

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

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S.C. Supreme Court

STEPHEN CORLEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000781

A P P E N D I X

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1 STATE OF SOUTH CAROLINA

2 COUNTY OF AIKEN

CIRCUIT COURT
2011-GS-02-00636 & 00637

3 STATE OF SOUTH CAROLINA,

4 -vs-

TRANSCRIPT OF RECORD

5 STEPHEN CORLEY,
6 Defendant.

7
8 Heard on Wednesday, September 21, 2011

9
10 Aiken, South Carolina

11 BEFORE:

12 THE HONORABLE WILLIAM H. SEALS, JR.
13

14 APPEARANCES:

15 Counsel on Behalf of the State:
16 J. Strom Thurmond, Jr., Esq.

17 Counsel on Behalf of the Defendant:
18 Fred Wallace Woods, Jr., Esq.
19

20
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25

EXHIBIT INDEX

(NO EXHIBITS IDENTIFIED/INTRODUCED.)

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1 ON WEDNESDAY, SEPTEMBER 21, 2011 AT 3:32 P.M.:

2 THE COURT: All right, Solicitor. Any time you're
3 ready.

4 MR. THURMOND: Stephen Corley.

5 (Defendant placed under oath.)

6 MR. THURMOND: Thank you, Your Honor. May it please
7 the Court.

8 THE COURT: Sure.

9 MR. THURMOND: Judge, this is Mr. Stephen Corley. He
10 is before the Court to plead guilty of two counts of
11 felony DUI resulting in death.

12 That's indictment number 2011-GS-02-636 and indictment
13 number 2011-GS-02-637. We will be dismissing two
14 indictments, both for reckless homicide. Judge, these
15 were direct indictments that were brought before our grand
16 jury, true billed, May 23rd of 2011. Those are indictment
17 numbers 2011-GS-02-639 and 2011-GS-02-638. We will be
18 nolle prossing those two indictments pursuant to this
19 plea.

20 This is a straight-up plea to two counts of felony DUI
21 without recommendation from the State. Mr. Corley has no
22 prior criminal record. He was not here this morning when
23 Your Honor did the rights waiver en masse. So we will
24 need to do a complete rights waiver with him.

25 THE COURT: Okay.

1 MR. THURMOND: Thank you.

2 THE COURT: Mr. Corley?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: You are pleading guilty to DUI felony,
5 driving under the influence, death result; is that
6 correct?

7 THE DEFENDANT: Yes.

8 THE COURT: And do you understand that that has a
9 minimum of one year in jail and a maximum of 25 years in
10 jail?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And a \$10,100 fine up to a \$25,100 fine.
13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you are pleading to two counts of
16 that. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: You need to speak up now so the court
19 reporter can hear you.

20 Do you understand that with this plea you are facing
21 up to 50 years in jail today? Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Understanding that, do you still wish to
24 go forward with this plea?

25 THE DEFENDANT: (Nods head). Yes, sir.

1 THE COURT: Speak up.

2 THE DEFENDANT: I'm saying, yes, sir.

3 THE COURT: Now I want you to understand that you do
4 not have to go forward with this plea. If you would
5 rather have a jury trial instead, I'll make sure the State
6 of South Carolina gives you one.

7 Do you understand that you have that right?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Furthermore, I want you to understand that
10 if you do have a jury trial that the State of South
11 Carolina has the burden of proof, not you. The State of
12 South Carolina would have to prove you guilty beyond a
13 reasonable doubt in regards to both of these charges. Do
14 you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: I want you to further understand that if
17 you had a jury trial, the jury would be comprised of 12
18 members. It would take all 12 members of that jury to
19 have to unanimously agree to convict you before the Court
20 could sentence you. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Furthermore, if you had a jury trial I
23 want you to understand that your lawyer would have the
24 right to cross-examine and confront each and every one of
25 the State's witnesses. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Furthermore, I want you to understand that
3 if you had a jury trial that you can subpoena witnesses,
4 you can introduce items into evidence, you can testify if
5 you would like. You can get on the stand, you can tell
6 your side of the story, put up your case however you and
7 your lawyer see fit. I want you to understand that you
8 have that right.

9 But I want you to further understand that you have the
10 constitutional right to remain silent. You do not have to
11 testify. Nobody can make you testify. Therefore, if you
12 chose to exercise that right you would not have to answer
13 any questions that the State asked you. Do you understand
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Furthermore, I want you to understand that
17 if you exercised your constitutional right to remain
18 silent, then I would tell the jury they cannot use that
19 against you in any way whatsoever. I would tell the jury
20 the fact that you exercised that right is to have
21 absolutely no prejudice against you. I would even go so
22 far as to tell the jury they could not discuss the fact
23 that you did not testify in the jury room. Do you
24 understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Furthermore, if you had a jury trial or if
2 you're not happy with something that happened at that
3 trial or this plea, you can appeal it but you got to do so
4 within 10 days. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Now do you want to give up your right to a
7 jury trial and plead guilty today?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Are you satisfied with your
10 lawyer?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has he answered all of your questions and
13 done everything you've asked him to do?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Has anybody promised you any type of
16 reward or gift or anything like that to induce you into or
17 to get you to pleading guilty?

18 THE DEFENDANT: No, sir.

19 THE COURT: Is anybody threatening you or coercing you
20 into pleading guilty?

21 THE DEFENDANT: No, sir.

22 THE COURT: Are you under the influence of any drugs
23 or alcohol at this time that would affect your ability to
24 think, reason and understand and know what you're doing?

25 THE DEFENDANT: No, sir.

1 THE COURT: Are you guilty?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you understood all of my questions?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And have you answered me truthfully?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Okay. Solicitor?

8 MR. THURMOND: Thank you. May it please the Court.

9 Your Honor, December 29th, 2010, was a Wednesday.

10 Alexander Bush, who went by Alex, was 24 years old and
11 Katie Scott was 22. And Alex and Katie had just finished
12 having supper with Katie's family at City Billiards here
13 in Aiken. During supper Alex consumed no alcoholic
14 beverages which would later be confirmed by his post-
15 mortem toxicology.

16 Around six p.m. they left and headed out 302 towards
17 Coughton to return to Katie Scott's family's residence
18 before driving back to Charleston.

19 And, Judge, we can -- just to orient you a little bit
20 with Highway 302, it's kind of a main artery into Aiken
21 from the east or from the southeast. It splits with
22 Highway 4. It's kind of widely known as a back way, if
23 you will, to get to Charleston.

24 Now, Judge, we have a couple of slides just to orient
25 you, 302, where this took place. At about 6:20 p.m. about

1 a mile east of the Aiken Electric Cooperative, Alex and
2 Katie who were both wearing seat belts and headed
3 eastbound in Alex's 2001 red Ford Explorer, was struck
4 head-on by a gray 2009 Nissan Pathfinder traveling in the
5 wrong lane and driven by the Defendant, Mr. Corley.

6 The Highway Patrol MATE team would later calculate
7 Mr. Corley's speed at impact at 77 miles an hour. The
8 posted speed limit is 50 miles an hour.

9 No evidence was collected that would indicate that
10 Alex Bush contributed in any way whatsoever to this
11 collision.

12 Judge, at this time we'd like to show you some slides
13 of the scene and of the collision.

14 The red car would represent the Explorer traveling
15 east on Highway 302, and the gray car being Mr. Corley's
16 2001 Pathfinder traveling west on 302.

17 There's the impact.

18 And that's where both vehicles rested following the
19 collision.

20 Unit one being the Explorer, unit two being the Nissan
21 Pathfinder.

22 Judge, this is looking westbound into Aiken, up
23 Highway 302. The Explorer on the left was the vehicle
24 driven by Mr. Bush. The Nissan Pathfinder on the right
25 driven by Mr. Corley.

1 That's Mr. Bush's Explorer.

2 That's Mr. Corley Pathfinder.

3 Another photograph of the Pathfinder.

4 That's the point of impact on Highway 302 in the
5 eastbound lane.

6 That's the front of Mr. Bush's Explorer.

7 Your Honor can see here, there's full airbag
8 deployment both on the driver's side and on the passenger
9 side. Your Honor, the impact, as you can see, was simply
10 extraordinary and not survivable. Both Mr. Bush and
11 Ms. Scott would have their seat belts cut off of them
12 prior to being extracted from the Explorer.

13 Judge, EMS received this call at 6:25 p.m. They
14 arrived on the scene at 6:37 p.m., approximately 12
15 minutes after they were called out. The State Troopers on
16 the scene would note an odor of an alcoholic beverage
17 emitting from Mr. Corley's Pathfinder.

18 An ambulance carrying Mr. Corley departed the scene at
19 7:15 p.m. EMS run sheets would later reflect that
20 Mr. Corley admitted to drinking, smelled of alcohol and
21 was combative in the ambulance with emergency personnel.

22 Mr. Corley's blood was drawn at 8:35 p.m. at MCG,
23 approximately two hours and 15 minutes after the
24 collision. It was analyzed by SLED on January 19th of
25 this year revealing a .133 blood-alcohol content.

1 Judge, back on Highway 302, as Mr. Corley is en route
2 to MCG, both Alex and Katie are fighting for their lives
3 at this point. EMS performed CPR on Alex for 30 minutes.
4 He was taken to Aiken Regional Hospital. CPR was again
5 attempted without success, and Alex was pronounced dead at
6 7:03 p.m., with his cause of death being blunt force
7 trauma.

8 Immediately following the collision, Katie was barely
9 alive. She was air lifted to MCG. She went into cardiac
10 arrest in the helicopter. Her vital signs were restored
11 but unstable. Upon arrival at MCG, Katie's CAT scan
12 revealed severe signs of increasing cranial pressure. She
13 was pronounced of brain death at 12:35 p.m. on December
14 30th with her parents at her bedside.

15 In the coming weeks and months witnesses who observed
16 Mr. Corley's erratic driving would later be identified and
17 provide statements.

18 This one from a Cecilia Belcher. While traveling down
19 302 headed towards Coughton, the red Explorer passed me
20 right before the road went from four lanes to two lane
21 going down the hill. The SUV swerved. It swerved again
22 into our lane, hitting the red Explorer head on. This
23 happened about 6:20 p.m. on December the 29th.

24 A statement from a William Turner. I was traveling,
25 coming to Aiken from work in Orangeburg that evening and

1 as I was passing through Couchton, I observed a vehicle
2 approaching from behind me coming up very fast. I thought
3 the driver wasn't looking and was going to hit my vehicle
4 in the rear. The driver evidently saw me and hit the
5 brakes enough to avoid hitting me. Then I saw the vehicle
6 back off and then come up on me again very fast. The
7 vehicle went around and passed me and continued on very
8 fast. As I was going down the hill in Couchton, I
9 observed the vehicle approaching the next car very quickly
10 and then suddenly pulled left to pass it and immediately
11 hit an oncoming vehicle head on. When I saw taillights
12 and headlights disappear, I knew there was a collision.
13 As I got closer, I could see through the smoke that both
14 vehicles were heavily damaged. Approximate time was 6:15
15 to 6:30 p.m., on December the 29th.

16 And lastly from an Xavier Madison, who had been behind
17 Mr. Corley as far as Springfield which is about 20 miles
18 outside of Aiken, out 302 where it splits into Highway 4.
19 As I was driving down Highway 4 coming from Orangeburg,
20 while I noticed a vehicle approaching me at a high rate of
21 speed. After a period of acceleration and deceleration of
22 the other vehicle, the driver passed me on the left-hand
23 side. After passing me, he continued to accelerate and
24 decelerate while he appeared to text or make phone calls.
25 As we approached Couchton, his driving became even more

1 erratic. And then he passed another vehicle. As I was
2 almost through Couchton, I saw the driver try and pass
3 another vehicle when he collided with an oncoming vehicle.

4 Judge, Mr. Corley was arrested on January 7th, 2011,
5 following his release from the hospital. He was
6 Mirandized by Corporal Deering with the South Carolina
7 Highway Patrol and gave a videotaped statement admitting
8 to drinking vodka on the morning and afternoon of December
9 the 29th.

10 Judge, you should know that Alex and Katie are buried
11 next to each other in Pineview Memorial Park. We have
12 some photographs we'd like to show you of this young
13 couple in life.

14 And I find it appropriate to read the obituary from
15 Miss Katie Scott's funeral bulletin. It says: Known as
16 bright eyed and bushy tailed, Katie was always fun loving,
17 compassionate, outgoing and a peacekeeper of the family.
18 Throughout her life Katie was very active. She devoted
19 her life to cheer leading, gymnastics and, of course,
20 dancing. Katie loved to dance. Katie was a 2006 graduate
21 of Aiken High School as well as the Aiken County Career
22 Center where she pursued cosmetology. Later after
23 attending Aiken Technical College for two years, she then
24 proceeded onward with her new passion in life, the
25 theatre. She attended the College of Charleston in

1 Charleston, South Carolina, where she was studying fine
2 arts and working with children. Charleston became Katie's
3 second home where she impacted many lives as well as back
4 here in Aiken, South Carolina. She had many friends and
5 special co-workers at Oops!, a retail store in Charleston
6 that Katie loved dearly, but none could surpass her first
7 love, Alex Bush, her fiance-to-be. Katie and Alex were
8 together for six years during which they were
9 inseparable. They loved each other with a passion no one
10 could fathom. Although Katie left this life not knowing
11 that Alex would soon propose to her, she left this life
12 with her dearest and best friend by her side. Alex, we
13 love you and miss you terribly. Katie, you will always be
14 remembered with a happy smile on your face that would
15 brighten an entire room. Katie will be deeply missed but
16 eternally loved by her family and friends. Rest in peace
17 with the Lord and we will see you soon.

18 Judge, similarly, just to tell you a few things about
19 Mr. Alex Bush.

20 This is from his obituary. Alex was a lifelong
21 resident of Aiken. He was a 2005 graduate of South Aiken
22 High School, where he was a regional champion cross
23 country runner. Alex was a University of South Carolina-
24 Aiken graduate where he received a bachelor's degree in
25 English with a minor in political science and was the

1 editor of the English newsletter and member of the
2 National English Honor Society. He was a second year
3 student at the Charleston School of Law. He was a former
4 law clerk for the Johnson Law Firm here in Aiken as well
5 as a law clerk for a Charleston law firm. An avid
6 swimmer, Alex was a member of the Aiken-Augusta Swim
7 League and the Houndslake Swim Club.

8 Judge, I think the families would also want me to
9 advise the Court that both Alex and Katie, I'm told, were
10 able to donate some of their organs, and that scholarship
11 funds have been set up. Alex has a scholarship fund at
12 USC-Aiken. Katie has a scholarship fund at Aiken Tech.

13 There are several people that I need to recognize. We
14 have several members of the South Carolina Highway Patrol
15 here. All these gentlemen were involved in this case and
16 worked it very hard. Captain Stephens was here earlier
17 and had to go to a doctor's appointment, but we have
18 Lieutenant Filyaw, Sergeant Manley, Senior Trooper Brock,
19 and I saw Corporal Deering earlier, but I just wanted to
20 recognize them and thank them and mention all of them for
21 bringing us a good case.

22 We have several members from Alex Bush's family. If I
23 could ask everyone here who is here on behalf of Alex
24 Bush, friend or family or former co-worker, if y'all would
25 just stand briefly and be recognized.

1 Thank you.

2 And then we have several friends and family members of
3 Miss Katie Scott's, of Ms. Katie Scott. If I could ask
4 y'all to stand please and be recognized.

5 And, Judge, we have several members of both of these
6 victims' families who would like to address at the Court
7 at the appropriate time.

8 THE COURT: Right now will be that.

9 MR. THURMOND: We'll begin with Alex Bush, Judge, and
10 we'll hear first from his father. This is Mr. Earl Bush.

11 MR. EARL BUSH: Your Honor, I stand before you a man
12 whose life has been irrevocably altered by the decisions
13 and behavior of the Defendant. In a very real sense,
14 losing my son was tantamount to my having lost a part of
15 myself.

16 He had just recently launched his adult life and had
17 carried with him all the very best one learns from a happy
18 family; love, respect, honesty, forgiveness, generosity --
19 ah, the generosity, the joy of laughter, and the
20 importance of sharing life's hardships.

21 He was in every way a loving and giving person.
22 Indeed, he was in the process of preparing for a
23 professional life in the law, hoping to serve those less
24 fortunate than he.

25 His family was an integral part of him, as surely as

1 he was an integral part of the family. Yes, his death
2 represents a significant loss for all of us and for the
3 community of mankind at large, a loss for which ideal
4 recompense does not exist in this world. Most certainly
5 perfect justice does not exist in this life.

