

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Beaufort County

Honorable Frank R. Addy, Circuit Court Judge

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Mar 31 2026

S.C. SUPREME COURT

CHRISTOPHER RAY SMITH,

PETITIONER--RESPONDENT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT--PETITIONER

APPELLATE CASE NO. 2025-002107

JOINT APPENDIX

SARAH E. SHIPE
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

KYLEE KANEALEY
Assistant Attorney General
PO Box 11549
Columbia, SC 29211-1549
(803) 734-4103

ATTORNEY FOR PETITIONER-
RESPONDENT

ATTORNEYS FOR RESPONDENT-
PETITIONER

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1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF BEAUFORT

4 State of South Carolina,

5 vs. Transcript of Record
6 2020-GS-07-01416,
7 2019-GS-07-01417,
8 2019-GS-07-01079

9 Christopher Smith,

10 Defendant.

11 May 17, 2022
12 Beaufort, South Carolina
13 (Plea)

14 B E F O R E:

15 The HONORABLE CARMEN MULLEN

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

17 Samantha Molina, Prosecutor

18 Jeffrey Stephens, Representing the defendant

19
20
21
22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, III
24
25

1 THE BAILIFF: All rise. The Honorable
2 Carmen Mullen presiding.

3 THE COURT: Please be seated.

4 So let me see the attorneys.

5 (Bench conference.)

6 MR. STEPHENS: In light of the pending
7 charges that haven't been indicted yet --

8 THE COURT: How else does he have?

9 MR. STEPHENS: He got another set of
10 trafficking charges.

11 MS. MOLINA: He's got trafficking in
12 heroin more than 28.

13 THE COURT: When were those picked up?

14 MS. MOLINA: Six months later.

15 THE COURT: Was his bond revoked at that
16 time?

17 MS. MOLINA: Yes.

18 THE COURT: Is that what happened?
19 That's why he's in jail? I was wondering why he
20 was in jail.

21 MS. MOLINA: Yes, it was the revocation
22 after that.

23 THE COURT: Thank you.

24 MR. STEPHENS: I don't have the -- at
25 least because these cases aren't indicted and

1 because I'm behind the -- I'm not prepared to, you
2 know, beat them on these charges. They haven't
3 been indicted yet, but we've discussed going ahead
4 and pleading on this. He understands he's still
5 subject to being recalled for trial on the other
6 charges, but I think we're going to try to get him
7 back next month to try to resolve the new
8 charges.

9 THE COURT: What do you recommend on
10 that, just to run concurrent?

11 MS. MOLINA: 25. There's more heroin and
12 Fentanyl in the next case. There was a search
13 warrant at the hotel he rented and he admitted all
14 of it. It's probably a better case. I just
15 didn't have the drug report at the time.

16 THE COURT: How old is he?

17 MR. STEPHENS: I don't know.

18 MS. MOLINA: Forties.

19 THE COURT: In his forties.

20 MR. STEPHENS: His mother is elderly. I
21 don't think he's got a prior -- even with the
22 pending charges, I don't think he's got a prior
23 conviction on drug charges.

24 THE COURT: What is it on this?

25 MS. MOLINA: 25. It's 25 on both.

1 THE COURT: So double it on the two
2 traffickings.

3 MS. MOLINA: No. On the trafficking
4 heroin for this case, it's 25. On the trafficking
5 coke for this one, it's 3 to 10.

6 THE COURT: Okay. So the trafficking
7 heroin is 25. The coke is 10 years. And then are
8 you dismissing any of the other stuff, or are
9 you -- just each of the pleas, it's 15?

10 MR. STEPHENS: No.

11 MS. MOLINA: Oxy is zero to 15, and then
12 the rest are -- or buprenorphine and amphetamine
13 are zero to 5. Alprazolam is zero to 3.

14 THE COURT: Okay. So it will be a plea
15 to 25. And then you obviously need to -- you just
16 don't have -- do you have everything?

17 MS. MOLINA: I have everything now. Then
18 we got focused on docketing this case. I thought
19 it was indicted.

20 THE COURT: What haven't you looked at
21 that he's pleading to?

22 MR. STEPHENS: Any of it, Your Honor.

23 THE COURT: So, wait a minute. Will this
24 be a strike? This trafficking is a strike.

25 MR. STEPHENS: Yeah.

1 THE COURT: I would highly suggest -- let's
2 do this.

3 MR. STEPHENS: The other thing --

4 THE COURT: Let me tell you what I would
5 suggest.

6 MR. STEPHENS: Yes, Your Honor.

7 THE COURT: What about just him entering
8 a plea, and then you spending day and going
9 through the other case and to see if he can enter
10 a plea on that tomorrow and then I can sentence
11 the whole thing together? I'm worried about the
12 strikes.

13 MR. STEPHENS: Yeah, I will talk to --
14 see about deferring sentencing. I'm happy to do
15 it.

16 MS. MOLINA: But if we do it today and
17 tomorrow, or at the end of the day.

18 THE COURT: You have a free day today.

19 MR. STEPHENS: Yes, Your Honor. I'm fine
20 with that. And I need to advise him about the
21 strikes as well.

22 THE COURT: And that's why you need to do
23 them simultaneously -- sentence them
24 simultaneously.

25 MS. MOLINA: I agree.

1 THE COURT: I think it would probably be
2 better if I took a plea. I would take the first
3 plea now. I'm not letting this jury go --

4 MR. STEPHENS: Yes, ma'am. I understand.

5 THE COURT: -- unless I have him locked
6 in on this. But, I mean, we could then take --
7 once you've looked at it and talked to him, we
8 could enter the plea.

9 MS. MOLINA: Tomorrow before Holmes?
10 Before we start Holmes?

11 THE COURT: Yeah, that sounds like a game
12 plan.

13 MS. MOLINA: Well, we're going to be -- I
14 think Holmes -- weren't you-all starting trial at
15 8:45? So 8:30?

16 THE COURT: We're starting at 8:30 a.m.

17 MR. STEPHENS: I'm free all day if I need
18 to wait around.

19 THE COURT: It just gives you time today
20 to go through the entire file to feel comfortable.
21 And if you can view discovery with him on the
22 second case --

23 MR. STEPHENS: No. I haven't really
24 touched it.

25 THE COURT: That's another thing you need

1 to do. You need to sit down and go through it
2 with him.

3 MR. STEPHENS: If I've got it all, I got
4 the rest of today and I can do it. Tomorrow I can
5 do it.

6 THE COURT: When are you going to have
7 time to go see him at the jail and go through it?

8 MR. STEPHENS: I can do it as soon as we
9 get -- let me confirm that I've got it.

10 THE COURT: Okay. Go confirm --

11 MS. MOLINA: I'm here. I sent it, but
12 I'm here. And whatever you want, come get me, and
13 we'll work this out.

14 THE COURT: Go talk to your client and
15 make sure he wants to do that. You need to advise
16 him on the strikes, but that's what I think you
17 should do. I think you should enter a plea. I
18 won't sentence him on this today. And then we'll
19 you until tomorrow morning to advise him one way
20 or the other. But he needs to understand the
21 significance of there being two separate
22 strikes.

23 MS. MOLINA: So just sentencing tomorrow,
24 one way or the other.

25 THE COURT: Yes.

1 MR. STEPHENS: One thing, Your Honor, is
2 this a -- is it a two strikes and you're out, as
3 opposed to the three strikes?

4 THE COURT: Are these trafficking, is it
5 a serious or most serious?

6 MS. MOLINA: Serious.

7 THE COURT: So it's three.

8 MS. MOLINA: Serious and violent.

9 THE COURT: It's serious and violent.
10 For serious, it would be three. Most serious it
11 would be two. Okay?

12 MR. STEPHENS: Thank you, Your Honor.

13 THE COURT: Absolutely. So how many
14 minutes? Can I give you five to talk to him to
15 figure out if this is what he would like to do?

16 MR. STEPHENS: That's fine, Your Honor.
17 If I had another few minutes just to make sure he
18 signs, and so I can advise him the questions the
19 Court is going to ask.

20 THE COURT: Well, I'm going to give you
21 10 minutes to do that, so I'll come back at 10
22 till.

23 MR. STEPHENS: Thank you very much, Your
24 Honor.

25 (Off the record.)

1 THE BAILIFF: All rise.

2 MR. STEPHENS: He would like to enter
3 guilty pleas as charged to all the offenses. The
4 defense is asking to enter pleas on those -- these
5 charges that were pending trial this morning, and
6 ask the Court to defer sentencing until tomorrow
7 so we can address his remaining charges at that
8 time.

9 THE COURT: Okay.

10 Mr. Smith, you want to stand up, sir?

11 Will you swear him in, please?

12 THE CLERK: Yes, Your Honor.

13 Raise your right hand, please. Do you
14 solemnly swear or affirm to truthfully answer all
15 questions asked of you by this court so help you
16 God?

17 THE WITNESS: I do.

18 THE COURT: All right. Mr. Smith, hold
19 are you, sir?

20 MR. SMITH: Ma'am?

21 THE COURT: How old are you?

22 MR. SMITH: 43.

23 THE COURT: How far did you go in school?

24 MR. SMITH: High school.

25 THE COURT: What kind of work have you

1 done in the past?

2 MR. SMITH: Auto body.

3 THE COURT: Auto body repair?

4 MR. SMITH: Yes.

5 THE COURT: Are you a certified mechanic
6 or a body repairman?

7 MR. SMITH: Yes.

8 THE COURT: Do you have children?

9 MR. SMITH: No.

10 THE COURT: Are you married?

11 MR. SMITH: No.

12 THE COURT: Have you ever been married?

13 MR. SMITH: No -- yes.

14 THE COURT: Okay. Divorced?

15 MR. SMITH: Yeah.

16 THE COURT: Okay.

17 All right, sir. I need to go through
18 certain rights you to begin with. As you know, we
19 started your jury trial on Monday, pulled the
20 jury, and we were going to begin with opening
21 statements this morning. I want to make sure you
22 that you understand that when you plead guilty you
23 are waiving your constitutional right to a jury
24 trial and all the other constitutional rights that
25 go along with a jury trial. For instance, the

1 opportunity for Mr. Stephens to cross-examine the
2 State's witnesses, as well as present witnesses in
3 your defense.

4 I just want to make sure that you
5 understand that we are ready to go forward and you
6 can have a jury trial and we have a jury picked if
7 you choose to today. Do you understand that?

8 MR. SMITH: Yes, ma'am.

9 THE COURT: It's also my understanding
10 from your lawyer and the solicitor, that they told
11 me today, that you have a second pending set of
12 charges.

13 And Miss Molina, will you go ahead and
14 tell me for the record what those charges are? I
15 don't need indictments, but they were for a second
16 incident I'm told six months afterwards, and I
17 want to know what those charges are as well.

18 MS. MOLINA: Six months after this
19 incident, he was charged with trafficking heroin
20 greater than 28 grams, trafficking
21 methamphetamine, possession with intent to
22 distribute amphetamine, possession with intent to
23 distribute buprenorphine, and possession with
24 intend to distribute oxycodone. Still pending
25 also is the April 2019 incident, which happened

1 first.

2 THE COURT: Possession of a controlled
3 substance?

4 MS. MOLINA: It's the possession with
5 intent to distribute oxycodone.

6 THE COURT: Okay. So it's my
7 understanding, Mr. Smith -- and I'm actually doing
8 this, obviously, for part of your own good. I
9 know Mr. Stephens has explained to you what
10 strikes are. My concern is this, is that if you
11 pick up and separately either plead or are
12 convicted of these different incident charges, you
13 could eventually could be facing a life without
14 parole sentence on those. And that's why I
15 understand that you potentially want to enter into
16 this plea.

17 I need you to understand, though, because
18 what you are pleading guilty to today has
19 mandatory minimums. It also is a serious offense,
20 which means they're not parole eligible. So I
21 just want to make sure that you understand what
22 you're doing and understand what you're facing.

23 Our hope is that after we break here
24 today, Mr. Stephens is going to go through the
25 file on the second set of drug trafficking charges

1 and he's going to look again at the possession
2 with intent to distribute oxy, that was the April
3 charges, and see if he is comfortable, in talking
4 to you, to make sure that you should plead guilty
5 or not plead guilty to them.

6 The reason why it's important, sir, is,
7 if you don't plead guilty to them by tomorrow
8 morning, the State can actually bring those
9 against you and you will end up having a strike
10 today, and then if you are convicted of those,
11 another strike. Okay? And that's what the
12 concern is.

13 Do you understand all that?

14 MR. SMITH: Yes.

15 THE COURT: Most importantly, I need you
16 to understand as far as the minimums here today,
17 when you go forward and plead guilty to
18 trafficking in heroin more than 28 grams, it has a
19 mandatory minimum sentence of 25 years, and I can
20 sentence you up to 40 years, and the trafficking
21 cocaine between 10 and 28 grams has a mandatory
22 minimum sentence of three years and goes up to 10
23 year.

