

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Oconee County

Honorable Jane H Merrill, Circuit Court Judge

CHARLES S. TRAPP, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002333

APPENDIX

KATHRINE H. HUDGINS
Senior Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

MARK FARTHING
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-4117

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
GUILTY PLEA HEARING TRANSCRIPT DATED AUGUST 20, 2024	1
INDICTMENT AND SENTENCE SHEET	22
APPLICATION FOR POST-CONVICTION RELIEF	27
RETURN.....	44
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	52
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED SEPTEMBER 10, 2025...	54
ORDER OF DISMISSAL WITH PREJUDICE	100
APPLICANT’S EXHIBIT #1 (VOLUNTARY STATEMENT).....	117

1 STATE OF SOUTH CAROLINA * GENERAL SESSIONS
2 COUNTY OF OCONEE * TRANSCRIPT OF RECORD
3 -----X
4 STATE OF SOUTH CAROLINA *
5 Plaintiff,*
6 vs. * Case No. 2022-GS-37-0483
7 CHARLES STEPHON J. TRAPP *
8 Defendant.*
9 -----X
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AUGUST 20, 2024

B E F O R E:

The Honorable J. CORDELL MADDOX JR., Presiding Judge

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

BLAIR STOUDEMIRE, ESQ.
ATTORNEY FOR THE SOLICITOR

JOSHUA KENDERICK, ESQ.
ATTORNEY FOR THE DEFENDANT

Recorded by: Anna Foster, DCRP

Transcribed by: Loraine Victoria, CER, CET
SC Official Digital Court Reporter II

I N D E XWITNESS/DESCRIPTIONPAGE

NONE.

E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)	Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

(The following proceedings started at 3:52 p.m.):

MR. STOUDEMIRE: Your Honor, may it please the Court.
This is State versus Charles Stephen Trapp Jr. -- excuse me,
did I say -- is it Stephen or Stephon?

THE DEFENDANT: Stephon.

MR. STOUDEMIRE: Thank you. Sorry.

Charles Stephon Trapp Jr. Mr. Trapp is here on
Indictment 2022-GS-37-483. He is represented by Mr. Josh
Kenderick.

Your Honor, the indictment is the charge of Murder and
Possession of a Weapon During a Violent Crime. He is
pleading to the lesser-included charge of Voluntary
Manslaughter. In this particular case, he is pleading
straight up without recommendation from the State. I believe
that at the appropriate time, both the defendant and victim's
family have representatives here that wish to speak on the
relative party's behalfs.

THE COURT: Okay, and I assume you all both agree that
the sentencing range is two to thirty years, right?

MR. STOUDEMIRE: Yes, Your Honor.

THE COURT: Okay.

CHARLES STEPHON J. TRAPP,
after having been duly sworn, was examined and testified to
as follows:

1 THE COURT: Okay. Mr. Trapp, I need to ask you a couple
2 of questions just to make sure we're all on the same page.
3 First, have you had any illegal drugs or any alcohol within
4 the last 24 hours?

5 THE DEFENDANT: No, sir.

6 THE COURT: Are you taking any kind of prescription
7 medicine that might prevent you from understanding what's
8 going on here today?

9 THE DEFENDANT: No, sir.

10 THE COURT: Have you had any mental health counseling or
11 treatment within the last five years?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I don't want to pry too much in your
14 personal business, but generally, what for? What were you
15 being treated for?

16 THE DEFENDANT: Anxiety and depression.

17 THE COURT: Anxiety -- and you're taking your meds for
18 it?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: What do you take? Just generally.

21 THE DEFENDANT: (Indiscernible)

22 THE COURT: Does it help you?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. And are you taking it now?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. But it doesn't make you foggy or
2 anything like that?

3 THE DEFENDANT: No, sir.

4 THE COURT: Okay. Now you understand that you were
5 originally charged with Murder and Possession of a Weapon
6 During the Commission of a Violent Crime that has been
7 reduced to Voluntary Manslaughter. You understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Theoretically, you have a right to have the
10 Voluntary Manslaughter charge -- and this is just
11 theoretical, but it's real -- sent back to the grand jury.
12 If you want to plead today, you have to waive that right.
13 Are you waiving that right to have your Manslaughter charge
14 sent back to the grand jury for a decision?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. Has anybody threatened you in any way
17 or promised you anything to force you to plead?

18 THE DEFENDANT: No, sir.

19 THE COURT: Is the State dropping the Possession of a
20 Weapon?

21 MR. STOUDEMIRE: Your Honor, we are dropping the
22 Possession of a Weapon --

23 THE COURT: Okay.

24 MR. STOUDEMIRE: -- yes, sir.

25 THE COURT: And have you had plenty of time to speak to

1 your lawyer about this plea?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You satisfied with his services?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. And do you think Mr. Trapp
6 understands his waiver of constitutional rights?

7 MR. KENDERICK: Yes, sir.

8 THE COURT: I'm getting ready to tell him what they are,
9 but you hadn't had any -- just --

10 MR. KENDERICK: We've talked about it many times, Your
11 Honor --

12 THE COURT: Okay.

13 MR. KENDERICK: -- I think he understands.

14 THE COURT: All right. For the record, do you
15 understand that you have a right to a jury trial, right to
16 remain silent, a right to confront witnesses that would come
17 testify against you, and a right to put up a defense? If you
18 want to plead today, you have to waive all those
19 constitutional rights. Are you waiving all of your
20 constitutional rights?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. And you're satisfied with your
23 attorney?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you think he understands elements of the

1 charges and his waiver of constitutional rights?

2 MR. KENDERICK: Yes, sir.

3 THE COURT: All right.

4 Mr. Trapp, do you want to plead guilty to Voluntary
5 Manslaughter?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And are you guilty of Voluntary
8 Manslaughter?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay.

11 All right. I'll accept the plea and find it freely and
12 voluntarily made. Based upon the advice of Counsel and find
13 that he waived any right he might have to have that reduced
14 charge sent back to the grand jury. And he's waived all of
15 his constitutional rights knowingly and voluntarily.

16 Listen to what the solicitor tells me. Then I'm going
17 to listen to somebody from your family and the victim's
18 family and then I'll make a decision.

19 THE DEFENDANT: Yes, sir.

20 MR. STOUDEMIRE: Your Honor, may it please the Court.

21 This occurred on or about September 7th, 2021, in the city of
22 Westminster here in Oconee County. On or about that date,
23 the victim, [REDACTED] -- and I'm going to mispronounce her
24 name. I've tried a hundred times to say it correctly --
25 [REDACTED], who primarily went by [REDACTED] went with her

1 boyfriend at the time, Mr. [REDACTED] Seagraves, and another
2 individual named Daniel -- [REDACTED] Rudisel(ph). They were
3 going to the defendant's house, and they were going there to
4 buy marijuana.

5 There was an agreed upon price of \$220 for an ounce of
6 marijuana between Mr. Seagraves and Mr. Trapp, the defendant
7 in this case. Parties all met at Mr. Trapp's house. Mr.
8 Seagraves got out of his vehicle to go ahead and purchase the
9 marijuana. Money was exchanged for the marijuana. Mr.
10 Seagraves felt that he was shorted on the -- on the quantity,
11 got upset about that, and ended up punching Mr. Trapp a
12 number of times in the face.

13 According to police reports, Mr. Trapp then drew a
14 weapon; showed it to Mr. Seagraves. Mr. Seagraves obviously
15 got scared, started to run back towards the car. Mr. Trapp
16 fired at Mr. Seagraves, hitting him once in the leg on his
17 way back to the car, and continued to fire at the car as Mr.
18 Seagraves reached the car, put the car in gear, and tried to
19 drive away.

20 During all of this, [REDACTED] who was in the front passenger
21 seat, kind of crouched down and tried to bend towards the
22 middle of the car. In the process of driving away, when Mr.
23 Trapp was firing at the vehicle, one of those bullets ended
24 up -- ended up going into the door of the car, passing
25 through the door, and hitting the victim, causing her to be

1 fatally wounded.

2 She did not immediately die at that point. She was able
3 to tell Mr. Seagraves she had been hit. Mr. Seagraves then
4 stopped the vehicle as quickly as he could. He and Mr.
5 Rudisel (ph) tried to render aid such as they could, but
6 their efforts were futile, and [REDACTED] passed away due to her
7 injuries suffered as a result of being shot by Mr. Trapp.

8 Obviously, Mr. Trapp is here pleading guilty to
9 Voluntary Manslaughter. That is being done without
10 recommendation from the State. I would point out to the
11 Court that charges of Attempted Murder with regard to Mr.
12 Seagraves are being dismissed in consideration for his plea
13 here, as well as Possession of a Weapon During a Violent
14 Crime.

15 You'll hear more about this from her family, but [REDACTED]
16 was the mother of a young child at the time. That child is
17 now having to primarily be raised by her mother, who I'm sure
18 was looking very forward to just being a grandmother instead
19 of being forced to enter into motherhood once again. I'll go
20 ahead and stop now and -- and let you hear from the victims
21 at the appropriate time.

22 THE COURT: Okay, I will.

23 Let me ask you this. How many days have you served in
24 jail?

25 THE DEFENDANT: One thousand and eighty, Your Honor.

1 THE COURT: One thousand and eighty?

2 THE DEFENDANT: Yes, sir.

3 MR. STOUDEMIRE: Yes, sir. And Judge, he has been
4 incarcerated since being arrested on this -- on this charge.
5 This is being done through, I would say, extensive plea
6 negotiations between Mr. Kenderick and myself. I've also met
7 with the victims a number of times to get to the point we are
8 today.

9 THE COURT: Okay.

10 I'll be happy to hear from the victims now. And then
11 I'll hear from your -- y'all make sure that y'all address me.
12 That's just the way it has to be done. Give us your full
13 name, if you would, please.

14 MS. BIONDOLILLO: Lisa Marie Biondolillo.

15 THE COURT: Yes, ma'am.

16 MS. BIONDOLILLO: September 30, 2000, I gave birth to
17 a beautiful baby girl. (Indiscernible) my only child. 20
18 years later, and she's blooming into a wonderful woman and
19 mother. [REDACTED] was kind, strong. She wore her heart on
20 her sleeve, and she would do anything for anyone. Even
21 though she wasn't a -- was a mom, she was a great one. She
22 would do anything for her son. He was her life.

23 Fast forward to August 20, '24, it's been 1078 days
24 since the last time we saw her face. Can't see -- on
25 September 7, 2021, I received the worst news of my life

1 around 5 p.m., I was told that my daughter was shot.
2 Racing to the scene with so many thoughts running through
3 my mind not knowing when I got there the worst would
4 happen.

5 Running to her car, being stopped by the police
6 officer telling me that she was gone and that I couldn't
7 see her, she was evidence. But she was my child who I
8 couldn't even see until five days later when she was in her
9 (Indiscernible) I see -- as parents we're (Indiscernible)
10 and it wasn't just her life that ended that day. My whole
11 life would change.

12 I wouldn't just be a grieving grandmother but a
13 grieving Mimi as well who would dedicate my life to making
14 her (Indiscernible) my grandson know who his mother was.
15 One decision changed the trajectory of our lives. Trying
16 to (Indiscernible) a child while raising my grandchild is
17 -- this is one of the hardest things I have done.

18 Sharing memories -- he will never make his own. The
19 memories he does create are him carrying her picture
20 around, feeding her at the dinner table, and carrying her
21 to bed and tucking her in at night. That picture is a
22 million words but to him it's his life. It's it -- it's
23 life -- my life -- my life is -- I'm sorry.

24 THE COURT: That's okay. Take your time.

25 MS. BIONDOLILLO: Thank you. Oh my God -- my life

1 that is -- I was stuck on the couch staring at the doorway
2 praying she would come in. Everything I did in life, I did
3 with her. Everyday test now seem like torture. Even sleep
4 is a battle. Closing my eyes envisioning her fighting for
5 her breaths wondering what that must have been like. Was
6 she scared? Was she calling for me? Waking up in the
7 middle of the night to hear her voice and knowing she's not
8 there.

9 And that's not hard enough. As I sit at the -- at the
10 table eating dinner the other night my boy turned to me and
11 said, "Mimi, who killed my mom?" Your Honor - Your Honor,
12 I don't think it's fair that he gets less than 30 years. I
13 don't know. Thank you.

14 THE COURT: Okay. Thank you, ma'am.

15 MR. BOGGS: Your Honor, my name is [REDACTED] Boggs
16 (ph), and I'm here on behalf of my son's mother's death.
17 September 7th of 2021, I got a call and told that my son's
18 mother was shot and killed. And I went ballistic. That
19 was my first love of my life. She was my everything. She
20 had such a beautiful soul. She was such a good mom to our
21 son.

22 Her not being here no more has caused me a lot of
23 stress, caused me a lot of anger. And I've had to overcome
24 all those things and all the trauma that we went through
25 and what this has caused. And I'm -- I'm just praying for

1 justice today. I'm just praying that the Lord is in this
2 -- in this room with us today, and then with our families.
3 Because we've been broken ever since this has happened. I
4 know it's in His hands, though, and we just ask for the
5 max, Your Honor.

6 THE COURT: Okay.

7 MR. BOGGS: Thirty years, please.

8 THE COURT: Thank you.

9 MS. DAVIS: My name is [REDACTED] Davis (ph). I had a
10 paper writ out -- written out. But [REDACTED] was more than
11 just a piece of paper. I can't, in just a couple pieces of
12 paper, tell you how much she meant to me. I remember that
13 night like it was yesterday. Three years have passed. And
14 when we talked today, as we normally do, we said she would
15 have been 24 this year.

16 And I had to take a step back. I was like, 24. She's
17 supposed to be older than me. I am 22 years this year, and
18 I was 18 when she passed. I spent a whole year of my life
19 living with her mother, helping her take care of her son.
20 I watched her mother lay on a couch and not go to work. I
21 watched me and her other friends and family try to figure
22 out how to go on. We always told ourselves we would grow
23 old together, but that's not going to happen.

24 So here's the paper that I did write: [REDACTED]
25 couldn't be here today. So we stand here for her. On

1 September 7th of 2021, two weeks before her 21st birthday,
2 her life was taken. It's been almost three years since she
3 was tragically shot while sitting in her car. The last
4 message she would ever receive was a picture of her son
5 just moments before she took her last breath.

6 Her son will never know her, and we will never stop
7 missing her. Nothing can change what has been done and
8 nothing will bring her back. But know that she was
9 kind-hearted, and she would do anything for anyone. And we
10 just ask that he get the maximum, whatever it is, and
11 that's it. Thank you.

12 THE COURT: Thank you, ma'am.

13 MR. STOUDEMIRE: That's all.

14 THE COURT: Okay.

15 Yes?

16 MR. KENDERICK: Thank you, Your Honor. Your Honor, I'll
17 start by acknowledging this is obviously an incredible
18 tragedy. And I think the overriding thing you've heard in
19 these facts is that this -- this young lady who was killed
20 had really no part in what was going on.

21 But at the same time, Your Honor, I'm going to ask you
22 for, obviously, less than the maximum. And the reason for
23 that is because -- giving some mitigating facts, Your Honor,
24 but I want to start with the sentence you give is not a
25 commentary on the life that was lost, and it never is in a

1 case like this.

2 The sentence needs to reflect retribution, certainly.
3 And we know that even -- even if you grant some mercy,
4 there'll be a significant sentence imposed here today. But
5 my client is 22 years old. He was born in Anderson, South
6 Carolina, lived with his parents until he was about 12, and
7 they lost custody of him. They had left him at home alone.
8 The police came; took him. He was placed with foster
9 parents, and he was placed with his grandparents.

10 He was separated from his siblings. He and his brother
11 that lived with him were sent down to DJJ at a very young
12 age. I think when he was around 15, because of the fight
13 that he got in. And then until the time he turned 18, he
14 lived in group homes.

