the morning or called her
21 phone and she didn't answer it but she had gotten up for
22 work and she also goes to work early in the morning and
23 after she got off work she gave a text message to him which
24 we have off his phone which was recovered from him saying
25 that she saw that he had called her at Two o'clock and

1 what's up. Ultimately she said he called her back he said
2 that the police were chasing him he had done something he
3 was in trouble for and at that point she was a little
4 frustrated with him and said well I got to get ready for
5 work I'll call you later. There is also another series of
6 texting and calling between the two that links him back
7 into this crime I won't continue to go into that. But as I
8 said they recovered in the apartment when he had gone back
9 Sade Peele would testify that he had taken and changed his
10 clothes as soon as he came in because he was wet she could
11 see he was wet and muddy and he was complaining that he was
12 wet. They were able to take photographs of his clothing
13 and the boots and the orange gloves that they found at that
14 apartment complex or that apartment where the defendant
15 lived after he had gone back and Sade Peele said those were
16 the clothes he was wearing when he came in. I think that
17 as they went back the police went back and discovered what
18 happened at Blucher Circle that's when they found that the
19 rims had been taken off the Hummer the rims and wheels and
20 two at least had been taken off and put in the back of the
21 Ridgeline a third had been had the lug nuts taken out.
22 Those rims were valued at a little over five thousand
23 dollars a piece with the rims, wheels, tires and everything
24 that is involved in each one so the actual value would have
25 been over ten thousand dollars as well as enhance the third

1 or subsequent property crime. As far as the stolen
2 Ridgeline that they used at that point that was also stolen
3 just about ten days before and it was there on the scene
4 and had the rims inside it and they watched the two
5 defendant jump out of it as they drove or as they were
6 trying to escape that evening. And of course that was
7 valued at well over ten thousand dollars and of course it
8 is as well is enhanced by the property crimes. As to the
9 Honda Accord that was stolen. That Honda Accord was valued
10 at well over Two thousand dollars so that would still fit
11 into a grand larceny category so it's enhanced with a ten
12 year felony by the fact that there are two more subsequent
13 property crimes that the defendant has been convicted.
14 Those are the basic facts, Your Honor, of that part of the
15 case.

16 THE COURT: Mr. Coit, do you agree that were you to go
17 to trial those would be the facts presented by the State to
18 the jury?

19 (PAUSE.)

20 THE COURT: You're not admitting their true but those
21 are the facts that you understand the State would present
22 to a jury.

23 MR. COIT: Yes, sir.

24 THE COURT: All right. I did not tell you but need to
25 tell you that the attempted first degree burglary is a most

1 serious offense that's the type of offense which if in your
2 life time you receive two most serious or a combination of
3 three most serious offenses you would be subject to being
4 incarcerated for life without parole that is a true life
5 sentence. It is also a violent offense a violent offense
6 is the type of offense that restricts an inmates
7 opportunity to certain programs in the Department of
8 Corrections, programs that non-violent inmates can have
9 available to them. This is also a no parole offense that
10 means you would have to serve at least eighty-five percent
11 of whatever sentence you may receive before you would be
12 eligible for any early release. And were you to be
13 released early it would be into a community supervision
14 program for up to two years. If you violated the
15 conditions of that community supervision program you would
16 be reincarcerated for up to a year and if that pattern
17 continued you being released you would be put back in and
18 ultimately serve the time for which you were originally
19 then, the full time for which you were originally then
20 sentenced. Do you understand that?

21 MR. COIT: Yes, sir.

22 THE COURT: And do you understand that neither your
23 attorney nor the State nor I can project for you what would
24 occur regarding any parole or early release. It's a no
25 parole offense no early release. Do you understand that?

1 MR. COIT: Yes, sir.

2 THE COURT: You still pleading guilty under Alford to
3 attempted first degree burglary?

4 MR. COIT: Yes, sir.

5 THE COURT: All right. I accept your pleas I find
6 they are freely voluntarily and knowingly and intelligently
7 entered and entered with the advice of competent counsel
8 with whom you are satisfied and I find the facts support
9 your pleas and you signed pleas of guilt. Now I understand
10 sentencing will be deferred so we will not hear from the
11 victims today.

12 Mr. Sample, you want to say anything today or defer?

13 MR. SAMPLE: I'll defer that, Your Honor.

14 THE COURT: All right. Mr. Coit, you want to say
15 anything today or state your remarks if you wish to you
16 don't have to at the time of sentencing?

17 MR. COIT: No, sir.

18 THE COURT: You don't have anything to say today?
19 Is that a no?

20 MR. COIT: No, sir.

21 THE COURT: Thank you.

22 SOLICITOR THOMPSON: Thank you, Your Honor.

23 THE COURT: All right we'll be adjourned today and the
24 week.

25 -- END OF TRANSCRIPT --

CERTIFICATE

I, THE UNDERSIGNED WANDA NELSON, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE SIXTEEN JUDICIAL
CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY
THAT THE FOREGOING TRANSCRIPT IS A TRUE, ACCURATE AND
COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD
AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED
CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR YORK
COUNTY, SOUTH CAROLINA, ON THE 25TH DAY OF MARCH, 2011.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

Wanda Nelson

WANDA NELSON, CVR
OFFICIAL COURT REPORTER
NOTARY PUBLIC IN AND FOR THE
STATE OF SOUTH CAROLINA
DATE:

MY COMMISSION EXPIRES:
01/21/2021

DATE: 10 / 31 / 2018

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF YORK) COURT OF GENERAL SESSIONS
3) 2011-GS-46-271
4)
4 State of South Carolina) TRANSCRIPT OF RECORD
5)
5 vs)
6 Ted Lester Coit)
7 -----)

8 March 28, 2011
York, South Carolina

9 B E F O R E:

10 THE HONORABLE JOHN HAYES, Judge

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

12 WILLY THOMPSON, Esquire
13 Assistant Solicitor
Attorney for the State

14 DAVID SAMPLE, Esquire
15 Attorney for the Defendant

16
17 Caroline Hiskell
Circuit Court Reporter
18
19
20
21
22

RECEIVED

MAR - 5 2012

23 Referred to R. Johnson ds

24 Answered _____
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I N D E X

(There was no exhibits or witnesses presented.)

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1 P R O C E E D I N G S

2 THE COURT: State versus Coit.

3 MR. THOMPSON: If it please the Court, we're
4 here for sentencing for Mr. Coit today. Mr. Coit is aware
5 the negotiation is for a 15-year no parole sentence. That
6 would be for the first degree burglary. The other charges
7 would run concurrent.

8 We have complied with the Victim's Rights
9 Act, Your Honor. The victims didn't wish to be here today
10 however they noted they were pleased with the outcome of
11 the case.

12 THE COURT: Mr. Coit, you were in here Friday
13 and I accepted your plea. We went over all your rights,
14 the fact that you were satisfied with your attorney's
15 services.

16 What we're going to do now is go through what
17 your attorney has to say, what you have to say, and the
18 State has to say in order for me to determine what
19 sentence to impose. It's a negotiated sentence for 15
20 years. How long have you been in jail?

21 DEFENDANT COIT: Since October 8th.

22 THE COURT: Last year?

23 DEFENDANT COIT: Uh-hum.

24 THE COURT: Somebody figure that time,
25 please. This is a negotiated sentence for 15 years under

1 the attempted first degree burglary which is a no parole
2 offense. I'll be happy to hear from your attorney and
3 then you.

4 MR. SAMPLE: Your Honor, the fact that this
5 is a negotiated sentence, we would simply ask that you go
6 along with the negotiation and sentence Mr. Coit
7 accordingly. I will defer to him as to whether he wants
8 to say anything to the Court.

9 DEFENDANT COIT: No, sir, I don't want to say
10 anything.

11 THE COURT: Mr. Coit, is there anything you
12 want to say?

13 DEFENDANT COIT: No, sir.

14 THE COURT: Sentence on the attempted first
15 degree burglary is 15 years, give him credit for 171 days.
16 The other three are all enhanced offenses which carry 10
17 years and I sentence you to each of those three to 10
18 years to all run concurrent and give you credit for 171
19 days on all of these.

20 MR. THOMPSON: Thank you, Your Honor.

21 MR. SAMPLE: Thank you, Your Honor.

22 ---END OF TRANSCRIPT RECORD---

23

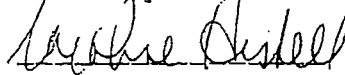
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25

1 I, the undersigned, Caroline Hiskell, Official
2 Court Reporter for the Thirteenth Judicial Circuit of the
3 State of South Carolina, do hereby certify that the
4 foregoing is a true, accurate, and complete transcript of
5 record of all the proceedings had and evidence introduced
6 in the trial of the captioned case, relative to appeal, in
7 the Circuit Court of York County, South Carolina on the
8 28th day of March, 2011.