24 Then, on the PWID oxycodone -- is the
25 oxycodone zero to 15?

1 MS. MOLINA: Yes.

2 THE COURT: Is zero to 15. And then the
3 buprenorphine is zero to 5. And then so is -- the
4 amphetamine is zero to 5 on a possession with
5 intent to distribute. And the alprazolam is zero
6 to 3 years.

7 So what you need to understand and appreciate
8 Mr. Smith is, at a minimum, you are going to get a
9 25-year sentence. I understand this is no
10 negotiations, correct? No recommendations?

11 MS. MOLINA: Just the mandatory minimum.

12 THE COURT: All right. So I just need to
13 make sure you understand and appreciate that if we
14 go forward with this plea, the only thing that can
15 happen is you will get, at a minimum, 25-year
16 sentence. Do you understand that?

17 MR. SMITH: Yes, ma'am.

18 THE COURT: Because that's dictated by
19 statute. I can't change it. Do you understand
20 that?

21 MR. SMITH: Yes.

22 THE COURT: All right. Sir,
23 understanding that, do you wish to go forward and
24 plead guilty to these six charges today?

25 MR. SMITH: Yes.

1 THE COURT: The ones you were on trial
2 for; is that correct?

3 MR. SMITH: Yes, ma'am.

4 THE COURT: All right, sir. And are you
5 pleading guilty to those charges because you are,
6 in fact, guilty?

7 MR. SMITH: Yes.

8 THE COURT: Sir, are you satisfied with
9 how your attorney has represented you?

10 MR. SMITH: Yes.

11 THE COURT: Has he done everything you
12 asked him to do?

13 MR. SMITH: Yes.

14 THE COURT: And you've gone through the
15 discovery of these cases with him; is that
16 correct?

17 MR. SMITH: Yes.

18 THE COURT: And I can tell you,
19 Mr. Smith, for the record, I've watched the body
20 cams of the stop, and certainly saw where all the
21 drugs were covered, as well as the money. I just
22 want to make sure you understand and appreciate,
23 by pleading guilty, you're going to have
24 convictions on your record for these six charges
25 just as if a jury convicted you. Do you

1 understand that?

2 MR. SMITH: (Nods head.)

3 THE COURT: Is that a yes?

4 MR. SMITH: Yes.

5 THE COURT: All right, sir. Has anyone
6 promised you anything or held any hope of reward
7 to get you to plead guilty?

8 MR. SMITH: No, ma'am.

9 THE COURT: Has anyone pressured you or
10 threatened you or told you you had to plead
11 guilty?

12 MR. SMITH: No.

13 THE COURT: Has law enforcement or the
14 solicitor's office mistreated you any way
15 regarding any of your charges?

16 MR. SMITH: No.

17 THE COURT: Have you understood all my
18 questions?

19 MR. SMITH: Yes.

20 THE COURT: And have you been truthful in
21 your responses to the court?

22 MR. SMITH: Yes, ma'am.

23 THE COURT: Sir, you have 10 days from
24 today's date to appeal this guilty plea and the
25 sentence of this court. If you can't afford an

1 attorney for an appeal, one will be appointed for
2 you at no cost to you, but you must request it.
3 Do you understand that?

4 MR. SMITH: Yes.

5 THE COURT: All right. I'm going to have
6 the solicitor just put on the record just for the
7 record, kind of, very briefly each of the charges.
8 Clearly, I know all about them because I've seen
9 the video and we certainly discussed it at length.

10 I also would like to go ahead and make as
11 a part of the file, attached to his report, the
12 drug reports and the incident report that the
13 officers did and the supplements. I just think
14 that's probably a good thing just so -- for any
15 appellate reasons, they know exactly what he
16 has.

17 MS. MOLINA: I would also like to make
18 the body cam that I sent to you a Court's exhibit.
19 I realize we didn't do that yesterday.

20 THE COURT: That's the entire one,
21 correct?

22 MS. MOLINA: The entire one.

23 THE COURT: The unredacted portion.

24 MS. MOLINA: Court's Exhibit 5.

25 THE COURT: Okay, thank you.

1 (COURT EXH. 5, Unredacted Body Cam Video, was
2 marked for identification.)

3 THE COURT: All right. And I will tell
4 you that I went through last night, went through
5 the drug report, added up the weights as far as
6 the heroin was concerned, just to make sure
7 everything met the threshold, that I felt
8 comfortable with it as well, and the testing of
9 it. I thought it all looked fine. Obviously,
10 subject to cross-examination, but it looked strong
11 to me for the State.

12 So let's go through -- Miss Molina let's
13 just do each charge for the record.

14 MS. MOLINA: Okay.

15 THE COURT: And will you just stop after
16 each one so I can ask him if he's guilty of it?

17 MS. MOLINA: Okay.

18 THE COURT: Okay.

19 MS. MOLINA: As to the trafficking in
20 heroin 28 grams or more, during a traffic stop and
21 search, 34 grams of heroin with Fentanyl were
22 found in the car, and an additional 10 grams of
23 heroin without Fentanyl were found inside the
24 car.

25 THE COURT: Okay. Sir, are you guilty

1 and admit that that heroin was yours?

2 MR. SMITH: Yes.

3 THE COURT: Thank you.

4 Solicitor.

5 MS. MOLINA: Trafficking in cocaine 10 to
6 28, 12.90 grams of cocaine were found in the car
7 during the search. 12.42 grams in a jar. And
8 then small baggies with 0.48 grams of cocaine.

9 THE COURT: Sir, you admit that you are
10 guilty of that and it was in your possession?

11 MR. SMITH: Yes.

12 MS. MOLINA: Possession with intent to
13 distribute oxycodone. Oxycodone was found in his
14 pockets search incident to arrest. And also in
15 the car for a total of 215 oxycodone tablets.

16 THE COURT: Sir, do you admit that that
17 oxycodone, all of it, was yours and it was in your
18 possession?

19 MR. SMITH: Yes, ma'am.

20 THE COURT: Okay.

21 MS. MOLINA: Possession with intent to
22 distribute buprenorphine, 29 total tablets of
23 buprenorphine were found in the car, as well as
24 24 tablets and 20 films of buprenorphine and
25 naloxone were in the car.

1 THE COURT: Sir, you admit that that was
2 your and was in your possession?

3 MR. SMITH: Yes.

4 THE COURT: Okay.

5 MS. MOLINA: Possession with intent to
6 distribute amphetamine, there were 17 total
7 tablets found within the car.

8 THE COURT: Okay. You admit that that
9 was yours as well, sir, and in your possession?

10 MR. SMITH: Yes, ma'am.

11 THE COURT: And for these controlled
12 substances, you did not have a valid prescription
13 for them; is that correct?

14 MR. SMITH: No.

15 THE COURT: All right.

16 MS. MOLINA: Possession with intent to
17 distribute alprazolam, there were 15 total tablets
18 within the car. As to the possessions with intent
19 to distribute, the other indicators of sale were
20 based on statements the defendant made to law
21 enforcement, scales within the car, two cell
22 phones, and over \$9,000.

23 THE COURT: All right. And, again, as to
24 all of that, sir, you admit that you were, in
25 fact, intending to distribute the final five and

1 that you were trafficking in the heroin and
2 cocaine; is that correct?

3 MR. SMITH: Yes.

4 THE COURT: I find there is a substantial
5 factual basis for this plea and your decision to
6 plead guilty is made freely, voluntarily,
7 knowingly, intelligently, and with the consent of
8 competent counsel with whom you tell me you are
9 satisfied, and I'm going to accept your guilty
10 plea.

11 Do we want to put his record on now? Or
12 let's just wait until sentencing, how about that?
13 I don't know if he has a prior record or not. I
14 know he has pending charges, but

15 MS. MOLINA: He does have a prior record.

16 THE COURT: Okay. We'll do it tomorrow.
17 Is that okay?

18 MS. MOLINA: Yes.

19 THE COURT: So we were going to start
20 tomorrow morning with the sentencing. Can we do
21 8:30 in the morning? Because I'm starting at 8:45
22 with my next trial, right? Is that too early for
23 you-all? I saw you look up. Is that okay?

24 THE DEPUTY: Yes, Your Honor.

25 THE COURT: So the second guy isn't in

1 jail, so my hope is that you can do him and take
2 him back. Is that okay with you?

3 THE DEPUTY: Yes, ma'am.

4 THE COURT: So let's do it at 8:30 and
5 that way we can get this done and I can go forward
6 with the other jury and be ready.

7 MS. MOLINA: And would you like me to
8 hold on to the sentencing sheets?

9 THE COURT: Yeah, I think that's a good
10 idea.

11 So Mr. Stephens is going to go through
12 the other set of charges with you and see if you
13 feel comfortable and advise you whether or not,
14 you know, he thinks there's adequate evidence to
15 prove your guilt beyond a reasonable doubt, and
16 you-all can make a determination what you have to
17 do to plead him on that. Okay?

18 MR. STEPHENS: Yes, ma'am.

19 THE COURT: All right, sir.

20 Anything else, Miss Molina, you need?

21 MS. MOLINA: Nothing else from the State.
22 Thank you.

23 (End of plea.)

24

25

1 CERTIFICATE OF REPORTER

2
3 I, SHARON G. HARDOON, Official Circuit
4 Court Reporter, III for the State of South Carolina at
5 Large, do hereby certify that the foregoing is a true,
6 accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the plea
8 hearing in the captioned case, relative to appeal, in
9 the General Sessions for Beaufort County, South
10 Carolina.

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

14
15 August 31, 2023

16
17 

18 _____
19 Sharon G. Hardoon, CSR
20 Official Circuit Court Reporter, III
21
22
23
24
25

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF BEAUFORT

4 State of South Carolina,

5 vs. Transcript of Record
6 2020-GS-07-01416,
7 2019-GS-07-01417,
8 2019-GS-07-01079

9 Christopher Smith,

10 Defendant.

11 May 18, 2022
12 Beaufort, South Carolina
13 (Sentencing)

14 B E F O R E:

15 The HONORABLE CARMEN MULLEN

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

17 Samantha Molina, Prosecutor

18 Jeffrey Stephens, Representing the defendant

19
20
21
22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, III
24
25

1 THE BAILIFF: All rise.

2 THE COURT: All right. Mr. Stephens,
3 what do we have this morning?

4 MR. STEPHENS: Your Honor, we have the
5 remaining pleas for Mr. Smith and his sentencing
6 on all charges. We feel like this is the --

7 THE COURT: Did you go through discovery
8 with him?

9 MR. STEPHENS: I have, Your Honor, in a
10 little bit of a rushed capacity. But what I was
11 provided by Miss Molina, I went over that with
12 him. I have a copy of the drug lab result on all
13 the drugs that he's pleading to, went over the
14 search warrant, and incident reporter, Your Honor.

15 THE COURT: Were those done by Renita
16 Berry as well?

17 MS. MOLINA: Jessie Zigfield did the
18 April one.

19 THE COURT: Okay.

20 MS. MOLINA: And then the other one --

21 THE COURT: Did he sign the sentencing
22 sheets on this set?

23 MR. STEPHENS: Yes, Your Honor.

24 Miss Berry did do the rest of the drug labs.
25 Did you want that?

1 THE COURT: Yeah, I need -- I need his
2 sentencing sheets from yesterday, and then I need
3 the new ones for today.

4 MS. MOLINA: Do you want me to hand those
5 up now or do you want me to call the case?

6 THE COURT: You can call the case.

7 MS. MOLINA: Okay.

8 MR. STEPHENS: And, Your Honor. These
9 weren't indicted. Did you want a copy of the drug
10 lab results?

11 THE COURT: No. If you're telling me
12 that you looked at them and you're satisfied.

13 MR. STEPHENS: Yes.

14 THE COURT: I'm satisfied. And,
15 obviously, there will be a waiver.

16 MS. MOLINA: The State calls Christopher
17 Smith. He is charged under indictment number
18 2020-GS-07-00334 with possession with intent to
19 distribute oxycodone, under indictment number
20 2020-GS-07-01416 with trafficking heroin 28 grams
21 or more. He's waiving presentment of that charge.
22 On indictment number 2020-GS-07-01415 with
23 trafficking methamphetamine 10 to 28 grams. He's
24 waiving presentment on that.

25 THE COURT: What is the sentencing range

1 on that?

2 MS. MOLINA: 3 to 10 years.

3 THE COURT: All right.

4 MS. MOLINA: On 2021-GS-07-01077 with
5 possession with intent distribute amphetamine,
6 he's waiving presentment on that.
7 2021-GS-07-01778 possession with intent to
8 distribute buprenorphine. He's waiving
9 presentment on that one. And 2021-GS-07-01079
10 with possession with intent to distribute
11 oxycodone. Also waiving presentment.