15 He never had a relationship with his father; quit school
16 in the 11th grade at 18 years old, which is not long before
17 this, he tried to commit suicide. He spent a couple weeks in
18 mental health treatment for PTSD, anxiety and depression, and
19 bipolar disorder. Your Honor, those are not from a specific
20 incident. Those are from childhood. And this is a cycle you
21 see all too often play out in front of you.

22 THE COURT: Yep.

23 MR. KENDERICK: It doesn't excuse this at all, but it
24 mitigates it. Unfortunately, as -- as this happened, he was
25 starting to gain some stability. He had rebuilt a

1 relationship with his mother, his siblings, his family. A
2 couple of weeks before this happened, he had been robbed by
3 someone associated with Mr. Seagraves. He was on alert. He
4 was scared.

5 He -- he made this deal with Mr. Seagraves, who beat him
6 up and stole the drugs. He was in fear. He fired in a
7 panic. Your Honor, he did not mean to -- to kill this young
8 lady, but he did. And he knows that you will punish him for
9 that.

10 You know, this is a case where, if it had just been
11 confined to that incident, I still think we would have had to
12 plead guilty, but it would have been far different because,
13 you know, there would have been a little bit of a --

14 THE COURT: Yeah.

15 MR. KENDERICK: -- part that was played by -- by the
16 other gentleman here. But -- but I just can -- I -- I want
17 to tell you that even though I think this was -- it truly is
18 a Manslaughter, I think the firing was -- the gun was done in
19 the heat of passion. But the young lady that you've heard
20 about, they had absolutely no part in this. She -- she was
21 truly a bystander.

22 I think there were other people that contributed to this
23 event happening. But ultimately, the person who pulled the
24 trigger gets punished. And that's what is going to happen
25 today. You know, we've -- we've spent a long time

1 negotiating this case. Discussing this case, looking at the
2 facts and what it comes down to is he fired the gun out of
3 fear, he fired the gun out of panic.

4 And if it had hit Mr. Seagraves, we -- we would be here
5 under different circumstances and probably far less tragic.
6 But it didn't. And we have a great deal of remorse and
7 respect for the life that was lost and the things you have
8 heard.

9 But Your Honor, I would ask you to -- to think about his
10 young age, the instability that he lived with, the
11 circumstances that surrounded why he got himself into this
12 situation, and I'd ask you to consider something more in the
13 middle range of -- of this sentencing. I think the maximum
14 doesn't -- doesn't reflect the fact that he's come in here
15 and pled guilty. And we've been scheduled to plead guilty
16 before, so this isn't a case that, you know, we're on the eve
17 of trial --

18 THE COURT: Right.

19 MR. KENDERICK: -- decided to -- to plea. So I would
20 just ask you to consider all that and, obviously, I would ask
21 you to think about a sentence somewhere in the middle of this
22 range as opposed to the high end.

23 I do know that he wants to briefly address the Court,
24 and I know his mother, his grandmother, and his brother are
25 here. Just his mother would like to briefly address Your

1 Honor. And I've explained to them they're just going to talk
2 about who he is.

3 And that's why we're here, Your Honor. We -- there's
4 nothing we can say to -- to make up for what's happened or
5 get that life back. But I do want you to know a little bit
6 about Mr. Trapp because I do think this behavior is an
7 anomaly, and I think that matters when you think about how
8 much time you're going to give him and what opportunity he
9 might have to come back out at some point. So I think if I
10 could let his mother --

11 THE COURT: Sure.

12 MR. KENDERICK: -- speak briefly about (Indiscernible)

13 MS. BAKER: My name is [REDACTED] Baker (ph), B-A-K-E-R.
14 I am Charles Trapp mother.

15 This is some things about Charles: Charles is funny
16 and easygoing. He will always laugh and joke around.
17 (Indiscernible) never been the type to go looking for
18 trouble, get into trouble. He is respectful, grew up in
19 church. He would always give you his last.

20 He is a good-hearted person and also a good role model
21 to his three younger siblings that looks up to him as a
22 father figure. He has a genuine heart when it comes to
23 others because he cares about other people's feelings that
24 he put others before himself.

25 If Charles had a second chance of life, he would be a

1 changed man and look at life a little different. By
2 knowing who his true friends are and getting back right
3 with God and getting back on the right path in life and
4 staying out of trouble.

5 THE COURT: Okay. Thank you, ma'am.

6 Mr. Trapp, anything you want to say?

7 THE DEFENDANT: Yes, sir. I'm truly sorry for what
8 happened. And when it went down in 2021. If I knew that
9 this would happen -- I'm truly sorry for what went down in
10 2021. If I knew that this would have happened to her, I
11 would have not done this, a deal over weed.

12 I regret that this has even happened. Nothing should
13 have went down. As the man I am now, I have to face my
14 consequences of my actions because I made a rational -- if,
15 you know, because if I made a rational choice, I would not
16 be in this situation.

17 THE COURT: Okay, thanks. Anything else?

18 MR. KENDERICK: Just in closure, Your Honor. I mean, I
19 think the last thing he said is what we recognize here. This
20 was just an irrational act, and it was -- it's not in keeping
21 with anything in his history. And I ask you to grant some
22 mercy.

23 I know that based on the loss that's been experienced
24 here, that's a difficult ask. But I learned one time, mercy
25 is not something people deserve; it is something that is

1 bestowed. And you have that ability right now, and we would
2 ask you to exercise it.

3 THE COURT: Okay. Well, I mean, these are always
4 difficult because, to be honest with you, nothing's going to
5 bring her back and nothing is worth what her family's going
6 through or your family. And I feel badly for both mothers
7 here, to be honest with you. There's just too many guns out
8 there. That's the only thing I can tell you.

9 All right. I'm trying to be consistent with what I've
10 done over the last 23 years. And I keep a track, generally,
11 so everybody knows what I'm going to do.

12 The sentence in this case is 30 years, suspended to 22
13 years with five years probation, credit for 1,080 days. And
14 I did that with some rational thought that 1,080 would go
15 against the 22. So -- and then probation, five years, random
16 drug and alcohol testing while he's on probation, give him
17 credit for 1,080. Okay.

18 MR. STOUDEMIRE: Thank you, Your Honor.

19 MR. KENDERICK: Thank you.

20 THE COURT: Good luck to you. All right. Be safe.

21 (Proceedings adjourned at 4:16 p.m.)

22 **CERTIFICATE OF TRANSCRIBER**

23 CASE NAME/NUMBER: STATE VS CHARLES TRAPP

24 2022-GS-37-0483

25 DATE OF HEARING: AUGUST 20, 2024

1 COURT REPORTER/MONITOR: ANNA FOSTER, DCRP

2 *****

3 I, LORAINE VICTORIA, do hereby certify that the
4 foregoing transcript is a true and correct record of the
5 recorded proceedings; that said proceedings were transcribed
6 to the best of my ability from the audio recording and
7 supporting information, and that I am neither counsel for,
8 related to, nor employed by any of the parties to this case,
9 and I have no interest, financial or otherwise, in its
10 outcome.

11 
12
13

14 LORAINE VICTORIA, CER, CET Certified Transcriber

15 Date Submitted: APRIL 14, 2025

16
17 **NOTE: PURSUANT TO RULE 607(h)(1)(b), SCACR, "A COURT**
18 **REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR**
19 **FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL**
20 **REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800)**
21 **FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS**
22 **REPORTER AT EMAIL.**
23
24
25

WITNESSES

Westminster Police Dept.

Matthew Patterson

ARREST WARRANT NUMBER

COUNT ONE 2021A3720500103
COUNT FOUR 2021A3720500106

ACTION OF GRAND JURY

TRUE BILL

MAR 14 2022

Melodee Bryant
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Grand Jury
Date:

DOCKET NO. 2022-GS-37-

00483

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

MAR 14 2022, TERM

THE STATE

VS.

CHARLES STEPHON TRAPP, JR

INDICTMENT FOR

COUNT ONE - MURDER

SC Code: § 16-03-0010
CDR Code: 0116

**COUNT FOUR - POSSESSION OF A
WEAPON DURING THE COMMISSION OF
A VIOLENT CRIME**

SC Code: § 16-23-0490
CDR Code: 0549

BLS

22

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
2022 MAR 14 PM 3:10

ENTERED
apth
COMPUTER

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

INDICTMENT

At a Court of General Sessions, convened on MAR 14 2022, the
Grand Jurors of Oconee County present upon their oath:

COUNT ONE - MURDER

That Charles Stephon Trapp Jr did in Oconee County, on or about on or about September 7, 2021, unlawfully and with malice aforethought, either express or implied, kill [REDACTED] by means of shooting her in the upper chest, and the victim died as a proximate result thereof. All in violation of §16-3-10, *South Carolina Code of Laws* (1976, as amended).

**COUNT FOUR - POSSESSION OF A WEAPON DURING THE COMMISSION OF A
VIOLENT CRIME**

The defendant, Charles Stephon Trapp Jr, did, on or about on or about September 7, 2021, in Oconee County, South Carolina, while committing the crime of murder and Attempted murder, a crime of violence, have in his possession a firearm. All in violation of 16-23-0490 of the *South Carolina Code of Laws* (1976) as amended.

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


BLAIR L. STOUDEMIRE
ASSISTANT SOLICITOR

STAT 24/S.

CHARLES STEPHON TRAPP,
IR

INDICTMENT/CASE#:

2022GS3700483

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

STATE

VS.

CHARLES STEPHON TRAPP, JR

AKA:

Race: Black Sex: M Age: 22

DOB:

Address:

City, State

DL#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2022GS3700483

A/W#:

2021A3720500103

Date of Offense:

09/07/2021

S.C. Code §:

16-03-0010

CDR Code #:

0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐☐ Defendant Pro Se

In disposition of the above indictment comes now the Defendant who

☐ WAS CONVICTED OF or ☒ PLEADSTO: Voluntary ManslaughterIn violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted, ☒ Lesser Included Offense, ☐ Defendant Waives
Presentment to Grand Jury.

The State's Position is:

☒ None☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months;☐ Negotiated and Agreed as to Charges Only☐ Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months;

ATTEST:

Blair L. Stoudemire,
Assistant Solicitor

9868

SC Bar #

Attorney for Defendant

70453

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 30 Hours/ Days/ Months/ Years ☐ Time Served☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court☐ Other: _____☐ Judicial Review _____ Days/ Months☐ Youthful Offender Act not to exceed _____ Days/ Months/ YearsAnd/ Or to pay a fine of \$ _____ ;
provided that upon the service of _____ Hours/ Days/ Months/ Years ☐ Time Served

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
- ☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
- ☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
- ☐ Suspended To Batterer's Treatment
- ☐ Other: _____

And/ Or a payment of \$ _____ ; plus costs and assessments as applicable*

the balance is suspended with **probation** for 5 Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
- ☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

- ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. 1080 days/months.
- ☐ To include time spent on monitored house arrest prior to trial and sentencing.
- ☐ The Defendant Shall be Released from County Detention Center.

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

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

- ☐ **PTUP** after _____ Months/ Years ☐ Home Detention Program(HIP)

And Other Terms Listed Below:

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

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered☐ See Attached Restitution Order

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____

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

§14-1-206 (Assessments 107.5%) \$100 \$ 100.00

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

§14-1-211 (A)(2)(DUI Surcharge) \$12 \$

§56-5-2995 (DUI Assessment) \$25 \$

§56-1-286 (DUI Breath Test) \$25 \$ 25.00

§14-1-212 (Law Enforce. Funding) \$150 \$

§14-1-213 (Drug Court Surcharge) \$50 \$

§50-21-114 (BUI Breath Test Fee) \$40/ea \$

§56-5-2942(J) (Vehicle Assessment) TBD \$ 18.75

3% to County (if paid in installments) Other Costs (As Authorized by Cost Code)* \$

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any other fees \$500 500.00

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$

TOTAL \$ 643.75

Clerk of Court/Deputy Clerk: Melissa C BurtonCourt Reporter: Anna FosterPresiding Judge: [Signature]Judge Code: 2/31Sentence Date: 8/20/2024

Specify Other Costs*

Cost Code	Cost Description	Amount
☐		
☐		
☐		
☐		
☐		

STATE OF SOUTH CAROLINA)

County of CLONEE)Charles Stephen Trapp 394960)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

FILED OCLONE COUNTY COMMON PLEAS
IN THE COUNTY COURT
MELISSA C. BURTON
CLERK OF COURT

2025 FEB -4 A 11:49

2025CP3700059

APPLICATION FOR

POST-CONVICTION RELIEF

S.C. Code § 17-27-45(a)

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention ACT (Allendale) 1057 Revolutionary Trail, Fairfax, South Carolina 29827
2. Name and location of Court which imposed sentence Oconee County General Session, P.O. Box 628, Walhalla S.C. 29691
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2022-CES-37-00483 - Voluntary Manslaughter
 - (b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) August 20, 2024 - 30 yrs suspended to 22 yrs.
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty Yes
- (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?
- No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. N/A
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Applicant took a negotiated plea agreement
- ~~(b)~~ _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Too extensive for this page - see attachment
- (b) Involuntary guilty Plea - Ineffective assistance
- (c) of counsel e.t.c. see Grounds (A) through (I).
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Too extensive for this page - see attachment
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

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

Applicant upon filing his PCR is indigent and is trying to retrieve his plea transcript. 71.1(d), SCROP. Applicant asked this Court to take Judicial Notice i.e., Rule 201, SCRE to be able to Amend/ Supplement his application for Post-Conviction relief when this Court appoint counsel.

Denying a PCR applicant a copy of his trial transcript to aid him in his search for, and to analyze Plea counsel's errors and omissions, effectively denies him the tools and ability to properly answer questions on the Form-5 PCR application. Moreover, to expect him to specifically and accurately formulate or express grounds from which his complaints are based, regarding counsel's performance during the criminal proceedings, and any resulting prejudice certainly deprives the PCR applicant the most important fundamental tools to effectively mount collateral attack upon a faulty conviction. See Hawkins v. Mullins, 291 F.3d 658 (10th Cir. 2002).

Therefore, Applicant incorporates by reference and seek post-conviction relief for the reason set forth herein:

- a) That Applicant plea (conviction) was contrary to or was an unreasonable application of Strickland,

Lockhart, and Boykins, as determined by the Supreme Court of the United States. Strickland v. Washington, 466 U.S. 688, 104 S.Ct. 2052 (1984); Will v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985) and Boykins v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969).

- b). That the record inadequately show that Applicant had intelligently and knowingly plead guilty.
- c). That the record does not reflect that Applicant counsel explained to Applicant his constitutional rights.
- d). That Applicant was never aware that he had a right to confront his accuser.
- e). That the record does not reflect that the Court inquire 'did Applicant have any problems or complaints with his counsel or his representation.'
- f). That Applicant alleges that the record is silent of any testimony of any consultation by counsel, with his client as to any:
 1. Possible defense;
 2. Able to confront his accuser;
 3. Right to stand trial;
 4. Right to an impartial jury;
 5. That he was properly inform of the nature and allegation against him;

6. Right to call witnesses in his defense;
7. That counsel must be effective in his representation;
8. That if went to trial and convicted, Applicant has a right to appeal that conviction.
9. That counsel did not conduct any investigations:
 - i. No GSR testing was done.
 - ii. No Ballistic Reports.
 - iii. No S.L.E.D. analysis reports.
 - iv. No audio sound of police cam in obtaining a confession (confession was coerced).
 - v. No analyst reports.
 - vi. The original incident report and supplemental reports ~~are~~ ^{are} missing documents,
 - vii. No chain of custody in collection of evidence.
- g). That plea counsel colluded with the state to obtain a negotiated plea that impinge upon the voluntariness and knowledge with which the guilty plea was made, ~~and~~
- h). That plea counsel Failure to present initial plea offer.
- i). That court/plea counsel Failed to inform Applicant of the 'direct consequence' of the supervision program and of the felony

Firearm Ban, see State v. Booker Appellate case No. 2022-00641.