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

11
12
13 February 23, 2012

14 

15 Caroline Hiskell
16
17
18
19
20
21
22
23
24
25

2011-CR 46-4299

STATE OF SOUTH CAROLINA

CERTIFIED TRUE COPY

County of

York

IN THE COURT OF COMMON PLEAS
2011 NOV 18 AM 10:58

Ted Coit #297345

Full name and prison number (if any) of Applicant

v.

State of South Carolina

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

APPLICATION FOR

POST-CONVICTION RELIEF

2011 NOV 14 PM 4:25

FILED-RECEIVED

DAVID HAMILTON
C.C.P. & S.
YORK COUNTY, SCINSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Broad River Correctional Institution
4460 Broad River Road; Columbia, S.C 29210
2. Name and location of Court which imposed sentence York County Court of
Common Pleas (General Sessions); York, S.C 29745
3. Name(s) of co-defendant(s) (if any) John Harfield
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2011-GS-46-00271

- (b) 2011-GS-46-00265
- (c) 2011-GS-46-00267 and 2011-GS-46-00601
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) March 28, 2011 - 15 years
- (b) March 28, 2011 - 10 years
- (c) March 28, 2011 - 10 years, and March 28th, 2011 - 10 years
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty N/A
- (c) after a plea of nolo contendere Alford Plea on 2011-GS-46-00271
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. N/A
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) I didn't have the knowledge or didn't know I can

- (b) I did not know when I could appeal
 (c) I didn't have the materials or ~~and~~ could to appeal

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

- (a) Defense attorney failed to investigate case before plea
 (b) Defense attorney failed to disclose discovery after request
 (c) Ineffective Counsel, plead unintelligently

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

- (a) failed to investigate, false information
 (b) Violation of Brady Rule
 (c) _____

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

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

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

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

iv. N/A

(c) the disposition thereof:

i. N/A

ii. N/A

iii. N/A

iv. N/A

(d) the date of each such disposition:

i. N/A

ii. N/A

iii. N/A

iv. N/A

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

i. N/A

ii. N/A

iii. N/A

iv. N/A

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

NO

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

(a) which grounds have been presented:

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

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) I have just initiated collateral attacks
 (b) _____
 (c) _____

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

(a) your arraignment and plea? Yes (January 25, 2011) Yes (March 28, 2011)
 (b) your trial, if any? _____
 (c) your sentencing? Yes (March 28th, 2011)
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO (N/A)
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

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

(a) the name and address of each attorney who represented you:
 i. David B. Sample, 104 Stone Village Drive
Fort Mill, S.C 29708 (this is ^{who} wronged me)
 ii. N/A
 iii. Brian R. Murphy, P.O. Box #805; Fort Mill, S.C
29716 (He was ^{later} removed from my case November 23rd 2010)
 (b) the proceedings at which each such attorney represented you:
 i. Arraignment and Preliminary Hearings
(January 25th, 2011) and (January 4th and February 4th, 2011)
 ii. Hearing for DNA and plea/sentencing
(January 4th, 2011) and (March 28, 2011)
 iii. _____

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

Guilty plea and ~~Alford~~ Alford plea be vacated
and indictments remanded for new trial.

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

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of York)

VERIFICATION

I, Ted Coit, 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.

Ted Coit

SWORN to and subscribed before me this 10th
 day of November, 2011.

Susan H. Frye (L.S.)
 Notary Public

My Commission Expires

My Commission Expires: March 5, 2018

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

I, Ted Coit, 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.

Ted Coit
Applicant

SWORN or affirmed to and subscribed before me this
10th day of November, 2011.

Susan H. Frye
Notary Public

My Commission Expires
March 5, 2018

My Commission Expires: _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF YORK	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
	)	
Ted Coit, #297345,	)	2011-CP-46-4299
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

In response to the post-conviction relief application filed on November 14, 2011, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the York County Clerk of Court's orders of commitment. The Applicant was indicted by the January 2011 term of the York County Grand Jury for Grand Larceny, 3rd or subsequent property crime (2011-GS-46-0265), Possession of a Stolen Vehicle, 3rd or subsequent property crime (2011-GS-46-0267), and Attempted Burglary, 1st degree. The Applicant was also indicted at the February 2011 term of the York County Grand Jury for Grand Larceny, 3rd or subsequent property crime (2011-GS-46-0601). The Applicant was represented by David Sample, Esquire. On March 28, 2011, the Applicant pled guilty to all charges as indicted. The Honorable John C. Hayes, III sentenced the Applicant to confinement for fifteen (15) years for Attempted Burglary, 1st degree, ten (10) years, concurrent, for each Grand Larceny charge, and ten (10) years, concurrent, for Possession of a Stolen Vehicle, 3rd or subsequent property crime. The Applicant did not appeal his conviction or sentence.

II.

In his application for post conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "Defense attorney failed to investigate case before plea"
2. "Defense attorney failed to disclose discovery after request"
3. "Ineffective counsel"
4. "Plead unintelligently"

For the purpose of this Return, the Respondent incorporates the Clerk of Court records, the South Carolina Department of Corrections' records, and the guilty plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

The Respondent asserts that the Applicant's allegation of ineffective assistance of trial counsel is without merit. The Respondent asserts that the Applicant's attorney rendered effective assistance well within the standard of reasonableness within professional norms for a criminal defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Petitioner must prove that counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result. Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668, 104 S. Ct. 2052. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland v. Washington. Second, counsel's deficient performance must have prejudiced the Applicant such that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Cherry, 300 S.C. at 117, 386 S.E.2d at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

VI.

The Applicant further alleges his guilty plea was not knowingly and voluntarily made. The Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit.

In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the

competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

The Respondent submits that the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record. Accordingly, the Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

VII.

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

VIII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held on the Applicant's allegations.

Respectfully submitted,

ALAN WILSON
Attorney General

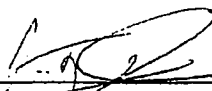
JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

J. RUTLEDGE JOHNSON
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:



Attorneys for the Respondents

Columbia, South Carolina
_____, 2012

STATE OF SOUTH CAROLINA

COUNTY OF YORK

TED COIT, 297345

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

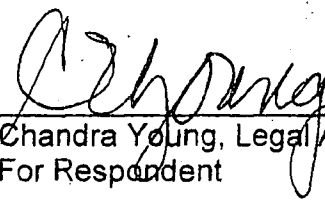
2011-CP-46-4299

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Leah B. Moody, Esquire
 235 East Main Street; Suite 100
 Rock Hill, South Carolina 29730

DATED this 19th day of March, 2012.


 Chandra Young, Legal Assistant
 For Respondent

000008

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Ted Coit #297345

☐ Plaintiff

v.

State Of South Carolina

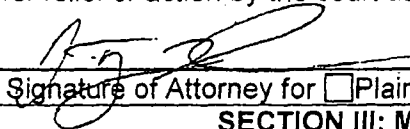
☒ Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.
2011-CP-46-4299

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

39

Plaintiff's Attorney: Leah B. Moody, Bar No. Address: 235 East Main St., Ste 100 Rock Hill SC 29730 phone: 803-327-4192 fax: 803-329-1344 e-mail: lbmatty@comporium.net other:		Defendant's Attorney: J. Rutledge Johnson, Bar No. 78871 Address: PO Box 11549 Columbia, SC 29211-1549 phone: 803-734-3737 fax: 803-734-4113 e-mail: other:	
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Estimated Time Needed: Court Reporter Needed: ☐ YES / ☐ NO			
SECTION II: Motion/Order Type			
☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
 Signature of Attorney for ☐ Plaintiff / ☒ Defendant		March 19, 2012 Date submitted	
SECTION III: Motion Fee			
☐ PAID - AMOUNT: ☒ EXEMPT: ☐ Rule to Show Cause in Child or Spousal Support (check reason) ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☒ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: ☐ Other:			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:		JUDGE CODE: _____ Date: _____	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____	
☐ MOTION FEE COLLECTED: _____ ☐ CONTESTED - AMOUNT DUE: _____			

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF YORK) IN THE COURT OF COMMON PLEAS

3
4 TED COIT)
5 APPLICANT,) TRANSCRIPT OF RECORD
6 -VS-) 2011-CP-46-04299
7) FEBRUARY 6, 2013
8 STATE OF SOUTH) YORK, SOUTH CAROLINA
CAROLINA,)
9 RESPONDENT.

10
11 B E F O R E:

12 THE HONORABLE LEE S. ALFORD, JUDGE.
13
14

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

16 LEAH MOODY, ATTORNEY AT LAW
17 ATTORNEY FOR THE APPLICANT

18 J. RUTLEDGE JOHNSON, ASSISTANT ATTORNEY GENERAL
19 ATTORNEY FOR THE RESPONDENT

20
21 MICHAEL R. WATTS
CIRCUIT COURT REPORTER
22
23
24
25

INDEX

WITNESSES	PAGE
TED COIT (AW)	
DIRECT EXAMINATION BY MS. MOODY	5
CROSS EXAMINATION BY MR. JOHNSON	16
DAVID SAMPLE, ESQUIRE (RW)	
DIRECT EXAMINATION BY MR. JOHNSON	27
CROSS EXAMINATION BY MS. MOODY	34

EXHIBITS

NO.	DESCRIPTION	ID.	EV.
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(NO EXHIBITS MARKED)			
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1 (PROCEEDINGS, FEBRUARY 6, 2013)

2 MR. JOHNSON: May it please the court, Your Honor,
3 this is the case of Ted Coit versus the State of South
4 Carolina. It's case number 2011-CP-46-4299.