6 And so it is that, imperfect though it may be, we turn
7 in such matters to our system of jurisprudence which
8 offers some justice as prescribed in our laws and is
9 extended to the aggrieved through the courts.

10 We have come to this Court seeking that justice, with
11 the assistance of the able and dedicated Solicitor and his
12 team, and from you, Your Honor, through your wisdom and
13 understanding of the law and your commitment to seeing
14 that those of us who have been wronged are able to realize
15 the full extent of justice as allowed by law.

16 Benjamin Disraeli asserted that justice is truth in
17 action. I ask, therefore, of this Court that the
18 Defendant, the man directly responsible through his
19 decisions and subsequent actions, for the death of my son,
20 Alexander Charles Bush, have imposed upon him the maximum
21 sentence allowed and that said sentence be pronounced as
22 running consecutively to whatever sentence may be imposed
23 as a result of his also having been responsible for the
24 death of Ms. Katie Scott in the same instance.

25 Let truth prevail then through the actions of this

1 Court.

2 Finally, I believe that imperfect though our judicial
3 system may be, it is the best the world has known. And it
4 is here that I will be afforded the full measure of
5 justice the law makes possible.

6 I ask these things in honor of my son who has been
7 condemned to the lifeless constituency of the realm of
8 silence.

9 Thank you for your indulgence and your thoughtful
10 consideration of my concerns, Your Honor.

11 THE COURT: Thank you, Mr. Bush.

12 MR. THURMOND: Judge, next we'll have Ms. Cheryl Bush,
13 Alex's mother.

14 And while she's coming up, I did want to recognize
15 Mr. Sam Grimes with our staff. He has worked this case
16 since he walked through the door. I just wanted to thank
17 him for all of his work which is culminating today with a
18 guilty plea.

19 MS. CHERYL BUSH: My name is Cheryl Bush. I'm the
20 mother of Alexander Charles Bush, who with his girlfriend,
21 Katie Diane Scott, whom I also loved, was killed in the
22 collision on December 29th.

23 Alex and Katie cannot sit in this courtroom today.

24 We've brought a characteristic recent image of them, a
25 poor substitute.

1 When the collision on December 29th took the lives of
2 Alex Bush and Katie Scott, our community and our world
3 lost two forces for good who directly or indirectly had or
4 would have made all of our lives better.

5 But those of us who love them have lost a multitude.
6 We have lost every person Alex or Katie was and every
7 moment we shared with them from even before they were
8 born.

9 Here are Alex's own words from his Christmas letter to
10 me four days before he was killed: Mom, there have been
11 times in my life, even within the last year, where I
12 wasn't sure how far I could push myself, academically,
13 physically and within a relationship. In the past couple
14 years, I have both pushed myself through half of a juris
15 doctoral degree and decided to marry my girlfriend. I
16 have begun to plan my future family and career. I have
17 never been this determined and I hope you know that I know
18 you've been there every step of the way. Thank you for
19 being a rock in my life and for never letting me down. I
20 love you very much. Alex.

21 Let me try to tell you how my son's death has affected
22 me. After Alex, my first-born child, came into this
23 world, I told my father, Alex's granddaddy, that I did not
24 think I could ever love another human being as much as I
25 loved my son. My father said not to worry, love never

1 divides, it multiplies. And when my second child, Emily,
2 was born, I rejoiced in discovering that he was right. I
3 loved my newborn daughter as wholly and unreservedly as I
4 loved my son.

5 Now my son is gone, and my love for him is not. I
6 still love him fiercely but I have no way to demonstrate
7 that love to him. I can't hug him or reassure him when he
8 has doubts, or offer him advice when he asks for it, or
9 say, sure, when he calls me in the middle of the day and
10 asks, hey, Mom, you got time to give me a pep talk.

11 I cannot love my daughter twice as much. I already
12 love her as much as any individual can love another.

13 To say that my son's death left a void in my life is
14 true in terms of space and time and interaction. More
15 profoundly, however, my son's death has left me with this
16 excruciating abundant love that his life created and that
17 remains in his absence without outlet.

18 It is this exquisitely-felt love for Alex that causes
19 my pain at his loss, and it is the coupling of my love and
20 my pain that causes my new fear. If my pain subsides will
21 my love go away also?

22 Alex and Katie were not allowed to pursue their
23 aspirations. Neither was allowed to spend even 25 years
24 on this earth. And they were both deprived of the next
25 50-plus years in which they would mature individually and

1 grow together and with us.

2 And I and everyone else who loved them have been given
3 life sentences. For however long we remain in this world,
4 we are subject to those awful, unpredictable periods of
5 lost time when the despair of that night descends again
6 just as raw and debilitating.

7 It's only fair that the agent of Alex and Katie's
8 premature deaths, and of the permanent pain of those who
9 love them, also receive a life sentence in prison
10 separated from the world he diminished.

11 I ask that you impose the maximum penalty allowed by
12 law.

13 Thank you, sir.

14 THE COURT: Thank you.

15 MR. THURMOND: Thank you so much.

16 Judge, next we're going to hear from Ms. Joyce Ross.
17 She is Alex Bush's grandmother.

18 MS. JOYCE PHILLIPS ROSS: Your Honor, my name is Joyce
19 Phillips Ross. I'm the wife of the late Chuck Ross, but
20 to Alex and Katie I was just Grammy. And oh how I miss
21 opening my door or picking up my telephone to hear their
22 voices calling, hi Grammy.

23 Alex often called me at seven a.m. on weekdays as he
24 was headed to his law class, just to chat, catch up. And,
25 oh, how I yearn for one more call.

1 My husband died in October of 2004. Alex was a senior
2 at South Aiken High School. He loved sports and he ran
3 cross country. My husband was buried on Thursday and Alex
4 was to compete in his final high school meet on Saturday.
5 It was the regional meet. It was tough. Because Alex
6 adored his granddaddy, Alex won that regional competition
7 and everyone in our family and Katie who were here for my
8 husband's funeral, greeted Alex at the finish line. But
9 his first words were: That win was for Granddaddy.

10 Through the ensuing years, Alex tried to fill in for
11 his granddad. He'd cut my grass and he'd visit with me
12 and he'd change the air filters and he'd chat with me. He
13 often asked about the early years of our marriage. He was
14 a great listener, often taking notes and he poured out his
15 heart and his feelings in those conversations.

16 We had an open, honest, loving and respectful
17 relationship that was very special.

18 There will be no more visits at my kitchen table and
19 no exchanging of future plans, or asking: How did you and
20 Granddad do this or that. No more.

21 This Christmas season was especially filled with love
22 and special happenings. Alex finished his law school
23 early in December. And, if you remember, our December was
24 a particularly cold one. And Alex appeared in Aiken to
25 help his Uncle Gary through a busy time for the heating

1 industry.

2 He worked a few cold days and then he started hinting
3 to me that it would be really nice if I would knit him a
4 cap to cover his ears. I took the hint and I started
5 knitting. Then Katie said it sure was cold, a cold walk
6 from her classes to, through the streets of Charleston and
7 she'd like a cap, too.

8 I started to knit her a fuzzy teal-green cap. She
9 picked out the yarn but she never had a chance to see it
10 finished. I placed it at her side in her casket.

11 My oldest grandson, Craig, called one evening just
12 before Christmas and he asked if he could stop by early
13 the next morning on his way to Greensboro to celebrate
14 Christmas with his family. And he suggested he wouldn't
15 mind if I'd fix him a good breakfast. Alex was at my
16 house when Craig called and he asked if he could come,
17 too. They were both at different schools, didn't see each
18 other too often and it was a joy to cook a large breakfast
19 for them and listen to their chatter. It's a joy I will
20 never again experience.

21 Alex's 24th birthday was the 16th of December and ever
22 since he was a small boy it was a tradition to visit the
23 Christmas lights of Hopeland for his birthday. This year
24 Alex had just started his clerkship at the law firm in
25 Charleston and Katie was working at her job, but they were

1 going to come back to Aiken together, of course, saving on
2 gas. And Katie and Alex and I were going to see the
3 lights.

4 They called that night to say that they were running
5 late but they would come by my house first, and we would
6 go directly to Hopelands. They bustled into the kitchen
7 carrying a huge aquarium that was occupied by a very large
8 turtle. I was told his name was Flash. Well, Flash -- up
9 went the aquarium on my counter, on went the lights so
10 that Flash could stay warm and only then, and only then
11 could we go to see Hopelands.

12 Alex's sister, Emily, is caring for Flash now.

13 Katie and I laughed. Alex was the overseer and
14 protector, much like his granddad had been. And I think
15 Katie and Alex were most impressed by the fact that I now
16 had a handicapped sticker and we could drive through the
17 gates right up to the path and walk into Hopelands without
18 having to get on the trolley. And both kids said, way to
19 go, Grammy.

20 I'll never hear that explanation again.

21 Other things happened that holiday season. Alex and I
22 went to church one Sunday and then drove to the cemetery
23 in North Augusta to put a small Christmas tree on
24 Granddad's grave. Then we had lunch, just the two of us.

25 The next time I was at that cemetery was to bury my

1 grandson. He lies at my husband's feet. Katie is buried
2 next to Alex.

3 During one of our long and earnest conversations that
4 December, Alex told me he planned to give Katie an
5 engagement ring, either in the spring or in the summer, as
6 soon as he saved enough money from his clerkship to have a
7 diamond added to the mounting he had purchased.

8 He told me that he was going to send me as much of his
9 paycheck as possible and that I was to put it into our
10 credit union account, and he would give Katie the ring
11 when he could afford it.

12 After some thought, I asked Alex if he thought Katie
13 would like to use my wedding band as hers. He apparently
14 talked it over with her, and they agreed and they were
15 delighted.

16 At a later conversation I offered chuck's wedding band
17 to Alex. He was quiet a moment there in my kitchen but
18 then he jumped up with a great big tearful hug saying,
19 Grammy, that's the very best gift you could give us. You
20 and Granddad had 52-plus years, and Katie and I plan to
21 have at least that many.

22 Those rings are in a safe deposit box, unused.

23 A quote from my -- the -- my handwritten Christmas
24 card. You heard my daughter read hers. I received one,
25 too. It was the last one I'll receive from him. He

1 said: Grammy, as Rodney, our pastor, Reverend Dr. Rodney
2 Powell, cunningly put it in a recent church service, no
3 material gift can accurately display the sincere love and
4 respect a person has for another. Yet I hope you can
5 enjoy this small token as thanks for another great year.
6 Merry Christmas. Thanks for being one of my brightest
7 guiding lights. Love, Alex.

8 Katie and Alex had together decided to return to Aiken
9 after law school and college was completed. He was coming
10 back to Aiken and he hoped to practice law here with his
11 friends, Todd and Paige.

12 That's another bit of information that was exchanged
13 around my kitchen table.

14 You see, Alex planned ahead. He set goals and he
15 attained them until -- I said, well, you can come back to
16 Aiken, and you can take care of your mother and your
17 grandmother. And he said, that's exactly what we plan to
18 do.

19 But that will never happen.

20 I believe that God through his wisdom and grace has
21 granted each individual the ability to make choices as we
22 live our time here on this earth. I do not believe that
23 my god is a controlling god or a vengeful god. I believe
24 passionately that he is a loving god. I believe he wept
25 as I did on the night of December 29th. I believe that it

1 is our decision alone to love, live lawfully, to trust, to
2 respect and to be a positive influence for good in this
3 world.

4 I have only pity for Stephen Corley. Pity that his
5 multiple, irresponsible, selfish and unlawful choices
6 extinguished the lives of two beautiful, respectful,
7 responsible, lawful, unselfish and goal-oriented souls.

8 Stephen Corley still has a lifetime to speak and
9 interact with his relatives. Alex and Katie will never
10 attain their lifes' goals or again interact with their
11 families.

12 May no other family have to endure this senseless
13 sorrow and loss caused by complete selfishness. I believe
14 and ask that Stephen Corley be incarcerated to the full
15 extent of the laws of our state.

16 Thank you.

17 THE COURT: Thank you.

18 MR. THURMOND: Thank you.

19 Judge, lastly on behalf of Alex Bush, we have his
20 uncle, Mr. Gary Ross.

21 MR. GARY ROSS: Your Honor, as I was preparing for
22 today I was trying to do some Internet research on felony
23 DUI with death to see what sentences might have been
24 handed down in the past.

25 I came across one website where an 18-year-old boy who

1 was charged with killing his friend and passenger was
2 asking for advice from the public on what he should do.
3 And it was amazing the responses that were giving him
4 advice on what to do before court, in between the time of
5 the accident and court; join AA, different programs, get a
6 haircut.

7 To our families, the decisions the Defendant's made
8 since the time of the accident to now concerns me none at
9 all. It was the decision before the accident.

10 I received a phone call about the accident, myself, on
11 our side of the family. My sister was at our house, my
12 house at the time. I had to tell my sister that her son
13 was dead.

14 My wife screamed, and my sister didn't make a sound
15 but I watched the life drain out of her in an instant. I
16 drove her to the hospital and the only word she spoke from
17 the time I told her until the time we got to the hospital
18 was two words, everything changes.

19 I identified Alex's body with the coroner. I escorted
20 my sister in to see her son. I then had to drive across
21 town to tell Alex's father and sister before they found
22 out in any other way.

23 His father collapsed against the wall and his sister
24 crumpled to the floor. I drove them back to the hospital
25 and back home later, picked up my sister from my mom's

1 house and was able to take her home before I could go home
2 and cry.

3 No one should have to go through this.

4 No matter what has happened since the accident, the
5 facts are these; Alex and Katie are dead, their remains
6 are buried in the ground, and both families have a void in
7 them now that will never be filled.

8 The other sad part for me is that this crime will
9 happen again. The next family that loses a loved one
10 because of this senselessness might be your family, Your
11 Honor, it might be the Corley family or, God forbid, one
12 of these parents back here will lose another child.

13 But if one person watches the news tonight or picks up
14 the paper in the morning and sees that the maximum
15 sentence was handed down, then maybe one person will
16 decide to give his keys to the bartender, stay at home or
17 not drink at all.

18 If only one person does this, then we have a chance to
19 save one life and to keep a family from feeling this
20 pain.

21 So if there's any chance at all by doing the maximum
22 sentence would keep one person from having this accident
23 and one family from going through this, I feel it's the
24 State's responsibility and duty to do so.

25 THE COURT: Thank you.

1 MR. THURMOND: Yes, sir. Several people to speak on
2 behalf of Ms. Katie Scott. I'll begin with Amy Simon,
3 Katie's sister.

4 MS. AMY SIMON: Your Honor, I come with words from a
5 sister's heart today. Simple but sweet words, they can
6 only paint just a small bit of the beautiful picture she
7 really was.

8 Katie was trouble at times, from the games we played
9 at nap time to every Friday grocery shopping trip with our
10 mom were seen as Katie's playground, to the never-ending
11 adventures on our bicycles. Katie was compassionate.
12 Katie was beautiful, inside and out. She was full of
13 ambition and determination but also filled with
14 surprises. Katie excelled in creativity from her hair
15 styles, her fun fashion, to her ways with children.

16 When I think of her I remember laughing and singing.
17 Katie's beautiful voice filled our house day after day.
18 Her heart was full of joy as she danced through her very
19 short life. From the first day that I saw her until the
20 last day when I had to say goodbye, I knew my life would
21 never be put back together. Our lives would never be the
22 same.

23 Not only was my sister taken from me, but I've lost my
24 advice giver, my secret keeper, my best friend.

25 I come with the belief today that Stephen Corley

1 should receive the maximum amount of prison time. He has
2 been allowed to live his life freely over the past months
3 while our families have suffered day after day. It's time
4 for closure and peace for our family.

5 Thank you.

6 MR. THURMOND: Thank you.

7 Judge, next we have Holly Scott, another of Katie's
8 sisters.

9 MS. HOLLY SCOTT: Your Honor, throughout the past nine
10 months my family has been through many tough times. We've
11 had to go through holidays and birthdays without a very
12 important person in our life.

13 Katie is my second-oldest sister and she is one of the
14 most people important in my life. She was a perfect role
15 model for everyone and was full of life and could always
16 find the positive things in her own life and everyone
17 else's.

18 She loved everything she did and always had goals.
19 Along with her boyfriend, Alex, they strived for success.

20 However, all of our lives stood still the day these
21 two angels were taken from us one tragic night. I can
22 remember vividly the night that they were taken from us as
23 they lay there lifeless in their car and we could do
24 nothing to help them.