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

Pursuant to Boykins v. Alabama, supra., a guilty is more than a confession which admits that the accused did various acts; it is itself a conviction; nothing remains but to give judgment and determine punished. See Kercheval v. U.S., 274 U.S. 220, 223, 47 S.Ct. 582, 583.

Admissibility of a confession must be based on a "reliable determination on the constitutional right of the defendant." Id. 395 U.S. at 243.

The Applicant has to alleged that 'there is no reliable determination on the constitutional rights of the Applicant.

According to Boykins, supra., the United States Court has held that presuming waiver from a silent record is impermissible. The record must show, or there must be an allegation and evidence which show that an accused was offered effective counsel. Anything less is not a waiver. Id. at 243. The Applicant contends that this standard must be applied to determining whether his guilty plea was voluntarily made.

Moreover, Boykins stress that ignorance and inducement subtle are perfect cover-up of unconstitutionally. There are several Federal

Constitutional rights are involved in a waiver that takes place when a plea of guilty is entered in a state criminal trial.

First, is the privilege against compulsory self-incrimination guaranteed by Fifth Amendment and applicable to the State by reason of the Fourteenth. Malloy v. Hogan, 378 U.S. 1, 84 S.Ct. 1489.

Second, is the right to trial by jury. Duncan v. Louisiana, 391 U.S. 145, 88 S.Ct. 1444.

Last, is the right to confront one's accusers. Boykins.

During the colloquy of the record, there was no thorough investigation, but a final rush to judgment with an negotiated plea agreement to form a conviction.

Similarity to Hill v. Lockhart, 474 U.S. at 60, where the alleged error of counsel was the failure to advise the Applicant of a potential affirmative defense to the crime voluntary manslaughter. Counsel did not consider any possibility of been acquitted or if convicted, would nevertheless have been given a lesser included offense. [South Carolina and the United States Constitution guarantee Applicant a right to appeal any conviction.]

Counsel may deemed constitutional ineffectiveness assistance of counsel, because, in the present case the record speaks volume to the Applicant's allegations are sufficient to satisfy the Strickland v. Washington,

requirement of prejudice.

In Hill v. Lockhart, mention some insertion of specific information.

1. The crime with which the defendant is charged,
2. The description of the crime, and
3. Sentence proposed.

"A person's right to reasonable notice of a charge against him, and an opportunity to be heard in his defense --- a right to his day in court are basic in our system of jurisprudence, and these rights include as a minimum, a right to examine the witnesses against him, to offer testimony, and to be represented by counsel," IN RE OLIVER, 333 U.S. 257, 274, 68 S.Ct. 499, 508 (1948).

The record (would) clearly show this Court the lack of — sufficient questions concerning his plea and the loss of his constitutional rights. U.S.C. 6 and 14 Amendment: "In all criminal prosecution the accused shall enjoy the right ... to be confronted with the witnesses against him ... and have compulsory process for obtaining witnesses" The record shows as factual basis that Applicant did not fully understand the consequences of his plea -- which he did not understand his constitutional rights.

The Sixth Amendment right to notice, confrontation, and compulsory process guarantee that a criminal charge may be answered through the calling and interrogation of favorable witnesses, the cross-

examination of adverse witnesses, and the orderly introduction of evidence. These basic rights are applicable to the State through the due process clause of the Fourteenth amendment. The amendment essentially "constitutionalizes" the right to present a defense in an adversary criminal trial. Farretta v. California, 422 U.S. 805, 95 S.Ct. 2525 (1975).

Applicant further contends that the record shows counsel failed to explain these constitutional rights for the record nor did the Court inquire if counsel did so, moreover, the Court failed to show affirmative showing that it was intelligent and voluntary made. Certainly not possibly and intelligently made was not considered among Boykins (analysis governing guilty plea) and Strickland progeny. The Court failed to base its reliable determination on Applicant's constitutional rights, thereby, counsel did violate Applicant's right to present a defense of involuntary manslaughter, accident or reckless endangerment - entitling him to a new trial.

Last, as a cumulative effect, the inaccuracy of transcript or record, it may appear (as clerical error) that counsel was fatally ineffective when it acted outside the Court request for the State to disclosed its fact against the Applicant. Here, with this perception, the record concludes any further advocacy on behalf of the Applicant. Furthermore, this inaccuracy appears that your Honor mistaken

Counsel as a representative of the solicitor's office.
Prejudice is presume on this issue.

CONCLUSION

For these foregoing reason, Applicant respectfully submit that the record does not disclose that Applicant voluntary and understandingly entered his plea of guilty. Furthermore, would not have plead guilty and would have insisted on going to trial. Applicant is entitle to relief.

This Court should vacate the conviction and sentence.

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

No

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

(a) which grounds have been presented:

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

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

- i. N/A
- ii. _____
- 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) This is my first attempt to collateral
 (b) attack my conviction.
 (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? No
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? No
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No

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

(a) the name and address of each attorney who represented you:
 i. _____

 ii. _____

 iii. _____

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

 ii. _____

 iii. _____

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

Reversed and vacated the conviction or in
the alternative, a new trial.

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

No

STATE OF SOUTH CAROLINA)

County of OCONEE)

VERIFICATION

FILED OCONEE COUNTY, SC
 MELISSA C. BURTON
 CLERK OF COURT
 2025 FEB -4 A 11: 50

I, Charles Stephen Trump Jr #394960, 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.

Charles S. Trump Jr

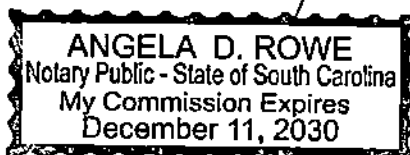
SWORN to and subscribed before me this 28TH
 day of January, 2025.

Angela D. Rowe

(L.S.)

Notary Public

My Commission Expires: December 11, 2030.



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

2025 CP370059

I, Charles Stephen Trapp Jr. #394960, 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:

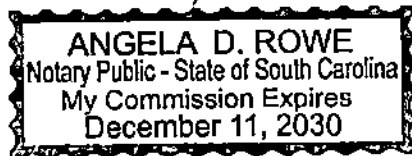
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Charles S. Trapp Jr.
Applicant

SWORN or affirmed to and subscribed before me this
28TH day of January, 2025.

Angela D. Rowe
Notary Public

My Commission Expires: December 11, 2030.



FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
2025 FEB -4 A 11:50

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

Charles Stephon Trapp

Plaintiff(s)

vs.

State of South Carolina

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2025-CP-3700-059

Submitted By: Charles S. Trapp.
 Address: Allendale BBO #33
 1057 Revolutionary Trail
 Fairfax, South Carolina 29827

SC Bar #:
 Telephone #:
 Fax #:
 Other:
 E-mail:

FILED OCONEE COUNTY
 MELISSA C. BURTON
 CLERK OF COURT
 2025 FEB - 4 A 11:11 PM

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|---|
| ☐ Contracts | ☐ Torts - Professional Malpractice | ☐ Torts - Personal Injury | ☐ Real Property |
| ☐ Constructions (100) | ☐ Dental Malpractice (200) | ☐ Assault/Slander/Libel (300) | ☐ Claim & Delivery (400) |
| ☐ Debt Collection (110) | ☐ Legal Malpractice (210) | ☐ Conversion (310) | ☐ Condemnation (410) |
| ☐ Employment (120) | ☐ Medical Malpractice (220) | ☐ Motor Vehicle Accident (320) | ☐ Foreclosure (420) |
| ☐ General (130) | ☐ Previous Notice of Intent Case # | ☐ Premises Liability (330) | ☐ Mechanic's Lien (430) |
| ☐ Breach of Contract (140) | 20-CP- | ☐ Products Liability (340) | ☐ Partition (440) |
| ☐ Other (199) | ☐ Notice/ File Med Mal (230) | ☐ Personal Injury (350) | ☐ Possession (450) |
| | ☐ Other (299) | ☐ Wrongful Death (360) | ☐ Building Code Violation (460) |
| | | ☐ Other (399) | ☐ Other (499) |
| ☒ Inmate Petitions | ☐ Administrative Law/Relief | ☐ Judgments/Settlements | ☐ Appeals |
| ☐ PCR (500) | ☐ Reinstate Drv. License (800) | ☐ Death Settlement (700) | ☐ Arbitration (900) |
| ☐ Mandamus (520) | ☐ Judicial Review (810) | ☐ Foreign Judgment (710) | ☐ Magistrate-Civil (910) |
| ☐ Habeas Corpus (530) | ☐ Relief (820) | ☐ Magistrate's Judgment (720) | ☐ Magistrate-Criminal (920) |
| ☐ Other (599) | ☐ Permanent Injunction (830) | ☐ Minor Settlement (730) | ☐ Municipal (930) |
| | ☐ Forfeiture-Petition (840) | ☐ Transcript Judgment (740) | ☐ Probate Court (940) |
| | ☐ Forfeiture-Consent Order (850) | ☐ Lis Pendens (750) | ☐ SCDOT (950) |
| | ☐ Other (899) | ☐ Transfer of Structured Settlement Payment Rights Application (760) | ☐ Worker's Comp (960) |
| ☐ Special/Complex /Other | ☐ Pharmaceuticals (630) | ☐ Confession of Judgment (770) | ☐ Zoning Board (970) |
| ☐ Environmental (600) | ☐ Unfair Trade Practices (640) | ☐ Petition for Workers Compensation Settlement Approval (780) | ☐ Public Service Comm. (990) |
| ☐ Automobile Arb. (610) | ☐ Out-of-State Depositions (650) | ☐ Other (799) | ☐ Employment Security Comm (991) |
| ☐ Medical (620) | ☐ Motion to Quash Subpoena in an Out-of-County Action (660) | | ☐ Other (999) |
| ☐ Other (699) | ☐ Sexual Predator (510) | | |

Submitting Party Signature:

Charles S. Trapp

Date: January 27, 2025

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

ENTERED

Copies To:

Atty (P) (D)

Dss Other

Mailed Boxed Handed

2025CP3700059

Charles Stephen Trapp #394960

Allendale BBB #33

1057 Revolutionary Trail

Fairfax, S.C. 29827

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

2025 FEB -4 A 11:49

Date: January 28, 2025

Re: Post-Conviction Relief Application

Ms. Melissa C. Burton, Clerk of Court

Enclosed please find applicants Summons and Post-Conviction Relief Complaint to be filed within this Court.

Please docket a number and return a copy to the above address, so, that, I can serve the parties in this action.

Thank you

I am

/s/ Charles S. Trapp, Jr.

Charles Stephen Trapp #394960

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF OCONEE	)	FOR THE TENTH JUDICIAL CIRCUIT
	)	
Charles S. Trapp, Jr., #394960	)	CASE NO. 2025-CP-37-00059
	)	
Applicant	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
2025 APR 23 P 3:58

In response to an application for post-conviction relief (PCR) filed by Charles Trapp, Jr. (Applicant) on February 4, 2025, Respondent, the State of South Carolina, makes the following Return:¹

PROCEDURAL HISTORY

Applicant is presently confined with the South Carolina Department of Corrections (SCDC), serving a twenty-two (22) year sentence. On March 14, 2022, the Oconee County Grand Jury indicted Applicant for Possession of a Weapon During the Commission of a Violent Crime (2022-GS-37-00483), two counts of Attempted Murder (2022-GS-37-00481), (2022-GS-37-00482), and one count of Murder (2022-GS-37-00483).

On August 20, 2024, Applicant proceeded to a guilty plea before the Honorable J. Cordell Maddox, Jr. Applicant was represented by Joshua Kendrick, Esquire. Assistant Solicitor Blair

¹ Respondent's return was due to be filed within 60 days of service. *See* Rule 12(a), SCRPC ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90-days if it arises out of a trial."). Now, having completed the return and in light of no demonstrable prejudice to Applicant, Respondent respectfully asks this Court to accept this return as timely filed. *See* S.C. Code Ann. § 17-27-70(a) (establishing the Court may fix the time in which the State must respond); *Guinyard v. State*, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the time limit prescribed by the statute is not mandatory but discretionary with the circuit court, and the circuit court may extend the time for filing).

Stoudemire prosecuted the case. Applicant pled guilty to voluntary manslaughter, and Judge Maddox sentenced Applicant to twenty-two (22) years. Applicant did not file an appeal.

FACTS PRESENTED AT GUILTY PLEA HEARING

At Applicant's plea hearing, the State articulated the facts giving rise to Applicant's conviction as follows:

Mr. Stoudemire: Your Honor, may it please the Court. This occurred on or about September 7th, 2021, in the city of Westminster here in Oconee County. On or about that date, the victim, Annalisa -- and I'm going to mispronounce her name. I've tried a hundred times to say it correctly -- Biondolillo, who primarily went by Anna, went with her boyfriend at the time, Mr. Anthony Seagraves, and another individual named Daniel -- Dylan Rudisel(ph). They were going to the defendant's house, and they were going there to buy marijuana. There was an agreed upon price of \$220 for an ounce of marijuana between Mr. Seagraves and Mr. Trapp, the defendant in this case. Parties all met at Mr. Trapp's house. Mr. Seagraves got out of his vehicle to go ahead and purchase the marijuana. Money was exchanged for the marijuana. Mr. Seagraves felt that he was shorted on the -- on the quantity, got upset about that, and ended up punching Mr. Trapp a number of times in the face.

According to police reports, Mr. Trapp then drew a weapon; showed it to Mr. Seagraves. Mr. Seagraves obviously got scared, started to run back towards the car. Mr. Trapp fired at Mr. Seagraves, hitting him once in the leg on his way back to the car, and continued to fire at the car as Mr. Seagraves reached the car, put the car in gear, and tried to drive away.

During all of this, Anna, who was in the front passenger seat, kind of crouched down and tried to bend towards the middle of the car. In the process of driving away, when Mr. Trapp was firing at the vehicle, one of those bullets ended up -- ended up going into the door of the car, passing through the door, and hitting the victim, causing her to be fatally wounded.

She did not immediately die at that point. She was able to tell Mr. Seagraves she had been hit. Mr. Seagraves then stopped the vehicle as quickly as he could. He and Mr. Rudisel (ph) tried to render aid such as they could, but their efforts were futile, and Anna passed

away due to her injuries suffered as a result of being shot by Mr. Trapp.

(Plea Tr. pp. 7-9).

CURRENT APPLICATION

On February 4, 2025, Applicant timely filed this PCR action alleging he is being held in custody unlawfully on the following grounds:

1. Involuntary Guilty Plea
 - a. Applicant did not intelligently and knowingly plead guilty.
 - b. Counsel did not explain Applicant's Constitutional rights.
 - c. The Court did not inquire as to whether Applicant had any complaints about Counsel's representation.
 - d. There is no testimony on the record that Counsel consulted with Applicant about possible defenses, his trial rights, and the nature of the allegations against him.
2. Ineffective Assistance of Counsel
 - a. Applicant was not advised of his right to appeal his conviction.
 - b. Counsel did not conduct any investigation.
 - c. Counsel failed to present an initial plea offer.
 - d. Counsel failed to advise Applicant of the direct consequences of the supervision program and the felony firearm ban.

Applicant requests relief in the form of the vacation of his conviction and sentence. Attached to this return and incorporated by reference are the Anderson County Clerk of Court records of the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the plea transcript. Respondent reserves the right to amend this return upon receipt of any additional relevant materials.

RESPONSE TO INEFFECTIVE ASSISTANCE OF COUNSEL ALLEGATION

Ineffective Assistance of Counsel, Generally

The Sixth and Fourteenth Amendments to the United States Constitution guarantee criminal defendants the right to "assistance by an attorney, whether retained or appointed, who play a necessary role to ensure the trial is fair. *Strickland v. Washington*, 466 U.S. 668, 685 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive

effective assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (2014) (enumerating cognizable claims in PCR actions). The allegation of denial of such representation sets forth a prima facie violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a PCR action, Applicant bears the burden of proving the allegations in his application by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel, Applicant must prove “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland*, 466 U.S. at 668; *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*.