12 He is also here today -- he's pleading
13 guilty on those, and he is also here today to
14 plead -- or to be sentenced for 2020-GS-07-00358
15 through 359, and 2020-GS-07-01417 through 1420.

16 THE COURT: Okay.

17 MS. MOLINA: I'm handing Your Honor up
18 sentencing sheets and indictment waivers. The one
19 of the top is the April incident and then it's the
20 July incident and then it's the January on the
21 bottom.

22 THE COURT: Okay.

23 All right. Mr. Smith, you can stand up.
24 We're going to swear you in again as well today.
25 After we've sworn you in, you can sit down. Okay?

1 THE CLERK: Raise your right, Mr. Smith.
2 Do you solemnly swear or affirm to truthfully
3 answer all questions asked of you by this court so
4 help you God?

5 MR. SMITH: Yes, ma'am.

6 THE CLERK: Thank you.

7 THE COURT: Mr. Smith, you can go ahead
8 and sit down, sir.

9 Mr. Smith, I broke yesterday to give you
10 an opportunity to go through this second set of
11 indictments, and also an additional April charge
12 as well for your plea. Obviously, our goal was is
13 that these would all run together and all would
14 only count as one strike as well to hopefully
15 enable you to -- part of your problem is later on.

16 To begin with, you understand that some
17 of these indictments have not been presented to
18 the grand jury. Do you understand that?

19 MR. SMITH: Yes.

20 THE COURT: And you understand you're
21 waiving your right to have indictments presented
22 to them; is that correct?

23 MR. SMITH: Yes.

24 THE COURT: Additionally, as you know,
25 you were up for trial on your first set of charges

1 this week. I want to make sure you understand and
2 appreciate that you are waiving your right to a
3 jury trial in this matter as well. Do you
4 understand that?

5 MR. SMITH: Yes.

6 THE COURT: And then also your April
7 charges, you understand, as well are charged; is
8 that correct?

9 MR. SMITH: Yes, ma'am.

10 THE COURT: Your understand at a jury
11 trial your attorney would have the opportunity to
12 cross-examine the State's witnesses as well as
13 present witnesses in your defense. You also
14 understand you're going to have convictions on
15 your record for all of these charges now, the set
16 you plead to yesterday and this set, just as if a
17 jury convicted you. Do you understand that?

18 MR. SMITH: Yes.

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

22 MR. SMITH: No.

23 THE COURT: Anyone pressured you or
24 threatened you?

25 MR. SMITH: No.

1 THE COURT: Has anyone from law
2 enforcement or the solicitor's office mistreated
3 you in any way regarding these charges?

4 MR. SMITH: No.

5 THE COURT: Have you understood all my
6 questions, sir?

7 MR. SMITH: Yes, ma'am.

8 THE COURT: Have you been truthful with
9 the court?

10 MR. SMITH: Yes.

11 THE COURT: Sir, you have ten days from
12 today's date to appeal both of these guilty pleas
13 and the sentence that I give you today. If you
14 can't afford an attorney for an appeal, one will
15 be appointed for you at no cost to you but you
16 must request it. Do you understand that?

17 MR. SMITH: Yes.

18 THE COURT: All right. Solicitor, I need
19 you to go through new indictment charges with me
20 and break after each one. I want to make sure
21 that he understands what he's pleading to. Okay?

22 MS. MOLINA: I'll start with the April
23 incident.

24 THE COURT: Okay.

25 MS. MOLINA: On April 11, 2019, law

1 enforcement on patrol saw a truck wrecked into a
2 ditch. They went to help and make contact with
3 the driver and sole occupant Mr. Smith. They
4 noted that he was slurring his speech and when he
5 asked for his name, he provided a name that they
6 later determined was not his real name. At that
7 point, he was placed under arrest for false info
8 and was searched incident to arrest.

9 In his pockets were \$10,000 and -- that's
10 all that was in his pockets. They then
11 searched --

12 THE COURT: I'm sorry. How much?

13 MS. MOLINA: \$10,000 in his pockets.

14 THE COURT: Okay.

15 MS. MOLINA: They then searched the
16 vehicle for an inventory search and located
17 plastic baggies, bottles of vodka, prescription
18 pill bottles and a bundle of cash. They found a
19 digital scale, oxycodone in a pill bottle, and a
20 ledger with apparent drug transactions where he
21 was keeping track. They found an additional \$1800
22 and \$560 in rubber bands, another pill under the
23 seat, and ultimately admitted that the -- said the
24 ledger was for keeping track of drugs for his own
25 use, but then it was for amounts people owed him.

1 The total amount of oxycodone in that
2 case is 16 pills.

3 THE COURT: Is how much?

4 MS. MOLINA: 16.

5 THE COURT: Okay.

6 All right. Sir, you admit that that
7 oxycodone was yours?

8 MR. SMITH: Yes.

9 THE COURT: All right. Let's go through
10 the other ones then as well.

11 MS. MOLINA: And that --

12 THE COURT: Let me ask you -- I'm sorry.
13 Really quickly, on that \$10,000, did you forfeit
14 some of that money as a forfeiture? Did they give
15 you any of it back for a lawyer?

16 MR. SMITH: Yes.

17 THE COURT: How much did they give you
18 back out of the 10?

19 MR. SMITH: 4,000.

20 THE COURT: Okay. Thank you, sir.

21 MR. SMITH: It was --

22 THE COURT: Go ahead.

23 MR. SMITH: I want to say
24 15,800-something dollars that went to them.

25 THE COURT: Okay, thank you.

1 MR. SMITH: I got 4,000.

2 MS. MOLINA: And that incident did occur
3 in Beaufort County.

4 THE COURT: Right.

5 MS. MOLINA: The next incident with the
6 indictment numbers 1077 through 1079 and 01415
7 through 01416, that incident occurred on
8 July 16th, 2020, at the American's Best Inn on
9 Boundary which is located in Beaufort County. Law
10 enforcement received information that he was
11 staying at that hotel and they had active warrants
12 for him. They began surveillance. They saw him
13 exiting the room and he was placed under arrest.

14 A search of his person revealed a pill
15 bottle, two motel keys, and \$688. The hotel
16 manager confirmed he was the renter and he was
17 staying there. Under Miranda, he informed
18 officers that the pills in his pocket were
19 oxycodone and he did not have a prescription.
20 He's the only one staying in the room. He had a
21 couple thousands dollars in the room, a couple
22 grams of ice, an ounce or two of heroin, and some
23 Symboxone and Adderall.

24 A search warrant was obtained and
25 executed and they found the drugs that I'll go

1 through with the amounts, and \$2,160.

2 The amounts of drugs in that case was
3 12 grams of methamphetamine, 66.23 grams of
4 heroin.

5 THE COURT: 66.2?

6 MS. MOLINA: Yes, ma'am.

7 THE COURT: Okay.

8 MS. MOLINA: 109 amphetamine pills,
9 30 ounces of buprenorphine with naloxone, and six
10 pills of buprenorphine, and 39 oxycodone pills.

11 THE COURT: All right. Mr. Smith, do you
12 admit that all of those drugs were yours as well,
13 sir?

14 MR. SMITH: Yes, ma'am.

15 THE COURT: I find there's a substantial
16 factual basis for this plea and that you're
17 pleading guilty freely, voluntarily, knowingly,
18 and intelligently with the consent of competent
19 counsel with whom you tell me you are satisfied,
20 and I am going to accept your guilty plea.

21 Solicitor, I need his prior record.

22 MS. MOLINA: His prior record is a 1996,
23 shoplifting, 2001, minor possession, 2001, open
24 container, 2002, failure to stop for blue light,
25 burglary 3rd first offense, grand larceny for

1 which he received a YOA, 2003 possession of a
2 pistol by a probative person, 2007 driving under
3 suspension second offense, 2008 DUI first offense,
4 2008 open container, 2016 DUI, 2019 open
5 container, and also the heroin in this case
6 contained Fentanyl.

7 THE COURT: Okay.

8 All right. Mr. Stephens, what do you
9 want to tell me about your client? It sounds to
10 me like he's had at least some kind of alcohol
11 addiction problem from the time he was young.

12 MR. STEPHENS: Yes, Your Honor.

13 THE COURT: Just based on his prior
14 record.

15 MR. STEPHENS: Your Honor, I won't waste
16 too much of the Court's time.

17 There's pretty significant mandatory
18 minimums in this case. And Mr. Smith, while he
19 clearly had gotten pretty heavily involved in the
20 drug trade in a short amount of time, it was one
21 of those where he went from zero to 60 pretty
22 quick. He clearly had some of his own issues as
23 demonstrated by his open container and DUI. I
24 think he had -- from talking with him, he was on a
25 bad path as a young man, had straightened up for a

1 period of time, and just went downhill with both
2 his own use of alcohol, and then, as he made
3 statements to law enforcement, he was involved
4 with his girlfriend who was addicted to
5 prescription medication. I think that was a, kind
6 of, co-dependent relationship that drove him
7 deeper into drug abuse and distribution.

8 Your Honor, I think that with a mandatory
9 minimum of 25 years alone, he understands that he
10 will be fortunate to be able to walk out of jail
11 and try to establish -- or re-establish himself
12 and live the rest of his life. He will be in his
13 60s at that point.

14 Mr. Smith has a 65-year-old mother who he
15 is very close to. I've spoken with her a number
16 of times during this case. I think his biggest
17 regret is that she may not live to her son
18 released from prison. But, again, with the
19 mandatory minimum, there is hope that he will see
20 her again and he will be able to try to make
21 something of his life after his release in his
22 early 60s, Your Honor.

23 So we would just ask the Court --

24 THE COURT: How much jail credit does he
25 have?

1 MR. STEPHENS: I believe he had -- I just
2 want to confirm. I believe from talking to the
3 jail yesterday, he has 670 days as of today, Your
4 Honor.

5 THE COURT: Okay. Is there anything
6 else, Mr. Stephens that he wants to tell me?

7 MR. STEPHENS: No, Your Honor. Thank
8 you.

9 THE COURT: Thank you, sir.

10 PWID amphetamine, zero to 5? The amphetamine
11 charge? I'm sorry. Is it 15?

12 MS. MOLINA: The oxycodone is 15.

13 THE COURT: That's the one --

14 MS. MOLINA: Is it 0186, CDR?

15 THE COURT: No. It's 1077. Let's see.
16 It's code 44(b)(3), 70(b)(2), CR code 0186.

17 MS. MOLINA: 0186 is zero to 5.

18 THE COURT: Got it. He needs to sign
19 that waiver, Mr. Stephens.

20 MR. STEPHENS: I apologize, Your Honor.

21 THE COURT: The PWID oxycodone, that was
22 the one that was zero to 15?

23 MS. MOLINA: Yes, ma'am.

24 THE COURT: Okay.

25 All right. Mr. Smith, on the first set

1 that you pled to that you were at trial for on
2 indictment to 2020-358, for trafficking heroin
3 28 grams or more, the sentence is 25 years.

4 On 2020-359, for trafficking cocaine 10
5 to 28 grams, the sentence is 10 years.

6 On the 2020-1417, for possession with
7 intent to distribute oxycodone, the sentence is 15
8 years.

9 On 2020-1418, for possession to intent to
10 distribute buprenorphine, the sentence is 5 years.

11 On 2020-1419, for possession with intent to
12 distribute amphetamine, the sentence is 5 years.

13 On 2020-1420, for possession with intent
14 to distribute alprazolam, the sentence is three
15 years.

16 On 2021-1077, for possession with intent
17 to distribute amphetamine, the sentence is 5
18 years.

19 On 2021-1078, for possession with intent
20 to distribute buprenorphine, the sentence is 5
21 years.

22 On that April charge, for possession with
23 intent to distribute oxycodone, the sentence is 15
24 years.

25 On 2020-1416, for trafficking in heroin 28

1 grams or more, the sentence is 25 years.

2 On 2020-1415, for trafficking methamphetamine
3 between 10 and 28 grams, the sentence is 10 years.

4 I think that's everything. Those are all to
5 run concurrent to each other. I'm giving you credit
6 for 670 days time served.

7 Anything else from anyone?

8 MS. MOLINA: Nothing from the State. I
9 just missed amphetamine in the July, ending in
10 159.

11 THE COURT: Ending in 159?

12 MS. MOLINA: The indictment number. Oh,
13 sorry. That's the warrant number.

14 THE COURT: I don't have it.

15 MS. MOLINA: The 1007 is the indictment
16 number.

17 THE COURT: And it's for what?

18 MS. MOLINA: Possession with intent to
19 distribute amphetamine.

20 THE COURT: Let's make sure we're talking
21 about the same thing. I've got possession with
22 intent to distribute amphetamine. Is that what
23 you're asking?

24 MS. MOLINA: Yes.

25 THE COURT: I've got it as

1 2020-GS-07-1419. Is that the right -- not the
2 same indictment?