25 Not only do we have to worry about people underage

1 drinking, but we also have to worry about people who are
2 old enough and who are supposed to be responsible enough
3 to withhold alcohol and not drink and drive.

4 All because of one person's unwise decision, we will
5 no longer be able to make memories and enjoy life, knowing
6 we will never see Katie or Alex on this earth alive
7 again.

8 Luckily, I have faith that I will see them in heaven
9 again and I have enough strength to forgive. But being
10 forgiven does not bring justice to the two innocent lives
11 taken because of one man's unwise decision. I'm asking
12 for the maximum sentence.

13 Thank you.

14 MR. THURMOND: Judge, next we have Hope Scott, who is
15 also one of Katie's sisters.

16 MS. HOPE SCOTT: Your Honor, Katie and Alex always
17 looked happy, as you can see from this picture. They were
18 always willing to help someone.

19 Katie always knew what looked good on me. She always
20 helped me style my hair for any occasion. On the day of
21 prom, she helped me style my hair and needless to say it
22 never looked bad.

23 I viewed Alex as my older brother because he was
24 always there for me, no matter what. The last few days
25 that I had with him he was checking to make sure there was

1 nothing wrong with my car and making sure that my tires
2 were okay. He even cleaned my kitchen that night.

3 The day before the accident, Katie, Alex, Holly and I
4 had gone to the mall. While in the car we played our new
5 favorite sound and turned the music up loud and we all
6 sang. Alex told me that he had learned about 80 percent
7 of that song on the guitar. I'll never get to hear him
8 play it.

9 Katie was always singing. And I'll never get to hear
10 her sing again.

11 I was there right after the accident happened and I
12 was there before any police. At first I only saw
13 Mr. Corley's car. My mom immediately thought about Katie
14 and Alex. I ran and screamed as soon as I saw his car. I
15 saw Katie and Alex in the car pushed up against the
16 woods. All I could do was stand there and scream because
17 there was nothing I could do to help them.

18 Mr. Corley's selfish decision to drink and drive
19 forced me to watch my sister and her boyfriend die.

20 Alex loved Katie very much. And I know that he would
21 have done anything to help Katie that night. It is said
22 that Alex tried to swerve the car away from Mr. Corley and
23 because of Alex, we got a little more time with Katie.
24 Although we know that neither one of them would want to
25 live without the other, that's why neither of them are

1 here today.

2 Those images are forever burned in my mind and that is
3 something I'll never be able to get over. I have
4 nightmares about Katie and Alex and about the accident
5 almost every night.

6 I live in the house where Katie's room is, but she'll
7 never come home again. I'll never be able to hug her or
8 talk to her ever again.

9 Mr. Corley has his family here but because of him, I'm
10 missing two members of my family. He decided not to care
11 about his family when he took a drink and picked his keys
12 up and started to drive. Because of him, I'll never have
13 Katie and Alex back.

14 I'm asking for the full sentence for Mr. Corley. I
15 forgive him, but he will never bring them back.

16 THE COURT: Thank you.

17 MR. THURMOND: Judge, next we have Ms. Karen Scott.
18 This is Katie's mother.

19 MS. KAREN SCOTT: Your Honor, my name's Karen Scott,
20 the mother of Katie.

21 And I was advised at the beginning of this whole
22 process to keep a journal of my feelings and emotions.
23 There's no way there'd be ever enough time for me to speak
24 to those feelings.

25 I have prepared something very short.

1 On December 29th, approximately 6:30, Katie and Alex
2 were fatally struck by a vehicle driven by Stephen
3 Corley.

4 I was the first on the scene because I was behind
5 their car when it happened, along with my friend, Marcie,
6 and my daughter, Hope, that just spoke. We had been out
7 for probably the last time before they would make their
8 way back to Charleston to return to college.

9 That night I lost my 22-year-old daughter and my
10 future son-in-law, Alex.

11 Their deaths also meant the death to any hopes and
12 dreams of a mother. I won't be able to watch her graduate
13 from college. I will not be able to plan a wedding for
14 her. I won't get to hold any grandbabies in my arms and
15 rock them gently as I did her so many times.

16 They will no longer walk through this life together.
17 No more sunrises, no more sunsets.

18 Stephen Corley, sadly for our family, has been able to
19 walk around for nine months now.

20 I think at this time, I plead you to give him the
21 maximum sentence because even at that she would only be 47
22 years old. And my daughter's life is worth more than
23 that. It is time for him to lose even the smallest
24 portion of his freedom.

25 And, thank you.

1 THE COURT: Thank you.

2 MR. THURMOND: Lastly, Judge, Mr. Todd Scott, Katie's
3 father, could not be here today but has submitted a letter
4 that he wanted read. And our victim advocate will read
5 that at this time.

6 STATEMENT OF TODD SCOTT (read by victim's advocate):
7 Your Honor, I apologize to you and the Court for my
8 absence in this matter. I have a pressing job and I am
9 unable to make this hearing.

10 I would like to say to the Court that I wish for the
11 full sentence for Mr. Corley. He has taken my daughter's
12 life, who I loved very much with all my heart, and her
13 boyfriend, who was soon to be her fiancée, who I loved
14 with all my heart.

15 His stupid decision on the night of December 29th,
16 2010, is unacceptable and I feel that he should have to
17 spend the rest of his life behind bars with no parole,
18 Your Honor. I don't hate Mr. Corley, but I feel he should
19 be punished for his mistakes.

20 My daughter, Katie, will never come home again.
21 Neither will Alex.

22 Thank you, Your Honor, for this time to speak. I
23 thank the Court.

24 MR. THURMOND: Judge, that concludes the State's
25 presentation.

1 THE COURT: Thank you very much. I will accept the
2 plea and find that it has been given freely and
3 voluntarily and intelligently made with the advice of
4 competent counsel. Be glad to hear from you.

5 MR. WOODS: Thank you, Your Honor.

6 Your Honor, this -- no one wishes to be here. No
7 one. Neither I, nor Strom, or Sam, who worked on this
8 case, wants to be able to present this to the Court.

9 It is what it is, which is an unfathomable tragedy
10 that affects all the lives here; the lives of the young
11 man that was lost, the young lady that was lost, the lives
12 of Mr. Corley and his family.

13 Everyone here in the courtroom, Your Honor, they have
14 their own individual issues or their own individual
15 connection to this case. They, each person grieves in a
16 different way.

17 No matter what decision the Court decides on today is
18 not going to be able to help bring a definite and complete
19 closure to this case because lives were lost, lives will
20 be irrevocably affected.

21 What we're asking for, Your Honor, is for Your Honor
22 to see what happened that day. That hasn't been spoken to
23 and I'd like to speak on that now.

24 This particular day was a day of loss for Mr. Corley
25 as well. His grandmother who raised him, his grandmother

1 who was everything to him, she died that very same day.
2 When she died, Your Honor, that put him into a profound
3 depression. He was very, very moved by that. He was very
4 sick and upset behind that. It happened the same day.

5 He did partake of alcohol that day with his -- with
6 other people that were there, just to have a celebratory
7 drink or a salute to his grandmother.

8 But the fact of it, Your Honor, is that once he
9 consumed that alcohol and he got in the car and drove down
10 the road and he was overcome with grief for his
11 grandmother, he was in no state to even be able to do
12 anything for himself much less to be able to know
13 everything that had transpired.

14 Your Honor, he doesn't remember the accident in its
15 entirety at all. What he remembers is waking up at the
16 hospital and remembering that two people were deceased
17 behind his actions.

18 And it's important to know what he did, Your Honor.
19 Mr. Corley did not seek to run away. He did not seek to
20 have to be found. He didn't seek to not come to court.
21 As a matter of fact, he came to court every time that he
22 was summoned to come. He did not seek to avoid the court
23 system or to avoid justice. Knowing the consequences and
24 the consequences may be severe, Mr. Corley decided to stay
25 and didn't do what other people would do in cowardice and

1 try to get away from a situation that they had a hand in
2 creating.

3 I think that speaks to Mr. Corley's courage to be able
4 to stand here before Your Honor, knowing what has
5 transpired, knowing what the families will say, knowing
6 what his family will say, what the rest of the world will
7 say, and how people will look at him, and still decide to
8 stand before Your Honor and take responsibility for what
9 transpired.

10 In the nine months that passed, Mr. Corley didn't do
11 anything except try to take care of his family. He has
12 three children between the ages of 10 and six. And he
13 wants to be able to show to his children that if something
14 happens, you take responsibility for it. That's why he's
15 here.

16 Mr. Corley, Your Honor, didn't seek to avoid the issue
17 or seek to try to waste the Court's time in terms of a
18 trial. At all times he knew what he was faced with. At
19 all times he knew what he could possibly receive. And
20 still he decided and made his own individual choice, Your
21 Honor, to stand before Your Honor and take responsibility
22 and say he's sorry and attempt to be able to bring some
23 sort of balance to this situation.

24 Your Honor, as opposed to a murder case where you know
25 someone and someone's died at someone's hand, this is an

1 unfortunate tragedy, an accident. When Mr. Corley started
2 out that morning, he did not know that he was going to
3 have to deal with the loss of his grandmother that day.
4 He did not know that it was going to affect him so
5 profoundly and bring him into depression. He did not know
6 that he was going to proceed onto a highway and as a
7 result of driving two people would lose their lives and he
8 would end up in the hospital.

9 He awoke in the hospital to find out what happened and
10 had to be told exactly what had transpired.

11 So, Your Honor, this is an unfortunate tragedy.

12 This is as bad as an accident gets. But it is, Your
13 Honor, an accident. There's no malice in what had
14 occurred. Mr. Corley didn't decide to see someone and
15 cause an accident. It was an accident. There was no
16 premeditation in what had occurred. Mr. Corley didn't
17 decide, hey, this is what's going to occur. It was an
18 accident.

19 Before his family speaks, Your Honor, I'd like the
20 Court to know that Mr. Corley knows the amount of years
21 he's facing, but simply incarcerating him for a long
22 amount of years won't really do anything to end or bring
23 an entire closure to this case.

24 If he was allowed to be able to speak on the issue
25 that would allow -- whether it be from prison or it be

1 from home or however the Judge decides, that would allow
2 him to be able to do something to help other people and
3 other families similarly affected by this.

4 If he was allowed to be able, as a requirement, to do
5 something community wise, in or out, that would allow him
6 to say something positive and keep other people from being
7 similarly affected by this.

8 As Your Honor knows and as the Court knows and as the
9 prosecutors and the defense attorneys in this room know,
10 we are here all too often for this sort of problem and
11 this sort of crime. We're here all too often in a case
12 where someone loses their life or is very severely hurt in
13 a drunk-driving accident.

14 I do not believe that incarceration for the maximum
15 will serve to do anything else except to lock him away and
16 will not let the world know what happened.

17 Mr. Corley's expressed to me an interest that he would
18 like to be able to share his story with other people in an
19 event -- or in an attempt to keep people from drinking and
20 driving. He has expressed to me that he wants to be able
21 to do something positive. And he wants some sort of
22 positive effect to come out of all of this.

23 Again, Your Honor, Mr. Corley is not a man of any big
24 means. He's not a man who has a lot of money. He just
25 simply has the love of his family. He did not graduate

1 from college and go to law school as so many of us do. He
2 didn't have that opportunity. He simply took care of his
3 family.

4 His family is from Salley, South Carolina. He's been
5 here in Aiken for 25 years, Your Honor, and goes to church
6 regularly and attends church in Salley. He didn't grow up
7 in a place where committing crimes or doing something
8 wrong was what you wanted to do or what was expected of
9 you.

10 And in that time that he's been here, Your Honor, in
11 the entire time that he's lived, he has absolutely no
12 criminal record. So he wasn't out doing anything wrong or
13 doing anything malicious to anyone. In fact, on what was
14 the worst day of his life, with his grandmother passing,
15 it became all the more worse by what transpired.

16 Your Honor, his family is here to be able to show you
17 that they support him, be able to speak on behalf of
18 Mr. Corley. They didn't prepare any speeches, Your
19 Honor. They didn't come up with anything eloquent to
20 say. They didn't sit down and take time to make poems.
21 They simply wanted to be able to speak from the heart.

22 The victims in this case and their families have
23 attempted to be able to settle the tragedy in their own
24 minds.

25 His family has attempted to be able to settle this

1 tragedy in their mind. And I would like for you to hear
2 from their words how they feel about their brother and
3 their uncle, Mr. Corley.

4 First I'd call his brother to the stand, Your Honor,
5 or allow him to stand up. That's James Corley.

6 MR. JAMES CORLEY: Your Honor, my name is James
7 Corley. I'm Stephen's brother.

8 We both are truck drivers. We grewed up together. We
9 went to church. Raised by a good mother and father.

10 My brother, you know, he -- I have to say, we make, we
11 make bad choices sometime, you know.

12 I don't know what happened. Like I say, I was out
13 there driving truck. And I got the call. But my brother,
14 he always used to be on me about, well, you need to do
15 this, you need to do that. But, my brother he's -- he's
16 the type fellow like this -- the road, he respects the
17 road. You know, as far as a truck driver and stuff, so,
18 you know.

19 So, it was a tragedy and a mistake. And, like I say,
20 my brother, my brother knows right from wrong and he made
21 a mistake. And he's a father and a father figure.

22 Your Honor, I'm a little lost for words right now but
23 I love my brother and he made a mistake that he didn't
24 know what happened.

25 Like I say, we both are truck drivers and we respect

1 the road. And he always respected the road. Thank you.

2 THE COURT: Thank you.

3 MR. WOODS: Your Honor, in this case everybody's
4 pretty much at a loss for words just how to define it.
5 It's not something that you can clearly define, and it's
6 not an action that anyone intended to happen.

7 Next, Your Honor, I'd like for his sister to be able
8 to speak on his behalf.

9 MS. STACEY CORLEY: Your Honor, my name is Stacey
10 Corley. And I'm Stephen's older sister.

11 On this particular day, he came, he was -- on this
12 particular day, he came to help me move out of my house.
13 And my grandmother was gravely ill and -- my grandmother
14 was gravely ill. And he only came to help me move my
15 things out of my house. And we went down there to see her
16 lying on her deathbed. And he just became overwhelmed
17 with her death.

18 So, he's not a bad guy. He's a loving father. We all
19 grew up together. My oldest brother told you. We grew
20 up, went to church, had loving parents. We even got out
21 there and played football, basketball in the yard, you
22 know, at my parents' house.

23 But, you know, he's not the person that intentionally
24 will go out and to, say, harm anybody just because he
25 wanted to. He's got three kids, two boys and a girl, that

1 love him and would like to see him, you know, whenever
2 they came. Neither -- none of them are from around this
3 area. They moved on with their parents but, you know,
4 whenever they're home they love their father. They want
5 to see him. Every time they come home they would like to
6 see him.

7 But if the Court would please, would you please spare
8 him from any type of incarceration because of the small
9 ones. That's all.

10 THE COURT: Thank you.

11 MR. WOODS: Your Honor, next his niece would like to
12 speak to the Court.

13 MS. SAJETTE CORLEY: Your Honor, my name is Sajette
14 (phonetically) Corley.

15 And Stephen Corley is my uncle. I love him dearly.
16 And right now I really hope the Court would accept the
17 fact that he did get in trouble but ...

18 Your Honor, if there was any action that he could do
19 or redo any mistake that he did do, he would do it all and
20 make it better but, you know, we understand he made a
21 mistake.

22 I'm sorry. I'm really lost for words right now.

23 But he's a very good truck driver and he loves
24 everybody. He's a very loving person. He loves to have
25 fun and, you know, every time I come home from an event or

1 from school or from anywhere, he will always be calling me
2 or ask me where I am, make sure I'm home safe, make sure
3 I'm okay.

4 But, you know I will always check on him, too. I will
5 always love him.

6 Thank you, Your Honor. I'm very lost for words right
7 now.

8 THE COURT: Thank you.

9 MR. WOODS: One moment, Your Honor, (conferring with
10 Defendant).

11 Your Honor, at this time we'd like to call Marie
12 Shelton up.

13 MS. MARIE SHELTON: Your Honor, my name's Marie
14 Shelton. Stephen Corley's been a good friend. He's
15 always there if you need help.

16 (Inaudible) to do what have happened. He's always
17 there for all my kids whenever they need him. He's
18 there. He's playing with them. He's lovable. He's got a
19 good heart but, he's did -- he didn't intentionally do
20 anything, I mean to -- he's a good person. He's got a
21 good heart. Thank you.