To obtain relief for an allegation of ineffective assistance of counsel, a PCR applicant must prove (1) counsel’s performance was deficient and fell below an objective standard of reasonableness, measured under “prevailing professional norms,” and (2) the applicant sustained prejudice as a result of counsel’s deficient performance. *Strickland*, 466 U.S. at 687-88; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but

for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 117-18.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. However, the record likely does not refute or disprove Applicant's allegations; therefore, Respondent requests an evidentiary hearing to resolve the issues.

WHITE ALLEGATION

Applicant alleges that Counsel failed to advise Applicant of his right to an appeal. Where an applicant establishes that they were unconstitutionally deprived of their statutory right to a direct appeal, the applicant may petition our Supreme Court for review of direct appeal issues pursuant to *White v. State*.² See *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986) (establishing procedural guidelines for *White* review when the PCR judge determines the applicant did not freely and voluntarily waive their appellate rights). The Court will review the lower court record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. *White*, 263 S.C. at 119, 108 S.E.2d at 39-40. Generally, there is no constitutional deprivation in not being advised of the right to appeal from a guilty plea absent extraordinary circumstances, such as when there is a reason to think a rational defendant would want to appeal—where a non-frivolous ground exists to appeal—or defendant reasonably demonstrated an interest in appealing. *Roe v. Flores-Ortega*, 528 U.S. 470, 120 S.Ct. 1029 (2000); *Weathers v. State*, 319 S.C. 59, 459 S.E.2d 838

² In *White*, the PCR judge found the applicant did not knowingly and intelligently waive his right to direct appeal due to ineffective assistance of counsel. *Id.* at 117, 208 S.E.2d at 39. As a result, the PCR court directed PCR counsel to attempt to secure a belated appeal to the Supreme Court from his original conviction and sentence. *Id.* On appeal, our Supreme Court explained that it did not have jurisdiction to entertain a belated direct appeal absent the timely filing of notice of appeal. *Id.* at 119, 208 S.E.2d at 39. However, because the *post-conviction relief appeal* was properly before it, the Court reviewed the trial record and all issues properly raised as if the direct appeal had been perfected. *Id.* at 119, 208 S.E.2d at 39-40. The Court ultimately held that "that there was no reversible error in the trial and that there was not an arguably meritorious ground of appeal, even if notice of intention to appeal had been timely served." *Id.* at 119, 208 S.E.2d at 40.

(1995). Because this allegation may raise questions of fact not conclusively refuted by the record, Respondent requests an evidentiary hearing to fully resolve this issue as to whether Applicant made a knowing, voluntary, and intelligent waiver of his right to appeal.

RESPONSE TO INVOLUNTARY PLEA ALLEGATION

Applicant alleges that he did not knowingly and voluntarily plead guilty. A PCR applicant 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 applicant would not have plead guilty but would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985); *Dalton v. State*, 376 S.C. 130, 136, 654 S.E.2d 870, 873 (Ct. App. 2007). Counsel is presumed to have rendered competent advice at the time their clients considered pleading guilty. *Padilla v. Kentucky*, 559 U.S. 356, 372 (2010). Additionally, the burden is on the applicant to convince the court that rejecting a plea or plea bargain would have been rational under the circumstances. *Id.*

To find a defendant entered a guilty plea knowingly and voluntarily, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. *Dalton*, 376 S.C. at 138, 654 S.E.2d at 874. This involves awareness of “the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers” and “the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999) (citing *Boykin v. Alabama*, 395 U.S. 238 (1969)). Statements made during a guilty plea should be considered conclusive unless the applicant presents valid reasons why he should be allowed to depart from the truthfulness of his statements. *Dalton*, 376 S.C. at 137-38, 654 S.E.2d at 874.

Respondent submits that Applicant pled guilty knowingly and intelligently with an awareness of the charges, possible penalties, and his constitutional rights. However, the record likely does not refute or disprove Applicant's allegations; therefore, Respondent requests an evidentiary hearing to resolve the issues.

REQUEST FOR AN EVIDENTIARY HEARING

An evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court". *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983). Because the record likely does not refute or disprove Applicant's claims of an involuntary guilty plea, ineffective assistance of Plea Counsel, and failure to advise Applicant of his right to appeal, additional testimony is likely needed to resolve Applicant's allegations. Therefore, the State requests an evidentiary hearing to fully resolve the issues.

ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Applicant's attorney is required to file amendments to this application, as necessary. Rule 71.1(a), SCRPC; *see* Rule 11, SCRPC. *Pro se* filings should not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State, or alternatively, the State will request a continuance in the matter.³ If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State

³ *See Love v. State*, 428 S.C. 231, 245, 834 S.E.2d 196, 203 (2019) (Kittredge, J., dissenting) ("If, however, the proposed amendment... would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments").

reserves the right to move to dismiss any claim(s) or allegation(s). S.C. Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRCF; *see also* Rules 15(a)-(b), SCRCF.

Pursuant to S.C. Code Ann. § 17-27-150 (2014), Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing.

CONCLUSION

WHEREFORE, Respondent requests an evidentiary hearing on Applicant's claims of ineffective assistance of counsel and an involuntary guilty plea.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

RYAN T. KOWALSKI
Assistant Attorney General

By:



Ryan T. Kowalski

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
803-734-3737

April 15, 2025

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

FILED OCONEE COUNTY SC
MELISSA C. BURTON
CLERK OF COURT

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

CHARLES S. TRAPP,
APPLICANT.

v.

THE STATE OF SOUTH CAROLINA,
RESPONDENT.

2025 SEP -3

)

A 9: 53

AMENDED APPLICATION

CASE # 2025-CP-37-00059

This matter comes before the Court by way of application of post-conviction relief filed February 4, 2025, alleging:

1. Involuntary Guilty Plea
 - a. Applicant did not intelligently and knowingly plead guilty.
 - b. Counsel did not explain Applicant's Constitutional rights.
 - c. The Court did not inquire as to whether Applicant had any complaints about counsel's representation.
 - d. There is no testimony on the record that Counsel consulted with Applicant about possible defenses, his trial rights, and the nature of the allegations against him.
2. Ineffective Assistance of Counsel
 - a. Applicant was not advised of his right to appeal his conviction.
 - b. Counsel did not conduct any investigation.
 - c. Counsel failed to present an initial plea offer.
 - d. Counsel failed to advise Applicant of the direct consequences of the supervision program and the felony firearm ban.

A Return was made on April 15, 2025. The Applicant hereby amends the allegations of Fifth, Sixth, Eighth and Fourteenth Amendment violations of the Constitution of the United States & Art. I Sec. 3, 10, & 14 of the South Carolina Constitution.

1. Ineffective assistance of trial counsel for:
 - a. Failing to advise Applicant of his right to appeal his conviction.
 - b. Failing to conduct a thorough investigation.
 - c. Failing to communicate the initial plea offer.

ENTERED
Jan
COMPUTER

- d. Failing to advise Applicant of the collateral consequences of his guilty plea including the required community supervision program and the felony firearm ban.
 - e. Failing to review the evidence and law to the applicant in order to assure the plea was knowingly and voluntarily made.
2. Due Process violations because the plea was not knowingly and voluntarily made because the Applicant was not adequately advised of the nature of the evidence him and the applicable law in his case causing him to plead guilty when he otherwise would not have.

Respectfully submitted,



Susannah Ross
Attorney for the Applicant
330 E. Coffee St,
Greenville, SC 29601
susannah@rossenderlin.com
(864) 242-0029

This 1 day of Aug, 2025

State of South Carolina
County of Anderson

Court of Common Pleas

Charles S. Trapp, Jr)
)
 Plaintiff,)
 v.)
)
State of South Carolina)
)
 Defendant.)

Transcript of Record
2025-CP-37-00059

September 10, 2025
Anderson, South Carolina

B E F O R E:

The Honorable Jane H. Merrill, Judge.

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

Susannah C. Ross, Esquire
Attorney for the Plaintiff

Ryan T. Kowalski, Esquire
Attorney for the Defendant

Lisa Scott
Circuit Court Reporter

I N D E X

<u>WITNESS</u>	<u>PAGE</u>
Charles Trapp	
Direct examination by Ms. Ross.....	8
Cross-examination by Mr. Kowalski.....	23
Maletha Baker	
Direct examination by Ms. Ross.....	26
Joshua Kendrick	
Direct examination by Mr. Kowalski.....	32
Cross-examination by Ms. Ross.....	36
Redirect examination by Mr. Kowalski...	38
Recross-examination by Ms. Ross.....	39

- - -

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1	Applicant's - report		X

- - -

P R O C E E D I N G S

* * * * *

THE COURT: All right. Mr. Kowalski, I'm ready when you are. You may call the case.

MR. KOWALSKI: Thank you, Your Honor. May it please the Court?

Ryan Kowalski on behalf of the State. This is the PCR matter of *Charles S. Trapp, Jr., v. The State of South Carolina*, Case No. 2025-CP-37-00059, out of Oconee County.

The applicant filed his application on February 4, 2025. He is presently confined in the South Carolina Department of Corrections, serving a 22-year sentence.

On March 14, 2022, the Oconee County Grand Jury indicted applicant for possession of a weapon during the commission of a violent crime, two counts of attempted murder, and one count of murder.

On August 20, 2024, applicant proceeded to a guilty plea before the Honorable J. Cordell Maddox. Applicant was represented by Joshua Kendrick. Assistant Solicitor Blair Stoudemire prosecuted the case.

Applicant pled guilty to voluntary manslaughter and Judge Maddox sentenced applicant to 22 years.

1 The applicant did not file an appeal.

2 On February 4, 2025, applicant timely filed
3 this PCR action alleging he is being held in custody
4 unlawfully based on allegations of an involuntary
5 guilty plea and ineffective assistance of counsel.

6 Mr. Trapp's PCR counsel, Susannah Ross, has
7 provided the State with an amended application
8 containing allegations of failing to advise
9 applicant of a right to appeal, failing to conduct a
10 thorough investigation, failing to communicate the
11 initial plea offer, and failing to advise the
12 applicant of federal consequences of his guilty
13 plea. The applicant requests relief in the form of
14 a vacation of his conviction and sentence.

15 Before this Court are the Oconee County Clerk
16 of Court records of the subject petition,
17 applicant's records from the South Carolina
18 Department of Corrections, and the plea transcript.

19 Before I turn things over to Ms. Ross, I would
20 just ask that the Court review the relief that the
21 opposing conviction relief court can provide.

22 THE COURT: All right. Thank you,
23 Mr. Kowalski.

24 Ms. Ross, have you explained to your client
25 that the Court essentially at a PCR can grant a new

1 trial, which they can't change the sentence or do
2 anything like that? Have you explained to him what
3 relief the Court, if it deems appropriate, could
4 possibly grant?

5 MS. ROSS: I have. And I've explained that if
6 case is remanded, he would be facing murder charges
7 again carrying 30 to life.

8 THE COURT: Okay.

9 MS. ROSS: Do you understand that?

10 THE APPLICANT: Yes, ma'am.

11 THE COURT: Alright, Mr. Trapp. Madam clerk,
12 would you mind going ahead and placing him under
13 oath. I just want to ask him about this real quick,
14 as well.

15 THE CLERK: Please raise your right hand.

16 THE APPLICANT: (Complying.)

17 THE CLERK: Do you swear or affirm to tell the
18 truth, the whole truth, and nothing but the truth?

19 THE APPLICANT: Yes, I do.

20 THE COURT: All right. Mr. Trapp, I just want
21 to ask you briefly. Do you understand the -- if the
22 Court grants you relief, what the Court can do?

23 THE APPLICANT: Yes, ma'am.

24 THE COURT: All right. And do you understand
25 that if that relief were granted, you essentially

1 would start over? And as your attorney stated,
2 because you were initially charged with murder, you
3 would -- the murder charge would be what was --
4 would be pending. Do you understand that?

5 THE APPLICANT: Yes, ma'am.

6 THE COURT: Okay. I just want to make sure you
7 understood that process before I move forward. Do
8 you need any more time to speak with your attorney
9 before you move forward?

10 THE APPLICANT: No, ma'am.

11 THE COURT: Okay.

12 THE APPLICANT: She already spoke with me.

13 THE COURT: Okay. I just want to make sure.

14 THE APPLICANT: Yes, ma'am.

15 THE COURT: All right. Ms. Ross, I'll turn it
16 over to you.

17 MS. ROSS: Thank you, Your Honor. Thank you.
18 May it please the Court?

19 Mr. Trapp, had made a number of allegations. I
20 did an amended application outlining the allegations
21 that I saw, but I would move to conform the
22 pleadings in the evidence pursuant to *Love v. State*
23 if that comes up, but at this time I will call
24 Charles Trapp.

25 THE COURT: All right. Mr. Trapp, you're

1 already under oath, so if you'll just approach the
2 stand here.

3 THE APPLICANT: (Complying.)

4 THE COURT: And, Mr. Trapp, they're doing some
5 construction work. So if you hear a lot of racket,
6 the easiest thing is probably if you just stop
7 talking during that. And then when they stop doing
8 that, begin again. That way our court reporter can
9 take everything done.

10 THE APPLICANT: Yes, ma'am.

11 MS. ROSS: You can just have a seat since
12 you've been sworn in.

13 THE APPLICANT: (Complying.)

14 CHARLES TRAPP,
15 having previously been produced and first duly sworn
16 as a witness on behalf of the Applicant testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MS. ROSS:

20 Q. Hey there. Just starting off. Do you have any
21 kind of prior criminal record before this?

22 A. No, ma'am, I do not.

23 Q. And just briefly outline what happened there
24 and why you have this charge of murder.

25 A. Well, it all happened -- it all started when I

1 was trying to do a business negotiation. I didn't
2 know that the person, which is the victim, I didn't
3 know that he was coming to do bad business. And I
4 didn't know he had people with him.

5 So in that whole situation, I didn't know that
6 he had the intentions of coming to rob me. I was
7 previously robbed at gunpoint before and I let the
8 police know. I said, "Hey, I've been robbed at
9 gunpoint."

10 They told me, they said, well -- they said,
11 "Well, wait. We're going to wait until after the
12 evidence before we get into the investigation."

13 Two weeks later, I got robbed again. He
14 flashed the gun at me, and I was like okay. So what
15 I'm supposed to do at this point if I let them know
16 already I've been robbed at gunpoint and I'm in fear
17 for my life?

18 So at this point, I'm like, okay. If I don't
19 let them know and they ain't checking nothing into
20 no negotiation into business and taking into
21 standing and say, okay, he done got robbed at
22 gunpoint.

23 Q. Slow down a little bit so she can understand
24 you.

25 A. Yes, ma'am. The police, they never -- they

1 never took into a determination to sit there and
2 say, okay, well he's -- he done been robbed at
3 gunpoint and he had to know. There's statements and
4 everything from him, that he's been robbed at
5 gunpoint and fearing for his life. They never took
6 into an investigation.

7 They always told me, they said, "Well, we'll
8 reach out to the Apple Festival in Westminster in
9 Oconee." We have a thing called "Apple Festival"
10 during that time of year.

11 So that time of year, it was about two weeks
12 later, I got robbed again. I was doing business. I
13 was doing good business. I got robbed and he
14 flashed the weapon at me, and then that's when I
15 got -- I got punched and I got scared.

16 I was on medication. I'm on bipolar. I'm
17 PTSD, bipolar, anxiety, and depression. So during
18 that time, I was on a lot of meds. And I was going
19 through -- I was going through a post-traumatic
20 stress disorder during that time.