3 MS. MOLINA: Not the same one. That's
4 the January.

5 THE COURT: Okay. Well, the only other
6 one I have is possession with distribute
7 amphetamine and its 2021-GS-7-1077.

8 MS. MOLINA: Yes. Sorry.

9 THE COURT: That is possession with
10 intent to distribute amphetamine, and the sentence
11 on that was 5 years.

12 MS. MOLINA: Thank you. Sorry.

13 THE COURT: Okay. Anything else?

14 MR. STEPHENS: Nothing further for the
15 defense, Your Honor.

16 THE COURT: All right. Good luck to you,
17 Mr. Smith.

18 MR. SMITH: Thank you.

19 (The hearing was concluded.)

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2
3 I, SHARON G. HARDOON, Official Circuit
4 Court Reporter, III for the State of South Carolina at
5 Large, do hereby certify that the foregoing is a true,
6 accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the hearing
8 of the captioned case, relative to appeal, in General
9 Sessions for Beaufort County, South Carolina.

10
11 I do further certify that I am neither kin,
12 counsel, nor interest to any party hereto.
13
14

15 September 1, 2023
16
17

18 
19

20 _____
21 Sharon G. Hardoon, CSR
22 Official Circuit Court Reporter, III
23
24
25

STATE OF SOUTH CAROLINA)

County of Beaufort)Christopher Ray Smith 284203)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2023 CP0700723APPLICATION FOR
POST-CONVICTION RELIEF2023 APR 17 PM 12:19
JENNIFER ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.**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 Evans Correctional Institution
2. Name and location of Court which imposed sentence Court of General Sessions, Beaufort County
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 20gs 0701416 - Trafficking in illegal drugs
 - (b) 21gs 0701079 - MDP Narcotic 1st

(c) 20gs 0701417 MDP Narcotic 1st 43

5. The date upon which sentence was imposed and the terms of the sentence: continued on reverse

(a) May 18, 2022 - 25 yrs

(b) May 18, 2022 - 15 yrs

(c) May 18, 2022 - 15 yrs

6. Check whether a finding of guilty was made:

continued on reverse

(a) after a plea of guilty X

(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. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) Ineffective Assistance of Counsel for failing to advise regarding Fourth Amendment issues

(b) Ineffective Assistance of Counsel advising that sentence would allow for service of 65% of sentence rather than 85%.

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) I received ineffective assistance of counsel → reverse
- (b) I received ineffective assistance of counsel → reverse
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) On January 27, 2020 the Beaufort County →
- (b) On May 18, 2022 →
- (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. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(a) my attorney failed to advise to challenge a Terry stop that was conducted unlawfully. Likewise, subsequent searches were unlawful as fruit of the poisonous tree. If properly advised, I would have pleaded not guilty and demanded a jury trial.

(b) my attorney advised that my sentence would allow for service of 65% of the 25 years imposed, with parole eligibility. However, sentence is a mandatory 85%. If properly advised, I would have pleaded not guilty and demanded a jury trial.

11. (a) Violent Crimes division conducted a traffic stop of applicant without probable cause. Applicant was also forcibly removed from vehicle without properly being notified of any violations. The stop was unlawful and resulted in an illegal seizure and illegal search of Applicant and vehicle. Any evidence retrieved should have been suppressed requiring dismissal for lack of evidence. Had I known I had a right to challenge the seizure and searches I would have pleaded not guilty.

(b) Attorney advised me that the negotiated plea would require only 65% service of the 25 years, and eligible for parole and work credits.

Continued →
back of page 4

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

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. _____
- ii. _____
- iii. _____

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

- i. _____
- 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) _____
 (b) _____
 (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? yes
 (c) your sentencing? yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
NO

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

(a) the name and address of each attorney who represented you:
 i. Jeffrey Stephens, 121 Lady's Island Commons
Beaufort, SC 29907
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Plea and Sentencing
 ii. _____
 iii. _____

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

I seek my conviction and sentence to be vacated
and my case be reset for trial, including
pretrial suppression motions.

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

NO

STATE OF SOUTH CAROLINA)

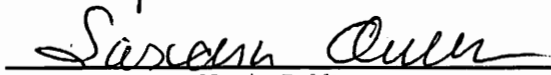
County of Beaufort)

VERIFICATION

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



SWORN to and subscribed before me this 12
 day of April, 2023

 (L.S.)
 Notary Public

My Commission Expires: 2/17/24

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

I, Christopher Ray Smith, 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.



Applicant

SWORN or affirmed to and subscribed before me this

12th day of April, 2023

Sarah A. Outten

Notary Public

My Commission Expires: 2/17/24

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Christopher Ray Smith, #284203,

Applicant,

v.

State of South Carolina,

Respondent.

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

) Case No.: 2023-CP-07-00723

) **RETURN**
) **(Counsel retained)**

In response to the application for post-conviction relief (PCR) filed by Christopher Ray Smith (Applicant) on April 17, 2023, Respondent makes the following return:¹

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving an active twenty-five-year sentence. In December 2020, the Beaufort County Grand Jury indicted Applicant for two counts of PWID oxycodone (2020-GS-07-00334; -01417); trafficking heroin (2020-GS-07-00358); trafficking cocaine (2020-GS-07-00359); PWID buprenorphine (2020-GS-07-01418); PWID amphetamine (2020-GS-07-01419); and PWID alprazolam (2020-GS-07-01420). In June 2022, Applicant was further indicted but waived presentment for trafficking methamphetamine (2020-GS-07-01415); trafficking heroin (2020-GS-07-01416); PWID amphetamine (2021-GS-07-01077); PWID buprenorphine (2021-GS-07-01078); and PWID oxycodone (2021-GS-07-01079). All of Applicant's charges arose from three separate

¹ Respondent's return was due within 60 days of receipt. See Rule 12(a), SCRCP ("[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 that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application."); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the statutory timeframes are not mandatory, and the trial court may extend the time for filing).

incidents.

On April 11, 2019, police discovered Applicant's truck crashed in a ditch on the side of the highway. Applicant was inside his truck and appeared disoriented. After providing false information to police, Applicant was arrested, and his truck was searched incident to his arrest. The search revealed drugs, drug paraphernalia, and a large amount of cash in Applicant's truck.²

On January 27, 2020, police conducted a traffic stop on Applicant, during which police discovered Applicant had an active arrest warrant. Police arrested Applicant and discovered a multitude of different drugs in Applicant's truck in a search incident to arrest.³

On July 16, 2020, police conducted surveillance on a hotel where they believed Applicant was staying. When Applicant exited his hotel room, police arrested Applicant in the hotel parking lot for having active arrest warrants. After his arrest, Applicant confessed he had cash and various drugs in his hotel room. Police obtained and executed a search warrant for Applicant's hotel room and discovered various types of drugs and cash.⁴

On May 17, 2022, Applicant pled guilty⁵ before the Honorable Carmen T. Mullen to all charges stemming from his January 2020 arrest.⁶ Applicant was represented by Jeffrey Stephens, Esquire. Assistant Solicitor Samantha Molina represented the State. On May 18, 2022, Applicant pled guilty to his remaining charges.⁷ Judge Mullen accepted Applicant's plea and sentenced him concurrently to twenty-five years for each count of trafficking heroin; fifteen years for each count

² This incident resulted in Applicant's first indictment for PWID oxycodone (2020-GS-07-00334).

³ This incident resulted in the rest of Applicant's December 2020 indictments (2020-GS-07-00358; -00359; -01417; -01418; -01419; and -01420).

⁴ This incident resulted in all of Applicant's indictments in June 2022.

⁵ On May 16, 2022, Applicant proceeded to trial, and a jury was selected. However, on May 17, 2022, Applicant decided to enter a guilty plea.

⁶ Applicant's counsel was not prepared to advise Applicant on his remaining charges until counsel could properly review Applicant's case file with Applicant. In addition, Judge Mullen recommended Applicant be sentenced to all charges in one day, rather than two, so he would receive less strikes.

⁷ Applicant waived presentment of his indictments for all June 2022 charges (2020-GS-07-01415 to -01416 and 2021-GS-07-01077 to -01079).

of PWID oxycodone; ten years each for trafficking cocaine and trafficking methamphetamine; five years for each count of PWID buprenorphine and PWID amphetamine; and three years for PWID alprazolam. Applicant did not file a direct appeal.

CURRENT PCR APPLICATION

On April 17, 2023, Applicant filed this timely PCR application alleging the following grounds:

1. Ineffective assistance of counsel:
 - a. Counsel failed to challenge the improper Terry⁸ stop and the fruit of the poisonous tree
 - i. "On January 27, 2020 the Beaufort County violent crimes division conducted a traffic stop of applicant without probable cause. Applicant was also forcibly removed from vehicle without properly being notified of any violations. The stop was unlawful and resulted in an illegal seizure and illegal search of Applicant and vehicle. Any evidence retrieved should have been suppressed requiring dismissal for lack of evidence. Had I known I had a right to challenge the seizure and searches I would have pleaded not guilty."
 - b. Counsel failed to properly advise Applicant on his guilty plea
 - i. "On May 18, 2022 Attorney advised me that the negotiated plea would have required only 65% of service of the 25 years, and was eligible for parole and work credits."

As for requested relief, Applicant requests vacation of his conviction and sentence and a new trial to argue pretrial suppression motions.

Attached to this return and incorporated by reference are the Beaufort County Clerk of Court records regarding Applicant's conviction; Applicant's records from the South Carolina Department of Corrections; and Applicant's plea transcripts. The State reserves the right to amend this return upon receipt of any additional relevant materials.

⁸ 392 U.S. 1, 88 S.Ct. 1868, 20 L.E.2d 889 (1968).

INEFFECTIVE ASSISTANCE OF COUNSEL

In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “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 v. Washington, 466 U.S. 668 (1984); 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 v. Washington, 466 U.S. 668. First, Applicant must prove that counsel’s performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). 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). The 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 the Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985). When reviewing a guilty plea, the Strickland deficiency

prong remains unchanged—Applicant must show that counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58–59. To show prejudice, Applicant must show a reasonable probability exists “that, but for counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial.” Id. at 59.

The Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently. Boykin v. Alabama, 395 U.S. 238 (1969); Pittman v. State, 337 S.C. 597, 524 S.E.2d 623 (1999). To be intelligent, a plea must be made by a mentally competent defendant who understands both the charges against him and the consequences of his plea. Brady v. United States, 397 U.S. 742, 748 (1970). To be voluntary, a plea must be free of threats or other coercion that would impermissibly distort the defendant’s choice. Id. at 755. Before a court can accept a guilty plea, the defendant must be advised of the constitutional rights he is waiving, including the right to a jury trial, the right to confront one’s accusers, and the privilege against self-incrimination. Boykin, 395 U.S. at 243. Additionally, the defendant “must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived.” Pittman, 337 S.C. at 599. In determining whether a plea was voluntary, the reviewing court must consider the entire record, including the transcript of the guilty plea. Harres v. Leeke, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

“Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed.” Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007). Indeed, admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. at 137–38, 654 S.E.2d at 874. An applicant who enters a plea on the advice of counsel may “only

attack voluntary, knowing and intelligent character of the plea by showing that plea counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the [applicant] would not have pled guilty, but would have insisted on going to trial." Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). Surmounting Strickland's high bar is not easy, and the societal interest in finality has "special force with respect to convictions based on guilty pleas." Lee, 582 U.S. ___, 137 S. Ct. at 1967.

Failure to Challenge Fourth Amendment Violation

Applicant contends he would not have pled guilty if he would have known he could challenge the Terry stop conducted on him. A defendant may allege counsel failed to raise a Fourth Amendment claim as a basis for ineffective assistance of counsel. See Kimmelman v. Morrison, 477 U.S. 365, 375, 106 S. Ct. 2574, 2583, 91 L. Ed. 2d 305 (1986). "When the defendant claims that counsel's failure to articulate a Fourth Amendment claim was ineffective assistance, [the] defendant must show that such claim is meritorious and that the verdict would have been different absent the evidence that should have been excluded." Sikes v. State, 323 S.C. 28, 30, 448 S.E.2d 560, 562 (1994) (citing 477 U.S. at 375, 106 S.Ct. at 2583). If a defendant's Fourth Amendment claim is meritorious, then it must be determined if the defendant's claim satisfies the performance and prejudice prongs of Strickland. See 323 S.C. at 32, 448 S.E.2d at 563.