22 MR. WOODS: I'd like to call Derrell to the stand.

23 DERRELL PADGETT: How're you doing, Your Honor.

24 My name's Derrell Padgett. I've been knowing

25 Mr. Corley about six, seven years now.

1 You know, like I say, I know a whole lot of people are
2 hurt by this tragedy, but he didn't intend to do it. I
3 mean, you don't go out and suffer our consequences of our
4 actions.

5 And, you know, like I say, he's a good guy, good
6 father, good friend. Only thing, he can't help it, you
7 know. Just ask for lenience on his behalf.

8 MR. WOODS: Thank you, Your Honor. That concludes the
9 number of people that wanted to speak. Mr. Corley did
10 want to be able to address the Court, Your Honor.

11 THE COURT: Sure.

12 THE DEFENDANT: Your Honor, I'd like to take a chance
13 to tell the family I'm sorry. Can I turn around and talk
14 to them for a minute?

15 MR. WOODS: He's asking for permission to turn around
16 and talk to them.

17 THE COURT: Okay..

18 THE DEFENDANT: I'm sorry for what happened. I mean,
19 I can't bring their lives back. I'm just very sorry.

20 I was going through an emotional thing, and I wasn't
21 out there drinking just to be drinking-drinking. I wasn't
22 doing that. I just drank me a little mixed drink. You
23 know, my grandma, she was on her dying bed.

24 And I'm very sorry for all the problems I've caused
25 y'all, caused my family. I didn't mean to do this. I

1 made a bad choice. Everybody make bad choices in life,
2 but I just made this bad choice.

3 I've been driving trucks for a long time and I never
4 did hurt nobody on the road, but when I got in the car,
5 you know, just something that just happened. And I'm very
6 sorry. And I hope y'all can accept my apology.

7 I know everybody's hurting. Everybody's hurting in
8 this courtroom. Everybody's hurting, you know. And I
9 just want to say that I'm sorry, that I'm really truly
10 sorry from the bottom of my stomach. I'm sorry for the
11 lives that I caused, the lives that y'all lost. I'm
12 sorry. I can't bring them back. I wish I could. I wish
13 this thing would never happened.

14 I'm hurting now. I got bruised, I'm bruised from my
15 shoulder on down to my leg. I can't hardly walk good. I
16 can't even work no more.

17 But I'm sorry. That's all I can say. I'm sorry. I
18 mean, that's -- I mean, I know y'all are hurting. I'm
19 sorry. I'm hurting, too, about this whole situation. And
20 Lord knows if I could reverse it back, this here would've
21 never happened.

22 I hope y'all can accept my apology. I know it's a
23 hard thing to do, but I hope y'all can accept my apology.
24 I didn't mean to do it. You know, I just made one little
25 simple bad mistake, you know. I wasn't out there drinking

1 with the guys. I just took me a drink, just to calm my
2 nerves down a little bit because my Granny was in the
3 bed. She -- when I seen her laying in the bed, I just, I
4 just, I just lost it.

5 I mean, my sister was going to take me home. She was
6 going to take me home. But I was so upset, you know, I
7 just got in the car and left. I left, and just went on up
8 the road. I just made a bad choice, but I'm sorry.

9 THE COURT: Anything further?

10 THE DEFENDANT: Thank you.

11 MR. WOODS: Yes, Your Honor.

12 I'd like Your Honor to remember three things. Number
13 one, Mr. Corley doesn't have a record at all. He's not
14 out there committing crimes. Never was. This is the only
15 thing that he's ever done and it happens to be the worst
16 thing that could have happened.

17 THE DEFENDANT: Yes, sir.

18 MR. WOODS: The second thing, Your Honor, he was
19 suffering from a severe depression, his grandmother dying
20 and seeing her on her deathbed.

21 And his depression, I believe, more than anything
22 else, allowed his driving to be erratic. Nothing more
23 than that, Your Honor. He was coming on a familiar
24 stretch and headed home.

25 The other thing I'd like you to remember, Your Honor,

1 is that it's been said by both families that nothing can
2 be able to bring them back and nothing can bring back
3 these young people who lost their lives that day.

4 But, Your Honor, I would ask that the Court allow a
5 sentence which simply does not lock Mr. Corley away and
6 therefore one knows what occurred. The minute you lock
7 Mr. Corley away for the rest of his life or you lock him
8 away for the maximum, Your Honor, then that opens it up
9 for someone else in someone else's family to have to
10 suffer this tragedy because no one knew what occurred.

11 So I would ask Your Honor that Your Honor consider
12 giving him the minimum. If Your Honor would not, that
13 Your Honor would consider allowing him to be able to do
14 community work, to speak about it, to be a voice, to let
15 people know that this is -- these are the consequences.
16 If you're going to do these particular types of actions,
17 this is what happens.

18 Because that, Your Honor, the continued pressure on
19 people to know what occurred, the continued ability to be
20 able to speak and to change lives, the continued ability
21 to be able to do some community work, that would do good
22 in the community, the only thing that I believe will be
23 able to help in this scenario.

24 It is an unfortunate tragedy and it's Your Honor's
25 decision as to what happens next. I hope and I pray that

1 Your Honor will allow a sentence to go forward that will
2 do some perpetual good instead of just eternal harm.

3 MR. THURMOND: Judge, just for the record, before you
4 impose sentence, when I listened to your plea colloquy of
5 Mr. Corley, I'm not sure if I heard you advise Mr. Corley
6 about felony DUI being a violent offense, a most-serious
7 offense and a no-parole offense.

8 Those boxes were all appropriately checked on his
9 sentence check. And I'm confident his attorney --

10 MR. WOODS: We have no objection to Your Honor stating
11 that.

12 THE COURT: I don't see any need to do that. I'm sure
13 you're a competent lawyer and you have explained that to
14 him in great detail.

15 MR. WOODS: We have, Your Honor.

16 MR. THURMOND: Thank you, Your Honor.

17 THE COURT: SENTENCE OF THE COURT IN REFERENCE TO
18 2011-GS-02-00636 IS THAT THE DEFENDANT IS COMMITTED TO THE
19 STATE DEPARTMENT OF CORRECTIONS FOR A PERIOD OF 22 YEARS.

20 IN REFERENCE TO 2011-GS-02-00637, THE DEFENDANT IS
21 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
22 PERIOD OF 22 YEARS. THOSE SENTENCES WILL RUN CONCURRENT
23 -- CONSECUTIVE. I'm sorry.

24 MR. THURMOND: Thank you.

25 THE COURT: We'll be in recess for 15 minutes.

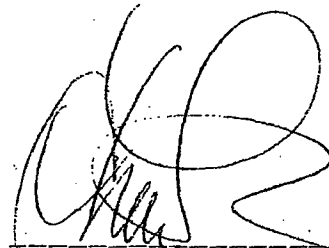
1 END OF PROCEEDINGS: 4:45 P.M.

2 CERTIFICATE OF REPORTER

3 I, Cheri L. Young, Registered Professional
4 Reporter, and Official Court Reporter for the State of
5 South Carolina, do hereby certify that the foregoing
6 transcript of proceedings heard on September 21, 2011, in
7 Aiken, South Carolina, was reported by me using machine
8 shorthand and realtime computer-aided translation and is a
9 true, accurate and complete transcript of the proceedings
10 had and evidence introduced in the hearing of the matter.

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

13 I have hereunto set my hand this Tuesday, this
14 10th of April, 2012.



15
16
17
18 Cheri L. Young, RPR
Official Court Reporter
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25

STATE OF SOUTH CAROLINA

County of AikenStephen Cooley 347938

Full name and prison number (if any) of Applicant

v.

State of South Carolina

FORM NO. 2-27-12

2012 CM 00471
2011 CM 00636, 00637M007625
M007628

☐ COMMON PLEAS
☐ Trial Judge
☐ Trial Attorney
☐ Court Reporter
☐ Sec. PCR, Prisoners
☐ General Sessions
☐ Appointed App.

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

- Place of detention MCCORMICK CT 386 Redemption way
MCCORMICK SC 29899
- Name and location of Court which imposed sentence Aiken County
General Sessions P.O. Drawer 3368
- Name(s) of co-defendant(s) (if any) N/A
- The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - 2011 GS0200636 2011 GS0200637
 -

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) September 21st 2011
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ☒
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence? N/A
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. PCR Court of Common Pleas of Aiken
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. N/A
- (c) the date of each such result:
- i. _____
- ii. N/A
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Because Counsel or Court Did Not Advise me of any right to appeal.
- (b) and I have substantiated a Brain Damage from the car accident

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) ineffective assistance of counsel
- (b) plea involuntarily given
- (c) counsel failure to investigate
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Strickland v Washington Counsel was a conflict of interest
- (b) plea was not entered with full knowledge of the totality of the circumstances surround the case, and counsel failed to investigate the crime scene was prejudiced to Mr. Corleys case
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? _____
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. _____
- ii. N/A
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. N/A
- iii. _____
- iv. _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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

N/A

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

(a) which grounds have been presented:

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

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

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

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) _____
 (b) N/A
 (c) _____

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

(a) your arraignment and plea? yes
 (b) your trial, if any? N/A
 (c) your sentencing? yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Guilty plea NO HE NEVER APPEALED MY
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

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. Fred Woods Attorney at Law Firm,
1106 Pendleton street Greenville, SC 29601
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Guilty plea
Sentencing
 ii. _____
 iii. _____

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

That my sentence be reduce to 5 years 85%

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

N/A

STATE OF SOUTH CAROLINA)

VERIFICATION

County of Aiken)

I, Stephen Conley 347938 F2175A, 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.

Stephen Conley 347938

SWORN to and subscribed before me this 22 day of Feb 2012

Stephen Conley

Joyce L. Yonny (L.S.)
Notary Public

My Commission Expires: 10 11 2021

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

I, Stephen Corley 347938, 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.

Stephen Corley 347938
Applicant

SWORN or affirmed to and subscribed before me this

22 day of Feb, 2012

Stephen Corley

Joseph L Young
Notary Public

My Commission Expires: 10/1/2021

FILED 17 April 2012

Liz Godard
D.C.C.P. & G.S.1:30 Angel Miles am
pm Deputy ClerkSTATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF COMMONS PLEAS

CASE NO: 2012-CP-02-00471

STEPHEN CORLEY #347938

AMENDMENTS TO PCR

VS.

APPLICATION

THE STATE OF SOUTH CAROLINA.

Applicant's allegation of his attorney being ineffective is with merit under the two-prong test set out in STRICKLAND VS. WASHINGTON. 466 U.S. 1668, 104 S.Ct. 2052 (1984) First, Applicant must Prove his attorney's performance was "deficient". And Second, Applicant must Show how that performance "prejudiced" him in violation of his Sixth and Fourteenth Amendment Rights.

- 1, My defense attorney Failed to conscientiously discharge his professional responsibilities while he was handling my case.
- 2, My defense attorney Failed to act as my diligent conscientious advocate
- 3, My defense attorney Failed to effectively Challenge the arrest and seizure.
- 4, My defense attorney Failed to give me

his complete loyalty.

5, My defense attorney did not have my best interest in mind while he was supposed to be investigating and preparing my case.

6, My defense attorney Failed to serve my cause in good Faith.

7, My defense attorney neglected the necessary investigations and the preparation of my case.

8, My defense attorney did not do the necessary Factual investigations on my behalf

9, My defense attorney did not do the necessary legal research.

10, My defense attorney did not conscientiously gather any information to protect my rights.

11, My defense attorney did not try to have my case settled in a matter that would have been to my best advantage.

12, My defense attorney did not advise me of all my rights or take any of the actions that were necessary to protect preserve them; knowing that I was not versed in law

13, My defense attorney, knowing I was

illiterate in the law, never properly ascertained whether or not I actually understood or comprehended all of the issues that were involved in my case

14, My defense attorney never properly consulted with me or kept me informed with what was going on as far as my case was concerned.

15, My defense attorney never explained to me or discussed with me any elements of the crime charged.

16, My defense attorney never made any attempt to ascertain whether or not I actually knew what the elements for the crime I was charged were or whether or not I understood exactly what the term criminal element actually meant.

17, My defense attorney never explained to me or discussed with me how the elements of the crime charged and the evidence that the prosecution planned to introduce into evidence against me related to one another and did not discuss how the

Sentencing would be done especially as it related to the elements of the crime as in STATE vs. Boyd.

- 18, My defense attorney never informed me of any of the defenses that were available to me
- 19, My defense attorney never intended to offer any defense to the court on my behalf.
- 20, My defense attorney never explained to me or discussed with me any of the tactical choices that they either made or were planning to make
- 21, My defense attorney never explained to me or discussed with me any kind of defense strategy
- 22, My defense attorney dictated to me exactly how my case was going to be handled and offered no alternative options
- 23, My defense attorney failed to properly acquaint themselves with law and the facts surrounding my case and as a direct result of their intentional negligence, there was a very serious error in the assessment

OF both the law and the Facts

24, Because OF my defense attorney's gross neglect and his many legal errors no defense at all was put in issue for me during the Court proceedings

25, My defense attorney did not subject the prosecutions case to any adversarial testing

26, My defense attorney Failed to oppose the prosecutions case with any adversarial litigation

27, My defense attorney Failed to Function as the governments adversary in any sense OF the word

28, My defense attorney Failed to pursue any of the legal recourse that were available to him

29, The attorney that represented me on this charge in court Failed to Function as the counsel that the constitutions sixth Amendment Guarantees

30, My defense attorney Failed to call alibi witnesses on my behalf which would have proven my innocence

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

2012-CP-02-0471

Stephen Corley, #347938,

Applicant,

v.

State of South Carolina,

Respondent.

RETURN

The Respondent, making its Return to the application for post-conviction relief, filed February 27, 2012 and amended on April 17, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted during the May 2011 term of the Aiken County Grand Jury for two counts of causing death by operating a vehicle while under the influence of drugs or alcohol (2011-GS-02-00636; 2011-GS-02-00637). Applicant was represented by Fred Wallace Woods, Jr., Esquire. On September 21, 2011, the Applicant pled guilty as indicted. The Honorable William H. Seals, Jr., sentenced the Applicant to twenty-two years imprisonment for each count, with the sentences to run consecutively. The Applicant did not appeal his conviction or sentence.

II.

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

1. Ineffective assistance of counsel
 - a. Failure to file appeal

- b. Conflict of interest
 - c. "Counsel failure to investigate"
 - d. "counsel failed to investigate the crime scene was prejudiced to Mr. Corley's case"
2. Involuntary plea
- a. "Plea was not entered into with full knowledge of the totality of the circumstances surround the case"

Applicant filled an Amendment to his current PCR application on April 17, 2012. In his amended application, the Applicant alleges thirty additional grounds for ineffective assistance of counsel.

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

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

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

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show 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, 88 L.Ed. 2d 203 (1985).

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

IV.

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).

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, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

V.

The State therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the State moves for summary dismissal pursuant to S.C. Code Ann. §17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VI.

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

VII.

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

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

By: Megan E. Harrigan
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

May 30, 2012

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

STEPHEN CORLEY, 347938,

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

2012-CP-02-0471

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 by depositing same in the United States mail, postage prepaid:

Jacqueline F. Busbee, Esquire
Post Office Box 596
Wagener, SC 29164

DATED this 1st day of June, 2012.

Lauren Meara
 Lauren Meara, Legal Assistant
 For Respondent

State of South Carolina)
County of Aiken)

Court of Common Pleas
2012-CP-02-00471

Stephen Corley)
Applicant)
vs.)
State of South Carolina)
Defendant)

Post-Conviction Relief
Transcript of Record

January 23, 2013
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

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

Jacqueline F. Busbee, Esq.
Attorney for the Applicant

Megan E. Harrigan, Esq.
Attorney for the Defendant

Lisa H. Davenport, RPR
Official Court Reporter

INDEX OF WITNESSES

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FRED W. WOODS, JR.

Direct By Ms. Harrigan. 22

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EXHIBITS

NO.	IDENTIFICATION	ID	EVD
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(None Offered)

1 (Whereupon, on January 23, 2013 the following
2 proceedings were held:)

3 THE COURT: Which one is this?

4 MS. HARRIGAN: Stephen Corley.

5 THE COURT: All right. Ma'am, you may proceed.

6 MS. HARRIGAN: The next case is Stephen Corley versus
7 the State of South Carolina, docket number
8 2012-CP-02-0471. Applicant was indicted during the May of
9 2011 term of the Aiken County Grand Jury for two counts of
10 causing death by operating a vehicle while under the
11 influence of drugs or alcohol. Applicant was represented
12 by Fred Wallace Woods, Jr., who is present in the
13 courtroom today. On September 21, 2011 the Applicant
14 plead guilty as indicted before Honorable William Seals,
15 Jr. Judge Seals sentenced Applicant to 22 years
16 imprisonment on each count with the sentences to run
17 consecutively. Applicant did not appeal his conviction or
18 sentence.