21 And I had been previously robbed at gunpoint.
22 So I'm thinking, I'm like, okay, if I'm sitting here
23 telling them, I'm robbed at gunpoint. They didn't
24 take it into investigation.

25 Q. All right. And your prior robbery at gunpoint,

1 was it the man who came to your door that day who
2 robbed you?

3 A. It was one of them.

4 Q. Okay. He was one of them before?

5 A. Yes, ma'am.

6 Q. And when -- when he came up to your door,
7 didn't he actually attack you or hit you?

8 A. Well, I -- no. I had everything out and I gave
9 everything as I do in normal business.

10 Q. This was a marijuana deal, right?

11 A. Right.

12 Q. Okay.

13 A. I did everything I had did in regular business.
14 And that's when he flashed the weapon and hit me.

15 And so I was like, okay. At this point, I got
16 no choice but to defend myself. I'm on my own
17 property. I didn't bring -- I didn't bring the
18 conversation and everything to myself. I didn't
19 think that he was going to do that.

20 I was defending myself. All I thought to
21 myself was, okay, what can I do to self-defend
22 myself? If I let people know that I was just robbed
23 before and they not take it into investigation, what
24 can I do to self-defend myself? I didn't think that
25 he had people with him.

1 And the truth is, I never knew that. I never
2 knew until -- until that late -- until the late
3 night of September 7th of 2021, until they came into
4 my -- until they came to the cell door and said --
5 they knocked on the door and said, "Mr. Trapp, do
6 you know what you've been charged with?"

7 I said, "I do not."

8 They said -- they read my charges.

9 And I said -- you know, I sat back. And I went
10 to the back of the room. I sat down and I started
11 crying. I was like, "How can it be? I didn't know
12 that he had people with him. How can this be?" I
13 didn't mean for nobody to get hurt or anything like
14 that.

15 What I'm trying to do is, I was trying to
16 disarm or trying to defend myself. I didn't think
17 that he had people with him. If I knew he had
18 people with him, I would've said, you know what?
19 You can go ahead and do that. You can go ahead. Go
20 right ahead. You good.

21 Q. All right.

22 A. He didn't have ---

23 Q. This was at night, right? It's at night?

24 A. Yes, ma'am.

25 Q. You didn't see anybody else in the car?

1 A. No, ma'am.

2 Q. And so he came up and attempted to rob you and
3 hit you?

4 A. Right.

5 Q. And flashed a weapon at you?

6 A. Yes, ma'am.

7 MR. KOWALSKI: Objection. This is leading.

8 MS. ROSS: I'll rephrase, Judge.

9 THE COURT: Thank you.

10 BY MS. ROSS:

11 Q. And so in response to that, what did you do?

12 A. At that point, I thought about self-defense.
13 Either you -- you let yourself get shot in front of
14 your own -- on your own property and have your
15 mother -- have your mother have to turn around and
16 have to bury her own son, or either you turn around
17 and you find any way to defend yourself.

18 I don't always bring confrontation to myself.
19 I'm always the person that is known as caring and
20 loving and the kind of person who you say, okay,
21 well, he's willing to help. He's willing to help.

22 I don't -- at the same time, I grew up the hard
23 way. I didn't never grow up in an environment where
24 I always felt loved. At the same time, though, even
25 though I didn't grow up in that kind of environment,

1 I wanted to still be in the type of situation to
2 where even if I just -- even if I didn't grow up
3 with the love, I turn around and show everybody else
4 around me love.

5 Q. Okay. And so it's not in your nature to be
6 violent. Is that what you're trying to say?

7 A. That's correct. It's not in my nature.

8 Q. And -- and what -- and you had no prior record?

9 A. No, ma'am.

10 Q. And then why did you plead guilty?

11 A. I pled guilty for the simple fact that I didn't
12 know -- I didn't know about the rules and the
13 regulations and everything. I didn't know how to
14 fight at trial.

15 I mean, at the same time, I told my attorney, I
16 told him, I said, listen. At first, I fought him.
17 I said, okay. He told me what the plea was. You
18 know, he told me what the plea was, but he -- I
19 asked him, I was like, okay, is there anyway you can
20 come and let me know? Even months later, I came --
21 he came in with a plea. He told me, he said, okay,
22 "Well, me and the solicitor, we'll talk to you about
23 a 10 to 20."

24 So I said, "Okay." I went in there. I'm
25 thinking it's going to be 10 to 20. I never knew --

1 I never knew that they were going hit me with a
2 whole straight 30 -- 30 -- 30 years on the sentence.
3 I didn't know that. I thought I was going to walk
4 in there with a 10 to 20.

5 Q. And you ended up with 30 suspended to 22?

6 A. Yes, ma'am. And five on probation.

7 Q. Now, did your lawyer discuss with you any
8 defenses you might have?

9 A. I mean, I don't even feel like we really had
10 any defenses at the time.

11 Q. Did he talk to you about your right to stand
12 your ground or anything like that?

13 A. I mean, during this time, I was thinking that I
14 could, but in the same time, it's like because it's
15 the whole situation and how everything evolved, I
16 was thinking there's no stand your ground during
17 this time.

18 Q. Now, did you appeal your case -- your plea?

19 A. Well, this is my first time, so it's my first
20 PCR I get on my plea. Ever since, I've been -- ever
21 since the plea.

22 Q. Okay. So you did not appeal your -- your plea?

23 A. I went ahead and did a PCR on the plea.

24 Q. All right. Did you want -- okay. So you
25 didn't want an appeal? You wanted a PCR. Is that

1 what you're saying?

2 A. Well, I didn't know that I had to go and do the
3 appeal first for the plea part do -- or do the PCR
4 first before the plea. I didn't know which way to
5 go.

6 Q. Okay.

7 A. I never knew about the legal system.

8 Q. And did your lawyer discuss that with you, your
9 appellate rights?

10 A. Well, somewhat.

11 Q. Okay. Now ---

12 A. I wish it was a little bit better, but
13 somewhat.

14 Q. And what do you think your lawyer should have
15 done that he didn't do?

16 A. Well, the honest truth I can say is just, I
17 wish he could've helped me fight to the best to the
18 maximum extent and help me to turn around and go
19 deeper and investigate further into the case before
20 going up for the plea.

21 Q. Now, did you have any plea offers? Was there
22 an initial plea offer or anything?

23 A. Well, I thought there was one, but it was about
24 five months later that I came and I heard about the
25 plea. So I don't even know if there was a first

1 initial plea offer or if there was -- that was the
2 only plea that it was.

3 Q. Did your lawyer discuss community supervision
4 or anything like that or the collateral consequences
5 of your plea to voluntary manslaughter?

6 A. No, ma'am.

7 Q. Did he ever talk about never being able to have
8 a gun again or nothing about community supervision?

9 A. No, ma'am.

10 Q. Did he go over all the discovery and evidence
11 against you with you?

12 A. I mean, to be honest, I don't know if he did or
13 not. The reason I say that is for the simple fact
14 that if he wasn't going all into the investigation,
15 he would've seen that there was no evidence
16 whatsoever at all to point that I was, in fact, the
17 shooter.

18 Q. Did you give a statement?

19 A. I mean, I had a statement, but then the
20 statement that I had, it was coerced a statement --
21 I mean, statement. The police told me, he said, if
22 I tell the truth about that way you want me to
23 write, then I'll be released the next day.

24 MR. KOWALSKI: Objection.

25 THE APPLICANT: So I was thinking that if

1 I told that ---

2 THE COURT: Hang -- hang on. When there's an
3 objection, Mr. Trapp, if you'll stop talking and let
4 me hear that first.

5 THE APPLICANT: Yes, ma'am.

6 THE COURT: I'm sorry. What was the objection?

7 MR. KOWALSKI: He was -- he was testifying
8 about hearsay.

9 THE COURT: Hearsay. Okay. All right. So,
10 Mr. Trapp, you can tell the Court what you have
11 personal knowledge of and things you did, but not
12 necessarily what other people say. Okay?

13 THE APPLICANT: Yes, ma'am.

14 THE COURT: All right.

15 BY MS. ROSS:

16 Q. So was your statement the result of coercion?

17 A. It was.

18 Q. And did they -- was the gun or any casings or
19 anything taken into evidence?

20 A. No, ma'am. None whatsoever.

21 Q. Do you know if any ballistics done or gunshot
22 residue tests on your hands?

23 A. No, ma'am. There was none. There was none of
24 them. There was no weapon -- there was no weapon;
25 no shell casings; no GSR; no ballistics. There was

1 none of it. There was none of it pointing back to
2 saying I was the shooter.

3 But the simple fact, when they came to the
4 crime scene, it was a whole different location.
5 That location, I don't even know where that's at.
6 I'm not from -- I'm not from Oconee. Anderson
7 County is exactly -- is my hometown. I was born and
8 raised in Anderson. So Oconee, I was in a whole
9 different ballpark. I never knew what Oconee was.

10 If they was -- if they were to ask me about
11 eight years ago what's Oconee? I would have to say
12 what is Oconee? I don't know where Oconee's at and
13 that's the honest truth.

14 Q. Okay. And so you mean, but -- but your home
15 was in Anderson County?

16 A. I was born and raised in Anderson, but I was
17 living with my mother and she lived in Westminster.

18 Q. Okay. I see. And so -- so that was her house
19 that you were -- where you were?

20 A. Yes, ma'am. I just came from a group home, so
21 I wasn't -- I was -- she was the only location I was
22 able to go to.

23 Q. All right. Now, is there anything else that
24 you want to address about your lawyer being
25 ineffective or the plea being unfair?

1 A. Well, the only thing I have is *Missouri v.*
2 *Frye*, F-y-r-g-e -- I mean, F-y-r-e or F-r-y-e, I
3 mean. My bad. And *Bell v. State* and *College v.*
4 *State*, *Stock v. State*, and *Jackson v. State*. I
5 mean, that's about it.

6 Q. And those cases go to the fact that your --
7 your allegation that your plea wasn't knowingly,
8 intelligently made?

9 A. Well, all them and failure to communicate all
10 plea offers.

11 Q. Okay. And then so you weren't given all plea
12 offers either?

13 A. No. That was the only plea offer I was given.
14 I was offered only just that one.

15 Q. Okay. All right. Is there anything else? I
16 don't have any further questions. And I'm not
17 saying there should be. I just want to give you the
18 opportunity to...

19 A. Along with the questions are -- is right here.
20 It says, my question is: Why was there no -- my
21 bad. My question is: Why was there no ballistic
22 report knowing that it was -- it was -- I mean, a
23 murder or a crime? Yeah, the crime of a murder.
24 Why was there no ballistic report? no GSR? no shell
25 cases? no gun? Why was it -- why was none of that

1 in -- ineffective plea for them to sit there and
2 say, oh, I'm the shooter? All that has to be
3 ineffective plea. And they had it look it and go,
4 okay, well, without ballistics, without the GSR,
5 without the shell casings, without the gun. It all
6 points back to him. At this point, they had me --
7 they had me in -- they had me incarcerated in SCDC.

8 But my thing is, how can they do that so
9 without having any kind of evidence to say I was the
10 shooter? All they have is hear -- I mean, he --
11 yeah, hearsay. That's all they have is hearsay.

12 Q. Okay. And you're saying that was the basis,
13 the statement of the person who was robbing you at
14 your home?

15 A. The statement from the person that robbed me at
16 my home, he said -- he stated clearly in the
17 statement. He said that they came to my house to
18 rob me.

19 MR. KOWALSKI: Objection. This is hearsay.

20 MS. ROSS: I think he's referring to the
21 statement that was in the discovery.

22 THE APPLICANT: It's the statement in the
23 discovery from Detective Wilson.

24 THE COURT: If it's -- if it was something in
25 discovery, I'll allow it. And I would say it's not

1 hearsay. It's not offered for the truth of the
2 matter asserted. It's offered to show what was in
3 discovery, so I'll allow that.

4 BY MS. ROSS:

5 Q. So did you get an opportunity to review that
6 statement in your discovery?

7 A. Well, I looked into the whole discovery and the
8 statements. And it's -- to be honest, it's all
9 oblivious. It's all like counterfeit. The reason
10 why I say that is, okay. My question is: If any
11 statement -- if one of the people in the statement
12 say that they came to my house to rob me, why
13 wouldn't the police go into a further investigation
14 and go ahead and take all of us in into custody and
15 say, okay, we're going to have to further
16 investigate this and see why it's really and see why
17 it's all really sitting there as why is it all
18 happened to be a crime scene -- a murder scene -- a
19 crime murder scene. What all happened previously.
20 They never took any of that into account.

21 And -- and the statement -- and the statement
22 from one of the -- one of the juveniles with them,
23 he said -- he repeatedly said in multiple -- about
24 two or three statements that they came to my house
25 to rob me for my weed. They drove to my house and

1 came and robbed me for my weed, and that's when they
2 drove off. That's what they said in the statement.

3 Q. And you talked about how that was not
4 investigated?

5 A. Correct.

6 Q. Correct. And if it had been investigated,
7 would you have pled guilty?

8 A. If it had been investigated, more than likely
9 with -- you know, without them having any evidence,
10 I would've took it to trial to be honest with you.

11 Q. And when you plead, did you feel like you had
12 any choice given the lack of investigation?

13 A. Well, when I pled -- when I pled from the
14 investigation, I felt that there was really no
15 choice. Because at that time, I didn't really know
16 how to go about and fight my case to the max within
17 the legal laws and everything. I didn't know how to
18 fight that.

19 MS. ROSS: Okay. All right. I have no further
20 questions.

21 THE COURT: Cross-examination?

22 MR. KOWALSKI: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. KOWALSKI:

25 Q. So, Mr. Trapp, on direct, you said there was no

1 evidence pointing you as the shooter; is that right?

2 A. Right.

3 Q. Is it your testimony here today that you were
4 not the shooter?

5 A. I do not have -- well, I don't have a testimony
6 for it, but the only testimony I can say is a verbal
7 testimony.

8 Q. Oh, I'm asking you about when you were
9 testifying when Ms. Ross was examining you on
10 direct. Is it your testimony here today or are you
11 telling the Court here today that you were not the
12 shooter?

13 A. Yes, sir. That's correct.

14 Q. Didn't you also tell Ms. Ross on direct that
15 you shot him in self-defense?

16 A. I never her told that in courtroom. I never
17 told her that.

18 MR. KOWALSKI: Beg the Court's indulgence. I
19 have no further questions.

20 THE COURT: Redirect?

21 MS. ROSS: I don't have any redirect. No, Your
22 Honor.

23 THE COURT: All right. Thank you. Mr. Trapp,
24 you can step down.

25 THE APPLICANT: Yes, ma'am.

1 (Applicant excused.)

2 THE COURT: Ms. Ross, do you have any other
3 witnesses?

4 MS. ROSS: No, Your Honor. I'm done. Beg the
5 Court's indulgence.

6 THE COURT: Okay. I'll give you a minute.

7 MS. ROSS: We call Maletha Baker.

8 (Witness approached.)

9 THE COURT: All right. Madam clerk, if you
10 will -- ma'am, step this way and you'll be sworn in.

11 THE CLERK: Do you swear or affirm to tell the
12 truth, the whole truth, and nothing but the truth?

13 THE WITNESS: Yes, ma'am, I do.

14 THE CLERK: You can have a seat at the witness
15 stand.

16 THE WITNESS: Thank you.

17 THE CLERK: And please state your name again
18 for the record.

19 THE WITNESS: My name is Maletha Baker.

20 THE REPORTER: Can you spell your first name?

21 THE WITNESS: M-a-l-e-t-h-a.

22 MALETHA BAKER,

23 having been produced and first duly sworn as a
24 witness on behalf of the Applicant, then testified
25 as follows:

1 DIRECT EXAMINATION

2 BY MS. ROSS:

3 Q. Hi there, Ms. Baker. How do you know
4 Mr. Trapp?

5 A. He is my first born son.

6 Q. All right. And was he -- was this the home
7 where the shooting occurred?8 A. Yes, ma'am. 201 Park Avenue. It's where I
9 live at.