The record likely does not refute or disprove Applicant's allegation of ineffective assistance of counsel; therefore, the State requests an evidentiary hearing to resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

Misadvice to Reject Trial

Further, Applicant contends counsel misadvised him on the amount of time Applicant would have to serve for pleading guilty. The facts of each case determine whether the misinformation counsel imparts on a defendant “will vitiate the voluntariness of a plea.” Hammond v. United States, 528 F.2d 15, 18 (4th Cir. 1975). For a plea to be voluntary, the defendant must know “the actual value of any commitments made to him.” Id. at 19; cf. United States v. Lambey, 974 F.2d 1389, 1395 (4th Cir. 1992) (if the defendant’s attorney misinforms the defendant, but the court corrects the misinformation during a hearing and the defendant understands the court’s advice, “the criminal justice system must be able to rely on the subsequent dialogue between the court and defendant”).

Additionally, guilty pleas are not involuntary “if the defendant is not informed of the collateral consequences of his sentence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Brown v. State, 306 S.C. 381, 412 S.E.2d 399 (1991)). Parole eligibility typically is a collateral consequence of sentencing about which a defendant need not be specifically advised before entering a guilty plea. 306 S.C. at 383, 412 S.E.2d at 400. Parole eligibility “falls within the province of the Board of Probation, Parole, and Pardon Services” and is not a matter that falls within the trial court’s jurisdiction. Id. at 383, 412 S.E.2d 400-01; see S.C. Code Ann. § 24-21-610.

Here, the record does not conclusively refute or disprove Applicant’s allegation; therefore, the State requests an evidentiary hearing.

ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS

Respondent requests Applicant specify any claims he intends to raise in advance of the evidentiary hearing. Pursuant to section 17-27-150, Applicant may not invoke formal discovery

processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State.

RESPONSE TO ANY AND ALL OTHER ALLEGATIONS

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

CONCLUSION

WHEREFORE, the State respectfully requests this Court convene an evidentiary hearing be held on Applicant's allegations of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

November 22, 2023

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

Christopher Ray Smith, #284203)

Applicant,)

vs)

State of South Carolina,)

Respondent,)

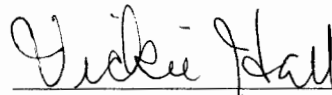
IN THE COURT OF COMMON PLEAS

2023-CP-07-00723

CERTIFICATE OF SERVICE BY MAIL

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

Tommy Arthur Thomas, Esquire
Post Office Box 88
Irmo, SC 29063

DATED this 22nd day of November, 2023.


Vickie Hall, Legal Assistant
 For Respondent

2023 NOV 29 AM 4:46
 JERRI ANN ROSENEAU
 BEAUFORT COUNTY, S.C.
 CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNT OF BEAUFORT)

THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2023-CP-07-00723

Christopher Ray Smith #284203.)
Applicant,)
State of South Carolina,)
Respondent.)

AMENDMENT TO POST-CONVICTION
RELIEF APPLICATION

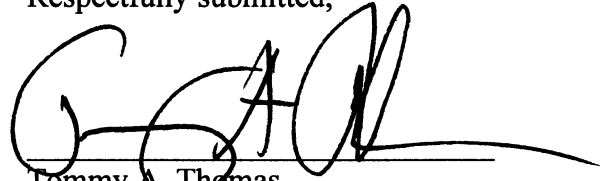
2024 OCT 15 PM 12:20
JERRI ANN ROSS
BEAUFORT COUNTY, S.C.
CLERK OF COURT

That the Applicant would Amend his original Application for Post-Conviction Relief filed on April 17, 2023 as follows:

1. That the Applicant did not enter into the plea freely and voluntarily or knowingly and intelligently.
 - a. The Applicant was under the impression that his sentence, if he pled was going to be 65%.
 - b. Counsel was ineffective in advising Applicant that even if the Court said 85% that this requirement was in the process of being reduced to 65%.
2. That the bifurcation of the plea and sentencing created confusion in the Applicant's understanding of what he was pleading to and the sentence he was receiving.
3. That additional charges had yet to be indicted when the Applicant entered into a plea on May 17, 2022. The Applicant did not have sufficient time to go over discovery with his attorney. As a result, the Applicant lacked sufficient information to enter into his plea.
4. The Applicant lacked sufficient information and understanding regarding serious and most serious charges and the strikes associated with these charges.

5. Any and all other issues as they may arise from the PCR Trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tommy A. Thomas', written over a horizontal line.

Tommy A. Thomas

Attorney at Law

P.O. Box 88

Irmo, SC 29063

(803) 732-5507

October 10, 2024

STATE OF SOUTH CAROLINA)
COUNT OF BEAUFORT)

THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2023-CP-07-00723

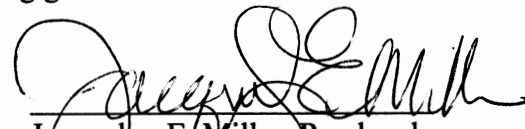
Christopher Ray Smith #284203.)
Applicant,)
State of South Carolina,)
Respondent.)

CERTIFICATE OF SERVICE

2024 OCT 15 PM 12:20
JERRI ANN ROBERTSON
BEAUFORT COUNTY CLERK
CLERK OF COURT

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, P.C., hereby certify that
emailed, a copy of an Amendment to Post-Conviction Relief Application, to Danielle
Dixon Esq. with the Attorney General's Office, at:

Office of the Attorney General
ATTN: Danielle Dixon
P.O. Box 11549
Columbia, SC 29211-1549
danielledixon@scag.gov


Jacquelyn E. Miller, Paralegal
Tommy A. Thomas, P.C.
Attorney for Applicant
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

Irmo, SC
October 10, 2024

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
2023-CP-07-00723

Christopher Ray Smith,)
)
 Plaintiff,)
)
 vs.)
)
 State of South Carolina,)
)
 Defendant.)
 -----)

TRANSCRIPT OF HEARING

April 15, 2025
Beaufort, South Carolina

B E F O R E:

The Honorable Frank Addy, Jr., Judge Presiding

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

For the Applicant -
Tommy Thomas, Esquire

For the State -
Kylee Kanealey, Esquire
Assistant Attorney General
1000 Assembly Street
Columbia, South Carolina 29201
803-734-3970

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

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* * * * *

MS. KANEALEY: May it please the Court?

Kylee Kanealey on behalf of the State of South Carolina. This is a post-conviction relief matter of Christopher Smith versus the State. Case number 2023-CP-07-723 out of Beaufort County. In December 2020, the Beaufort County Grand Jury indicted applicant for two counts of possession with intent to distribute oxycodone, trafficking heroin, trafficking cocaine, possession with intent to distribute buprenorphine, possession with intent to distribute amphetamine, and possession with intent to distribute alprazolam. In June 2022, applicant was further indicted and waived presentment for trafficking methamphetamine, trafficking heroin, possession with intent to distribute amphetamine, possession with intent to distribute buprenorphine and possession with intent to distribute oxycodone. All of applicant's charges arose from three separate incidents. On May 16, 2022, applicant proceeded to a jury trial and a jury was selected. However, on May 17, 2022, applicant pled guilty before the Honorable Carmen T. Mullen to all charges stemming

1 from the January 2020 arrest. Applicant was
2 represented by Jeffrey Stephens, Esquire, and on May
3 18, 2022, applicant pled to his remaining charges.
4 Judge Mullen sentenced applicant to concurrent terms
5 of twenty-five years for each count of trafficking
6 heroin; fifteen years for each count of possession
7 with intent to distribute oxycodone; ten years for
8 each trafficking cocaine and trafficking
9 methamphetamine; five years for each count of
10 possession with intent to distribute buprenorphine
11 and possession with intent to distribute
12 amphetamine; and three years for possession with
13 intent to distribute alprazolam. Applicant did not
14 file a direct appeal. At this time I will turn it
15 over to Mr. Thomas to state for the record which
16 allegations he intends to proceed on.

17 MR. THOMAS: Your Honor, if it will please
18 the Court.

19 We did an amendment to the post-conviction
20 relief application which we intend to use as an
21 issue before the Court, Your Honor, This is a
22 rather simple case in that there are simple issues
23 that we feel are important. And, of course, we
24 always reserve the right that any issue that may
25 arise during the trial of this case, Your Honor.

1 Your Honor, if it will please the Court, we would
2 call Mr. Smith to the stand.

3 THE COURT: Mr. Smith, come on up, please.
4 (Witness sworn.)

5 * * * * *

6 Christopher Ray Smith
7 having been duly sworn,
8 testifies as follows:

9 * * * * *

10 DIRECT EXAMINATION

11 BY MR. THOMAS:

12 Q. If it pleases the court, Your Honor.
13 Mr. Smith, you are serving time in the South
14 Carolina Department of Corrections?

15 A. Yes, sir.

16 Q. And you have a host of different drug
17 charges?

18 A. Yes, sir.

19 Q. All right, sir. And what type of
20 sentence do you have?

21 A. Twenty-five years at eighty-five
22 percent.

23 Q. Eighty-five percent?

24 A. Yes, sir.

25 Q. And when do you max out or release on

1 community supervision?

2 A. October 2041.

3 Q. All right, sir. And how old are you
4 now?

5 A. Forty-six.

6 Q. Forty-six. Do you know how old you
7 will be when you get out?

8 A. Sixty-one.

9 Q. Okay. All right. Mr. Smith, if you
10 would for the benefit of the Court, could you just
11 give us a small narrative of what you thought, or
12 what the police thought that you had done and what
13 you have been accused of?

14 A. Yes, sir. I was accused of trafficking
15 heroin and cocaine and possession with intent to
16 distribute oxycodone and a few other substances.

17 Q. All right. Now, you had -- there were
18 two incidences that you had involvement with the
19 police, and what were they?

20 A. I was pulled over in January of two
21 thousand twenty for a supposed traffic violation in
22 which they searched the car that I was in and found
23 the suspected narcotics.

24 Q. Was that the first time that you were
25 stopped by the police?

1 A. No. The first time -- they said there
2 were three incidences. The first incidence was in
3 2019. I was pulled over on a traffic stop. I was
4 in someone else's vehicle, and I had a warrant for
5 my arrest, so they arrested me. I think there were
6 ten pills in the glove box, so I was charged with
7 possession and then later they upped the charge to
8 possession with intent.

9 Q. All right. Now, let's talk a little
10 bit about the -- you had two traffic stops. Is that
11 correct?

12 A. Yes, sir.

13 Q. Okay. And the first, we are talking
14 about the first one in time, was when?

15 A. That was the 2019 incident. I don't
16 know exactly what month it was.

17 Q. And were you arrested on the scene for
18 that?

19 A. Yes.

20 Q. Okay. And how about in the second
21 incident?

22 A. I was arrested, yes.

23 Q. Okay. And do you remember whether or
24 not they -- you were -- kind of simplify this. On
25 the second incident they had a warrant for your

1 arrest?

2 A. They did, but they didn't pull me over
3 for the warrant. They said that they were watching
4 the house where I was living, and after I had left,
5 they -- they accused me of traffic violations and
6 said that was the reason that they had initiated the
7 traffic stop.

8 Q. That's why they initiated the stop?

9 A. Correct.

10 Q. Okay. And then they searched your
11 vehicle?

12 A. Yes.

13 Q. All right. Now, was it also on that
14 second stop that they had a warrant for your arrest
15 from the first stop?

16 A. Yes. Apparently, what had happened was
17 that 2019 incident where I went to jail, I had had a
18 warrant in Jasper County, and while I was in Jasper
19 County, Beaufort County issued a warrant for my
20 arrest. But I guess Jasper County didn't run me
21 through the NCIC and let me out. I already had a
22 pending warrant when I was released from Jasper
23 County jail that I was unaware of until that traffic
24 stop.

25 Q. All right, sir. And that warrant that

1 they had from the County ---

2 A. That was the one for possession of a
3 controlled substance. The one that they later upped
4 to possession with intent.

5 Q. -- that they found in the car?

6 A. Yes.

7 Q. Okay. All right. So, when you were
8 arrested in the second incident and you were taken
9 -- you were taken to the County Detention Center?

10 A. Yes, sir.

11 Q. And did you make bond?

12 A. No. ,

13 Q. All right. And how long ---

14 A. Well, ---

15 Q. -- go ahead, I'm sorry.

16 A. They had set a bond for a hundred and
17 some thousand dollars, I believe.

18 Q. Yes, sir.

19 A. This was when Covid first took place.

20 So I got arrested that January and on April 1st, I

21 was released on a PR bond because they released a

22 large number of inmates who didn't have like murder

23 or kidnapping or charges such as those. They

24 released a bunch of people and I was one of the ones

25 that got released on a PR bond for those charges.

1 Q. All right. And did you have an
2 appointed attorney or you had a retained attorney?

3 A. No. At that point I had a public
4 defender.

5 Q. And did you have the same public
6 defender when you pled guilty?

7 A. No. I never pled guilty until I had
8 Mr. Stephens after the second incident.

9 Q. Okay. All right. All right, I'm a
10 little bit confused. So you had -- you went to the
11 County Detention Center that was after the 2020
12 arrest?