5 Mr. Coit was indicted at the January 2011 term of
6 the York County Grand Jury for grand larceny, third, or
7 subsequent property crime; possession of a stolen vehicle,
8 third, or subsequent, property crime; and attempted
9 burglary, first degree.

10 He was also indicted at the February 2011 term of
11 the York County Grand Jury for another grand larceny, third,
12 or subsequent property crime.

13 For his guilty plea the State dismissed I think a
14 total of twenty-two other charges, including a burglary,
15 first degree.

16 On March the 25th, 2011, he pled pursuant to
17 Alford v. North Carolina to all charges before the Honorable
18 John C. Hayes, III.

19 On March 28th, 2011, Judge Hayes sentenced the
20 applicant to fifteen years for attempted burglary first
21 degree; ten years for each grand larceny, third or
22 subsequent; ten years for the possession of a stolen
23 vehicle, third or subsequent.

24 This was pursuant to negotiations and they all run
25 concurrent.

1 There was no appeal filed. However, there was a
2 timely PCR application filed on November 14th, 2011.

3 The State filed its return on March 19th, 2012.

4 He's represented here today by Ms. Leah Moody.

5 THE COURT: Counsel?

6 MS. MOODY: Thank you, Your Honor.

7 May it please the court, at this time we would
8 like to call Mr. Ted Coit to the stand.

9 TED COIT, having been first duly sworn, testified
10 as follows:

11 DIRECT EXAMINATION BY MS. MOODY:

12 Q. Mr. Coit, could you please state your full name for the
13 record?

14 A. Ted Lester Coit.

15 Q. And you are currently being incarcerated -- you are
16 currently incarcerated where?

17 A. At Broad River Correctional in Columbia, South
18 Carolina.

19 Q. And how long have you been at Broad River?

20 A. Approximately two years and a few months.

21 Q. And we are here today for your post-conviction relief
22 hearing?

23 A. Correct.

24 Q. And you are -- you filed this application regarding
25 what charges?

1 A. Attempted first degree burglary; grand larceny, third,
2 subsequent offense; another additional grand larceny, third
3 or -- a third offense; and a grand larceny, I think.

4 Q. Possession of a stolen vehicle?

5 A. Yeah, possession of a stolen vehicle, that's correct.

6 Q. And you were sentenced on 3-28-2011, correct?

7 A. Correct.

8 Q. And who was your attorney regarding those charges?

9 A. Mr. David Sample.

10 Q. And was he your only attorney?

11 A. At the time, yes.

12 Q. And you are here filing this application because you
13 feel Mr. Sample didn't do something?

14 A. Correct.

15 Q. Okay. Could you please state to the court what it is
16 that you feel?

17 A. Pled unintelligently, ineffective assistance of
18 counsel, and --

19 Q. Do you recall --

20 A. -- violation of Brady rule.

21 Q. And when you say violation --

22 MR. JOHNSON: Your Honor, I object to that.
23 That's not in the application.

24 A. And --

25 THE COURT: Wait a second.

1 A. And also failure to investigate.

2 BY MS. MOODY:

3 Q. So let me just recap, okay?

4 A. Right.

5 Q. You are saying that your counsel was ineffective based
6 on failure to investigate your case?

7 A. Right.

8 Q. Failure to provide you with the discovery --

9 A. Discovery materials.

10 Q. -- materials provided by Brady?

11 A. Yes.

12 Q. And that you did not plead intelligently?

13 A. Correct.

14 Q. Okay. And I think you said false information?

15 A. Correct. Correct. Correct.

16 Q. And when you say false information, you mean that you
17 weren't given some information, or you were given --

18 A. I was given information which led me to pleading
19 unintelligently.

20 Q. And that information was false information?

21 A. Yes.

22 Q. All right. Now, can you go through and tell me what
23 you feel your counsel did not investigate with regard to
24 your case?

25 A. I felt that he didn't -- I had gave him a list of names

1 and addresses of witnesses to go talk to on several charges,
2 and -- and I told him to also contact my uncle, and to find
3 out he didn't contact these people.

4 Q. When you say you gave him names of witnesses --

5 A. Right.

6 Q. -- you are saying that you gave him names of witnesses
7 on the larceny, the possession of stolen vehicle?

8 A. It was the other charges that was pending.

9 Q. The charges that you pled to?

10 A. No.

11 Q. Okay. Do you mean the charges that were dismissed?

12 A. Right.

13 Q. Now, you also stated that he failed to disclose to you
14 discovery in your case?

15 A. Yeah, I asked him on several dates for discovery
16 materials, which he said that he would make copies for me,
17 and he said that the solicitor was giving him bits and
18 pieces at a time. And each time I asked him, he never gave
19 me discovery materials.

20 I asked him on February 4th of 2011. I asked him again
21 on January 4th of 2011. I asked him when -- the date of my
22 DNA hearing, which was January 14th of 2011. And also I
23 asked him on February 28th of 2011.

24 Q. So at least four occasions you asked him for copies of
25 your discovery?

1 A. And also another date. March -- I think it was March
2 23rd or 24th of 2011, I had asked him also. And he said
3 that he would provide me copies and I never got them.

4 Q. So you never got your discovery throughout the entire
5 time of his representation?

6 A. Correct.

7 Q. And why do you feel that you needed -- why did you feel
8 that you needed that discovery?

9 A. Because if I would have had the discovery, I could have
10 made a better decision. I could have -- my -- my decision
11 would have been different. I wouldn't have never pled if I
12 would have had discovery materials, being that I didn't
13 understand -- I didn't understand certain things in the
14 case.

15 And also being that if I was to get the information
16 from the discovery, that I could have tried to research on
17 my own and try to find out what -- what I could have been
18 charged with, or I could have -- you know, even if I would
19 have pled -- I mean, you know, I pled, but that I probably
20 could have got a better sentence.

21 Q. So you are saying that because you didn't have the
22 discovery, you didn't have an opportunity to go over it with
23 your attorney?

24 A. Right, right. And then I didn't -- I didn't know
25 everything. I'm just going off of what he was telling me.

1 Q. Okay. And that leads us into you feel that you were
2 given false information?

3 A. Information.

4 Q. What false information did you receive?

5 A. He told me on -- I think was -- it was March 25th of
6 2011, that my co-defendant had already pled to the charges.
7 He pled to twenty-five years and said that if I go to trial,
8 that -- that it would make me look bad if I was to go to
9 trial, being that my co-defendant was tied in with my case,
10 and if I go to trial, that I'm subject to lose. And, you
11 know, due to that -- my co-defendant pled guilty to the
12 charges, that it would make me look bad in court.

13 Q. What, if anything, else did you discuss with your
14 attorney?

15 A. Like what -- what do you mean?

16 Q. I mean after as -- you ended up pleading. What else,
17 if anything, did you discuss that led to you plead?

18 A. Okay. My whole intention, I wasn't going to plead, but
19 being that he told me that my co-defendant had done pled to
20 the charges and that it would make me look bad if I go to
21 trial, being that, you know, he's my co-defendant and
22 whatnot, that I would -- I would probably lose.

23 Q. Well, why weren't you going to plead?

24 A. I was wanting to go to trial. I felt that the charges
25 at the time I was going to trial on -- was supposed to go to

1 trial on that I wasn't guilty of.

2 Q. So which charges were --

3 Now, you pled on the 25th?

4 A. I pled on the 25th.

5 Q. Okay. And what charges were you going to be going to
6 trial on the 25th for?

7 A. Well, I was scheduled to go to trial on March 28th of
8 2011.

9 Q. Okay. Well, on the 28th what were you going to be
10 tried on?

11 A. I was going to be tried on I think was the attempted
12 first degree burglary. I think it was the grand larceny
13 dealing with the Honda Ridge Line, and it was -- I think it
14 was a total of ten charges.

15 Q. On the 28th?

16 A. Yes, surrounding the incident dealing with -- an
17 incident that happened at Lake Wylie, South Carolina.

18 Q. And so you were going to go to trial on that date. Did
19 you have any offers presented to you?

20 A. Yes. It was the -- I think it was the 24th -- yeah,
21 the 24th -- March 24th of 2011 I met with Mr. Sample up in
22 booking at York County Detention Center in the booking area
23 and we was supposed to go over the discovery, which we never
24 got a chance to go over discovery material.

25 And so -- so he was talking about a plea bargain saying

1 that the solicitor -- he was going to talk to the solicitor
2 about ten years, zero to ten years, nonviolent.