10 Q. Did you witness any of it?

11 A. All I know, I was in my bedroom talking to
12 my son -- talking to his girlfriend on the phone.
13 CJ was outside. All I know, I heard some shots go
14 off. Okay. So I don't know who the shooter was. I
15 just know CJ was standing by my living room door.
16 Anthony was on the ground. He got up. Jumped into
17 the car. Headed towards the graveyard.18 Next thing I know, he was over there on
19 Anderson Avenue on Lakeside Drive, but the police
20 station is like two minutes from where I live at.
21 He never once tried to make it to the hospital or
22 nothing.23 All I know, the cops came to my house and was
24 asking my -- asking questions. And they made -- CJ
25 wrote one statement. And then that officer made him

1 write another statement. I asked CJ, "Why are you
2 writing another statement?" And they tell me to
3 back away.

4 Q. Do you know what either statement consisted of?

5 A. It was about him being robbed.

6 Q. And were you aware of whether CJ had been
7 robbed in the past?

8 A. Yes, ma'am. Not only was he robbed in the
9 past, me and my son went to the Jockey Lot one time.
10 This was back in May of 2021. I come back home.
11 And I'm guessing -- I'm not trying to say their
12 names, but Anthony had done broke into my house
13 while I wasn't there. We made a statement to the
14 police. Not only that ---

15 MR. KOWALSKI: Objection, Your Honor. I don't
16 know how this is relevant to the case that Mr. Trapp
17 filed this PCR application pertaining to or how it
18 relates to ineffective assistance of counsel.

19 MS. ROSS: Judge, we'd argue it corroborates
20 Mr. Trapp's testimony regarding being robbed by the
21 same person in the past and went to his position and
22 standing his ground and self-defense, firing the
23 shots.

24 THE COURT: I will allow that -- those
25 questions, but I think she's going into a different

1 story about her home possibly broken into, and there
2 was no prior testimony about that. So I'm going to
3 overrule the objection as it relates to
4 corroborating what Mr. Trapp has testified, and I'm
5 sustaining it as it relates to any other prior
6 incidents related to these same parties.

7 MS. ROSS: Thank you, Your Honor.

8 BY MS. ROSS:

9 Q. Did you hear your son testify about prior
10 robberies?

11 A. Yes. Two weeks before September the 7th, my
12 son calls me. I'm at work. He says, "Mom, I just
13 been held at gunpoint."

14 And we went to the police station to make a
15 report to the police stating that my son was held at
16 gunpoint at the Ingles' parking lot in Westminster.
17 The police said, "We're to going to wait until the
18 Apple Fest is over with."

19 MR. KOWALSKI: Objection. This is hearsay.

20 MS. ROSS: Did the police do any -- I'll
21 rephrase.

22 THE COURT: I will say, yes, that is hearsay,
23 so I will sustain that objection. Rephrase the
24 question.

25 MS. ROSS: Ms. Baker, you can't testify to what

1 someone told you or what someone said to you. Only
2 what you said or what you perceived.

3 THE WITNESS: Okay. I'm sorry.

4 BY MS. ROSS:

5 Q. Did the police do anything about that prior
6 robbery?

7 A. No, sir. No, ma'am.

8 Q. Do you know of your son to be a peaceful
9 person, has a reputation for peacefulness?

10 A. Yes, ma'am. He is a good-hearted person. He
11 stays to himself. Doesn't bother nobody.

12 Q. Now, were you familiar with Mr. Kendrick, his
13 defense attorney?

14 A. Yes, ma'am.

15 Q. Did you feel that he did everything he needed
16 to do to defend your son?

17 A. Honestly, not really.

18 Q. Can you tell us why?

19 A. I felt like when we went to court the last
20 time, he let the solicitor do more of the talking
21 than he was actually trying to fight for his client.

22 MS. ROSS: Is there anything else you want to
23 ask her?

24 THE APPLICANT: Do you got that statement with
25 you that shows that -- that shows that it's true

1 that I was robbed at gunpoint?

2 THE WITNESS: Yes. It's back there with your
3 baby brother.

4 MR. KOWALSKI: Your Honor, the applicant is
5 asking these questions.

6 THE COURT: Yes. I will say, Mr. Trapp, you've
7 got an attorney here. Your attorney needs to ask
8 the questions. Okay?

9 THE APPLICANT: Yes, ma'am. I apologize.

10 BY MS. ROSS:

11 Q. Do you have a statement from the prior robbery?

12 A. Yes, ma'am. It's in there.

13 MS. ROSS: Beg the Court's indulgence.

14 THE COURT: Certainly.

15 BY MS. ROSS:

16 Q. All right. And you've kept track of
17 Mr. Trapp's statements there?

18 A. That's another one.

19 Q. All right. Were you there when these
20 statements were given?

21 A. Yes, ma'am, I was.

22 Q. Okay. And did -- so you went down to the ---

23 A. Went down to the police department in
24 Westminster.

25 Q. And these are dated when? August 31, 2021?

1 A. Yes, ma'am.

2 Q. And did anything happen as a result?

3 A. They honestly didn't do nothing. They really
4 didn't take it serious.

5 MS. ROSS: I'd ask these be marked as exhibits.
6 We'd offer this as Applicant's Exhibit 1.

7 THE COURT: All right. Any objection from the
8 State?

9 MR. KOWALSKI: No objection.

10 THE COURT: And the State had an opportunity to
11 review that. I'll just note that for the record.

12 MR. KOWALSKI: Yes, Your Honor.

13 THE COURT: All right. Thank you. So
14 Applicant's Exhibit 1 is entered into evidence
15 without objection.

16 (Applicant's Exhibit No. 1 was received into
17 evidence.)

18 MS. ROSS: I have no further questions. Please
19 answer any questions the Attorney General has.

20 THE COURT: All right. Cross-exam?

21 MR. KOWALSKI: I have no -- no questions from
22 the State.

23 THE COURT: All right. Ms. Baker, thank you
24 for being here. You can step down.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 THE COURT: All right. Ms. Ross, do you have
3 any other witnesses?

4 MS. ROSS: No, Your Honor.

5 THE COURT: All right. Is the State ready to
6 proceed?

7 MR. KOWALSKI: Yes, Your Honor.

8 THE COURT: All right. Call your first
9 witness.

10 MR. KOWALSKI: The State would call Josh
11 Kendrick.

12 (Witness approached.)

13 THE CLERK: If you'll raise your right hand.

14 THE WITNESS: (Complying.)

15 THE CLERK: Do you swear or affirm to tell the
16 truth, the whole truth, and nothing but the truth?

17 THE WITNESS: I do.

18 THE CLERK: Okay. You can have a seat.

19 THE WITNESS: (Complying.)

20 JOSHUA KENDRICK,
21 having been produced and first duly sworn as a
22 witness on behalf of the State, then testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. KOWALSKI:

1 Q. Good morning, Mr. Kendrick.

2 A. Good morning.

3 Q. How long have you been practicing law?

4 A. Twenty-three years.

5 Q. And how much of that experience has been
6 criminal?

7 A. The vast majority of it.

8 Q. And so were you appointed or retained in this
9 case?

10 A. I was appointed to this case.

11 Q. So before he plead guilty, how many times did
12 you meet with Mr. Trapp, approximately, if you
13 can ---

14 A. I don't remember exactly. When I looked in my
15 notes, it looks like there were about 15 times I
16 wrote down that I saw him at the jail, but I don't
17 know how long any of those meetings were
18 necessarily.

19 Q. Well, were you able to meet and speak with him
20 sufficiently before he pled guilty?

21 A. Yes.

22 Q. Did you request discovery in this case?

23 A. I did.

24 Q. Did you review it with Mr. Trapp?

25 A. Most of it. There was a lot of discovery that

1 came on a CD, and I was able to look at some of that
2 with him.

3 Q. So could you summarize the State's evidence in
4 this case?

5 A. They had statements that Mr. Trapp had made and
6 then statements from witnesses, and that was -- that
7 was the majority of it.

8 Q. Could you tell me about the statements from
9 Mr. Trapp?

10 A. There were a couple. There was a statement
11 where he told the officer that -- kind of what he
12 relayed earlier, that there had been a robbery and
13 he had fired a gun.

14 And then there was a second statement where I
15 think he was asserting self-defense.

16 Q. So what kind of investigation did Mr. Trapp
17 want you to do?

18 A. First of all, I didn't do an investigation
19 beyond looking at all the discovery. And I think
20 I -- I spoke with some witnesses, but, you know, me,
21 I didn't do an investigation into ballistics or
22 anything like that that he was talking about.

23 Q. And why not?

24 A. I don't have an answer for that. I mean, I
25 don't -- I don't know that -- you know, the evidence

1 you have, I assume everyone has, it seemed to me the
2 question was whether -- whether this was a
3 self-defense case as opposed to whether he had
4 actually fired the gun, but that's just what I
5 remember.

6 Q. Did the applicant appear to understand
7 everything you explained to him?

8 A. I think so. I mean, I think he struggled with
9 some of it and I did my best to try to explain it to
10 him, but I do think he didn't necessarily grasp all
11 the things we were talking about.

12 Q. And did you have him evaluated for competency?

13 A. I did not.

14 Q. Did you see a reason to have him evaluated for
15 competency?

16 A. You know, that's a hard -- hard question to
17 answer. I'm not trying to be difficult with you. I
18 mean, I didn't at the time, but, you know, looking
19 back, I -- I could understand why that might've been
20 a good idea.

21 Q. So can you tell me about the plea negotiations
22 in this case?

23 A. I -- I was the one that was making offers to
24 the State, and they were saying no. I think the
25 only offer I ever got was at some time prior to the

1 plea that the prosecutor told me that the best he
2 would do was a straight-up plea to manslaughter,
3 which is what happened.

4 Q. And did you inform the applicant when they
5 relayed that to you?

6 A. I did.

7 Q. And did the applicant ever ask you to file an
8 appeal?

9 A. I -- I didn't talk to him about his appeal. I
10 mean, there was a plea and I probably never really
11 even mentioned an appeal.

12 Q. Did he ever -- did -- well, did he ever ask you
13 to file one?

14 A. I don't remember him asking me to file an
15 appeal.

16 Q. Did you see any grounds on which to file an
17 appeal?

18 A. You know, on a guilty plea, it's pretty rare
19 for there to be any grounds for an appeal.

20 MR. KOWALSKI: Beg the Court's indulgence. I
21 have no further questions.

22 THE COURT: All right. Cross-examination.

23 CROSS-EXAMINATION

24 By MS. ROSS:

25 Q. Hey there.

1 A. Hello.

2 Q. Now, in your discussions with Mr. Trapp, did
3 you talk about the defense of habitation or stand
4 your ground law at all?

5 A. We did.

6 Q. And do you believe he understood that and
7 dropped that claim?

8 A. I don't -- I don't -- I don't have an opinion
9 as to whether he understood it or not.

10 Q. Okay. And what did you tell him about that?

11 A. I remember telling him that it was an issue we
12 needed to look into, but I think I probably
13 ultimately told him that because there was a drug
14 deal going on, that there was a case that might make
15 it hard to assert that defense. And my worry was we
16 would not know until the very end of trial whether
17 we were going to be allowed to assert that defense
18 or get a jury instruction, of course.

19 Q. All right. Did y'all discuss how it would
20 be -- he would have a -- he could have a pretrial
21 hearing on that issue?

22 A. I don't remember if we had -- I'm aware that we
23 would -- so I guess I'm talking about two different
24 things. I mean, there's self-defense and then
25 there's stand your ground. I think I was operating

1 under the assumption that it would hard to bring a
2 stand your ground hearing based on the circumstances
3 of what happened.

4 Q. And did -- were there ballistics and GSR tests
5 done or anything like that in the discovery?

6 A. I don't remember, but I do not think so. And
7 by ballistics, you mean where the bullets went?

8 Q. Yeah, did they pick up casings and that kind of
9 thing?

10 A. I don't think so.

11 Q. So, basically, the case against him was rooted
12 around statements that were made?

13 A. That's correct.

14 Q. And didn't the -- the person who was buying, I
15 believe, was referred to as Anthony; is that
16 correct?

17 A. Correct.

18 Q. Did he admit to a robbery and to hitting
19 Mr. Trapp?

20 A. Yes, he did.

21 MS. ROSS: I have no further questions.

22 THE COURT: All right. Redirect?

23 MR. KOWALSKI: Just briefly.

24 REDIRECT EXAMINATION

25 BY MR. KOWALSKI:

1 Q. So did -- did applicant ever desire going to
2 trial?

3 A. Yes. We talked about trial a good bit, but,
4 you know, we -- that changed at some point.

5 Q. And when it changed, do you recall what
6 motivated that or what -- what may have informed
7 that?

8 A. My guess would be that I had given him advice
9 on some of the potential outcomes that -- that may
10 have changed his mind.

11 Q. And just a quick -- just to quickly clarify.
12 Would you have filed an appeal if the applicant had
13 asked you to file an appeal?

14 A. Yes.

15 MR. KOWALSKI: No further questions.

16 THE COURT: Any recross?

17 MS. ROSS: Just briefly.

18 RECROSS-EXAMINATION

19 BY MS. ROSS:

20 Q. So you -- you had stated that he discussed
21 going to trial, but decided to plead based on some
22 advice that you gave him?

23 A. I -- I mean, I think so. I -- we talked about
24 trial a lot and he did go to trial, so I'm assuming
25 that what I told him probably made him change his

1 mind.

2 Q. Was there any discussion of a 10- to 20-year
3 range?

4 A. That's what I asked for, and I -- and I told
5 him that that's what I thought was reasonable based
6 on the facts of the case and the judge we were
7 appearing in front of.

8 Q. And would you agree that he was remorseful
9 about the -- the death, that that was not his
10 intention and he was completely remorseful?

11 A. Very much. I -- I do not believe that he in
12 any way intended to cause this death and that it was
13 a very tragic outcome that I think was contributed
14 to by Anthony.

15 Q. For not going to the hospital directly -- well,
16 starting this situation?

17 A. Starting with the robbery. And I've defended a
18 bunch of people in Mr. Seagrave's position who got
19 charged with killing, and that's valid in this case.

20 MS. ROSS: Thank you. I have no further
21 questions.

22 THE COURT: All right. Thank you,
23 Mr. Kendrick. You can step down.

24 THE WITNESS: Thank you, Your Honor.

25 (Witness excused.)

1 THE COURT: Does the State have any other
2 witnesses?

3 MR. KOWALSKI: No further witnesses from the
4 State.

5 THE COURT: All right. Any rebuttal?

6 MS. ROSS: No, Your Honor.

7 THE COURT: And, Ms. Ross, I just want to
8 clarify. You're moving forward on the claims in
9 your amended application filed September 3, 2025; is
10 that right?

11 MS. ROSS: Yes, Your Honor.

12 THE COURT: Okay. All right. I'm happy to
13 hear arguments as I've done previously.

14 Ms. Ross, I'll ask you to argue anything you
15 want to first, and then I'll allow the State to
16 respond and give you the opportunity to respond to
17 any of their new issues brought by their arguments.

18 MS. ROSS: Thank you, Judge. Beg the Court's
19 indulgence.

20 THE COURT: Certainly.

21 MS. ROSS: Judge, I just stand by the
22 allegations in the amended application, but also
23 would just add that I'm trying to -- I didn't see
24 this as an allegation before, but I did ask whether
25 stand your ground could potentially apply, whether

1 Mr. Kendrick was ineffective for failing to advise
2 Mr. Trapp that he had a legitimate stand your ground
3 case here, especially with this unintended outcome.

4 While I understand it was a guilty plea, we
5 would argue that it was based on advice of counsel
6 that was ineffective here.