13 A. Yes.

14 Q. Okay.

15 A. The 2019 arrest was for driving under
16 suspension, some traffic violations I had. That was
17 the one where I went to Jasper County and they
18 released me after I had ---

19 Q: All right.

20 A: -- the warrant issued from Beaufort
21 County. Then I was arrested in January of 2020. I
22 got the OR bond or PR, however you want to say it,
23 in April of 2020. I was out until July -- I was out
24 -- sometime, I think it was July 16th. They had
25 issued warrants for the remainder of the drugs that

1 they had found in the vehicle. So they had issued
2 more arrest warrants and came and re-arrested me.

3 Q. All right. Now, during the period of
4 time that you were out, before you were re-arrested,
5 did you have an attorney?

6 A. No.

7 Q. Okay. Was one appointed for you?

8 A. I am assuming that I was still under
9 the one that was appointed for me the first time.

10 Q. From the first incident? Okay. All
11 right ---

12 A. Which was ---

13 Q. -- did you meet with anybody?

14 A. No.

15 Q. Now, you said that you retained an
16 attorney?

17 A. This was after the third arrest.

18 Q. All right. And that's when they
19 brought you back in ---

20 A. Yes.

21 Q. -- for the charges for the drugs that
22 they found in the car?

23 A. Right.

24 Q. Okay. All right. Now, and who did you
25 retain?

1 A. Mr. Jeffrey Stephens.

2 Q. Okay. And during that period of time,
3 were you out on bond or you stayed in the detention
4 center?

5 A. No. They had revoked my bond on the
6 arrest.

7 Q. Now, and the reason I ask is because
8 when you were in the detention center, were you able
9 to speak with your lawyer?

10 A. Briefly, yes.

11 Q. And how many times did you meet with
12 him?

13 A. I contacted my mother about hiring him.
14 She spoke to him and retained him. And then he did
15 a video visit with me. Basically, to ask for my
16 permission for her to retain him. Then after the
17 retainer was paid, I saw him one time.

18 Q. Do you remember when that was?

19 A. It was several months later. He came
20 to -- I guess to see a few people and he visited me.
21 That was the only time that I met with him until the
22 day before my pre-trial. He came to see me on a
23 Sunday evening and basically was there just to tell
24 me that I had a pre-trial and jury selection the
25 next morning.

1 Q. Okay. Now, roughly how long were you
2 in the detention center before your pre-trial
3 hearing?

4 A. I was there for twenty-two months.

5 Q. How long?

6 A. Twenty-two months.

7 Q. And during that twenty-two months, is
8 your testimony that you met with him once?

9 A. I had the video visit before he was
10 retained.

11 Q. Yes, sir.

12 A. He came to see me one time that I
13 recall ---

14 Q. Right.

15 A. -- and then the last -- the second time
16 he came to see me was to tell me that we had court
17 the next morning.

18 Q. Okay. Now during this period of time,
19 what did you -- what did you talk to your attorney
20 about? Did you talk to him about the case or
21 defending?

22 A. He, very briefly, the time that he came
23 to see me, it probably wasn't a five-minute visit,
24 he had told me that he was going to try to get the
25 evidence from the traffic stop suppressed because

1 the vehicle that I was in didn't belong to me, and
2 the drugs that were found were not in my reach, they
3 were in another area of the car, and that's
4 basically all he said.

5 Q. All right. Was there an issue about
6 the traffic portion of it?

7 A. In the pre-trial motions we had raised
8 issues about them pulling me over for not using a
9 turn signal when it was unclear -- I know that I
10 did, obviously I am not here to argue that.

11 Q. Right.

12 A. But that was the issue that was raised
13 was that they didn't have justification for
14 initiating a traffic stop.

15 Q. And what I'm asking is the preparation
16 for a plea or trial?

17 A. There was none.

18 Q. Did you talk about the individual
19 charges because you've got a number of them?

20 A. Not really.

21 Q. Did he talk with you about what those
22 individual charges were or what the State had to
23 prove to convict you of those charges?

24 A. The one time that he saw me the only
25 thing I remember talking to him about is exactly

1 what I told you. He told me about trying to get the
2 evidence suppressed on the traffic stop for -- and
3 argue that it was a legal search and seizure, but
4 other than that, we really didn't plan anything for
5 the trial, nor did he ever -- he never even told me
6 about negotiating for a plea or anything prior to my
7 trial.

8 Q. Well, let me follow up on that. Were
9 there any plea offers?

10 A. No.

11 Q. Did -- so he didn't ever bring a plea
12 offer to you ---

13 A. No, sir.

14 Q. -- during the time that you were in the
15 detention center?

16 A. No.

17 Q. Okay. Now, when you went to court and
18 you said for pre-trial, ---

19 A. Uh-huh.

20 Q. -- were you under the impression you
21 were going to trial or what were you under the
22 impression of?

23 A. Well, I didn't even know that I was --
24 my mother had spoken to his assistant maybe two
25 weeks prior to this and the last time I had spoken

1 to her about it, she said that I was -- she was
2 informed that I wasn't even on the docket to go to
3 court any time that year that they knew.

4 Q. Okay.

5 A. And then that Sunday of the next week
6 is when he came to see me and I was completely
7 blind-sided by the fact that he said we were
8 selecting a jury the next morning because I wasn't
9 -- I didn't even think I was going to court any time
10 that year.

11 Q. And that was the day of the pre-trial.
12 That was the day of the pre-trial?

13 A. Yes.

14 Q. Okay. Now generally there is some sort
15 of theory of defense that you would talk with your
16 attorney about.

17 A. Yes, sir.

18 Q. Did you discuss any theory of defense?

19 A. No.

20 Q. Did you talk about - well, you didn't
21 have a plea offer, so, you're preparation was for
22 trial?

23 A. I suppose so.

24 Q. All right, and was there any
25 investigation that you were aware of into the

1 charges?

2 A. No, sir.

3 Q. Did you see any kind of SLED reports in
4 regard to drug analysis?

5 A. I did see those. I did get my
6 discovery and there were pictures and there was --
7 the drug analysis reports were in there. In my ---

8 Q. Did you go over those with your
9 attorney?

10 A. No.

11 Q. Okay. You reviewed them on your own?

12 A. Yes. In this county they give you a
13 flash drive with your body cam footage and photos
14 and stuff, and you are allowed to go into the law
15 library and view them.

16 Q. And view it. Okay. Now ---

17 MR. THOMAS: Your Honor, I beg the Court's
18 indulgence.

19 THE COURT: Yes, sir.

20 BY MR. THOMAS:

21 Q. Now you filed a post-conviction.

22 A. Yes, sir.

23 Q. And you and I talked about this. What
24 you are asking is that if the Court grants your
25 post-conviction, that you are asking that your

1 conviction be set aside?

2 A. Yes, sir.

3 Q. And given that, there are certainly
4 things that could happen if your conviction is set
5 aside, some risks, you could be taken to trial.

6 A. Uh-huh.

7 Q. You could be offered a plea, but you
8 could be taken to trial, and if that happens you
9 could potentially receive more time. Do you
10 understand that?

11 A. Yes, sir.

12 Q. And based upon that are you willing to
13 go forward today?

14 A. Yes, sir.

15 Q. You understand the risks?

16 A. Yes.

17 Q. Now, was there any video? Did you get
18 to see any dash cam video, video on any of the
19 officers?

20 A. Yes, sir.

21 Q. And what was the video that you got to
22 see?

23 A. One was of the officer who initiated a
24 traffic stop, and then there was the bodycam footage
25 that I saw of them after they had pulled me over and

1 arrested me.

2 Q. And did you talk to your attorney about
3 that video?

4 A. The only one that we had any discussion
5 about was the one that I -- where the first officer
6 initiated the stop and said that I hadn't used a
7 turn signal and you couldn't tell definitively
8 whether or not I had used the turn signal at that
9 stop sign. That's the only one ---

10 Q. They said that you had or had not used
11 the turn signal?

12 A. They said I had not.

13 Q. Had not?

14 A. Yes.

15 Q. And that was part of the reason for
16 them pulling you over?

17 A. Yes.

18 Q. Okay. Did the officer have a warrant
19 for your arrest?

20 A. Yes.

21 Q. Okay. And just to clarify, the warrant
22 that they had for your arrest was pursuant to the
23 first traffic stop?

24 A. The very first stop. Yes, sir. It was
25 just for possession of a controlled substance.

1 Q. All right. Now, I think you may know
2 the answer to this. How was the decision made to go
3 to trial made? Did you make that with your
4 attorney?

5 A. I never even knew about it until the
6 day of court.

7 Q. And when you were arrested, did you
8 have money on you?

9 A. Yes.

10 Q. And what happened to that money?

11 A. It was seized.

12 Q. Seized?

13 A. Yes, sir.

14 Q. Was all of it seized?

15 A. It was seized initially and then they
16 -- the officers who arrested me came and signed
17 over, I believe it is twenty-five percent of it,
18 back to me.

19 Q. Back to you?

20 A. Yes.

21 Q. Okay. All right. Did the trial ever
22 start?

23 A. Sir?

24 Q. The trial ever start?

25 A. No.

1 Q. Did you pull a jury?

2 A. They did.

3 Q. Okay. All right, and the jury was
4 selected before the pre-trial or after pre-trial?

5 A. Before the pre-trial motions.

6 Q. Okay.

7 A. They selected the jury for me and one
8 other guy that morning.

9 Q. And you were present in the courtroom
10 for the pre-trial hearing?

11 A. Yes, sir.

12 Q. All right. After the pre-trial
13 hearing, did you sit down with your attorney and
14 talk about the meaning of the Court's rulings or how
15 that impacted your trial or anything?

16 A. No. We left. I was taken back to the
17 detention center and didn't come back until the next
18 morning.

19 Q. How did you make this decision to enter
20 into a plea?

21 A. Honestly, I don't know. I just felt
22 like the way things were going in that pre-trial
23 Motion or during the pre-trial hearing ---

24 Q. Right.

25 A. -- I was just, I guess, afraid of the

1 way things were going and I didn't feel like I was
2 being properly represented. So the next morning,
3 that Tuesday morning, I asked him if he could try to
4 negotiate a plea deal for me, because he had never
5 -- we had never discussed any plea agreements or
6 arrangements or, as far as I know, he never, ever
7 even tried to negotiate a plea agreement before my
8 trial.

9 Q. Okay. Now, you said Tuesday. Let's
10 make sure we get this timeline correct. Your pre-
11 trial was on what day?

12 A. The Monday.

13 Q. Okay. And your trial was to start on
14 what day?

15 A. That Tuesday morning.

16 Q. And you asked him to enter into some
17 sort of plea negotiations on what day?

18 A. That Tuesday morning before the trial,
19 maybe 8:30 or 9:00 that morning before.

20 Q. All right. And why did you ask him to
21 do that?

22 A. Because I didn't know what was going to
23 happen and I was afraid.

24 Q. And again, did he explain any of that
25 to you?

1 A. He told me that he would see what he
2 could do about negotiating a plea, and then he came
3 back in and met with me. And then he told me,
4 basically, that they were not willing to lower my
5 charges to a lesser included offense and that they
6 were going to stand fast on the twenty-five year
7 conviction.

8 Q. Okay. Now, you say twenty-five years.
9 Where did that figure come from?

10 A. I guess it's a mandatory minimum for
11 the drug trafficking charges that I have.

12 Q. Okay. And so, was that conveyed to you
13 in that the twenty-five is a mandatory minimum?

14 A. It was. But the way he explained it to
15 me that morning was if I proceeded with the trial, I
16 could possibly get more time than that. And that
17 even if I did plea to the mandatory minimum, the
18 twenty-five, and eighty-five percent, he told me
19 that I wouldn't do all of that time anyway. Because
20 he said that the Federal laws have been changed on
21 drug trafficking and that the mandatory minimums had
22 been lifted, and that they were going to sixty-five
23 percent instead of the eighty-five percent. So he
24 said the State was trying to pass a reform bill
25 doing the same thing, and that it would be into

1 effect soon and that I would never do that whole
2 sentence. He said that the drug laws would be
3 changed by the time I ever saw that whole sentence.

4 Q. And that was going to impact your
5 sentence?

6 A. Yes. He said it was going to -- he
7 said that it would be retroactive and that my
8 sentence would be -- fall under that same bill and
9 that it would be restructured.

10 Q. Okay. And was that part of your
11 consideration to enter into the plea?

12 A. Absolutely.

13 Q. Okay. How much time did you think you
14 were going to do?

15 A. Twelve.

16 Q. And you are doing how much?

17 A. Altogether twenty-one and some change.

18 Q. Still, you got twenty-five ---

19 A. I still have sixteen left of it.

20 Q. All right.

21 A. It's been almost five years.

22 Q. Now, you were in court three days.

23 A. We were in court for a few hours that
24 after -- the first day.

25 Q. All right.

1 A. The next morning is when I asked for
2 him to try to negotiate a plea agreement for me.

3 Q. All right.

4 A. So I was only here for thirty minutes
5 or so and Judge Mullen -- they hadn't even addressed
6 the second set of charges from the third arrest, ---

7 Q. All right.

8 A. -- so she told him that he should come
9 and advise me on that second set of charges before I
10 came the next day, which would be that Wednesday.
11 Said that he should come and advise me and go over
12 that second set of charges and advise me on my
13 options and what I should do before I made the
14 decision.