3 MR. JOHNSON: Objection, Your Honor.

4 Anything that has to do with counsel's failure to
5 avail the offer is not in the application and we would ask
6 that it be stricken from the record.

7 THE COURT: Well, he can testify as to what he
8 says his attorney told him. I would allow him to say that,
9 but if -- but if it's not a plea bargain, he can't refer to
10 it as a plea bargain agreement or plea bargain offer. He
11 can -- he can talk about -- let him say whatever
12 conversation he had with his attorney, though.

13 BY MS. MOODY:

14 Q. Do you understand, just say what your attorney told you
15 on that day.

16 A. Okay. He -- he said he was going to talk to the
17 solicitor about a plea bargain and he was talking about zero
18 to ten, nonviolent, for a certain amount of charges, and a
19 fifteen to twenty years for the rest of the charges,
20 violent. Fifteen years to twenty years, violent, cap.

21 Q. So on that date, the 24th, if I'm understanding you
22 correctly --

23 A. Yeah, the 24th.

24 Q. -- you met with your attorney?

25 A. Correct.

1 Q. Okay. And you all didn't discuss your trial?

2 A. No.

3 Q. Did you discuss the evidence that they had against you?

4 A. No.

5 Q. So you only talked about him going --

6 A. The plea bargain.

7 Q. All right.

8 A. I mean the plea offer. It wasn't --

9 Q. Him talking to the solicitor?

10 You only discussed what your attorney was going to do,
11 that he was going to go talk to the solicitor?

12 A. Correct.

13 Q. Okay. And at that point had y'all decided that you
14 were going to plead, or were you just -- that was just to
15 see what the solicitor was going to do?

16 A. That was my guess, that he was going to talk to the
17 solicitor about his offer, you know.

18 I guess he felt that we shouldn't go to trial, or
19 whatnot, and he was talking about the plea bargain, but the
20 whole time I wanted to go to trial.

21 Q. Well, what did y'all discuss about the trial, if you
22 wanted to go to trial? What did y'all discuss?

23 A. He -- he asked me about was I -- I think he said was I
24 guilty of any of the charges, or something like that. We
25 got to, you know, talking about that. And I was like no,

1 and -- and was I guilty of some of the other charges. And I
2 was like -- some other charges that they didn't have nothing
3 to do with the incident, like yeah, but then he was like --
4 he felt like -- he was talking about we shouldn't go to
5 trial.

6 Q. Okay.

7 A. But -- then he came with the plea bargain he was
8 talking about -- I mean the plea offer, talking about the
9 zero to ten years. He went and talked to the solicitor
10 about the zero to ten, nonviolent, and the fifteen to twenty
11 years, violent.

12 Q. So when you say that you pled unintelligently, the only
13 conversation that you had with your attorney was that you --
14 he talked about what he was going to ask the solicitor?

15 A. No, before on -- on March -- March 24th -- let me
16 see -- March 25th.

17 March 25th he told me that my co-defendant had pled to
18 the charges. And he said that if I was to go to trial,
19 being that my co-defendant pled to the charges, that it
20 would make me look bad going to trial, being that my
21 co-defendant was tied into the case.

22 Q. When you say look bad, what do you mean by that?

23 A. Being -- I guess being that my co-defendant was tied in
24 with the case. I don't -- I don't know, but that's what he
25 told me.

1 Q. Do you mean that it would impact?

2 A. Yeah, have an impact on my case.

3 Q. And so was there any other false information that you
4 received?

5 A. Being that he told me he was going to give me discovery
6 materials and I never got it.

7 Q. Can you tell the court how you were prejudiced -- how
8 you feel that you were prejudiced in this case?

9 A. I felt like that he -- he didn't fully explain it to me
10 about how could I be indicted on or charged with attempted
11 first degree burglary.

12 And that he didn't give me discovery materials, which I
13 can -- I could have maybe helped assist in the case, if I
14 would have had the discovery material.

15 And being that he told me that if I was to go to trial,
16 that my -- if I would go to trial, that due to that my
17 co-defendant had pled to the charges, to the charges, that
18 if I would go to trial, that it would make me look bad in
19 trial.

20 Q. And what relief are you seeking from the court here
21 today?

22 A. That my sentence be vacated and set for a new trial,
23 for a trial.

24 Q. No further questions. Please answer any questions the
25 State may have.

1 MR. JOHNSON: Thank you, Your Honor.

2 May it please the court?

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION BY MR. JOHNSON:

5 Q. Mr. Coit, you just testified that the relief that you
6 are seeking is a new trial here today, is that correct?

7 A. Correct.

8 Q. And you do realize that if the court grants you your
9 relief, you go back and all those dismissed charges come
10 back?

11 A. Correct.

12 Q. You are facing life without parole in prison.

13 A. Correct.

14 Q. And you still want to take that chance?

15 A. Yes.

16 Q. You also say that counsel came to you with a zero to
17 ten plea offer for the grand larcenies, correct?

18 A. No, I said it was numerous charges, but it was a zero
19 to ten, nonviolent, cap, and a fifteen to twenty year,
20 violent, cap.

21 Q. The zero to ten is for the grand larcenies and the
22 fifteen to twenty is for the attempted burglary, first
23 degree?

24 A. I don't know what -- it was a variety of charges at the
25 time. It wasn't just them four.

1 Q. Okay. But ultimately he did negotiate a fifteen year
2 sentence for you, didn't he? That's what you were sentenced
3 to, right?

4 A. Right.

5 Q. And that was pursuant to his negotiations with the
6 solicitor's office, correct?

7 A. I guess.

8 Q. All right. At your plea on March 25th --

9 A. Right.

10 Q. -- you told the judge that you understood that grand
11 larceny carries zero to ten, correct?

12 A. Correct.

13 Q. And that you understand possession of a stolen vehicle,
14 correct?

15 A. Correct.

16 Q. And that negotiations were from four to fifteen years,
17 no parole?

18 A. Say what now?

19 Q. You told the court that you understood the negotiations
20 were from four to fifteen years, no parole?

21 A. Four to fifteen years? I guess that's I said yes. I
22 don't know.

23 MR. JOHNSON: Your Honor, I turn your attention to
24 page seven.

25 THE COURT: I don't have it, counsel.

1 MR. JOHNSON: You don't have the transcript?

2 THE COURT: Not of the plea. I got part of it
3 where he was actually sentenced, but not --

4 MR. JOHNSON: Oh, I may have -- we just received
5 it. I had to order it, so here is my copy of it, Your
6 Honor. I apologize for that.

7 May I approach the witness, Your Honor?

8 THE COURT: Yes.

9 BY MR. JOHNSON:

10 Q. Sorry, Mr. Coit. I apologize.

11 A. Okay.

12 Q. So counsel did, in fact, negotiate a fifteen year cap
13 on this, correct?

14 A. Fifteen years, correct.

15 Q. Yes, sir.

16 And that's what the record shows, correct?

17 A. Yeah, correct.

18 Q. And there were no threats or promises made in this case
19 to get you to plead guilty?

20 A. No.

21 Q. You weren't under the influence of any alcohol or
22 drugs?

23 A. No.

24 Q. And you pled freely and voluntarily, correct?

25 A. (No response).

1 Q. Nobody forced you to plead guilty, did they?

2 A. No.

3 Q. So you did plead freely and voluntarily?

4 A. I pled off the advice I was given from my attorney.

5 Q. But nobody forced you into pleading guilty, did they?

6 A. No, no. Not forced, no.

7 Q. So you plead freely and voluntarily?

8 A. I guess.

9 Q. Okay. Is that what you told the court that you were
10 doing, was pleading freely and voluntarily?

11 A. I guess, yes. I guess.

12 Q. And that --

13 THE COURT: Don't guess. Just tell us your
14 answer, please, sir. Don't tell us what you guess, okay?

15 You got the transcript?

16 He answers I guess to everything that he is
17 saying.

18 MR. JOHNSON: May I approach the witness, Your
19 Honor?

20 THE COURT: Yes.

21 BY MR. JOHNSON:

22 Q. But you told the court that day that you were pleading
23 freely and voluntarily, didn't you?

24 A. Yes, sir.

25 Q. Okay. And the court explained to you your

1 Constitutional Rights to a trial, to present witnesses on
2 your behalf, and to cross-examine the State's witnesses?

3 A. Yes.

4 Q. And you didn't have any questions about those rights,
5 did you?

6 A. No.

7 Q. And you gave up any defenses that you had to the
8 charges?

9 A. Say what now?

10 Q. You gave up any defenses that you had to these charges?

11 A. Did I give up any --

12 Q. Yes.

13 A. -- when I pled?

14 Q. Yes, sir.

15 A. Yes, I gave them up.

16 Q. And you also gave up challenges to any statements that
17 the police may have that you made?

18 A. Did I give any statements?

19 Q. You gave up any challenges to any statements that you
20 may have made to police?

21 A. Correct, yes.

22 Q. And you gave up any challenges to arrest search and
23 seizure issues, isn't that right?

24 A. Yes.

25 Q. And knowing all that, you wanted to plead guilty under

1 Alford v. North Carolina, correct?

2 A. I really didn't want to plead, but I went off the
3 advice of what my attorney told me to do.

4 Q. So you didn't want to plead guilty, or you didn't want
5 to --

6 A. No, I didn't want to plead at all.

7 Q. So you wanted a trial?

8 A. I wanted to go to trial.

9 Q. But at this hearing you never told the judge that, did
10 you?

11 A. No.

12 Q. So you never said "Your Honor, I don't want to take
13 this offer. I would rather actually go to trial." You
14 never said that, did you?