19 Applicant filed a timely application for
20 post-conviction relief on February 27, 2012 alleging
21 ineffective assistance of counsel including for failure to
22 file a direct appeal and failure to investigate as well as
23 involuntary guilty plea. The statement is returned on May
24 30, 2012 and he's represented in this action by Jacqueline
25 Busbee. I'll turn it over to Mrs. Busbee at this time.

1 THE COURT: Mrs. Busbee, you may call your first.
2 witness.

3 MRS. BUSBEE: Yes, sir. For the record I just
4 wanted -- for Rule 403 purposes Mr. Bruce Hoover is here
5 with me.

6 THE COURT: Thank you.

7 MRS. BUSBEE: Mr. Stephen Corley.

8 THE COURT: Come around, sir, please.

9 STEPHEN CORLEY, after being duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MRS. BUSBEE:

13 Q Mr. Corley, would you state your name, please?

14 A Stephen Corley.

15 Q What age are you?

16 A Forty-one.

17 Q Do you recall what you pleaded guilty to on
18 September 21, 2011?

19 A Voluntary manslaughter, felony DUI. I'm sorry.
20 Felony DUI.

21 Q That resulted in death?

22 A Death results.

23 Q Okay. Because of the nature of the charges against
24 you did you hire an attorney before you pleaded guilty or
25 was one appointed for you?

1 A I hired an attorney Mr. Fred Woods.

2 Q Okay. Did you hire him?

3 A Yes, ma'am.

4 Q Okay. Do you recall when he was hired?

5 A Around February. Between February and...

6 Q Okay. Around February?

7 A February.

8 Q Which would -- that would have been shortly after the
9 accident; correct?

10 A Yes, ma'am.

11 Q Okay. Do you feel like he did a good job
12 representing you?

13 A No, ma'am.

14 Q Okay. Let's go into that. Did he meet with you?

15 A He met with me once.

16 Q Okay. Was that within the confines of the courthouse
17 or outside of the courthouse?

18 A Outside of the courthouse. We went to the scene of
19 the accident.

20 Q All right. Did he meet with you any more inside of
21 the courthouse?

22 A Just when we went to hearings.

23 Q When you went to hearings. Okay. From -- Okay.

24 Before you entered the courtroom on September 21, 2011 did
25 you know you were going to court to plead guilty to two

1 counts of DUI felony driving under the influence?

2 A No, ma'am.

3 Q Did you know why you were going to court that day at
4 all?

5 A I thought it was roll call.

6 Q Okay. Before entering your guilty pleas did
7 Mr. Woods explain the charges that you had against you?

8 A Not really, yes, ma'am. No, ma'am.

9 Q Okay. Did he advise you as to the fines and the
10 sentencing that you could face for those charges?

11 A No, ma'am.

12 Q When did you find out you were going to plead guilty
13 that day?

14 A When I went to court.

15 Q Okay. Did Mr. Wood ever discuss the possibility of
16 pleading guilty before that day with you?

17 A No, ma'am.

18 Q Okay. Did Mr. Woods ever advise you to get your
19 affairs in order?

20 A No, ma'am.

21 Q After you arrived to court on the 21st which is the
22 day that you said you plead guilty --

23 A Yes, ma'am.

24 Q -- you met with Mr. Woods before you entered your
25 plea; correct?

1 A Yes, ma'am.

2 Q Did you all -- did he give you a sentencing
3 guidelines statement for you to review?

4 A No.

5 Q Okay. Did he give you any paper for you to review?

6 A No, ma'am.

7 Q Okay. Did he hand you a piece of paper?

8 A I have one piece of paper and it was -- that's all it
9 was. The piece of paper was like a sentencing sheet or
10 something.

11 Q Okay. Did he explain that sentencing sheet to you?

12 A He did, but I didn't understand it. I didn't really
13 understand it.

14 Q Okay. What grade did you complete?

15 A Eighth grade.

16 Q Okay. Was your family aware that you would be
17 pleading guilty that day that you came to court?

18 A No, ma'am.

19 Q Did you hear what your family said to the judge on
20 the day on your behalf?

21 A Yes, ma'am.

22 Q Did that sound as though they were prepared?

23 A They wasn't prepared at all.

24 Q Were you expecting a lighter sentence in exchange for
25 your guilty plea?

1 A Yes.

2 Q Okay. Do you remember being -- you said you saw --
3 you saw the sentencing sheet; correct?

4 A Yes, ma'am.

5 Q Okay. And you said that your lawyer did explain it
6 to you, but you didn't really understand?

7 A Exactly.

8 Q Okay. Did you ask him any questions about it?

9 A No, ma'am.

10 Q Okay. Did you make an attempt to read it?

11 A No, ma'am.

12 Q Okay. Let's see. All right. Let's go back -- shift
13 gears a little here. Did you suffer any injuries as a
14 result of the accident?

15 A Yes, ma'am. I suffered trauma to the head.

16 Q Okay. Were there any other?

17 A Punctured ---

18 Q On the day of the accident itself, what physical
19 injuries did you have?

20 A Broken leg and broken arm and laceration to the head.

21 Q Okay. Were you hospitalized for those injuries?

22 A Yes, ma'am.

23 Q Okay. Do you still suffer physically from any of
24 those injuries?

25 A Yes, ma'am.

1 Q Okay.

2 A A lot of headaches and a lot of post -- what do you
3 call it? Post-traumatic stress.

4 Q Traumatic. Okay. Do you -- the headaches, are they
5 just typical everyday headaches?

6 A Sometimes every day and then sometimes it varies.

7 Q Okay. Were you diagnosed after the accident for
8 migraines?

9 A Yes, ma'am.

10 Q Okay. Did Mr. Woods promise you a certain sentence
11 or advise you that the sentencing would be less if you did
12 plead guilty?

13 A No.

14 Q Okay. On the day of the hearing what was your
15 physical state?

16 A Present that to me again.

17 Q On the day of the hearing you said you had some
18 physical injuries?

19 A Yes, ma'am.

20 Q And we've alluded to some mental effects?

21 A Yes, ma'am. It's -- I keep forgetting.

22 Post-traumatic stress and a lot of headaches and stuff.

23 Q Okay. On the day that you pleaded guilty were you
24 suffering from a migraine?

25 A Yes, ma'am.

1 Q Were you advised that Mr. Woods had contacted any of
2 the State's witnesses --

3 A No, ma'am.

4 Q -- and interviewed them?

5 A No, ma'am.

6 Q Were you advised of any of the evidence that had come
7 in to his office.

8 Q No, ma'am.

9 A To your knowledge did he, Mr. Woods, ever speak to
10 anyone other than you and your sister Stacey about your
11 case?

12 A No, ma'am.

13 Q At the time you pleaded guilty did you think
14 Mr. Woods was prepared to go to trial had you not pleaded
15 guilty?

16 A No, ma'am.

17 Q Okay. Now, after you did plead guilty and the judge
18 handed down your sentencing do you remember the judge
19 saying to you that you had 10 days to appeal?

20 A Yes, he did.

21 Q Okay. Did you assume that your lawyer would do this?

22 A Yes, ma'am.

23 Q Did you try to ask him to do it?

24 A He never did contact me.

25 Q Okay. Did he contact you while you were at the table

1 with him at the sentencing?

2 A No, ma'am.

3 Q When he left did he contact you during that 10-day
4 period?

5 A No, ma'am.

6 Q Did you make any attempt to contact him yourself?

7 A I was locked up in R & E Kirkland and I couldn't -- I
8 didn't know which way to go to get to him.

9 Q Okay. Given your post-traumatic stress and your
10 migraine that you were suffering that day, would you have
11 expected him to at least acknowledge that you needed to
12 appeal --

13 A Yes, ma'am.

14 Q -- or offer some additional advice?

15 A Yes, ma'am.

16 Q Okay. If the charges and sentencing had been fully
17 explained where you truly understood what was going on
18 would you have entered that guilty plea or would you have
19 asked him to go forward with trial?

20 A I would have went forward with trial.

21 Q Okay.

22 THE COURT: And what would your defense have been?

23 THE WITNESS: (No response)

24 THE COURT: Hmm? I mean, what would you have told
25 the jury so they would have found you not guilty?

1 THE WITNESS: The witness statements, I mean...

2 THE COURT: What?

3 THE WITNESS: You got me on that one.

4 THE COURT: I got you on that one? Why? Why do I
5 have you on that one? Because you admitted that you were
6 drinking and driving and caused these people's deaths.

7 THE WITNESS: Yes, sir.

8 THE COURT: So what defense would you have had? If
9 we could start it all over again today, what defense would
10 you put up to show that you were not drinking and driving
11 and your ability to drive was impaired and you caused the
12 death of these two unfortunate people?

13 THE WITNESS: I could have got some witnesses and
14 ----

15 THE COURT: And what?

16 THE WITNESS: And we could've -- I mean, it would
17 have been -- the results would have been different -- a
18 whole lot different.

19 THE COURT: What would have been different?

20 THE WITNESS: Okay. Because, first of all, I mean,
21 I -- when I was -- I mean, I was drinking. It wasn't that
22 I was drinking a whole lot. I had -- my grandmama died
23 the same day.

24 THE COURT: All right.

25 THE WITNESS: You know, and I wasn't drinking like

1 they said I was. I had drank alcohol the day before.

2 THE COURT: But you were drinking?

3 THE WITNESS: Yeah, I took a drink, a mixed drink.

4 THE COURT: And you were driving?

5 THE WITNESS: Yes, sir.

6 THE COURT: And you had a wreck and killed two
7 people; correct?

8 THE WITNESS: Yeah.

9 THE COURT: I'm sorry, Mrs. Busbee, for interrupting
10 you.

11 Q If this had been -- if the witnesses had been
12 interviewed do you think there would have been any other
13 circumstances that may have come to light?

14 A Yes, ma'am, because the witnesses that I seen in my
15 motion -- which I haven't gotten the motion until I went
16 to trial -- I seen a statement saying that I was driving
17 erratically.

18 THE COURT: Was driving what?

19 THE WITNESS: Erratically. But I wasn't. It wasn't
20 me. It was a red Explorer. It was a red Explorer. I got
21 a gray Pathfinder. If I would have give a testimony I
22 would have testimony ---

23 THE COURT: You got those witnesses here today?

24 THE WITNESS: Ma'am? I mean, sir?

25 THE COURT: You got the witnesses here today to

1 testify?

2 THE WITNESS: The only one I had was in the motion
3 and I never did get in contact with her. I never did get
4 in contact with her.

5 THE COURT: Thank you. Move along.

6 MRS. BUSBEE: I think that's it, Judge.

7 THE COURT: Thank you. Cross-examination.

8 MS. HARRIGAN: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MS. HARRIGAN:

11 Q Mr. Corley, how many times did you meet with
12 Mr. Woods prior to your guilty plea?

13 A Once.

14 Q So your testimony is you only met with him once
15 during February all the way until your guilty plea?

16 A Yes.

17 Q Okay. And you retained him?

18 A Pardon me?

19 THE COURT: Did you hire him?

20 Q Did you hire him?

21 A No. No my sister did.

22 Q Your sister did. Okay. So he wasn't appointed. Do
23 you recall going over your discovery with Mr. Woods?

24 A No, ma'am.

25 Q He never -- how did you know about these witness

1 statements?

2 A I got the discovery when I was in prison.

3 Q Okay. But Mr. Woods never reviewed any of that with
4 you?

5 A He never did.

6 Q Do you recall discussing possible defenses with
7 Mr. Woods?

8 A No, ma'am, because I met Mr. Woods one time. I
9 hadn't seen him to ask him.

10 Q And Judge Early asked you a moment ago what your
11 defense would be and you replied you didn't have a
12 defense; correct?

13 A Correct.

14 Q So you don't have a defense to these two counts of
15 felony DUI death?

16 A (No response.)

17 Q Is that a yes or no, Mr. Corley?

18 A It's a no.

19 Q Did you discuss any potential plea offers with
20 Mr. Woods?

21 A No, ma'am.

22 Q Did you ask him to negotiate for a plea?

23 A No, ma'am.

24 Q Did you ever indicate to him you wanted a trial on
25 these two counts?

1 A No.

2 Q So you told him from the beginning you wished to
3 enter a guilty plea?

4 A No. I didn't say I wished to enter a guilty plea.

5 Q Did you tell him you wanted a trial?

6 A Yeah. No, ma'am. I didn't told him nothing. I
7 mean, he didn't ask me.

8 Q You told ---

9 THE COURT: Well, the judge asked you if you wanted a
10 trial and you told him you didn't want one; that you
11 wanted to plead guilty and admit your involvement in this,
12 didn't you?

13 THE WITNESS: Sir, I wasn't -- I wanted a trial, sir.

14 Q You told Judge Seals during your guilty plea that you
15 were satisfied with Mr. Wood's representation; correct?

16 A Correct.

17 Q And you told Judge Seals that he had answered all of
18 your questions and done everything you'd asked him to do;
19 correct?

20 A Yes, ma'am.

21 Q But your allegation now is that he was ineffective
22 for failing to investigate your case; correct?

23 A Yes, ma'am.

24 Q What additional investigation did you want him to do?

25 A He didn't do the reconstruction of the accident --

1 the scene of the accident.

2 Q Why didn't you tell Judge Seels that you wanted him
3 to do a reconstruction?

4 A These were stuff -- these were stuff that I found out
5 when I was in prison.

6 THE COURT: These were stuff what?

7 THE WITNESS: I found when I was in prison.

8 Q Do you have a reconstruction expert here today to
9 testify?

10 A No, ma'am.

11 Q Have you had an accident reconstruction performed
12 prior to coming to court today?

13 A No.

14 Q So you're not -- you don't have any testimony to
15 present in regards to that or any reports for the court to
16 consider?

17 A No, ma'am.

18 Q So it's purely speculative what good a reconstruction
19 of the accident would have yielded; correct? You don't
20 really know what a reconstruction would have shown --
21 whether it would have helped or hurt you, right, because
22 you didn't have one done?

23 A (Witness shakes head.)

24 Q You mentioned witnesses. Do you have any of these
25 witnesses here today to testify?

1 A No, ma'am.

2 Q And your testimony before was that you only have an
3 eighth grade education; correct?

4 A Correct.

5 Q Can you read?

6 A Read a little bit.

7 Q Can you write?

8 A Write a little bit.

9 Q Did you have a job at the time of this accident?

10 A Yes, ma'am, driving trucks.

11 Q So you have your commercial driver's license?

12 A Yes, ma'am.

13 Q Was it your decision to plead guilty?

14 A Involuntarily given, yes, ma'am. I mean...

15 Q So it was your decision to plead guilty to both of
16 these counts?

17 A Yes, ma'am.

18 Q Do you recall waiving your constitutional rights at
19 your guilty plea proceeding? Telling Judge Seals you
20 wanted to waive all your constitutional rights and enter a
21 guilty plea?

22 A I didn't -- an involuntarily given -- I mean, I
23 didn't understand it.

24 Q But you do recall under oath telling Judge Seals that
25 you were waiving your constitutional rights; correct?

1 A Yes, ma'am.

2 Q And you told Judge Seals that you had truthfully
3 responded to all of his questions; correct?

4 A Yes.

5 Q And you were under oath during your guilty plea;
6 correct?

7 A Yes.

8 Q And you admitted you were guilty; correct?

9 A Yes.

10 Q So you are indeed guilty of both counts of felony
11 DUI, death resulting?

12 A No, ma'am.

13 Q You're not guilty? You admitted under oath you were
14 guilty; correct?

15 A Yes, ma'am, I did.

16 Q And you are under oath today; correct?

17 A Yes, ma'am.

18 Q So you are guilty?

19 A Yes.

20 Q You told Judge Seals during your guilty plea that you
21 knew it was without negotiation or recommendation;
22 correct?