15 Q. All right. Now, if you don't mind, I
16 would like to kind of ask you the question again
17 about getting this timeline correct. What charges
18 are we talking about that you were going -- that
19 were going to be addressed on Wednesday?

20 A. From the third arrest. When they came
21 with the warrants from the initial traffic stop ---

22 Q. Right.

23 A. -- when the vehicle -- when they came
24 with those warrants for that third arrest, that's
25 the third set of charges.

1 Q. But those relate to the second offense,
2 right?

3 A. Part of them did, yes.

4 Q. Okay. All right. And had you gone
5 over any of that -- those charges, about what they
6 carried, what kind of sentence you could get?

7 A. Briefly.

8 Q. Okay.

9 A. I mean, the only time we really went
10 over all of that was that Tuesday morning that I was
11 here.

12 Q. All right. Now, when you went into
13 Wednesday and you pled to outstanding charges, ---

14 A. Uh-huh.

15 Q. -- did you go over that with your
16 attorney?

17 A. Briefly. But we never went over the
18 third set of charges. Like he never came to see me
19 that day, that Tuesday afternoon. He never came and
20 visited me in the detention center, and we didn't go
21 over that third set of charges beforehand. The only
22 thing that he did was basically advise me again
23 that, you know, the drug charges would be -- the
24 percentage was going to change and he also told me
25 that Wednesday morning that there would be no need

1 for me to try to file a direct appeal because no one
2 was going to go against Judge Mullen's ruling. And
3 since I was taking a plea, there was no -- he said I
4 would be wasting my time to file a direct appeal,
5 and it would be possible for me to do a PCR and that
6 would be the only way I could ever try to change
7 anything about my outcome, my ruling.

8 Q. With that suggestion, was he aware that
9 you were unhappy with what was going on?

10 A. I mean I don't know how he would not
11 be.

12 Q. Did you tell him at any point that you
13 were confused?

14 A. Well, I was as far as the -- this drug
15 trafficking reform bill we were talking about
16 changing the laws, the drug sentencing, structures
17 and all. I mean, I was confused about that, yes.

18 Q. Okay. Did you understand what I call
19 the bifurcated plan, in other words it happened at
20 two separate times? Did he explain to you why that
21 occurred?

22 A. They said that since I had the second
23 set of charges, that I should plead to all of them
24 at once instead of on two separate occasions because
25 of the three strikes law.

1 Q. Right.

2 MR. THOMAS: Your Honor, I beg the Court's
3 indulgence.

4 THE COURT: Yes, sir.

5 BY MR. THOMAS:

6 Q. Chris, I just have a couple of more
7 questions for you. You and I talked about your
8 plea, and we talked about the plea having to be
9 freely and voluntarily given, and it has to be
10 knowing and intelligently given. Do you feel that
11 your plea met those standards? Was it free and
12 voluntary?

13 A. The free and voluntary part, yes.

14 Q. Was it knowing and intelligently given?

15 A. I wouldn't say intelligently, no.

16 Q. Okay. All right. And that was because
17 of what?

18 A. Mostly because of the percentage change
19 and also I didn't even know what a PCR was until he
20 started talking about it that morning.

21 Q. Okay. Were you ever able to balance
22 your risk of going to trial versus taking that plea?

23 A. Not really.

24 Q. And had you known what you know now,
25 would have taken the plea or gone to trial?

1 A. I would have went through with the
2 trial.

3 Q. All right, Chris. We talked about this
4 as well. You have been waiting a long time for this
5 hearing and I am not implying that I have forgotten
6 something or left something out. Is there anything
7 else that you feel like I may have forgotten or I
8 may have left out or anything that you feel is
9 important that should be brought to the attention of
10 the Court?

11 A. No, sir. I don't think so.

12 Q. Okay. All right. Your Honor, I have
13 no further questions.

14 MS. KANEALEY: May it please the Court?

15 THE COURT: Yes, ma'am.

16 **CROSS-EXAMINATION**

17 BY MS. KANEALEY:

18 Q. You told the Court on the first day of
19 the guilty plea that you had gone over discovery
20 with Mr. Stephens?

21 A. Briefly. Yes.

22 Q. Okay. And that same day you also told
23 the Court that you were satisfied with Mr. Stephens'
24 representation?

25 A. Yes.

1 Q. Okay. And you told the Court he had
2 done everything you asked him to do?

3 A. Basically, under his guidance, I did.

4 Q. Okay. And you told the Judge that you
5 understood when she explained why she broke the
6 guilty plea into a second day?

7 A. Uh-huh.

8 Q. And you indicated you understood that
9 the goal was for the charges to run together and
10 count as one strike rather than two. Correct?

11 A. Yes. I still don't understand how only
12 two arrests would equal three strikes. I'm still
13 not clear on that whole thing.

14 Q. But you told the Judge that you
15 understood that you -- would -- so you would only
16 have one strike instead of two?

17 A. I was under the impression that it was
18 two strikes -- I ---

19 MS. KANEALEY: That's page 13, Your Honor.

20 BY MS. KANEALEY: And so you received a
21 benefit by being able to only receive one strike.
22 Correct? Instead of two?

23 A. I was under the impression that there
24 was two strikes.

25 Q. Oh, you told the Judge that you

1 understood that it was one?

2 A. Well, apparently I didn't understand it
3 because I still don't.

4 THE COURT: I think it might actually be
5 two though, even if there are two serious -- even if
6 they are pled at the same time, doesn't that count
7 as two?

8 THE WITNESS: I don't know.

9 THE COURT: And they're the revised -- and
10 there's a new case on point.

11 MS. DIXON: I would of course argue it
12 does.

13 THE COURT: I think you would argue, but I
14 think there is actually ---

15 MS. DIXON: I don't know the answer.

16 THE COURT: Not to interrupt your train of
17 thought ---

18 MS. KANEALEY: No, that's okay.

19 THE COURT: -- but while he is here, we may
20 want to go ahead and straighten that out. But I
21 thought there was a case that even if all the pleas
22 take place on the same day, the strikes still count
23 as strikes. It was a case, I think, that reversed
24 another case from some years ago that contemplated
25 exactly what y'all are saying. If they take place

1 all in the same day, it's one. I'm almost certain
2 that that is the law. You might have two strikes
3 against you. You need to act like you do. Okay?

4 THE WITNESS: What I was under the
5 impression of is that if I pled at one time or if I
6 pled on two separate occasions or I was found guilty
7 on two separate occasions, that I could receive life
8 in prison. That was what I was under the impression
9 of.

10 THE COURT: And that's possible if you've
11 got two most serious offenses. Because when you
12 entered ---

13 A. That's why I don't how it works.
14 Because it ---

15 THE COURT: Yeah. I'm sorry I interrupted
16 you're -- go ahead.

17 MS. KANEALEY: No further questions, Your
18 Honor.

19 THE COURT: Okay. Good enough. Redirect?

20 MR. THOMAS: No, Your Honor. I have
21 nothing further.

22 THE COURT: Sir, you can step down.
23 Any additional witnesses from the defense?

24 MR. THOMAS: No, Your Honor, we have no
25 other witnesses.

1 THE COURT: Okay. Let me take a brief
2 break.

3 (OFF RECORD)

4 THE COURT: We are back on the record.
5 Go ahead and proceed, Attorney General?
6 You're done with your case?

7 MR. THOMAS: Yes, Your Honor.

8 MS. KANEALEY: The State calls Mr. Jeffrey
9 Stephens.

10 (Witness sworn.)

11 * * * * *

12 **Jeffrey Stephens,**
13 **having been duly sworn,**
14 **testifies as follows:**

15 * * * * *

16 **DIRECT EXAMINATION**

17 MS. KANEALEY: May it please the Court?

18 THE COURT: Yes, ma'am.

19 BY MS. KANEALEY:

20 Q: Good afternoon, Mr. Stephens.

21 A. Good afternoon.

22 Q. How long have you been practicing the
23 law?

24 A. Twenty-six years.

25 Q. And how much of that is in criminal?

1 A. Well, I was originally a Marine Corps
2 attorney. So I did what they told me to do. But I
3 did prosecution and defense and appellate
4 prosecution and defense for about six years in the
5 Marine Corp. And for the last eighteen years --
6 eighteen years in Beaufort, I have done just
7 prosecution and defense.

8 Q. Okay. And how many times did you meet
9 with applicant?

10 A. While I was going back through my
11 notes, I was originally contacted by his mother in
12 August of 2021. I -- as he stated, I did, because
13 it was Covid protocols, I met with him by video
14 before I agreed to represent him. I believe that I
15 had spoken with him approximately three to four
16 times before his plea. Again, that was kind of
17 limited because of Covid and my trial schedule. But
18 I know for a fact that I met with him, by the video
19 conference once around April of 2022, although I
20 don't recall if that was in person or by video and
21 in person the Sunday before his trial week in May of
22 2022.

23 Q. Okay. And did you feel like you had
24 adequate time to meet with him?

25 A. Well, I mean, I would have preferred

1 more time, obviously but as I mentioned to you
2 before, Mr. Smith's case had been set for trial with
3 his prior public defender before I was ever hired.
4 So it was actually on the trial docket in September
5 of 2021 when I was hired and I had to basically do a
6 chambers conference with Judge Mullen about getting
7 a continuance. I didn't know how long a continuance
8 I was going to have but obviously, as I said, I
9 would have preferred more time. I think for the
10 charges at issue, the traffic stop, that was kind of
11 the main crux of his charges. I believe I had ample
12 time to go over the evidence, the evidence I got
13 from a supplemental discovery request, and did go
14 over the video and audio evidence with Mr. Smith
15 pre-trial.

16 Q. Okay. And what evidence did the State
17 have against applicant? If you could just briefly
18 explain?

19 A. Well, as Mr. Smith said, the main
20 evidence was a -- I think admittedly a pretextual
21 traffic stop he had after they had been surveilling
22 him. When he was pulled over, he had a large amount
23 of drugs in the vehicle he was in and that was --
24 the majority of the evidence were dashcam videos and
25 body camera videos from the officers who were

1 involved with the surveillance, and then the traffic
2 stop and search of the vehicle. There were also
3 some interview recordings and a jail call that was
4 turned over shortly before trial to the defense.

5 Q. Okay. And what did he say in this jail
6 call?

7 A. It was painful that it was so close to
8 trial because Mr. Smith had acknowledged that the
9 drugs in his car in his pretextual traffic stop were
10 his. He was called with someone where he was
11 advising about basically moving drugs out of the
12 home before it potentially got searched. Since we
13 were going to argue at trial, or at least my defense
14 strategy was to fight constructive possession of the
15 drugs in the vehicle and the drugs in the home, that
16 was pretty devastating to his defense.

17 Q. Okay. And did you at any time have any
18 concerns about his ability to understand the charges
19 and possible sentences he was facing?

20 A. I did not.

21 Q. Okay. Did you review the potential
22 sentences with applicant?

23 A. I don't have in my notes what I
24 reviewed with him pre-trial. There had been no pre-
25 trial plea offers extended to me. And I do know

1 that when Mr. Smith and I discussed him pleading
2 guilty after we lost the suppression Motion, we went
3 over the advantages of the plea so we would have
4 covered the sentencing range, especially in the
5 trafficking heroin charges, which were the most
6 serious. And that those have a range of twenty-five
7 to forty years as charged and so a negotiated plea
8 to twenty-five years was -- would have significantly
9 reduced his risk to what the mandatory minimum would
10 have been if we lost, as I thought we would, at
11 trial.

12 Q. Okay. And did you ever tell him that
13 he would only serve sixty-five percent of his
14 sentence?

15 A. Again, I don't have my notes to say
16 exactly, or I didn't take notes because we were in a
17 court setting and I didn't write down exactly what
18 we discussed. I can only tell you that I am aware
19 that's not good law. I can't believe that I would
20 have told a client that charged with a trafficking
21 offense that potentially carries more than twenty
22 years in prison, that that would have been sixty-
23 five percent offense. I do believe we discussed
24 that there might be changes to the law that might
25 allow him to have another look at his sentence if

1 mandatory minimums went away or were reduced, but I
2 was basically trying to hold out hope because there
3 was nothing else I could do. I do not believe that
4 I informed him that his trafficking charges were
5 subject to sixty-five percent and not eighty-five
6 percent charges. But I just can't say for sure.
7 All I can tell you is I knew that wasn't good law.
8 I would not have advised a client that that was good
9 law. But I can't say exactly what I told him.