15 A. No, because at the time I really didn't know what to
16 do.

17 Q. Well, you had one of two options. You either plead --

18 A. Yeah, but --

19 Q. -- or go to trial.

20 A. Yeah, but I was just -- I didn't know what to do. I
21 just -- I guess just plead. I don't know. I just pled. I
22 you just went off what my attorney told me to do.

23 Q. Sir, can you tell me what would have happened if you
24 were to go to trial and found guilty on these charges?

25 A. What would happen?

1 Q. Yes, sir, what would the sentence be?

2 A. I don't know what it ranged. I guess it could range
3 from -- it got different ranges.

4 Q. Weren't you served with a notice of life without
5 parole?

6 A. Yes.

7 Q. The State would -- the State would seek that sentence?

8 A. Notice of a mandatory life sentence.

9 Q. Mandatory, meaning if you were guilty at trial, you
10 would be facing a life sentence. You would be sentenced to
11 life without parole.

12 A. Yes.

13 Q. So, again, I guess my questions is again, if you were
14 to go to trial and be found guilty, what would your sentence
15 be?

16 A. Life.

17 Q. But at this hearing the State presented the facts and
18 you agreed that those were the facts the State would present
19 at trial, isn't that right?

20 A. I said yes, but I really wasn't paying attention.

21 Q. So there is a proceeding where you are facing fifteen
22 years in prison and you weren't paying attention?

23 A. I mean, because at the time I didn't know what to do.
24 I was nervous. I didn't know what to do, so I just pled. I
25 just went off the advice of what my attorney told me.

1 Q. But you never told the judge that you were confused,
2 did you?

3 A. Did I tell him? No.

4 MR. JOHNSON: No further questions at this time,
5 Your Honor.

6 THE COURT: Redirect?

7 MS. MOODY: No further questions, Your Honor.

8 THE COURT: Let me ask you this question, Mr.
9 Coit. Do you understand that -- of course, your sentence
10 can't be reduced, but you are asking that the sentences be
11 vacated and that you be given a new trial. And if that were
12 to happen, if you get relief on that --

13 THE WITNESS: Right.

14 THE COURT: -- you would come back and face all of
15 the charges that you were originally charged with, and so
16 they could try you on all of these cases.

17 But if they tried you on these particular charges
18 that you pled guilty to and you were convicted of the
19 burglary charge, you could get a sentence of life without
20 parole. No eligibility -- no possibility for parole. Do
21 you understand that?

22 And the burglary charges, the judge explained to
23 you at the plea it's fifteen years to life. Fifteen years
24 is the minimum and life without parole is the maximum.

25 THE WITNESS: For a burglary?

1 THE COURT: For burglary.

2 THE WITNESS: Yeah.

3 THE COURT: And so -- and, of course, these other
4 charges, or additional charges, you could get additional
5 time on those, if you go to trial and were found guilty of
6 those.

7 But you could get a sentence of life without
8 parole if you were to go to trial on this charge and were
9 convicted of it, the burglary first. Do you understand
10 that?

11 THE WITNESS: Correct.

12 THE COURT: And you have got these other charges
13 that are out there. I don't know what they were. There
14 were some of them dismissed apparently by the State in
15 return for your plea. Some of them were dismissed, but they
16 could be -- if the plea is vacated, then those charges are
17 reinstated. So you have all of the charges to deal with
18 again. Do you understand that?

19 THE WITNESS: So all the -- all the charges, even
20 the charges that was found no probable cause on too?

21 THE COURT: No, no, those are gone. If they were
22 found no probable cause, unless -- unless they directly
23 indicted you on them.

24 Was there some that were dismissed?

25 MS. MOODY: Your Honor, there were two and that

1 goes -- he puts that in the record. He listed all the
2 charges. There were twenty-two different charges, which
3 most of them were enhanceable under E-Class felony. So he
4 listed all of those charges in the record when he did his
5 plea.

6 THE COURT: Were there any that were found no
7 probable cause at the preliminary hearing?

8 MS. MOODY: Two. He has the transcript. It's two
9 charges that he -- if I may I approach the witness?

10 THE COURT: Yes.

11 MS. MOODY: There was two charges that there is no
12 probable cause found, and he was starting to go into it, so
13 it was only two charges that were dismissed.

14 THE COURT: If they were dismissed for lack of
15 probable cause and they didn't get a direct indictment on
16 them, those cannot be brought back. Those are gone, okay?

17 But everything else that they dismissed, you are
18 talking about twenty or --

19 MS. MOODY: Twenty-two charges that were --

20 THE COURT: All of them can be brought back. You
21 have got to face all of those. Do you understand that?

22 But, of course, and the burglary charge, of
23 course, that you pled guilty to, it carries a minimum of
24 fifteen years. You got the minimum on that, but it carries
25 life without parole. Do you understand that?

1 THE WITNESS: But --

2 THE COURT: If you were convicted of it.

3 THE WITNESS: Yeah, but I was looking at being
4 that I pled to attempted first degree, I didn't even think
5 they charged -- once I had got, you know, down the road and
6 somebody had showed me the law books said --

7 THE COURT: You are saying you questioned the
8 burglary first. I understand that.

9 THE WITNESS: Yeah.

10 THE COURT: But I'm just asking you, do you
11 understand if you were convicted at a jury trial, and I
12 don't know if -- you might be found not guilty. You might
13 be found guilty.

14 But if you were found guilty, that's -- you could
15 get a sentence of life without parole, if they noticed you
16 for that and you were eligible for that sentence under that
17 statute. Do you understand that? You could get a sentence
18 of life without parole.

19 Right now you got fifteen years, correct?

20 THE WITNESS: Correct.

21 THE COURT: No parole.

22 THE WITNESS: No parole.

23 THE COURT: You could life without parole.

24 THE WITNESS: Correct, if I was convicted.

25 THE COURT: Yeah. Do you understand that?

1 THE WITNESS: Correct.

2 THE COURT: But you still wish to try to have the
3 sentence vacated?

4 THE WITNESS: Correct.

5 THE COURT: No other questions.

6 (Off the record).

7 (Back on the record).

8 THE COURT: I still had one, but I can't think of
9 it, so I'll just stop there.

10 Do either one of you wish to follow up with a
11 question that I asked?

12 MS. MOODY: No, sir, Your Honor.

13 MR. JOHNSON: No, Your Honor.

14 THE COURT: Thank you, sir. You may stand down,
15 sir.

16 THE WITNESS: Thank you.

17 MS. MOODY: We have no other witnesses, Your
18 Honor.

19 THE COURT: Okay.

20 MR. JOHNSON: Your Honor, we call David Sample to
21 the stand.

22 DAVID SAMPLE, ESQUIRE, having been first duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION BY MR. JOHNSON:

25 Q. Good morning, Mr. Sample.

1 A. Good morning.

2 Q. Do you remember becoming involved in Mr. Coit's case?

3 A. I do.

4 Q. And can you please give the court a little background
5 information on that?

6 A. I was appointed to represent Mr. Coit by the court.

7 I don't quite recall. I almost want to say he had a
8 prior appointed attorney and that I came in, because I know
9 I came into the case later than Mr. Matthews who -- Mike
10 Matthews, who represented Mr. Coit's co-defendant, but I was
11 appointed by the court.

12 Q. And about how many times did you meet with Mr. Coit?

13 A. I would say four or five times.

14 Q. Before he pled?

15 A. Yes, sir.

16 Q. Did you receive any discovery in this case?

17 A. I did.

18 The discovery in the case was voluminous. It was
19 mostly provided to me on computer media. I think they gave
20 me a little flash drive that had the majority of the
21 discovery on it, but it was voluminous.

22 Q. And did you represent him on all the charges, including
23 the ones that were dismissed?

24 A. I did.

25 Q. Okay. And did you ever discuss the discovery with Mr.

1 Coit?

2 A. Certainly, yes.

3 I met with him several times in attorney booths and
4 talked to him about what -- you know, what I had in my file
5 through the glass, but also --

6 Well -- and Mr. Coit is correct. I made an appointment
7 to meet with him face to face. I guess that was sometime in
8 late March. I sat down -- I brought my computer with me,
9 because most of the discovery was on the computer and had it
10 available for him to look at whatever he wanted to look at,
11 but had certainly already discussed the evidence with him
12 prior to that, but brought it with me for him to look at
13 anything that he wanted to specifically see on the computer.