7 Also, I would just allege from looking at that,
8 the ability of whether he was advised about
9 transferred intent, whether that would apply to
10 the -- this unintended outcome here.

11 MR. KOWALSKI: Objection. That is adding an
12 allegation and we haven't a chance to respond.
13 We've already called our witnesses.

14 THE COURT: I think she's -- I mean, definitely
15 the issue of stand your ground was brought up with
16 Mr. Kendrick. I don't think there was any testimony
17 whatsoever about transferred intent, so I don't
18 think there's anything before the Court to ---

19 MS. ROSS: Alright, Judge.

20 THE COURT: --- decide that issue, or whether
21 there was any evidence where that was asked of any
22 of the witnesses.

23 MS. ROSS: And that's correct. I would just
24 argue that it is a legal question whether it would
25 be applicable or not in the allegation of failing to

1 advise the client fully on his defenses in this
2 case, but we'd -- we'd have nothing further at this
3 time.

4 THE COURT: All right. Thank you. Arguments
5 from the State?

6 MR. KOWALSKI: So I want to note first, the
7 applicant's asserting that he should've been advised
8 regarding a stand your ground hearing at a -- at a
9 trial; however, it was also his testimony today that
10 he was not the shooter.

11 And you also heard testimony from Mr. Kendrick
12 about his advise to Mr. Trapp during the course of
13 his representation.

14 And as far as communicating plea offers to him,
15 you heard him testify that he did not -- that
16 Mr. Kendrick did not see a reason to file an appeal
17 in this case and that Mr. Trapp never communicated
18 to him that he desired to appeal his guilty plea.

19 As far as the -- the con -- the consequences,
20 specifically, the felony firearm band, the
21 supervision program, generally the collateral
22 consequences of a guilty plea, I'd like to direct
23 Your Honor to some case law on the subject that
24 provides some clarity, specifically, *Smith v. State*,
25 329 S.C. 280, 284 to -85, 494 S.E. 2d 626, 628 and

1 629 from 1997. That case enumerates the collateral
2 consequences of a conviction and holds that guilty
3 pleas are not rendered invalid for counsel not
4 advising of each consequence associated with a
5 violent crime.

6 There's also *Cuthrell v. Director, Patuxent*
7 *Institution*. That's a Fourth Circuit case from 1973
8 that delineates between direct and collateral
9 consequences of a plea.

10 And so there's more information in that case
11 about the difference between direct and collateral
12 consequences. And the applicant self mentions
13 *Jackson v. State*, which -- which states that
14 participation in the Community Supervision Program
15 is a collateral consequence of sentencing; and so,
16 therefore, counsel cannot be ineffective for failing
17 to inform the defendant about participating in that
18 specific program because it is a collateral
19 consequence.

20 So, again, I would -- I would ask the State
21 [sic] to review the record in its entirety and to
22 review the testimony given here today and ultimately
23 deny the application.

24 THE COURT: And can you give me a site for the
25 Fourth Circuit case that you referenced?

1 MR. KOWALSKI: Yes. *Cuthrell v. Director,*
2 *Patuxent Institution*, 475 F.2d 1364, 1365, Fourth
3 Circuit, 414 U.S. 1005, 1978.

4 THE COURT: All right. Thank you.

5 All right. Ms. Ross, anything in response to
6 the State's arguments?

7 MS. ROSS: Just briefly. While Mr. Trapp was
8 unwilling to take the position as to whether he was
9 the shooter, the facts of the case were there were
10 two statements that he made initially, so that would
11 be our position on that.

12 THE COURT: All right. Thank you. All right.
13 I appreciate the arguments in this case, and I will
14 take this under advisement. Thank you.

15 MS. ROSS: Thank you, Judge.

16 (At 11:42 a.m., the proceedings concluded.)

17 - - -

18

19

20

21

22

23

24

25

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Circuit Court for Oconee County, South Carolina, on the 10th day of September, 2025.

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

November 8, 2025

/s/Lisa Scott

Lisa Scott
Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

Charles S. Trapp Jr., #329304

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT

Case No.: 2025-CP-37-00059

**ORDER OF DISMISSAL WITH
PREJUDICE**

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
2025 OCT 28 A 8:32

Presiding Judge:	Hon. Jane H. Merrill
Applicant's Attorney:	Susannah C. Ross, Esq.
Respondent's Attorney:	AAG Ryan T. Kowalski
Plea Counsel:	Joshua S. Kendrick, Esq.
Date of Hearing:	September 10, 2025

This matter comes before the Court by way of the post-conviction relief (PCR) action filed by Charles S. Trapp, Jr. (Applicant), on February 4, 2025. Respondent, the State of South Carolina, made its Return on April 23, 2025, requesting an evidentiary hearing to resolve the claims as set forth in the application. Applicant filed an amended PCR application on September 3, 2025. An evidentiary hearing was held on September 10, 2025, at the Anderson County Courthouse, before the Honorable Jane H. Merrill. Applicant was present and represented by Susannah C. Ross, Esquire. Assistant Attorney General Ryan T. Kowalski represented Respondent.

At the hearing, Applicant proceeded forward on the claims set forth in his application. In support of these claims, Applicant testified on his own behalf, and Respondent presented testimony from Joshua S. Kendrick, Esquire (Plea Counsel). Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary hearing, this Court

finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismissed this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined with the South Carolina Department of Corrections (SCDC), serving a twenty-two (22) year sentence. On March 14, 2022, the Oconee County Grand Jury indicted Applicant for Possession of a Weapon During the Commission of a Violent Crime (2022-GS-37-00483), two counts of Attempted Murder (2022-GS-37-00481; -00482), and one count of Murder (2022-GS-37-00483). On August 20, 2024, Applicant proceeded to a guilty plea before the Honorable J. Cordell Maddox, Jr. Applicant was represented by Joshua Kendrick, Esquire. Assistant Solicitor Blair Stoudemire prosecuted the case. Applicant pled guilty to voluntary manslaughter, and Judge Maddox sentenced Applicant to twenty-two (22) years. Applicant did not file an appeal.

FACTS PRESENTED AT GUILTY PLEA HEARING

At Applicant's plea hearing, the State articulated the facts giving rise to Applicant's conviction as follows:

Mr. Stoudemire: Your Honor, may it please the Court. This occurred on or about September 7th, 2021, in the city of Westminster here in Oconee County. On or about that date, the victim, Annalysa -- and I'm going to mispronounce her name. I've tried a hundred times to say it correctly -Biondolillo, who primarily went by Anna, went with her boyfriend at the time, Mr. Anthony Seagraves, and another individual named Daniel -- Dylan Rudisel(ph). They were going to the defendant's house, and they were going there to buy marijuana. There was an agreed upon price of \$220 for an ounce of marijuana between Mr. Seagraves and Mr. Trapp, the defendant in this case. Parties all met at Mr. Trapp's house. Mr. Seagraves got out of his vehicle to go ahead and purchase the marijuana. Money was exchanged for the marijuana. Mr. Seagraves felt that he was shorted

on the -- on the quantity, got upset about that, and ended up punching Mr. Trapp a number of times in the face.

According to police reports, Mr. Trapp then drew a weapon; showed it to Mr. Seagraves. Mr. Seagraves obviously got scared, started to run back towards the car. Mr. Trapp fired at Mr. Seagraves, hitting him once in the leg on his way back to the car, and continued to fire at the car as Mr. Seagraves reached the car, put the car in gear, and tried to drive away.

During all of this, Anna, who was in the front passenger seat, kind of crouched down and tried to bend towards the middle of the car. In the process of driving away, when Mr. Trapp was firing at the vehicle, one of those bullets ended up -- ended up going into the door of the car, passing through the door, and hitting the victim, causing her to be fatally wounded.

She did not immediately die at that point. She was able to tell Mr. Seagraves she had been hit. Mr. Seagraves then stopped the vehicle as quickly as he could. He and Mr. Rudisel (ph) tried to render aid such as they could, but their efforts were futile, and Anna passed away due to her injuries suffered as a result of being shot by Mr. Trapp.

(Plea Tr. pp. 7-9).

CURRENT APPLICATION

On February 4, 2025, Applicant timely filed this PCR action alleging he is being held in custody unlawfully on the following grounds:

1. Involuntary Guilty Plea
 - a. Applicant did not intelligently and knowingly plead guilty.
 - b. Counsel did not explain Applicant's Constitutional rights.
 - c. The plea court did not inquire as to whether Applicant had any complaints about Counsel's representation.
 - d. There is no testimony on the record that Counsel consulted with Applicant about possible defenses, his trial rights, and the nature of the allegations against him.
2. Ineffective Assistance of Counsel
 - a. Applicant was not advised of his right to appeal his conviction.
 - b. Counsel did not conduct any investigation.
 - c. Counsel failed to present an initial plea offer.
 - d. Counsel failed to advise Applicant of the direct consequences of the supervision program and the felony firearm ban.

On September 3, 2025, Applicant filed an amended PCR application alleging the following:

1. Ineffective Assistance of Counsel

- a. Failing to advise Applicant of his right to appeal his conviction.
- b. Failing to conduct a thorough investigation.
- c. Failing to communicate the initial plea offer.
- d. Counsel failed to advise Applicant of the collateral consequences of his guilty plea including the required supervision program and the felony firearm ban.
- e. Failing to review the evidence and law to the applicant in order to assure the plea was knowingly and voluntarily made.

2. Involuntary Guilty Plea

- a. The plea was not knowingly and voluntarily made because the Applicant was not adequately advised of the nature of the evidence against him and the applicable law in his case causing him to plead guilty when he otherwise would not have.

At the evidentiary hearing, Applicant raised the following allegations:

- 1. Plea Counsel failed to advise that a legitimate stand your ground claim as possible for Applicant.
- 2. Plea Counsel failed to fully advise Applicant on transferred intent.

Applicant requests relief in the form of the vacation of his conviction and sentence.¹

STANDARD OF REVIEW

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668 (1984); *Taylor v. State*, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a

¹ If this Court found a defect in the original proceedings, the appropriate remedy is to grant a new trial on the original indictments. *Gilstrap v. State*, 252 S.C. 625, 628, 168 S.E.2d 88, 89 (1969) (stating the relief to be granted is remand for a new trial); *Smith v. State*, 413 S.C. 194, 195, 775 S.E.2d 696, 696 (2015) ("We now clarify the proper remedy is a new trial").

question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRPC; *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in *Strickland v. Washington* to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687–88; *accord. Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable." (citation and internal quotation marks omitted)).

Regarding the deficiency prong of the *Strickland* analysis, the proper measure of performance is whether counsel provided representation within the reasonable range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. When analyzing counsel's performance, the reviewing court will strongly presume counsel provided adequate assistance, and the applicant is responsible for rebutting that presumption "by proving that his attorney's representation was unreasonable under prevailing professional norms and that the challenged action was not sound strategy." *Kimmelman v. Morrison*, 477 U.S. 365, 384 (1986);

cf. Cullen v. Pinholster, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation).

Furthermore, the reviewing court will scrutinize counsel's performance in a highly deferential manner, make every effort "to eliminate the distorting effects of hindsight," and "evaluate the conduct from counsel's perspective at the time" in light of then-existing circumstances. *Strickland*, 466 U.S. at 689. In order to establish counsel's performance was deficient, the applicant must demonstrate "counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment." *Id.* at 687. Accordingly, counsel's performance will be considered deficient only when it was objectively incompetent under prevailing professional norms and *not* when it simply "deviated from best practices or most common custom." *Harrington v. Richter*, 562 U.S. 86, 105 (2011).

Beyond satisfying the burden required by the deficiency prong, an applicant also bears the burden of establishing prejudice in order to be entitled to relief as "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." *Strickland*, 466 U.S. at 691. To meet this burden, counsel's deficient performance must have prejudiced the applicant to such an extent, there is a reasonable probability the result of the proceeding would have been different but for counsel's unprofessional errors. *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625; *see Johnson v. State*, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) ("To establish a claim of ineffective assistance of trial counsel, a PCR applicant has the burden of proving counsel's representation fell below an objective standard of reasonableness and, but for counsel's errors, there is a reasonable probability the result at trial would have been different."). Importantly, "[t]he likelihood of a different result

must be *substantial*, not just conceivable.” *Richter*, 562 U.S. at 112.

Guilty Pleas Based on Ineffective Assistance of Counsel

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

An applicant alleging their guilty plea was induced by ineffective assistance of counsel must prove counsel’s advice to plead guilty was not “within the range of competence demanded of attorneys in criminal cases.” *Hill*, 474 U.S. at 56. The second, or “prejudice” prong, however, “focuses on whether counsel’s constitutionally ineffective performance affected the outcome of the plea process.” *Id.* at 58-59. Specifically, when an applicant claims counsel’s deficient performance caused him to accept a plea, the applicant “must show that there is a reasonable probability that, but for [plea] counsel’s [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial.” *Id.* at 59.

This inquiry “focuses on a defendant’s decisionmaking” and does not turn on the outcome of a defendant’s actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. *Lee v. United States*, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the

jm

circumstances. *Padilla*, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. *Turner v. State*, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

FINDINGS OF FACT & CONCLUSIONS OF LAW

Before this Court are the records of the Oconee County Clerk of Court regarding the underlying general sessions proceedings, the transcripts from Applicant's plea proceeding, Applicant's records from the South Carolina Department of Corrections, and Applicant's records from this PCR action. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed this Court to evaluate and scrutinize their credibility. Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief.

INVOLUNTARY GUILTY PLEA

Allegation: Applicant did not intelligently and knowingly plead guilty.

Allegation: Plea Counsel did not explain Applicant's constitutional rights.

"To find a defendant entered a guilty plea knowing and voluntarily, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him." *Dalton v. State*, 376 S.C. 130, 136, 654 S.E.2d 870, 873 (Ct. App. 2007). However, "[a] defendant's knowing and voluntary waiver of the constitutional rights which accompany a guilty plea may be accomplished by colloquy between the Court and the defendant, between the Court and defendant's counsel, or both." *Pittman v. State*, 337 S.C. 597, 600, 524 S.E.2d 623, 625 (1999).

Applicant testified his guilty plea was a result of a lack of knowledge regarding the trial process and because he didn't know how to fight at trial. Plea Counsel testified that he advised Applicant about his rights and charges. Plea Counsel testified that he believed there were times Applicant struggled to understand all the concepts and details of the legal process, but that Applicant understood the elements of the charges and his constitutional rights. Plea Counsel did not have Applicant evaluated for competency but testified it may have been a good idea in hindsight but provided no reason or further explanation. The record does not otherwise demonstrate concerns about Applicant's competency. Applicant did not present any evidence that he was incompetent at the time of his plea.

The plea court inquired if Applicant was under the influence of any alcohol, drugs, or medication which would affect his ability to understand the consequences of his guilty plea. (Plea Tr. p. 6). The plea court advised Applicant of his constitutional rights to a jury trial, to remain silent, and to confront witnesses against him. (Plea Tr. p. 6). The plea court asked Applicant if he was waiving his constitutional rights by pleading guilty and Applicant responded, "Yes, sir." (Plea Tr. p. 6). Plea Counsel believed Applicant understood the elements of the charges and his waiver of rights. (Plea Tr. p. 6-7). The Applicant spoke during sentencing:

"Yes, sir. I'm truly sorry for what happened. And when it went down in 2021. If I knew that this would happen -I'm truly sorry for what went down in 2021, If I knew that this would have happened to her, I would have not done this, a deal over weed. I regret that this has even happened. Nothing should have went down. As the man I am now, I have to face my consequences of my actions because I made a rational —if, you know, because if I made a rational choice, I would not be in this situation." (Plea Tr. p. 19).

The Court finds Applicant's own statement and his responses to the plea court's questions indicate Applicant's understanding and that the plea was made freely, voluntarily, and knowingly. The Court finds Applicant's testimony that he did not plead voluntarily is not credible.