23 A No, I did not know it was.

24 Q You didn't know that?

25 May I approach, Your Honor?

1 THE COURT: I have read the transcript. It says as
2 broad as -- as plain as day it says that.

3 Why are you denying that now?

4 THE WITNESS: Because I didn't -- I didn't ---

5 THE COURT: Huh?

6 Q Mr. Corley, do you recall signing both of your
7 sentencing sheets in this case?

8 A At the court, yes, I did.

9 Q And do you recall whether they were marked without
10 negotiation or recommendation?

11 A No, I didn't.

12 Q So you signed them and didn't read them?

13 A I didn't read them. I didn't read them.

14 Q Okay. You apologized to the victim numerous times
15 during your guilty plea; correct?

16 A Yes, ma'am, I did.

17 Q One of your allegations here today is that your
18 attorney didn't file an appeal on your behalf; correct?

19 A Yes, ma'am.

20 Q Did he advise you of your right to appeal?

21 A No, ma'am.

22 Q Did Judge Seals advise you of your right to appeal
23 during your guilty plea?

24 A I don't recall.

25 Q If the record shows he did advise you that you had

1 10 days to appeal your guilty plea would you refute that?

2 A Yes.

3 Q So you knew that you had 10 days to appeal your
4 guilty plea; correct?

5 A Yes.

6 Q Did you ask your attorney to file an appeal on your
7 behalf?

8 A No, ma'am.

9 MS. HARRIGAN: No further questions, Your Honor.

10 THE COURT: Anything on redirect?

11 REDIRECT EXAMINATION

12 BY MRS. BUSBEE:

13 Q Mr. Corley, at the time of the guilty plea you were
14 under -- you had a migraine?

15 A Yes, ma'am.

16 Q Would that have affected your ability to recall or
17 remember what the judge had said?

18 A Yes, ma'am.

19 Q Had you not read the transcript from the guilty plea
20 would you have recalled any -- some of the things that
21 they brought out about waiving rights and stuff and
22 satisfaction with your attorney?

23 A Yes, ma'am.

24 Q Okay.

25 That's it, Judge.

1 THE COURT: Thank you. You may step down. Next
2 witness.

3 MRS. BUSBEE: That's all, Judge.

4 THE COURT: Thank you.

5 Anything by the state?

6 MS. HARRIGAN: Yes, the state would call Fred Wallace
7 Woods, Jr.

8 THE COURT: Just sit tight Mr. Woods a second. Okay.

9 FRED W. WOODS, JR., after being duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MS. HARRIGAN:

13 Q Good morning, Mr. Woods. How long have you been
14 practicing law?

15 A Almost 17 years.

16 Q Where do you practice law?

17 A In Greenville, South Carolina at the main office. I
18 also have satellite offices in Columbia, South Carolina;
19 also in Hilton Head, Myrtle Beach area. Previously I also
20 had offices in Myrtle Beach as well and I practice
21 state-wide and have been since the beginning of my start
22 of practice.

23 Q What percentage of your practice is criminal defense?

24 A Almost all of it. About, I would say, through the
25 years it's been as low as 75 to as high as 90 percent, but

1 the majority of it.

2 Q You were retained by Mr. Corley; correct?

3 A Correct. I was retained by his sister Stacey.

4 Q Do you recall the date that you were retained?

5 A The accident that they had occurred, I believe it
6 was, in December. January is when they arrested him. I
7 was retained shortly after that, a few months after that
8 by Ms. Corley. During that time period up until the
9 September plea date I spoke numerous times with
10 Ms. Corley. She had my cellphone numbers. I allow my
11 clients to call me after hours, weekends, text me whenever
12 they want as well as Mr. Corley. I also had constant
13 contact with Mr. Corley via telephone and I met with him a
14 few times.

15 Q Do you recall how many times you met with him in
16 person?

17 A I believe I met twice with Mr. Corley and I did an
18 accident reconstruction sort of meeting with him where we
19 met on the scene to be able to discuss the accident, but I
20 talked to him quite a bit -- I mean, a lot of times and I
21 also talked -- I met with Ms. Corley when she would come
22 in to either make a payment or if they had a question or
23 anything else.

24 Q During these meetings and discussions were you able
25 to go over the indictments and elements of the charges he

1 was facing?

2 A What I would go over with him was I started out
3 explaining things in a very detailed way and it became
4 very clear that I needed to explain them in a very
5 general, but yet simple, way so they could be understood.
6 So I went through what we were facing and I went through
7 what they originally charged with. I can tell you what
8 that is.

9 Q Yes, if you don't mind.

10 A Originally he was charged with reckless homicide --
11 two counts of reckless homicide. That would have exposed
12 him to much more severe consequences, believe it or not,
13 than he received. So we were able to get that negotiated
14 down from two counts of reckless homicide to him pleading
15 guilty to DUI with death results. That would have given
16 him a bigger range -- the minimum range being one year and
17 the maximum being 25 years. Any place between one to 25
18 years is a judge's decision as to how much time he or she
19 would get.

20 Q You explained to him there were no negotiations or
21 offers from the state. He could get anywhere from two
22 years to 50 years on these two counts?

23 A Other than changing the charges from reckless to DUI
24 with death results which was a very difficult negotiations
25 in and of itself, he understood that the amount of time

1 that he received was up to the judge. I did discuss the
2 range with both him and his family.

3 Q And do you recall, was it that the charges were
4 reduced or did he have two separate counts of reckless
5 homicide that were dismissed pursuant to the plea?

6 A He had two separate counts which were dismissed and
7 which were redone as DUI with death results.

8 Q Did you discuss his version of the facts with him?

9 A I did. I discussed everything with him. The main
10 thing was that before I was hired or retained or even knew
11 about the case he had already signed a confession, so to
12 speak. He had already signed a statement which stated in
13 his own words what he had said that he had done.

14 So, basically, my job was more damage mitigation more
15 than anything else, but I absolutely gave him the right to
16 be able to go to trial and he absolutely told me he didn't
17 want a trial.

18 Q He indicated from the beginning he wished to plead
19 guilty to these charges?

20 A Both of them indicated that -- both his sister and
21 him indicated that they did not want a trial, but what I
22 believe and which I know to be true is that all of us --
23 me as well as Mr. Corley and his sister and his family --
24 believed that with the range of one to 25 years that the
25 judge may have been more lenient than the judge was and

1 the judge, in fact, was not and he got a range near the
2 top of the sentence.

3 THE COURT: How about explain something to me. He
4 was originally charged with reckless homicide?

5 THE WITNESS: Yes, sir.

6 THE COURT: Why was it changed to felony DUI?

7 MS. HARRIGAN: From my review of the file and reading
8 the records it appears that he had two other charges for
9 reckless homicide that were dismissed pursuant to the plea
10 based on a reading of the transcript.

11 THE WITNESS: That's right.

12 THE COURT: He was charged with two counts of
13 reckless homicide and two counts of felony DUI?

14 MS. HARRIGAN: Yes, Your Honor.

15 THE COURT: For the same wreck?

16 MS. HARRIGAN: Yes, Your Honor.

17 THE WITNESS: And they dismissed the charges for the
18 reckless homicide and chose the felony DUI ---

19 THE COURT: How much does reckless homicide carry?
20 Ten years; right?

21 MS. HARRIGAN: I'm not sure off the top of my head,
22 Your Honor.

23 THE WITNESS: No, Your Honor.

24 MS. HARRIGAN: It is discussed. Solicitor Thurmond
25 discusses it on page three of the transcript that they are

1 not prosing those other two.

2 THE COURT: Go ahead.

3 MS. HARRIGAN: Sorry about that, Your Honor. It
4 appears that he was always indicted for the two counts of
5 felony DUI, death resulting, and that he was directly
6 indicted for the two counts of reckless homicide and those
7 were dismissed pursuant to the plea. Those were not
8 prosed.

9 THE COURT: Well, what were you saying -- telling us,
10 Mr. Woods, you wanted the reckless homicide because you
11 thought it was better to go forward on DUI Felony?

12 THE WITNESS: No, Your Honor, he had -- it is my
13 understanding that he had four total charges and what we
14 were trying to do was to get a reduction as much as we
15 possibly could and the only thing that the state would
16 agree to was the dismissal of the reckless homicides and
17 for him to be able to plea to the DUI with death results.
18 That's the only thing that the state would consider at all
19 as opposed to him just going straight up on all four.

20 So with those two charges they carried a sentence
21 range of the one to 25 years through which I believed that
22 Mr. Corley with no record and as I explained to him might
23 have received a lesser amount of time because of his lack
24 of a record than he actually received, but, again, you
25 know, between one to 25 years is a big jump, but that's

1 the amount of time that, of course, Your Honors decide
2 what he gets.

3 THE COURT: Thank you.

4 Q And you discussed one to 25 numerous times. Did you
5 explain to him that he had two counts of felony DUI, death
6 resulting, so he could receive anywhere from one to 25 and
7 those could be run concurrent or consecutive to each
8 other?

9 A I told him he could get 50 years which would be 25 on
10 one and 25 on the other, but that between one to 25 the
11 judge could decide any amount between that time. There
12 was no way to escape the mandatory minimum and that there
13 was a maximum. At least we knew the range.

14 Q So he knew when he appeared before the judge for his
15 guilty plea he could get anywhere from two to 50 years on
16 these two counts?

17 A That's correct.

18 Q Do you recall the evidence against him in this case?

19 THE COURT: So they ran consecutive; is that correct?

20 THE WITNESS: Yes, sir. He actually -- the judge ---

21 THE COURT: So he got 22 plus 22.

22 THE WITNESS: Right. What the judge did was Judge
23 Seals at that time said 22 years and he paused and
24 stopped. We all thought that was it and then he said to
25 run -- he said to run consecutively.

1 THE COURT: That's not actually what he said. He
2 said concurrent and then he changed it and said
3 consecutive.

4 THE WITNESS: Yeah. Well, I think we believed that
5 it was 22 years first and then he paused and changed and
6 made it consecutive.

7 THE COURT: So there is no question it is
8 consecutive.

9 THE WITNESS: No question after the judge paused and
10 changed it to consecutive, no, sir.

11 THE COURT: And the sentence sheets note they are
12 consecutive.

13 THE WITNESS: That's correct. They note the range, I
14 believe, at the top of the sentence sheet. It has the
15 minimum.

16 THE COURT: Oh, I know what the minimum is.

17 THE WITNESS: Yes, sir.

18 THE COURT: And the maximum. He got 22 on both
19 consecutive.

20 MS. HARRIGAN: Yes, sir.

21 THE WITNESS: That's correct, Your Honor.

22 Q Was there a blood alcohol test performed on
23 Mr. Corley following the accident?

24 A Yes, there was.

25 Q Do you recall what the results of that test were?

1 A The results showed him I think it was a -- Let me
2 review the file, but I think it was a .133. Let me see.

3 THE COURT: That's correct.

4 THE WITNESS: It is .133 is what the result shows.

5 Q And this is some time after the accident when he was
6 actually tested; correct?

7 A Right. Right. They test you -- they can either test
8 you at the hospital. They can test you afterwards. They
9 did his test while he was there.

10 Q Were there eyewitnesses who observed his driving
11 before the accident and came upon the accident?

12 A There were two. There were Cecelia Becknel, I
13 believe, and there was a William -- there was a gentleman
14 by the name of William. I forget his last name, but he
15 also observed it and they both gave statements and we
16 talked about those statements.

17 Q Did Mr. Corley ever deny to you he had been drinking
18 on the day in question?

19 A No, ma'am. He didn't deny that he was drinking at
20 all. As a matter of fact, he always admitted from the
21 beginning that he had a mixed drink. He admitted here in
22 court that he had a mixed drink. What I believe was
23 happening and what we know what was happening is that
24 Mr. Corley -- he was helping his sister Stacey move that
25 day and he went in to see his grandmother and she was in a

1 very bad way as he describes looking half dead. When he
2 saw that he pretty much lost it. He was very upset. He
3 became very emotional and started to cry and then he was
4 calming himself down before he went in there by having the
5 mixed drink and he was just very emotional at that time.

6 He was very depressed, very upset, and in that state
7 is when he got into the car and after that is when the
8 accident occurred and Mr. Corley admits that in his
9 statement as a matter of fact that he gave and he admitted
10 it to the judge here. He admitted it in court.

11 Q And this statement he gave, it was a written
12 confession; correct?

13 A That's correct.

14 Q And he signed that?

15 A That's correct.

16 Q Based on your review of the file were you able to
17 develop an opinion about the state's ability to prove his
18 guilt on these two counts?

19 A Yes. I believe the state had a very good case here.
20 There was a fact they had an accident. Both people were
21 -- everybody was taken to the hospital from the accident.
22 Mr. Corley -- when he had the accident he had reached up
23 to turn the interior light on. He had crawled out, got
24 out of the car, got to the ground and passed out. So,
25 there is no question that he was involved in the accident.

1 You know, it wasn't like they had to go pick him up and
2 bring him back or anything. He was there and he passed
3 out, went to the hospital. All of them went to the
4 hospital, you know. Two didn't come out. One did.

5 Q Do you feel you spent sufficient time preparing this
6 case with your investigation before the guilty plea?

7 A Yes. I mean, this case kept me up at night. In
8 terms of the case this is about as bad as it gets when
9 you're discussing a case. You have an accident that
10 occurs, you know, in a very let's just say
11 politically-charged area and county. You got different
12 groups of people that are involved in this accident. You
13 have the death of a very young couple. You have the
14 gentleman who has no record which is good. So he didn't
15 -- he wasn't a career criminal who intended any of these
16 consequences, but he admitted that he had a mixed drink.
17 They have an accident and, you know, the two young people
18 die and Mr. Corley -- you know, Mr. Corley sustains injury
19 and he lives.

20 On that particular day it was a packed courthouse
21 full of people. There were very emotional testimonies on
22 both sides of the aisle. It was as I stated when I did
23 the plea a very unfortunate accident. It was completely
24 an accident. It wasn't anything that was intentional or
25 something designed that he wanted to do. It was

1 100 percent an accident and that's -- from that standpoint
2 is where we did the plea and. I believe that the plea
3 was -- the results of the plea were higher. It is up to
4 the judge to be able to decide, but I think that
5 emotionally-charged environment led the judge to a higher
6 decision, but, of course, I don't know. That's the
7 judge's call.

8 Q And you presented mitigation on your behalf to your
9 client during the guilty plea?

10 A I did and I also presented the witnesses -- not the
11 witnesses, but I presented the family members to be able
12 to speak. Several family members spoke on behalf of the
13 young people in the car and the -- I allowed the family
14 members and I asked for the court to allow the family
15 members of Mr. Corley to speak. So they got up one by one
16 and spoke.

17 The family members on the side of the two who were
18 deceased had very long statements and very emotional
19 appeals that they said and then the family on the part of
20 Mr. Corley had generally shorter statements that they
21 said. Everyone in that courtroom was upset about that
22 case. There was no one that was happy that day, including
23 myself.

24 Q I believe you stated before you had an accident
25 reconstruction performed on this case?

1 A There was with an accident reconstruction that was
2 performed by the state. The state performed an accident
3 reconstruction.

4 THE COURT: That was the MAIT Team? The MAIT Team?

5 THE WITNESS: Yeah, that's correct, Your Honor. And
6 the results of all of those things were shared with me. I
7 had numerous conversations with the assistant solicitor in
8 the case, Samuel Grimes. I mean, many conversations with
9 him about this case and then when the original plea was
10 done it was done by J. Strom Thurmond, Jr., I guess.

11 Q Did you visit the accident scene?

12 A I did with Mr. Corley. I got out with Mr. Corley and
13 also with his sister Stacey and we walked the scene. We
14 looked at it from the different levels of where he could
15 be coming down the hill or up the hill. We talked about
16 where the accident occurred. I even went back to the
17 scene afterwards to look at the spot where the accident
18 occurred to see if there was maybe some sort of elevation
19 in the road that would have caused, you know, an unsafe
20 drop or caused a car to bounce or something to happen, but
21 it was pretty clear from the reconstruction and pretty
22 clear to Mr. Corley and to everyone kind of what happened.

23 Q Based on your review of the discovery and visiting
24 the accident scene and your discussions with Mr. Corley,
25 was there a viable defense that you recognized?

1 A When we went into it originally I always prepare my
2 cases for trial. So I look at everything that can be done
3 in a case -- any loopholes, holes, things that the state
4 may have missed, anything that will benefit my client in
5 order to zealously represent my client. In this
6 particular case there wasn't much there.

7 There was a -- Mr. Corley had already given a
8 statement prior to me being hired or knowing anything
9 about the case. He had already said from the beginning
10 that he didn't want to have a trial. He was already very
11 sad and apologetic about the entire incident and I was
12 simply looking at the facts, looking at what evidence was
13 there.