14 Q. Did he ever get a copy of his discovery?

15 A. He did not get a copy. Like I said, it was just
16 voluminous. It was probably, you know, a couple hundred
17 pages of discovery, anyway.

18 Q. So he was actively engaged in his own defense?

19 A. Yes, sir.

20 Q. What investigation, if any, did you do in this case?

21 A. Well, I talked with Mr. Coit about his side of the
22 story, you know, what he said happened on each of --

23 These charges were kind of grouped into sets, into
24 incidents, separate incidents, and there were several sets.
25 I talked to him about what happened in each one.

1 I met extensively with Michael Matthews, who
2 represented Mr. Coit's co-defendant, John Harfield. I
3 talked to him about his view of the evidence and his
4 investigation.

5 Q. Did he ever give you a list of witnesses to contact?

6 A. The only -- and Mr. Coit brings up a witness who he
7 says was his uncle. His uncle was the only witness that I
8 recall him asking me to speak to, and I did make some
9 efforts to make phone calls to try to get ahold of his uncle
10 and just never made contact with him.

11 THE COURT: Let me -- let me interrupt you there
12 and just say I think we can dismiss that, because his
13 testimony was that this was about charges that were
14 dismissed, not about the ones that he pled guilty to.

15 Is that your recollection, or you don't recall?

16 THE WITNESS: I --

17 THE COURT: Well, that's what he said on the
18 stand. He said that the name of the uncle that he had given
19 you to contact were about the charges dismissed, not the
20 charges he pled guilty to, so it's irrelevant to this
21 proceeding.

22 MR. JOHNSON: Right.

23 THE COURT: You may proceed.

24 BY MR. JOHNSON:

25 Q. The only followup question I had, do you see him in the

1 courtroom today?

2 A. Mr. Coit?

3 Q. Mr. Coit's uncle.

4 A. Mr. Coit's uncle, no, sir.

5 Q. Okay. Has he testified here at this hearing?

6 A. He hasn't.

7 Q. Did you engage the State with any offers, any -- I
8 guess get any plea offers in this case?

9 A. Extensively. We -- we negotiated back and forth for a
10 period of a couple of weeks.

11 As I recall, the initial offers were much higher and
12 much more substantial than what Mr. Coit ended up pleading
13 to.

14 Q. And ultimately did you come to a negotiation of four to
15 fifteen years?

16 A. We did.

17 Q. And he did, in fact, get the fifteen years?

18 A. He did.

19 Q. That's the minimum he's facing on that attempted
20 burglary first charge, isn't it?

21 A. Correct.

22 And also amongst the twenty-two dismissed charges was a
23 second burglary first charge.

24 The prosecutor explained to me that if we were to
25 prevail in the trial that was set to go forward in March,

1 that they were going to serve Mr. Coit with a second notice
2 of intent to seek life without parole, based on that second
3 burglary first charge.

4 Q. Now, he alleges that you gave him false information, I
5 guess, alluding to a co-defendant pleading before him.
6 Would you like to explain that allegation?

7 A. The information that Mr. Coit stated on the stand is
8 actually correct as to what happened.

9 His co-defendant, John Harfield, did plead guilty for a
10 sentence of twenty-five years, I believe. The charges that
11 he pled to were nonviolent, but he did plead and got a
12 twenty-five year sentence. That's exactly what I told Mr.
13 Coit.

14 Q. And the charges that the co-defendant pled to, were
15 there any other charges hanging over his head --

16 A. Yes.

17 Q. -- or did he get all of his charges dismissed as well?

18 A. Yes. In fact, Mr. Coit had several additional sets of
19 charges that would have come up for trial, that we dealt
20 with all in his plea agreement.

21 Mr. Harfield pled guilty only on the same set of
22 charges; in other words, the same offenses that Mr.
23 Harfield -- that Mr. Coit would have been going to trial on
24 in that March trial.

25 The additional sets of charges, Mr. Harfield was

1 involved in all of those as well, and those were still
2 remaining out there pending after Mr. Coit and Mr. Harfield
3 pled in this case.

4 Q. Do you know from, I guess, from either experience or
5 from personal information, whether they would use Mr.
6 Harfield's testimony against Mr. Coit at the trial?

7 A. Absolutely they would have.

8 Q. Did Mr. Coit understand that?

9 A. Yes. I think that is what he was referring to when he
10 kept saying that I told him it would make him look bad.

11 Q. He also alleges that he -- if he had the discovery -- I
12 guess I have already asked this, but if he had discovery, he
13 have could research it on his own and gotten himself a
14 better sentence, but you actually did discuss all the
15 discovery with him?

16 A. I discussed it all with him and did meet with him on
17 the one occasion with the computer available for him to look
18 at it.

19 MR. JOHNSON: Beg the court's indulgence, Your
20 Honor.

21 THE COURT: Yes, sir.

22 (Off the record)

23 (Back on the record)

24 MR. JOHNSON: That's all I have at this time.

25

1 CROSS EXAMINATION BY MS. MOODY:

2 Q. Mr. Sample, as to the co-defendant pleading, I think
3 I'm a little confused. The co-defendant actually entered
4 his plea of guilt prior to Mr. Coit's plea?

5 A. I don't recall whether that's the case or not, but I do
6 know that he had reached a plea agreement prior to Mr. Coit
7 entering his plea, and I was made privy to what the terms of
8 that plea agreement were.

9 Q. And as a part of that plea agreement, was it that Mr.
10 Harfield, I believe his name is, he would be testifying
11 against Mr. Coit?

12 A. I don't remember if that was specifically made part of
13 the plea agreement or not.

14 Q. Well, I mean, when he talks about -- I believe --

15 I believe his testimony was that you told him that his
16 co-defendant would make -- if he pled to the charges, it
17 would make him look bad, and just here you were talking
18 about you believe that's what he understood, as far as his
19 co-defendant would testify against him?

20 A. I assumed -- I believe he understood that, yes.

21 Q. So you knew, in fact, that his co-defendant was going
22 to testify against him?

23 A. I can't recall.

24 Like I said, I can't recall if that was made a written
25 part of the plea agreement, but it was my understanding that

1 his co-defendant would testify against him.

2 Q. Okay. So when you all discussed Mr. Coit accepting the
3 plea offer to go forward, what else did you discuss with
4 him, other than his co-defendant, the possibility of
5 testifying against him?

6 A. Well, certainly the fact that he had been served with a
7 notice of intent to seek life without parole.

8 And also the fact that if he had prevailed on the
9 attempted first degree burglary charge that was going to
10 trial, that he had another first degree burglary charge out
11 there that also would support life without parole.

12 Q. Okay. And during that time it's your testimony that he
13 understood that conversation with you?

14 A. Yes.

15 Q. And did he verbally tell you that he wanted to accept
16 this plea offer?

17 A. He did. In fact, he extensively participated with me
18 as the middle man in the negotiations for the plea offer.

19 Q. What do you mean by that?

20 A. I mean I went back to him numerous times, went back and
21 forth to the solicitor, and negotiated the plea offer down
22 from I want to say twenty plus years down to the fifteen.

23 Q. Now, all this occurred on the 24th, March 24th, or the
24 25th?

25 A. I believe that it took place, you know, in a week or

1 week and a half, or so, prior to that, that negotiations
2 were ongoing between myself and Willy Thompson of the
3 solicitor's office and Kevin Brackett.

4 Q. And as far as like -- based on your advice, you thought
5 it was in his best interests to plead --

6 A. Yes.

7 Q. -- to the deal?

8 A. Yes.

9 Q. And at that time when you -- did you have a defense for
10 him, if he wanted -- if he decided not to, did y'all have a
11 defense?

12 A. Well, I mean, we had a defense, to the extent that you
13 could have one. I mean, the State had witnesses, pretty
14 compelling witnesses, against Mr. Coit.

15 To the extent that we could have a defense, I guess,
16 you know, the best would have been to have Mr. Coit take the
17 stand and explain his version of events, but --

18 Q. But there are no other witnesses?

19 A. You know, there is some other witnesses out there. At
20 the time I didn't deem that their testimony was going to be
21 helpful to Mr. Coit.

22 Q. Now, you stated that you discussed several sets of the
23 charges. On the 24th and the 25th you discussed these
24 particular charges and the likelihood of a guilty verdict?

25 A. We did.

1 Q. And, to your knowledge, did Mr. Coit understand?

2 A. I think he did, yes.

3 Q. Now, as far as the discovery materials, you said that
4 it was voluminous. I believe you stated it was about a
5 hundred pages?

6 A. It was more than that, sure.

7 Q. And so did you have an opportunity to go through that
8 discovery yourself before you talked to Mr. Coit?

9 A. Yes.

10 Q. And did you do any other investigation?

11 A. As far as specifically go out and talk to anybody in
12 the field or anything, no, I did not.

13 Q. And why is that?

14 A. It really wasn't necessary. In talking to Mr. Coit and
15 getting his version of events, there wasn't anybody to go
16 talk to.