Applicant contends he was not advised by Plea Counsel of his constitutional rights regarding trial and legal proceedings. Applicant testified he lacked knowledge of the trial process which played a role in his guilty plea. Plea Counsel testified he discussed trial with Applicant and at some point, Applicant no longer wished to go to trial. At his plea, the plea court inquired about Applicant's understanding of all his constitutional rights, and that Applicant was waiving those rights. (Plea Tr. p. 6-7). After stating he desired to waive such rights, the plea court asked Applicant if he wanted to plead guilty to Voluntary Manslaughter to which Applicant responded, "Yes, sir." (Plea Tr. p. 7). The plea court additionally asked if Applicant was guilty of Voluntary Manslaughter to which Applicant responded, "Yes, sir." (Plea Tr. p. 7). This Court finds Plea Counsel and the Plea Judge explained Applicant's constitutional rights to him. The Court finds Applicant's own statements and his responses to the plea court's questions indicate Applicant's understanding and that the plea was made freely, voluntarily, and knowingly. The Court finds Applicant's testimony that he did not plead voluntary is not credible. Thus, these allegations must be **DENIED** and **DISMISSED**.

Allegation: The plea court did not inquire as to whether Applicant had any complaints about Plea Counsel's representation.

Applicant alleges the plea court did not inquire as to whether Applicant had any complaints about Plea Counsel's representation. The plea court asked Applicant, "And have you had plenty of time to speak to your lawyer about this plea?" to which Applicant responded, "Yes, sir." (Plea Tr. pp. 5-6). The plea court then asked Applicant, "You satisfied with his services?" to which Applicant responded, "Yes, sir." (Plea Tr. p. 6). This Court is unaware of and the Applicant did not present any authority which mandates that the exact question, "do you have any complaints against your attorney?" must be asked during a guilty plea. The questions asked by the plea court provided sufficient opportunity for Applicant to voice any complaints. If he had complaints, the

Applicant could have answered "No" to the plea court's inquiry, and the plea court would have then inquired further about complaints Applicant had. This Court finds that the plea was made freely, voluntarily, and knowingly. Thus, this allegation must be **DENIED** and **DISMISSED**.

INEFFECTIVE ASSISTANCE OF PLEA COUNSEL

Allegation: There is no testimony on the record that Plea Counsel consulted with Applicant regarding possible defense, Applicant's trial rights, or the nature of the allegations against him.

Allegation: Plea Counsel failed to advise that a legitimate stand your ground claim was possible for Applicant.

Applicant testified that he did not feel there was a defense at the time of his plea. Applicant testified Plea Counsel should have investigated further prior to the plea and put up a greater fight in Applicant's case. Plea Counsel testified that he discussed self-defense with Applicant on multiple occasions. Plea Counsel further testified as to the possibility of making a stand your ground motion but advised that it would be difficult because the parties were engaged in illegal activity, a drug transaction, immediately prior to the incident. Applicant was advised of his right to have the charge of manslaughter sent back to the grand jury, his right to a jury trial, his right to remain silent, his right to confront witnesses, and his right to present a defense. (Plea Tr. p. 6).

Applicant testified that his guilty plea was a result of his lack of knowledge regarding how to fight at trial. Plea Counsel testified that Applicant wished to go to trial but changed his mind at some point. Plea Counsel stated he is unaware of Applicant's particular motivation to enter a guilty plea but assumed it was a result of Plea Counsel's advice. Plea Counsel discussed Applicant's constitutional rights "many times." (Plea Tr. p. 6). The plea court also informed Applicant that by pleading guilty, he would waive such constitutional rights. (Plea Tr. p. 6). Applicant responded



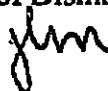
affirmatively when asked if he would like to waive his rights and proceed with his guilty plea. (Plea Tr. p. 6).

Applicant did not testify about whether Plea Counsel consulted with Applicant regarding the nature of his charges. The plea transcript indicates the plea court stated, "Now you understand that you were originally charged with Murder and Possession of a Weapon During the Commission of a Violent Crime that has been reduced to Voluntary Manslaughter" and Applicant affirmatively responded. (Plea Tr. p. 5). The plea transcript shows the plea court addressed that the sentencing range for Applicant's charge was 2 to 30 years. (Plea Tr. p. 3). As noted above, Plea Counsel also testified that he talked to Applicant many times.

SC Code §16-11-440(A)(1) -(2) states:

"A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself or another person when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person: against whom the deadly force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if he removes or is attempting to remove another person against his will from the dwelling, residence, or occupied vehicle; and who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred."

"The presumption provided in subsection (A) does not apply if the person who uses deadly force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity." SC Code §16-11-440(B)(3). Applicant testified that he had a stand your ground claim because he was defending himself from an assault. Applicant testified an individual came to Applicant's home to purchase marijuana. Applicant regularly sold marijuana and referenced his "business" several times. Applicant testified that the altercation stemmed from a disagreement about the price of the marijuana. Plea Counsel testified that he advised Applicant that he did not believe there was a strong case for a stand your ground claim due to the illegality

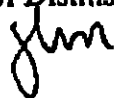


of the conduct, an admitted drug transaction, in which Applicant was engaged. The Court finds Plea Counsel carefully considered the defense and properly advised Applicant that the statutory language in SC Code §16-11-440(B)(3) prevented Applicant from using this as a meritorious defense. This Court finds the record reflects Plea Counsel and the plea court adequately reviewed with Applicant his trial rights, defenses, and nature of the allegations against him. Plea Counsel was not deficient, nor did Applicant suffer any prejudice resulting therefrom. Thus, these allegations must be **DENIED** and **DISMISSED**.

Allegation: Plea Counsel failed to file an appeal.

Generally, there is no constitutional deprivation in not being advised of the right to appeal from a guilty plea absent extraordinary circumstances, such as when there is a reason to think a rational defendant would want to appeal—where a non-frivolous ground exists to appeal—or defendant reasonably demonstrated an interest in appealing. *Turner v. State*, 380 S.C. 223, 225, 670 S.E.2d 373, 374 (2008) (citing *Roe v. Flores-Ortega*, 528 U.S. 470, 120 S.Ct. 1029, 145 L.Ed.2d 985 (2000); *Weathers v. State*, 319 S.C. 59, 459 S.E.2d 838 (1995)).

Applicant alleges Plea Counsel did not advise him of his right to appeal his conviction. Applicant testified he did not know the appeal process, but that Plea Counsel somewhat discussed it with Applicant. Plea Counsel did not recall Applicant asking for an appeal, and he did not discuss the appeal process with Applicant following the guilty plea. The Plea Judge did not inform Applicant of his right to appeal. Applicant does not demonstrate any extraordinary circumstances for which Plea Counsel or the plea court should have informed him of his right to a direct appeal from a guilty plea. Nothing in the record indicates Applicant asked Plea Counsel to file an appeal. Applicant did not identify the issue, its factual basis, how the issue was raised at the plea court, or the ruling of the plea court which he wanted to appeal. The Court finds Plea Counsel credible.

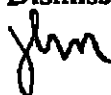


Applicant did not present any evidence showing extraordinary circumstances. Further, the plea court was not required to inform Applicant of his right to an appeal. The Court finds Plea Counsel was not deficient because Applicant was not informed about his right to an appeal, nor did Applicant suffer any prejudice resulting therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: Plea Counsel did not conduct any investigation.

A criminal defense attorney is not required to conduct an independent investigation in every case and is entitled to rely on the information received in discovery and from the Defendant. *Kibler v. State*, 267 S.C. 250, 256, 227 S.E.2d 199, 202 (1976). "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, 334, 496 S.E.2d 415, 417 (1998)(citing *Kibler*).

Applicant testified that Plea Counsel should have investigated the case further, specifically with respect to ballistics reports. No gun or casings were taken into evidence, and no ballistics or residue testing was conducted. Applicant testified there was no evidence to indicate he was the shooter, yet he also testified he fired the gun in self-defense. Plea Counsel testified that he did not find it necessary to conduct an independent investigation regarding the gun or ballistics. Plea Counsel testified that he did not think there was a question about the shooter's identity, but there was a question about whether Applicant fired in self-defense. The Court finds there is nothing in the record that conducting an independent investigation into the ballistics would lead to any different result. This Court finds that Plea Counsel knew the facts of the case from his review of the discovery and discussions with Applicant and an independent investigation was not necessary.



This Court finds that Plea Counsel was not deficient, nor did Applicant suffer any prejudice resulting therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: Plea Counsel failed to present an initial plea offer.

A Defendant has no constitutional right to plea bargain. *State v. Chisolm*, 312 S.C. 235, 237, 439 S.E.2d 850, 852 (1994) (citing *Weatherford v. Bursey*, 429 U.S. 545, 97 S.Ct. 837, 51 L.Ed.2d 30 (1977)). Applicant alleged he did not receive an offer in his case. Plea Counsel testified that he was the one making offers to the State, but the offers were rejected. Plea Counsel further testified that the state would only agree to a straight-up plea to Voluntary Manslaughter for a dismissal of the remaining charges. Additionally, at the plea hearing, the State indicated there were "extensive plea negotiations" between Plea Counsel and the State. (Plea Tr. p. 10).

This Court finds Applicant's testimony is not credible and Plea Counsel's testimony is credible. Applicant has no constitutional right to a plea bargain, and Plea Counsel worked and advocated on Applicant's behalf to negotiate a lower charge that carried less time. This Court finds that Plea Counsel was not deficient, nor did Applicant suffer any prejudice resulting therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: Plea Counsel failed to advise Applicant of the direct consequences of the supervision program and the felony firearm ban.

"The imposition of a sentence may have a number of collateral consequences, however, and a plea of guilty is not rendered involuntary in a constitutional sense if the defendant is not informed of the collateral consequences." *Smith v. State*, 329 S.C. 280, 494 S.E.2d 626. Participation in a community supervision program is a collateral consequence of sentencing. *Jackson v. State*, 349 S.C. 62, 562 S.E.2d 475. This Court finds that the felony firearm ban is a collateral consequence of a sentence and therefore Counsel cannot be ineffective in failing to

advise Applicant that he will be prohibited from owning a firearm. *Brown v. State*, 306 S.C. 381, 412 S.E.2d 399 (1991) (guilty plea is not rendered involuntary if the defendant is not informed of the collateral consequences of his sentence). *Cf. Smith v. State*, 329 S.C. 280, 284—85, 494 S.E.2d 626, 628-29 (1997) (enumerating collateral consequences of burglary conviction and holding that guilty plea not rendered invalid for counsel's failure to advise of each consequence associated with violent crimes).² This Court finds that Plea Counsel is not ineffective for failing to advise Applicant of the supervision program and the felony firearm ban. Therefore, this Court finds that this allegation fails to state a cognizable claim. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation: Plea Counsel failed to fully advise Applicant on transferred intent.

Applicant failed to present any evidence, testimony, or legal authority regarding these allegations at the evidentiary hearing. "When a party provides no legal authority regarding a particular argument, the argument is abandoned and the court will not address the merits of the issue." *Palmer v. State*, 427 S.C. 36, 47, 829 S.E.2d 255, 261 (Ct. App. 2019) (citing *State v. Lindsey*, 394 S.C. 354, 363, 714 S.E.2d 554, 558 (Ct. App. 2011)). Therefore, this Court deems these allegations abandoned.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his

² See also *Cuthrell v. Director, Patuxent Institution*, 475 F.2d 1364, 1365 (4th Cir.), cert. denied, 414 U.S. 1005 (1973). "The distinction between 'direct' and 'collateral' consequences of a plea, while sometimes shaded in the relevant decisions, turns on whether the result represents a definite, immediate and largely automatic effect on the range of the defendant's punishment." *Id.* at 1366.

application. Therefore, this application for post-conviction relief must be **DENIED** and **DISMISSED with PREJUDICE**.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief shall be denied and dismissed with prejudice; and
2. The Applicant shall be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 27th day of October, 2025.

Jane H. Merrill
JANE H. MERRILL
Presiding Judge
Tenth Judicial Circuit

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

2025 OCT 28 A 8:33

Greenwood, South Carolina

CERTIFIED TRUE COPY

OCT 28 2025

CLERK OF COURT
OCONEE COUNTY, SC

VOLUNTARY STATEMENT

117

DATE _____ TIME _____ M. PLACE _____

I, _____, am _____ years old and I live at _____

I am giving this statement to _____ I.D. _____, who has identified himself as a _____

and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statement at all; that any statement I make may be used against me at my trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whomsoever.

Q: What is "D. Roy" REAL NAME?

A: Daniel birditch - CSTJ

Q: Who told you who HE WAS AND HIS NAME?

A: he said his name was daniel and Ray said the same thing - CSTJ

Q: What did the DRIVER look like?

A: Skinny with blond hair with a black shirt - CSTJ

Q: What did the BACK SEAT PASSENGER look like?

A: Skinny with blond hair that was long with a grey shirt - CSTJ

CSTJ

CSTJ

CSTJ

CSTJ

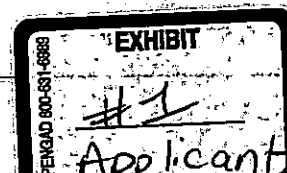
I have read this statement, consisting of _____ page(s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Charles S. Tapp Jr.
Signature of person making voluntary statement

The above warnings were given by and this voluntary statement was taken by _____

Witness

(This must be one and the same person as named above)



VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Charles Stephen Trapp Jr

am not under arrest for, nor am I being detained for any criminal

offenses concerning the events. I am about to make known to Cpl. Meick

774-6165

Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

Ph. 864-764-668

I am 19 years of age, D.O.B. 11/23/01 and I live at 201 Park Ave Apt B, Westminster, SC. Ray Craig said for me to add someone back on Snap and when I did they said they wanted to meet up today. So when I meet up with them one said their name was Daniel Sum and he said get at the fucking car or I'm killing you. The other one said don't give him his shirt back and the other said let drive off with him and through him out the car. They was honestly in a silver malibu with a license plate with 3 digits of UTH. Then that's when I called my mom and told her the same thing then that's when she brought me to the police station. They had the money as soon as I got there and that when I handed them the gun and that's when I got robbed.

CSTJ

CSTJ

CSTJ

CSTJ

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at Westminster Police Dept, this 31st day of August, 2021

WITNESS: _____

Charles S. Trapp Jr

Signature of person giving voluntary statement

WITNESS: _____

Ver.

DATE [REDACTED] TIME 4422 M. PLACE WESTMINSTER PD

DD JR, am 19 years old and I live at _____

Ave. Apt. B 12 Westminster SC

I am giving this statement to LT PATTERTON I.D. 102, who has identified himself as a Police Officer

and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statement at all; that any statement I make may be used against me at my trial, that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning, and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights, and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whomsoever.

On Monday I contacted Ray Craig and he told me to contact D. Ray on Snapchat and that's when I did. Me and D. Ray been talking on Snapchat from Monday to Tuesday afternoon the reason we was contacting was because he wanted to buy a gun that I was selling to Ray my car payment. On Tuesday morning that's when he contacted me again and said for me to meet up with him at the Ingres parking lot near the Ingres Inn. That's when I meet up with him at 3:11pm and they told me to come to the other side of the car and to hop in the back passenger side. So I did that not thinking anything bad will happen. So I handed the gun to the guy beside me thinking he was the one that was going to buy it then that's when he handed the gun to Daniel Birditch and that's when the guy beside me said don't give him his shit back and for me to get out the car. Daniel said let's get out the fucking car before I kill ya as he was pointing my gun at me while the driver said let's drive off with him and through me out the car. So that's when I made the dispatch call at 3:17pm and after I got off the phone I turned around and told my mom what happened and we came to the police department.

I have read this statement consisting of 2 page(s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Signature of person making voluntary statement

The above warnings were given by and
this voluntary statement was taken by

Witness

(This must be one and the same person as named above)