14 I had talked repeatedly with Mr. Grimes about that
15 and he can attest to that about this case and it was more
16 mitigation than it was we would have to try a case, but in
17 order to know that you have to prepare the case for trial.

18 Q And there was never any sort of plea negotiation that
19 these sentences would run concurrently; correct?

20 A No. That was -- We discussed plea negotiation and
21 the state refused to have anything other than to allow for
22 a straight-up plea and to throw out the reckless homicide
23 charges. I believe that the state thought they had a real
24 big slam-dunk case they could publicize and they wanted it
25 to go that direction, but, you know, the conversations

1 that I had with Mr. Grimes were more of let's just discuss
2 the case. To his credit he really didn't try to
3 sensationalize it at all. I think that happened
4 afterwards.

5 Q And your client understood that there were no
6 negotiations or recommendations -- anything from two to
7 50?

8 A He did. We sat down in the back room and we talked
9 about the range. We talked about it before. We talked
10 about it being a plea. I asked him, I said, you have a
11 right to a trial if you want one. If you want a trial you
12 can go through. It is a very bad case; so if you'd like a
13 trial we can have one and he stated, no, he did not want a
14 trial and his family stated they did not want a trial and
15 I think that when his family got here even though they
16 gave an emotional testimony, you know, about him and
17 about, you know, how good of a person he was, they were
18 very nervous and very apprehensive and upset, too.

19 Q Did you advise your client of his right to file an
20 appeal?

21 A I did, but, moreover, the judge did as well. The
22 judge told him that he had a right to be able to appeal
23 and said that, you know, this is what's going on. Even
24 after that me and the family walked out in the hall to
25 talk about the case just for a minute, but at that moment

1 it was just pretty emotional with the amount of years and
2 the things that were occurring.

3 Q Did Mr. Corley ever request you file an appeal on his
4 behalf?

5 A No, ma'am.

6 Q Did any members of his family ever contact you
7 regarding an appeal?

8 A No, ma'am.

9 MS. HARRIGAN: No further questions, Your Honor.

10 THE COURT: Redirect -- or cross. I'm sorry.

11 CROSS-EXAMINATION

12 BY MRS. BUSBEE:

13 Q Mr. Woods, did you prepare Mr. Corley before the day
14 of the hearing?

15 A Yes.

16 Q Okay. So was he expecting to enter in that day into
17 a plea?

18 A Absolutely.

19 Q Plead guilty?

20 A Absolutely, he knew.

21 Q Did his family know?

22 A Yes.

23 Q Were you prepared to proceed? You said you always
24 are prepared to proceed. In this case specifically were
25 you prepared to proceed to trial if he did not plead

1 guilty?

2 A Yes, because I always assume doing this sort of
3 criminal law the worst -- that at the last minute your
4 client could change their mind and want to do something
5 else. Anything could happen and this is one of those
6 types of cases where you might expect that they may get
7 cold feet and something could happen.

8 Q Okay.

9 A So you have to be ready to go the trial that
10 particular day. As I stated, I had Mr. Corley and his
11 family on the side that you're standing and there was a
12 packed courthouse on the other side.

13 Q Yes, sir.

14 A So I was not going to go in unprepared.

15 Q So if he had not pleaded guilty that day you were
16 prepared to go forward with trial?

17 A Sure.

18 Q Okay.

19 A No one expected that the -- including Mr. Corley and
20 myself, no one expected that the judge would give a
21 consecutive sentence.

22 Q Okay. Thank you. Did you interview any of the
23 eyewitnesses?

24 A I did not.

25 Q Okay. Did you -- you gave me a very large stack of

1 medical records.

2 A Uh-huh.

3 Q Did you review those medical records?

4 A Yes, I did. The basis of me giving them to you was
5 to make sure that you saw what I saw.

6 Q Okay. Very good. Thank you. Were you aware that
7 after the accident Mr. Corley suffers from post-traumatic
8 stress disorder?

9 A Yes.

10 Q Okay.

11 A I was aware of that before the accident.

12 Q Okay. Before the accident or before the plea?

13 A I'm sorry; before the plea.

14 Q Okay.

15 A He was saying that he was under a lot of stress
16 anyway --

17 Q Okay.

18 A -- which I expect that he might given this sort of
19 case.

20 Q Okay. And were you aware that he suffered from
21 migraines?

22 A He didn't discuss migraines with me.

23 Q Okay.

24 A He discussed that he was stressed.

25 Q Okay. And I think you kind of indicated that you

1 knew that you had to -- that he struggled to understand
2 and that you had to modify the way you presented things to
3 him?

4 A I had to simplify it. What I did was I was
5 discussing the merits of the case and I was discussing the
6 charges and what it meant to have four charges and what --
7 and the elements of those four charges and once his eyes
8 glazed over I said, okay, this is what it means. You get
9 this many years with this; this many years with that.

10 Q Okay. You said his eyes glazed over; so it is
11 obvious to you that he had some difficulty understanding?

12 A I think that it was an information overload.

13 Q Okay.

14 A And he wanted to know just how many years could I get
15 if I went forward on all of these versus how many could I
16 get if I had two or what were the two -- what combination.

17 Q Okay. And you told him?

18 A I told him that you could get -- that if you -- if we
19 go down the two charges we have that the minimum is one,
20 the maximum is 25. The judge can sentence you anywhere
21 within that range. There are two people involved and the
22 judge has a decision as to whether it will be, you know,
23 25 on each, you know, 25 on one, five years on one. The
24 range is up to the judge.

25 Q Okay.

1 A And depending on what he said that day as to what the
2 judge's decision could be influenced by.

3 Q So it was apparent to you that he understood that he
4 was facing 50 years possibility?

5 A He understood that.

6 Q Okay.

7 A The judge stated that in -- the judge told him that
8 before he did the sentence.

9 Q Okay. Do you think he actually understood the
10 guidelines? Sentencing guidelines.

11 A I think he understood that the range was up to the
12 judge and any time between that range. So if you mean
13 sentencing guidelines in that respect, he understood that.

14 Q Okay. And did you keep Mr. Corley apprised of all
15 the evidence that you had accumulated?

16 A I did. I talked to Ms. Corley and Mr. Corley a lot
17 about this. It wasn't one of those cases where you have
18 one meeting and you're gone -- you know, one meeting and
19 you're out or you meet at the courthouse door. I didn't
20 do that. I was private counsel. I talked to them
21 ad nauseum.

22 Q Okay. Let's see. Mr. Corley said that he was not
23 prepared for a guilty plea that day, didn't know he was
24 coming in to do that, and so he was not -- he says he was
25 not prepared and if you read the transcript it appears

1 that Mr. Corley's family was not ready to present any type
2 of plea to the judge themselves:

3 A How do you mean?

4 Q I'm sorry?

5 A How do you mean?

6 Q I guess the question I should ask is how did you
7 prepare the family for the guilty plea in order -- in
8 other words, to get up to speak? Was it spontaneous on
9 the spot or had you given them advanced notice?

10 A We had advanced notice about it. We talked about it
11 and I also asked them who was going to come to court --

12 Q Okay.

13 A -- and I constantly asked them, Who can you bring to
14 court? We need you to have people that you bring to court
15 that can speak to Mr. Corley's good character.

16 Q Okay. And when did you meet with them to tell them
17 that?

18 A I told them that on the phone and then I told -- we
19 lined up who was going to be there. We talked about what
20 those people might say.

21 Q Okay.

22 A I did not give them any script to follow. I let them
23 speak from their heart, but we talked about what they
24 might say. We talked about -- I talked to his brother
25 directly about, you know, what he might say on behalf. I

1 talked to Ms. Stacey Corley about what she might say her
2 brother's behalf. I asked every individual person what
3 they might say prior to that plea.

4 Q Okay. How did you advise Mr. Corley of his right to
5 appeal?

6 A I did not. In terms of advising him afterwards, I
7 advised him the day that he had a right to appeal. The
8 day that we went to court I told him that whatever the
9 judge has you have a right to be able to appeal it, but,
10 you know, the judge will also tell you that. That's
11 exactly what happened. The judge also told him that.

12 Q And so did you tell him that before the sentence or
13 after the sentence?

14 A Before because I did not see him after the sentence.
15 They shuttled him off and I saw the -- I saw his -- I
16 talked to his family.

17 Q Okay. And I think you said that you sat down in the
18 back room with him to discuss the plea bargain and the
19 sentencing; is that correct?

20 A We discussed it beforehand before we ever got to
21 court and the fact of whether he wanted a trial or plea.

22 Q Okay.

23 A And that he indicated or he stated that he wanted a
24 plea. We talked about what that plea might mean and the
25 possible ranges of that plea and then we got back here I

1 reiterated it.

2 Q That's it. Thank you.

3 THE COURT: Anything else, ma'am?

4 MS. HARRIGAN: No, Your Honor.

5 THE COURT: All right. You may step down. May he be
6 excused?

7 MS. HARRIGAN: Yes, Your Honor.

8 THE WITNESS: Thank you.

9 THE COURT: Any additional witnesses by the state?

10 MS. HARRIGAN: No, Your Honor.

11 THE COURT: Anything in reply?

12 MRS. BUSBEE: No, Judge. Thank you.

13 MS. HARRIGAN: The state does have a few brief
14 comments in summation.

15 THE COURT: Yes, ma'am.

16 MS. HARRIGAN: The testimony from the Applicant was
17 that he was guilty, he had no defenses, and he never
18 wanted a trial on these charges; so no prejudice can be
19 shown based on his own testimony here today.
20 Additionally, Counsel testified he met with his client
21 numerous times, discussed the case with him and his family
22 members numerous times, reviewed the discovery with him,
23 gave a copy of the discovery to him, visited the accident
24 scene both alone and with his client, fully advised him of
25 all of his constitutional rights including his right to a

1 trial and his right to appeal, and that he could get
2 anywhere from two to 50 years by entering a guilty plea.

3 So there's been no showing of deficient performance
4 and Applicant has failed to meet his burden under
5 Strickland and the state asks that this application be
6 denied.

7 THE COURT: Mrs. Busbee, anything in reply?

8 MRS. BUSBEE: Judge, I think the evidence is that he
9 only met two times if you don't believe my client but we
10 believe ---

11 THE COURT: Well, what else could have been done?

12 MRS. BUSBEE: Well, he could have interviewed ---

13 THE COURT: And how would that have changed things?
14 Don't we have a tragic situation where you have a man who
15 has never had any criminal activity, gets on the road
16 drinking and driving --

17 MRS. BUSBEE: Yes, sir.

18 THE COURT: -- unfortunately, for everybody involved?
19 He is involved in a horrible wreck. Two people --
20 innocent people are killed and the Judge sentenced him
21 within the timeframe that the legislature has set forth on
22 a felony DUI.

23 I don't know that we got anything that would allow
24 him to have post-conviction relief even if the lawyer
25 didn't meet with him enough times. How is he prejudiced

1 by that?

2 MRS. BUSBEE: Judge, I would just offer up that the
3 fact that he -- in Mr. Woods' words would be glazed over,
4 the post-traumatic stress, and the migraine that he
5 actually had the day that he made the guilty plea, and I
6 asked him privately as well as on the stand if he could
7 have remembered it had it not been for the transcript. I
8 think there was some slight deficiency.

9 THE COURT: Thank you. All right. Based on what I
10 just set forth in my questions to you I find that the
11 application should be dismissed with prejudice. Thank
12 you.

13 (End of Transcript of Record.)
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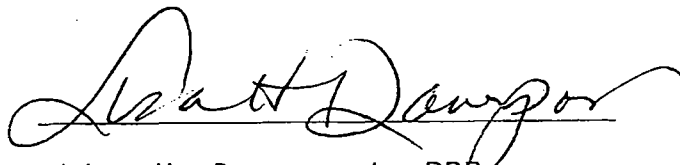
CERTIFICATE OF REPORTER

State of South Carolina)
County of Aiken)

I, Lisa H. Davenport, Official Court Reporter for the Second 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 evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Aiken County, South Carolina, on the 23rd day of January, 2013.

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

July 6, 2013


Lisa H. Davenport, RPR

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF AIKEN	)	FOR THE SECOND JUDICIAL CIRCUIT
Stephen Corley, #347938,	)	Case No. 2012-CP-02-0471
Applicant,	)	
v.	)	ORDER OF DISMISSAL
State of South Carolina,	)	
Respondent.	)	

FILED 3.13.13
 J. C. P. & O. S.
 Anita Knoebel
 Deputy Clerk

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for post-conviction relief filed February 27, 2012 and amended on April 17, 2012. The Respondent made its Return on May 30, 2012. An evidentiary hearing into the matter was convened on January 23, 2013, at the Aiken County Courthouse. The Applicant was present at the hearing and was represented by Jacqueline Busbee, Esquire. The Respondent was represented by Assistant Attorney General Megan E. Harrigan of the South Carolina Attorney General's Office.

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted during the May 2011 term of the Aiken County Grand Jury for two counts of Causing Death by Operating a Vehicle While under the Influence of Drugs or Alcohol (2011-GS-02-0636, -0637). Fred Wallace Woods, Jr., Esquire, represented him. On September 21, 2011, Applicant appeared before the Honorable William H. Seals, Jr., where he pled guilty as indicted to both counts. Judge Seals sentenced Applicant to twenty-two years imprisonment for each count, with the sentences to run consecutively. Applicant did not appeal his convictions or sentence.

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

1. Ineffective assistance of counsel
 - a. Failure to file appeal
 - b. Conflict of interest
 - c. "Counsel failure to investigate"
 - d. "counsel failed to investigate the crime scene was prejudiced to Mr. Corley's case"
2. Involuntary plea
 - a. "Plea was not entered into with full knowledge of the totality of the circumstances surround the case"

Following the appointment of counsel, Applicant filed a *pro se* amendment to his application on April 17, 2012, where he alleges thirty additional allegations of ineffective assistance of counsel. At the evidentiary hearing, Applicant proceeded forward on allegations that Counsel was ineffective for failing to conduct a sufficient investigate, failing to file an appeal, and that his guilty plea was involuntary.

SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from Applicant's plea counsel, Fred Wallace Woods, Jr., (herein "Counsel"). This Court also had before it a copy of the Applicant's guilty plea transcript, the records of the Aiken County Clerk of Court, and the Applicant's records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant testified that he retained Counsel and met with him only once prior to his guilty plea. He testified that he never reviewed any discovery materials with Counsel, but acknowledged that he did discuss possible defenses with Counsel. Applicant testified that Counsel never advised him of possible sentences that he could receive, although the record reflects that Applicant informed the plea court while under oath that he

understood he faced up to twenty-five years imprisonment on each count for an aggregate total of fifty years imprisonment. Applicant testified that he did not know he would be entering a guilty plea until the day of his plea.

Applicant testified that he wanted to proceed to trial on these charges, but testified that it was his decision to plead guilty. Applicant testified that he had no defenses, did drink before operating his motor vehicle, and did cause the fatal wreck. Applicant acknowledged that he pled guilty while under oath and that he is indeed guilty. Applicant also testified that he apologized to the victims numerous times during his guilty plea.

Applicant testified that he has an eighth grade education, but acknowledged that he can read, write, was employed at the time of the accident, and had a Commercial Driver's License. Applicant testified that he was injured during the accident giving rise to these charges and still suffers physical effects, such as headaches. Applicant testified that he has post-traumatic stress disorder from the accident, but did not present any medical reports or testimony to support this. However, Applicant acknowledged that while under oath, he told the plea court he did not have any conditions that affected his ability "to think, reason, and understand and know what [he's] doing" and that he had answered all of the plea court's questions truthfully.

Applicant testified that he informed the plea court while under oath that he was satisfied with Counsel's representation and that Counsel had done everything he had requested. However, Applicant testified that he now thinks that Counsel did not do a good job representing him. Specifically, Applicant testified that Counsel did not adequately investigate his case. Applicant testified that he wanted Counsel to reconstruct the accident. Applicant acknowledged that he has not had an accident reconstruction performed and presented no evidence or witnesses to testify in

regards to what possible benefit may have been derived from an independent accident reconstruction.

Applicant testified that he believes he is entitled to a belated appeal because Counsel did not file a notice of appeal on his behalf. However, he testified that Counsel informed him of his appellate rights and that the plea court also reviewed these rights with him during his guilty plea. Applicant acknowledged that he knew he only had ten days to file an appeal and that he did not contact Counsel following his guilty plea to pursue an appeal.