17 Q. And then in terms of the evidence of -- like the
18 gloves, or any of the physical evidence that they obtained
19 from this particular case, did you have an opportunity to
20 look at those items?

21 A. It seems like I did, yes.

22 Q. And did the State produce you any of the pictures?

23 A. Yes.

24 Q. So at any point did you have any question in your mind
25 as to whether Mr. Coit understood what he was doing on that

1 day?

2 A. No, he -- he was very actively engaged with me in
3 participating with negotiations with the solicitor's office.

4 Q. Okay.

5 MS. MOODY: Beg the court's indulgence.

6 (Off the record)

7 (Back on the record)

8 BY MS. MOODY:

9 Q. Mr. Sample, at any point in time did Mr. Coit discuss
10 with you anything about an appeal?

11 A. No, he didn't, that I can recall.

12 Q. After you all entered the plea and the judge rendered
13 the sentence, did you have the opportunity to talk to him
14 after -- or did you talk to him after that sentence?

15 MR. JOHNSON: Objection. Any allegations about an
16 appeal is not in the application, Your Honor, and we
17 would -- unless -- I may stand corrected, Your Honor.

18 (Off the record)

19 (Back on the record)

20 MR. JOHNSON: I restate my objection, Your Honor.

21 MS. MOODY: I'll withdraw the question, Your
22 Honor.

23 THE COURT: Okay.

24 MS. MOODY: No further questions for this witness.

25 MR. JOHNSON: No other questions from the State,

1 Your Honor.

2 THE COURT: Thank you, sir.

3 Anything else from the State?

4 MR. JOHNSON: No, Your Honor. The State rests.

5 THE COURT: Anything else from the applicant?

6 MS. MOODY: No, Your Honor.

7 THE COURT: Okay. All right, I'll take it under
8 advisement.

9 MR. JOHNSON: Thank you, Your Honor.

10 (END OF REQUESTED TRANSCRIPT OF RECORD)

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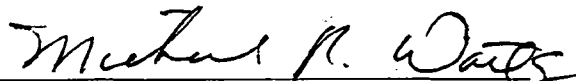
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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Sixteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for YORK County, South Carolina, on the 6TH day of FEBRUARY, 2013.

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

JULY 2, 2013



Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

Ted Coit, #297345,

2011-CP-46-4299

Applicant,

ORDER OF DISMISSAL

v.

State of South Carolina,

Respondent.

FILED - RECEIVED
2013 MAR 15 PM 4:33
DAVID HAMILTON
C.C.P. & G.S.C.
YORK COUNTY S.C.

This matter comes before the Court by way of an Application for Post-Conviction Relief filed November 14, 2011. The Respondent made its Return on March 19, 2012. An evidentiary hearing into the matter was convened on February 6, 2013, at the Moss Justice Center in York, SC. Leah B. Moody, Esquire represented the Applicant. J. Rutledge Johnson, Esquire, of the South Carolina Attorney General's Office, represented the Respondent.

At the hearing, the Applicant testified on his own behalf. David Sample, Esquire also testified. This Court had before it a copy of the records of the York County Clerk of Court, records from the South Carolina Department of Corrections, and the guilty plea transcript.

PROCEDURAL HISTORY

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the York County Clerk of Court's orders of commitment. The Applicant was indicted by the January 2011 term of the York County Grand Jury for Grand Larceny, 3rd or subsequent property crime (2011-GS-46-0265), Possession of a Stolen Vehicle, 3rd or subsequent property crime (2011-GS-46-0267), and Attempted Burglary, 1st degree. The Applicant was also indicted at the February 2011

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term of the York County Grand Jury for Grand Larceny, 3rd or subsequent property crime (2011-GS-46-0601). The Applicant was represented by David Sample, Esquire. On March 25, 2011, the Applicant pled pursuant to North Carolina v. Alford, 400 U.S. 25 (1970) to all charges as indicted. On March 28, 2011, the Honorable John C. Hayes, III sentenced the Applicant to confinement for fifteen (15) years for Attempted Burglary, 1st degree, ten (10) years, concurrent, for each Grand Larceny charge, and ten (10) years, concurrent, for Possession of a Stolen Vehicle, 3rd or subsequent property crime. The Applicant did not appeal his conviction or sentence.

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

1. "Defense attorney failed to investigate case before plea"
2. "Defense attorney failed to disclose discovery after request"
3. "Ineffective counsel"
4. "Plead unintelligently"

At the hearing, the Applicant proceeded on his claim of ineffective assistance of plea counsel and involuntary guilty plea.

SUMMARY OF TESTIMONY

The Applicant testified Counsel did not investigate a list of witnesses he gave to Counsel for several of his charges. He claimed he told Counsel to contact his uncle, although he never gave his uncle's name and the 'uncle' did not testify at the PCR hearing. Additionally, this 'uncle' was to support the Applicant on charges that were dismissed by the solicitor.

The Applicant also testified Counsel failed to disclose the discovery in the case to him, although, as the Applicant claimed, he made several requests and named specific dates. The Applicant stated Counsel told him that Counsel would provide him with copies of the discovery but

never did. The Applicant asserted if he had had his discovery, he could have made a better decision with regards to his charges and that he would not have pled guilty. He also claimed he could have researched his case further and could have gotten a better sentence.

Moreover, the Applicant testified Counsel gave him false information about his co-defendant pleading guilty and testifying against him at trial. He asserted the co-defendant would have "made him look bad" at trial. The Applicant also testified he wanted to pursue a trial, and he was not guilty of the charges. He further stated he never discussed a trial or the evidence with Counsel, but rather only discussed plea offers.

Further, the Applicant testified he pled unintelligently because Counsel told him his co-defendant had already pled to the charges and make the Applicant "look bad," which would, in turn, have a negative impact on his case. He claims Counsel failed to fully explain attempted burglary, 1st degree and failed to give him discovery materials. He lastly asserted he wanted a new trial.

On cross-examination, the Applicant admitted he was facing life without parole if re-tried. He claimed he was confused at the guilty plea, but never explained that to the plea judge. He also admitted he told the plea judge he understood the negotiations Counsel had with the State and that there were no threats or promises to entice the Applicant to plead guilty. The Applicant further testified he pled freely and voluntarily, waived any defenses he may have had, and waived the right to challenge any statements he gave to law enforcement.

Upon the Court's questioning, the Applicant again admitted he knew he was facing life without parole if re-tried and that he would be facing all twenty-two charges if successful in his PCR action.

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Counsel testified he was appointed to represent the Applicant and met with the Applicant on four or five occasions before the plea. Counsel stated he received the discovery in this case via a flash drive. Counsel testified he discussed the discovery with the Applicant, making a face-to-face appointment with him. He also stated he discussed the evidence with the Applicant, but did not give the Applicant a copy of the discovery as it was in electronic formatting. Counsel further testified the Applicant was very actively engaged in his own defense.

Additionally, Counsel testified he met with the Applicant, and the Applicant explained his version of the facts to Counsel. The Applicant told Counsel he wanted Counsel to interview his uncle about one of the charges that was dismissed; Counsel attempted to locate this 'uncle,' but with no success.

Counsel also asserted he engaged the State concerning plea offers, and the initial offer was fifteen years for one of the burglary charges. Counsel testified if the Applicant was successful in the first trial then the State would have served the Applicant with a second notice that the State would seek life without parole on the other burglary charge.

As to the claim that Counsel gave false information to the Applicant concerning his co-defendant, Counsel testified his co-defendant did plea to these charges, but also had other pending charges. As such, the State would have utilized his testimony against the Petitioner had he elected to pursue a trial.

On cross-examination, Counsel testified the Applicant understood his co-defendant would testify against him at trial and that he was served with notice that the State would seek life without parole in this case. Counsel stated the Applicant extensively participated in negotiating the plea agreement to fifteen years, which was down from a twenty-year offer. Counsel also asserted he

discussed the likelihood of a guilty verdict with the Applicant and the Applicant understood. Counsel further testified he investigated the evidence in this case, and there was no question the Applicant understood his case.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625, *citing Strickland*. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, (1985).

This Court finds Counsel was competent and diligent in his representation of the Applicant in this case. Counsel sufficiently advised the Applicant of the charges against him, the potential penalties if convicted at trial, and the evidence the State would produce at trial. Counsel satisfactorily investigated this case based on the information supplied by the Applicant and the evidence available. Counsel also engaged in plea negotiations which were beneficial to the Applicant.

This Court also finds the Applicant was well informed by Counsel in this case. Moreover, the Applicant agreed that the facts presented at the plea would be the facts the State would present at his trial. The Applicant pled guilty without any threat or coercion and was not under the influence of any intoxicant at the plea. The Applicant also waived his Constitutional rights afforded to him. This Court finds the Applicant pled knowingly, voluntarily, and on his own free will.

This Court further finds the Applicant's testimony regarding Counsel's performance is not credible while also finding Counsel's testimony is credible. This Court finds the Applicant has failed to meet his burden of proving counsel's performance was deficient or that he was prejudiced thereby. Accordingly, this allegation is denied.