Following Applicant's testimony, the State presented testimony from Counsel. Counsel testified that he has been practicing law for approximately seventeen years and that a majority of his practice is comprised of criminal defense work. He testified that he was retained by Applicant's sister to represent Applicant shortly after the incident giving rise to the charges. He testified that he met with Applicant numerous times at his office, as well as corresponded with him by phone and letter. Counsel testified he also met and corresponded with members of Applicant's family. Counsel testified that he reviewed the elements of the charges Applicant was facing and possible defenses with Applicant. Counsel testified that he informed Applicant that the sentence range for each charge was one to twenty-five years for each count and that the court could run these sentences consecutively, which could result in a sentence of up to fifty years imprisonment.

Counsel testified that the evidence against evidence was strong, including a Blood Alcohol level of .133 BAC more than two hours following the accident. Additionally, Counsel testified that Applicant gave a written statement to law enforcement admitting that he had been drinking before driving and that numerous eyewitnesses had seen him driving erratically immediately before the fatal wreck. Counsel testified that he felt the State would be able to

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prove guilt beyond a reasonable doubt if Applicant proceeded to trial and he advised his client of his professional opinion. Counsel testified that he spoke with witnesses, visited the accident scene by himself and with Applicant, and had an accident reconstruction expert visit the scene with him as well. Additionally, Counsel testified that he reviewed the State's accident reconstruction report numerous times in preparation for his defense. Counsel testified that Applicant wanted to enter a guilty plea from the beginning of his representation and that he never indicated that he wanted to proceed to trial. Counsel testified that he entered into plea negotiations with the State at his client's request and the only offer made was to dismiss two related reckless homicide charges.

Counsel testified that he discussed Applicant's appellate rights with him prior to his guilty plea and that the plea court also reviewed his right to appeal during the plea colloquy. Counsel testified that Applicant never asked him to file an appeal on his behalf, nor did any member of Applicant's family request he file an appeal on Applicant's behalf.

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. Specifically, this Court finds that Counsel's credibility outweighs Applicant's credibility. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Ineffective Assistance of Counsel

Applicant alleges that Counsel was ineffective for not conducting a sufficient investigation and for failing to file an appeal on his behalf. In a post-conviction relief action, the



Applicant has the burden of proving the allegations in his application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). 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, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether an 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, 286 S.C. 441, 334 S.E.2d 813. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test 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, 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). Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel.

Counsel was ineffective for failing to conduct an adequate investigation

After careful review based on the standard discussed above, this Court finds that the Applicant has failed to prove that Counsel was ineffective in his investigation of Applicant's case. Counsel's credible testimony reveals that he spoke with numerous witnesses, visited the accident scene multiple times and reviewed the State's accident reconstruction report numerous times in preparation of his defense. Applicant presented no reports, offered no expert testimony, and otherwise provided no evidence to support this allegation. Applicant was unable to even speculate as to what benefit could have been derived from any such investigation. "Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result." Moorehead v. State, 329 S.C. 329, 496 S.E.2d 415 (1998). As Applicant was unable to provide any evidence to support this allegation, this Court finds that this allegation must be denied and dismissed.

Counsel was ineffective for failing to file a direct appeal

Applicant alleges that he is entitled to a belated direct appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). "[C]ounsel has a constitutionally imposed duty to consult with the defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing." Roe v. Flores-Ortega, 528 U.S. 470, 480, 120 S.Ct. 1029 (2000). "Even in cases when the defendant pleads guilty, the court must consider such factors as whether the defendant received the sentence bargained for as part of the plea and whether the plea expressly reserved or waived some or all appeal rights." Id. Absent extraordinary circumstances, there is no constitutional requirement that a defendant be informed of the right to a direct appeal

from a guilty plea. Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). "One extraordinary circumstance which would require counsel to advise a defendant of the right to appeal from a guilty plea would arise when the defendant inquires about an appeal." Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995).

After careful review based on the standard discussed above, this Court finds that Applicant has failed to carry his burden in this action. Counsel testified that he never received any requests from Applicant, or any member of Applicant's family, to file an appeal on his behalf and had no reason to believe that Applicant wished to file an appeal. Counsel testified that he reviewed Applicant's right to appeal with him prior to his guilty plea and that the plea court also reviewed these rights during the guilty plea. This Court finds that Counsel's performance was reasonable and effective. Therefore, this Court finds that this allegation must be denied and dismissed.

Involuntary Guilty Plea

Applicant also alleges that his guilty plea was involuntary. To find a guilty plea is voluntarily and knowingly entered into, the record must establish the Applicant had a full understanding of the consequences of his plea and the charges against him. 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 presented at the post-conviction relief hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The guilty plea transcript reflects that Applicant's plea was knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, [an

Applicant'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). Statements made during a guilty plea should be considered conclusively, unless an [Applicant] presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir. 1975), overruled on other grounds by United States v. Whitley, 759 F.2d 327 (4th Cir. 1985). This Court finds that the Applicant presented no reasons to show that he should be allowed to depart from the truth of the statements he made during his guilty plea hearing. During his guilty plea, Applicant freely admitted his guilt to the plea court while under oath and testified that he did not have any defenses to present. Applicant also told the plea court under oath that he understood his plea was without any negotiations or recommendations from the State and that he could receive a sentence of up to fifty years imprisonment. Additionally, during the evidentiary hearing, Applicant testified that he is indeed guilty.

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. 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). Given the Applicant's burden of proof and the analysis to be applied to this claim, the Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such. As shown in Applicant's allegation of ineffective assistance of counsel presented above, this Court finds that Counsel acted reasonably and effectively. Therefore, this allegation must be denied and dismissed with prejudice.

CONCLUSION

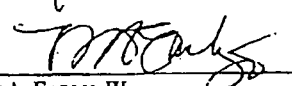
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that that Applicant must file and serve a notice of appeal within thirty 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 post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant 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 this 6 day of March, 2013.


 DOYET A. EARLY, III
 Presiding Judge
 Second Judicial Circuit


 South Carolina

M-007625

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Aiken

THE STATE

against

Stephen Corley

Address:

SALLEY, SC 29137

Phone: _____

Sex: M Race: B Height: 6 Weight: 180

DOB: _____

Presenting Agency: S C Highway Patrol

Presenting Officer: R B Brock, Jr - 895

Offense: DUI / Felony driving under the influence, death

Offense Code: 0395

Code/Offense Sec: 56-05-2945 (AY2)

The warrant is _____ FOR SERVICE in the

☐ County ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Stephen Corleyon 1-7-11St. John 5557

Signature of Defendant

RETURN WARRANT TO:

General Sessions

P O Box 583

109 Park Avenue

Aiken, SC 29802

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

NOT TO BE USED FOR THE
STATE OF SOUTH CAROLINA
JAN 11 2011
☒ County ☐ Municipality of

Aiken

Presently appeared before me the affiant DA Bennettbeing duly sworn deposes and says that defendant Stephen Corleydid within this county and state on or about 12/29/2010in the following particulars: ☒ County ☐ Municipality of Aiken

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

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

UPON INFORMATION AND BELIEF ON 12-29-2010 APPROXIMATELY 1821 THE DEFENDANT STEPHEN CORLEY WAS OPERATING A 2001 NISSAN SPORTS UTILITY VEHICLE SC REGISTRATION A/C 142. UPON SC 302 IN THE COUNTY OF AIKEN, STATE OF SOUTH CAROLINA, CORLEY WAS TRAVELING WEST BOUND BEING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS, WHICH SUFFICIENTLY DECREASED HIS AWARENESS AND MADE HIS FACILITIES TO DRIVE MATERIALLY AND APPRECIABLY IMPAIRED, ATTEMPTED TO PASS A VEHICLE TRAVELING THE SAME DIRECTION BEFORE IT WAS SAFE TO DO SO AND STRUCK A RED IN COLOR SPORTS UTILITY VEHICLE TRAVELING EAST BOUND DRIVEN BY [REDACTED] WHICH WAS FATALY WOUNDED DURING THE COLLISION. THESE ACTS COMBINED ARE IN VIOLATION OF 56-05-2945 (AY2) OF THE SC CODE OF LAWS AS AMENDED.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

Aiken

Affiant's Address: 254 Beaufort Street North East

Aiken, SC 29801

Affiant's Telephone: _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY COURT CLERK OR JUDGE OF THE COUNTY OF AIKEN, I, DA Bennett, hereby warrant that

on or about 12/29/2010 defendant Stephen Corley

did within the criminal limits of the State of South Carolina for offense of

☒ County ☐ Municipality of Aiken

DESCRIPTION OF OFFENSE: DUI / Felony driving under the influence, death results

Having heard probable cause and the above alleged having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of the execution, or be shown to and published before me

on 12/30/2010 Judge's Address: 433 Wye Road

DA Bennett Aiken, SC 29801-8743

DA Bennett Judge's Telephone: (803) 642-2044

DA Bennett Sheriff's Office: 5034

DA Bennett Hearing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

DA Bennett ORIGINAL ORIGINAL ORIGINAL

DA Bennett ORIGINAL ORIGINAL ORIGINAL

DA Bennett ORIGINAL ORIGINAL ORIGINAL

RAIL not by

مقدمه

3

Type and Amount

1. Name of Entity

PEREL BONAVENTURE HEARINGS held by

judges

31

Administrative Authority.

[illegible]

DISPOSITION Notes

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JURDAS

WITNESSES

Name

1000

! Complete activity.

Name:

Telephone.

Nome:

MODIFIERS

Reference:

Name:

Advertisement

Telephone:

Name _____

Address:

Summary:

3

Name: _____

1

NAME

1

CODEPENDANTS

DOCKET NO. 2011GS0200636

The State of South Carolina

County of Aiken

SBC

COURT OF GENERAL SESSIONS

MAY TERM 2011

FILED

THE STATE

v.g.

STEPHEN CORLEY

1257 W

CDR #: 0395

For person of Grand Jury
Date: May 19, 2011

indictment for

VERDICT

CAUSING DEATH BY OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

§ 56-05-2945(A)(2)

For person of Petit Jury

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN) INDICTMENT FOR
) CAUSING DEATH BY OPERATING A
) VEHICLE WHILE UNDER THE INFLUENCE OF
) DRUGS OR ALCOHOL

§ 56-05-2945(A)(2)

At a Court of General Sessions, convened on May 23, 2011, the Grand Jurors of Aiken County present upon their oath:

That STEPHEN CORLEY did in Aiken County, South Carolina on or about December 29, 2010, while driving a vehicle under the influence of alcohol, drugs, or a combination thereof, do an act forbidden by law or neglect a duty imposed by law in driving of said vehicle, by failing to operate vehicle in a safe and reasonable manner and failure to maintain proper control of vehicle, which act or neglect proximately caused death to [REDACTED] All in violation of Section 56-5-2945 of the Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

8036422134

COUNTY OF AIKEN

114 a.m. 09-22-2011

11/50

STATE OF SOUTH CAROLINA

COUNTY OF Aiken

STATE

VS.

Stephen Corley

AKA:

Race:

B

Sex:

M

Age:

39

DOB:

SS#:

Address:

City, State, Zip: SALLEY, SC 29137

DL#

or

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: DUI / Felony driving under the influence, death results

In violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45

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

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

ATTEST:

J. K. [Signature] 15606 Stephen Corley [Signature] 9526
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 22 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: today
☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

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

Payment Terms: _____

☐ Set by SCOPPPS

Recipient:

*Fine:		\$
\$14-1-206 (Assessments 107.5%)		\$
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90

TOTAL \$ 133.90

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA 217 (01/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS0200636

AW#: M007625

Date of Offense: 12/29/2010

S.C. Code §: 56-05-2945(A)(2)

CDR Code #: 0395

SENTENCE SHEET

Mon. Min.

1-25

☐ CONVICTED OF or ☒ PLEADS
AND \$10,100 - \$25,100

☐ CONVICTED OF or ☒ PLEADS
AND \$10,100 - \$25,100

(CSC w/minor 1st or Lawd Act)

☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

☐ Negotiated Sentence, ☐ Recommendation by the State.

[Signature] 9526
Attorney for Defendant SC Bar #

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for a determinate term of 22 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
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SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be set in equal consecutive weekly/monthly

I, L. Godard, Clerk of Court of Common Pleas and General

Sessions for Aiken County, South Carolina, hereby certify

\$ that the foregoing constitutes a true and correct copy of the

original documents which have been filed in my office this

Other 21 day of Sept 2011

[Signature]
Clerk of Court, Aiken County, S.C.

[Signature]
Deputy Clerk

☐ Appointed PD or appointed other counsel,
\$47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge [Signature]

Judge Code: 2157

Sentence Date: 1-25-11

[illegible]

RECEIVED

DEC 30 2010

COMMUNICATIONS UNIT
SCHWY PATROL

2130 CAL HAMILTON (43P)
Hamilton

SECRET

-WITNESSES

DOCKET NO. 2011GS0200637

SC Department of Public Safety (SCHP)

The State of South Carolina

Roger B. Brock

County of Aiken

ARREST WARRANT NUMBER

SDG

COURT OF GENERAL SESSIONS

MAY TERM 2011

M007628

FILED

May 19 2011

THE STATE

VS.

STEPHEN CORLEY

ACTION OF GRAND JURY

*Stephen Corley**June 3:11*

Foreperson of Grand Jury

Date: May 19, 2011

CDR #: 0395

Indictment for

CAUSING DEATH BY OPERATING A
VEHICLE WHILE UNDER THE INFLUENCE
OF DRUGS OR ALCOHOL

\$ 56-05-2945(A)(2)

Foreperson of Petit Jury

Date:

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN) INDICTMENT FOR
) CAUSING DEATH BY OPERATING A
) VEHICLE WHILE UNDER THE INFLUENCE OF
) DRUGS OR ALCOHOL

§ 56-05-2945(A)(2)

At a Court of General Sessions, convened on May 23, 2011, the Grand Jurors of Aiken County present upon their oath:

That STEPHEN CORLEY did in Aiken County, South Carolina on or about December 29, 2010, while driving a vehicle under the influence of alcohol, drugs, or a combination thereof, do an act forbidden by law or neglect a duty imposed by law in driving of said vehicle, by failing to operate vehicle in a safe and reasonable manner and failure to maintain proper control of vehicle, which act or neglect proximately caused death [REDACTED] All in violation of Section 56-5-2945 of the Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

8036422134

COUNTY OF AIKEN

3:35 a.m. 09-22-2011

12/50

STATE OF SOUTH CAROLINA
COUNTY OF Aiken
STATE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS0200637

VS.
Stephen Corley

A/W#: M007628

AKA:
Race: B Sex: M Age: 39

Date of Offense: 12/29/2010

DOB: SS#: 20

S.C. Code §: 56-05-2945(A)(2)

Address:

CDR Code #: 0395

City, State, Zip: SALLEY, SC 29137

SENTENCE SHEET

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

Man. Min.

1-25

In disposition of the said indictment comes now the Defendant who was
TO: DUI / Felony driving under the influence, death results

☐ CONVICTED OF or ☒ PLEADS
AUG \$10,100 - \$25,100

In violation of § 56-05-2945(A)(2) of the S.C. Code of Laws, bearing CDR Code # 0395

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45

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

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

ATTEST:

J. Ste 2 15606 Stephen Corley Frederick
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 22 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
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Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient

May serve W/E beginning

*Fine: \$ _____

Substance Abuse Counseling ☐

\$14-1-206 (Assessments 107.5%) \$ _____

Random Drug Testing ☐

\$14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

Fine may be paid in equal installments weekly/monthly

\$14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

Sections for Aiken County, South Carolina do hereby certify

\$56-5-2995 (DUI Assessment) \$12 \$ _____

that the foregoing constitutes a true and correct copy of the

\$56-1-286 (DUI Breath Test) \$25 \$ _____

original documents which are to be paid to Public Defender Fund

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

Other: 21 day of Sept 2011

\$14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

C.C.P. & D.S., Aiken County, S.C.

\$14-1-213 (Drug Court Surcharge) \$150 \$ _____

Deputy Clerk

\$50-21-114 (BUI Breath Test Fee) \$50 \$ _____

☐ Appointed PD or appointed other counsel,

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

\$47.12 requires \$500 be paid to Clerk

Proviso 80.5 (SCJA Surcharge) \$5 \$ 5.00

during probation.

3% to County (if paid in installments) \$ 3.40

TOTAL \$ _____

Presiding Judge 2157

Clerk of Court/Deputy Clerk Ledostahn Rev

Judge Code: 2157

Court Reporter: Chris Thomas

Sentence Date: _____