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Involuntary Guilty Plea

To be knowing and voluntary, a plea must be entered with a full understanding of the charges and the consequences of the plea. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621 (1977). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. U.S., 519 F.2d 317 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

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

The Applicant alleged his guilty plea was not voluntarily entered because Counsel did not provide him with a copy of his discovery. However, the guilty plea transcript and the Applicant's answers during cross-examination at the PCR hearing directly refute his claims.

At the guilty plea, the Applicant stated he understood the charges against him and the penalties the charges carried. (Tr. p. 4 line 22- p.6 line 23). The Applicant also testified he

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understood his constitutional rights and waived those rights. (Tr. p. 7 line 25- p. 8 line 8). The Applicant testified he was not promised anything or threatened in any way to influence him to enter a guilty plea. (Tr. p. 7 line 15). He also stated he was satisfied with Counsel's services. (Tr. p. 4 line 11). The Applicant testified he was not under the influence of drugs or alcohol and that he had no mental or emotional condition that would interfere with his judgment. (Tr. p. 7 line 18). He also stated he was pleading freely and voluntarily. (Tr. p. 7 line 21).

On cross-examination at the PCR hearing, the Applicant freely admitted he testified to all of the above at his guilty plea.

Based on the foregoing, this Court finds the Applicant's testimony concerning an involuntary guilty plea not credible, while finding Counsel's testimony at the PCR hearing credible. This Court also finds the Applicant pled guilty freely, voluntarily and without any coercion, threats or promises. Therefore, this allegation is denied.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that Counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that Counsel committed either errors or omissions in his representation of the Applicant.

This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by Counsel's performance. This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. Therefore, these allegations are denied.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not

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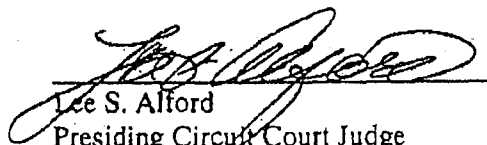
established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED!


 Lee S. Alford
 Presiding Circuit Court Judge
 Sixteenth Judicial Circuit

March 13, 2013

York, South Carolina

WITNESSES

YCSO / Moitz

ARREST WARRANT NUMBER

J155952

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 2/17/11

VERDICT

Person of Petit Jury

DOCKET NO. 2011-GS-46-

00601

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 17, TERM 2011

THE STATE

vs.

TED LESTER COIT

Indictment for

GRAND LARCENY THIRD OR
SUBSEQUENT PROPERTY CRIME

SC Code: § 16-01-0057, 16-13-0030(B)

CDR Code: 2367

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Ted Lester Coit
hereby appear in my own proper person and plead guilty to the within indictment or to
as charged

Defendant

Witness:

Robert D. Buttrick
C.C.B. PLS. AND G.S. Counselor

2011 NOV 21 AM 9:30
CLERK OF COURT
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on February 17, 2011, the Grand Jurors of York County present upon their oath:

GRAND LARCENY THIRD OR SUBSEQUENT PROPERTY CRIME

Ted Lester Coit did in York County on or about October 8, 2010, feloniously take and carry away a gold 2000 Honda Accord belonging to Pamela Atacan without her knowledge and with the intent to permanently deprive the owner of such property. The vehicle is valued over \$5,000.00 (Five Thousand Dollars) and/or Ted Lester Coit has two or more prior convictions for property crimes for which the term of imprisonment is contingent upon the value of the property involved. This larceny occurred at 7013 Montgomery Road in Clover, South Carolina, all in violation of Section 16-01-0057 and 16-13-0030(B), *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.


DEPUTY SOLICITOR

WITNESSES

YCSO / Moitz

DOCKET NO. 2011-GS-46-

00271

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 20, TERM 2011

ARREST WARRANT NUMBER

J156002

THE STATE

VS.

TED LESTER COIT

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

ATTEMPTED BURGLARY FIRST
DEGREE

Indictment for

SC Code: 16-11-0311

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant .

I Ted Lester Coit hereby appear in my own proper person and plead guilty to the within indictment or to under the

as charge

Defendant

Witness:

Witness: William A. Buttrick
C.C.C. PLS. AND G.S. Court App.

2011 NOV 21 AM 9:30
RECEIVED TRUE COPY
CLERK OF COURT
YORK COUNTY, SC

Foreperson of Petit Jury
ate:

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on January 20, 2011, the Grand Jurors of York County present upon their oath:

BURGLARY FIRST DEGREE

Ted Lester Coit did in York County on or about October 8, 2010, willfully and unlawfully attempt to enter the dwelling of another at 4160 Apt. B Lake Wylie Woods in Clover, South Carolina. Ted Lester Coit attempted to enter without consent and with the intent to commit a crime therein. Ted Lester Coit attempted to commit this burglary in the nighttime and/or while armed with a deadly weapon. All in violation of Section 16-11-311, *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.


DEPUTY SOLICITOR

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WITNESSES
YCSO / Motz

DOCKET NO. 2011-GS-46-00265

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 20, TERM 2011

ARREST WARRANT NUMBER

J155948

ACTION OF GRAND JURY

TED LESTER COIT

VS.

THE STATE

VERDICT

For person of Grand Jury
Date: 1/29/11

Indictment for

GRAND LARCENY THIRD OR
SUBSEQUENT PROPERTY CRIME

SC Code: § 16-01-0057, 16-13-0030(B)

CDR Code: 2367

Coreperson of Petit Jury
Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Ted Lester Coit
hereby appear in my own proper person and plead guilty to the within indictment or to as charge

Ted Lester Coit
Defendant

Witness:

Rebecca Rutledge
C.C.C. PLS. AND GS. CLERK OF COURT
YORK COUNTY, SC
NOV 21 AM 4:30
RECEIVED TRAIL COURT

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

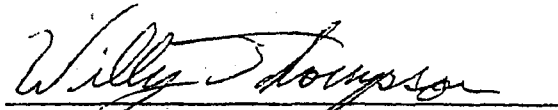
INDICTMENT

At a Court of General Sessions, convened on January 20, 2011, the Grand Jurors of York County present upon their oath:

GRAND LARCENY THIRD OR SUBSEQUENT PROPERTY CRIME

Ted Lester Coit did in York County on or about October 8, 2010, feloniously take and carry away two Asanti rims along with wheels and tires from a Hummer automobile belonging to Sammie Quinn with the intent to permanently deprive the owner of such property. The property is valued at Ten Thousand Dollars (\$10,000.00) or more, and/or Ted Lester Coit has two or more prior convictions for property crimes for which the term of imprisonment is contingent upon the value of the property involved. This larceny occurred at 208 Blucher Circle in Clover, South Carolina, all in violation of Section 16-01-0057 and 16-13-0030(B), *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.


DEPUTY SOLICITOR

WITNESSES

SO / Motz

ARREST WARRANT NUMBER

55950

ACTION OF GRAND JURY

VERDICT

James M. Smith
 Foreperson of Grand Jury
 Date: 1/22/11

Indictment for

POSSESSION OF A STOLEN VEHICLE
 THIRD OR SUBSEQUENT PROPERTY
 CRIME

SC Code: § 16-01-0057, 16-21-80(3)

CDR Code: 2367

Foreperson of Petit Jury
 Date: 1/22/11

DOCKET NO. 2011-GS-46- 00267

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JANUARY 20, TERM 2011

THE STATE

vs.

TED LESTER COIT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

Ted Lester Coit
 I, *Ted Lester Coit*, hereby appear in my own proper person and plead guilty to the within indictment or to *as charged*.

Ted Lester Coit
 Defendant

Witness:

James M. Smith
 Foreperson of Grand Jury
 C.C.D. PLS. AND G.S. Court Specimen

RECEIVED TRUE COPY
 NOV 21 9:30 AM
 CLERK OF COURT
 YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

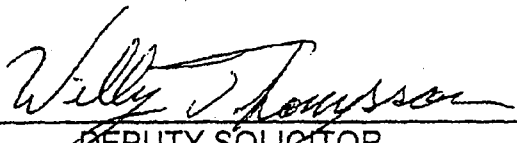
INDICTMENT

At a Court of General Sessions, convened on January 20, 2011, the Grand Jurors of York County present upon their oath:

**POSSESSION OF A STOLEN VEHICLE THIRD OR SUBSEQUENT
PROPERTY CRIME**

Ted Lester Coit did in York County on or about October 8, 2010, receive or possess a stolen 2007 Honda Ridgeline vehicle belonging to the Wingo family, valued at Ten Thousand Dollars (\$10,000.00) or more. Ted Lester Coit was not entitled to possess the vehicle and knew the vehicle was stolen or converted under circumstances constituting a crime. Ted Lester Coit has two or more prior convictions for property crimes for which the term of imprisonment is contingent upon the value of the property involved, all in violation of Section 16-01-0057 and 16-21-80(3), *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.


DEPUTY SOLICITOR

000022