10 Q. Okay. And why were there two dates for
11 this guilty plea?

12 A. As Mr. Smith alluded, when we --
13 originally this case was set for trial, and so when
14 we had discussions with Judge Mullen, the presiding
15 judge at that time, about a plea, we discussed the
16 remaining charges he had. I believe, and I haven't
17 looked at the transcript, but I believe Judge Mullen
18 is the one who suggested that there would be an
19 issue with multiple strikes if he were brought back
20 to deal with the other charges. We were only -- you
21 know, facing the charges that were set for trial. I
22 do know that Mr. Smith and I spoke about the risk of
23 -- coming back later and having a second strike if
24 he were brought back to resolve his remaining
25 charges later, and that's why we bifurcated it. So

1 Judge Mullen let us come back and handle the
2 remaining charges before she sentenced him or at the
3 time she sentenced him on the ones that were set for
4 trial. Yeah, that's all I recall.

5 Q. Okay. And whose decision was it to
6 plead guilty?

7 A. It was Mr. Smith's. I mean, I advised
8 him to plead guilty. I advised him that I didn't
9 think we had a good defense going forwards with the
10 jail call. I had no basis to challenge its
11 admissibility, in my opinion, and I thought that
12 that would, as I said, was kind of devastating to
13 the defense and that he was seriously risking more
14 than the twenty-five years that we were able to
15 negotiate.

16 Q. So, was it in his best interest to
17 plead guilty?

18 A. Yes, I believe it was then, and I still
19 believe it was in his best interest.

20 Q. Okay, then lastly, do you stand by your
21 representation today?

22 A. I do. I mean, obviously with twenty-
23 twenty hindsight there are things I would have done
24 differently. I would have liked to have met with my
25 client more. I would have liked to have had more

1 time to go over all the evidence. But as I said,
2 this case was set for trial when I got it. So, I
3 knew that we were living on borrowed time. It took
4 a while to get a full discovery response from the
5 State and, you know, again, I wish I would have had
6 more time, but I believe that I was prepared for
7 trial on the charges at the time they were set for
8 trial. I believe Mr. Smith understood his rights
9 and what he was waiving by pleading guilty.

10 MS. KANEALEY: No further questions, Your
11 Honor.

12 THE COURT: Cross?

13 MR. THOMAS: Your Honor, I beg the Court's
14 indulgence.

15 THE COURT: Yes sir.

16 MR. THOMAS: Thank you, Your Honor. If it
17 pleases the Court?

18 THE COURT: Yes, sir.

19 **CROSS-EXAMINATION**

20 BY MR. THOMAS:

21 Q. Counselor, thank you so much for being
22 here. Now to me it was a little bit confusing about
23 the different charges, and could you explain that?
24 I mean, we have been talking about three different
25 arrests. What was your understanding about those

1 different arrests?

2 A. Again, I am basing this mainly on my
3 memory. Most of my file -- the originals were
4 turned over to or sent to Mr. Smith. But, all I can
5 recall was that as he stated, there was a traffic
6 stop where there were pills located on his person.
7 I believe that there was -- that after his arrest on
8 the pretextual traffic stop, that there were
9 additional drugs that were located pursuant to a
10 search warrant afterwards. And my memory may be
11 failing me on that point, but that is what I recall
12 about the case.

13 Q. Do you remember the discussion in the
14 pre-trial about the warrant for and I think the
15 first arrest or first stop was actually in a
16 different county.

17 A. I do recall that the officers had a
18 warrant when they made the pretextual traffic stop.
19 But that the basis of the stop was not service --
20 they didn't claim it was to serve a warrant, it was
21 for violating the -- for the two traffic
22 infractions. And I very clearly recall going over
23 the videos and the suppression Motion regarding that
24 traffic stop.

25 Q. And I think your argument was for --

1 that they didn't have any kind of probable cause as
2 a result of -- that he did use his turn signal.
3 That they claimed that he didn't and then they also
4 claimed that there is a law that says that you can't
5 change lanes within -- without going a hundred feet.

6 A. What I recall is I know that I had
7 taken a screen shot from the police dashcam video
8 showing his initial lefthand turn at a stop sign,
9 and I used that to argue to the Judge that it
10 appeared that his turn signal was engaged and it
11 appeared to light up, that he used his turn signal
12 for that initial stop. The second part was that he
13 had crossed two lanes of traffic to turn into a
14 Parkers gas station, and for that part, the officer
15 behind him, which I believe was a Corporal Mooney of
16 the Beaufort County Sheriff's Office, if memory
17 serves, that he had initiated his blue lights and
18 that Mr. Smith was -- was not crossing across two
19 lanes of traffic, but quickly went from one to the
20 other to turn into a Parkers in response to blue
21 lights being activated.

22 Q. Okay. But nonetheless, the Court did
23 not grant your suppression Motion?

24 A. That's correct. I -- listening to Mr.
25 Smith's testimony, I am sure I did advise him that

1 the Court of Appeals was unlikely to overturn the
2 case based on -- even if he lost at trial, they were
3 unlikely to overturn the case based on Judge
4 Mullen's denial of the suppression motion. I
5 believe they would defer to her discretion for that
6 and that he wasn't going to have a good basis for
7 appeal.

8 Q. Would it have been an appealable issue
9 even though he had a plea? Would the pre-trial
10 decision of the Court ---

11 A. No. Obviously any pre-trial motions
12 are waived by his guilty plea. Anything other than
13 jurisdiction and to the best of my -- while I don't
14 have my notes, I know that if I advise somebody
15 about pleading guilty, especially if they had the
16 case set for trial, I would have advised him about a
17 suppression motion. I know that if he pled without
18 the suppression motion being heard, Judge Mullen
19 would have advised him that he was waiving that
20 motion. All I could tell him is that I believe, at
21 least my belief is that I advised him, the
22 suppression motion would not be appealable if he
23 pled guilty.

24 Q. Okay. What kind of conversation did
25 you have with him after the Judge rendered her

1 verdict, or her decision in regard to the pre-trial
2 Motion and the trial which was initially going to
3 start the next day which would have been a Tuesday?
4 Did you meet with him at that point in time?

5 A. I think he was correct that I wasn't
6 able to meet with him at that point. I don't recall
7 why -- if it was Covid protocols or jail -- I know
8 our jail is limited as far as meeting after hours,
9 and that's after 5:00 pm. I had to get special
10 permission to meet with him over the weekend with my
11 laptop to go over videos with him. I can't tell you
12 if I attempted to meet with him that night or not.
13 I just don't have the notes for it. But I do know
14 we discussed a plea the next morning.

15 Q. And the reason I ask is that he was set
16 for trial the next day, which was Tuesday. You knew
17 what the pre-trial suppression decision was.

18 A. Yes, sir.

19 Q. That it wasn't going to be excluded. I
20 was just curious why you didn't take the opportunity
21 to speak with him then about what was going to
22 potentially happen on Tuesday.

23 A. I can't tell you. All I can say is
24 that I did meet with him on Sunday and went over the
25 videos that were going to be used in the suppression

1 motion and, I think at that time, I also talked
2 about the jail call. Obviously, if the suppression
3 motion were granted, the jail call wouldn't have
4 been an issue. But I don't recall discussing trying
5 to seek a plea offer at that time. I can tell you
6 that since no plea offer had been extended, I wasn't
7 hopeful that we would be able to negotiate anything.
8 And that could be one reason we didn't discuss it.
9 We were just going to have to try to fight it --
10 fight it out ---

11 Q. All right.

12 A. -- was my belief.

13 Q. How long did you have the case?

14 A. I was hired in September of 2021, and I
15 know he was on the September trial docket at that
16 time with Ms. Duque, his public defender. So I had
17 the case for eight months. I did have a murder
18 trial in Beaufort the month after I was retained,
19 and so I didn't really have much of an opportunity
20 to speak with him immediately after I was retained,
21 but I had it for eight months.

22 Q. Okay. What did you do to prepare that
23 case?

24 A. I sent a -- well, one I met with his
25 public defender Ms. Duque, and got a copy of her

1 file, what she had in it. I filed my own
2 supplemental discovery requests for lab reports
3 about the testing of the drugs and asked for DMV
4 records about the owner of the car that he was
5 driving when he was arrested. I went over the
6 surveillance videos. Again, this is from just the
7 one incident and did the research on the suppression
8 motion. I will be honest. I don't recall us
9 dealing with the other charges at that time because
10 it was the traffic stop that had been set for trial,
11 and I thought it was probably going to be the case
12 that went to trial next.

13 Q. You may have answered one of my
14 questions that I had written down. You said if
15 20/20, if you had 20/20 hindsight, one of the things
16 that you said was that time to get the discovery,
17 and you just said you met with the -- was it a
18 public defender?

19 A. I met with his public defender in
20 September ---

21 Q. Right.

22 A. -- when I was hired to get the case,
23 and I got partial discovery from her, but I didn't
24 have videos -- audiovisual stuff from her.

25 Q. What I am curious about is that if the

1 case was called for trial with the public defender,
2 they didn't have all of the discovery?

3 A. I can't tell you what they received
4 electronically because I only got a hard copy ---

5 Q. Right.

6 A. -- of the paperwork and I don't have
7 access to their electronic discovery system. I've
8 got my own account, but I can't see what they were
9 sent. So, I could only -- I think Ms. Duque or
10 someone from the public defender's office would have
11 to say what they had received. I can only tell you
12 what I got from them and what I got from
13 supplemental discovery.

14 Q. All right. Now, you said that you met
15 with him -- I apologize -- was it three or four
16 times?

17 A. I can say with certainty that it was
18 not more than four times ---

19 Q. Not more than four?

20 A. -- not more than four. Looking back
21 through my emails and any other notes I've got from
22 meetings, I know that I did not meet with him
23 between September or October when I was preparing
24 for my murder trial. And in February his mother
25 contacted me that I had not been to see him and I

1 believe she was correct about that. I explained why
2 and I know that I had gone to see him again in
3 April, but I can't give you the exact date, and then
4 I met with him in May before the trial. I can also
5 tell you that he was not first up or I believe he
6 wasn't even first or second up when the trial
7 schedule originally came out. I was out of town the
8 week prior with a medical appointment with my wife,
9 so I couldn't meet with him immediately when he
10 moved up to close to the top of the list, but I met
11 with him as soon as I got back into town.

12 Q. So, this was kind of a surprise?

13 A. It was a surprise that -- I mean, I
14 don't know that I should have been that surprised,
15 but if memory serves, I believe that one of the
16 cases above his, when the trial list was initially
17 published, I thought it was pretty much a shoo-in it
18 was more likely to go. I knew that trial was a
19 possibility, and I can't tell you from memory if I
20 had a chance before I got back into town to meet
21 with him when the trial list came out. I just can't
22 tell you.

23 Q. Okay. I know all attorneys do things
24 differently. When I was doing some criminal
25 defense, I always tried to have some sort of risk

1 analysis that I would go over with my client, which
2 was basically trying to get some general idea about
3 risk at trial, risk of sentencing at trial versus
4 plea, and were you ever able to formulate that prior
5 to the suppression hearing?

6 A. I can tell you that I didn't because --
7 at least in my mind since no offer had been extended
8 to the client. Normally I if I give them a risk
9 assessment it's going to be the risk of not taking a
10 plea offer that had been made. I didn't receive a
11 plea offer so, at least in my opinion, the -- his
12 best option was to try the case and preserve
13 whatever appellate issues that we could make at
14 trial, but, no, I don't think I talked to him about
15 any benefits of what I would call just a naked plea
16 or a plea without any negotiations.

17 Q. All right. Now did you ever meet with
18 the Solicitor?

19 A. I met with the Solicitor on discovery
20 issues. Looking back, again, at my emails I know I
21 had communicated with her in September when I was
22 first retained. I don't see any other
23 correspondence until the case was set for trial in
24 May. So I can't tell you that we talked about the
25 case between ---

1 Q. I didn't know if you ever made kind of
2 a meet and greet, you know, you make an appointment
3 to go over and talk to them and then talk about ---

4 A. No I --

5 Q. -- possible pleas or ---

6 A. -- I can tell you she was fairly new to
7 the Solicitor's office at the time. So we didn't
8 have an established relationship. It was actually
9 my first case with her, first serious case that we
10 ever interacted. I had originally, I think, a
11 different prosecutor who had contacted or who I had
12 spoken with and I found out that Ms. Molina was the
13 prosecutor and, so no, we never really had a sit-
14 down. I communicated -- I sent her my supplemental
15 discovery request. I indicated to her I needed this
16 before we go to the suppression motion back in
17 before the main court term, and that's the only
18 discussions we had about it.

19 Q. Now in looking at the transcript, and
20 there are three. There is a pre-trial transcript.
21 There is a first transcript, which was the
22 acceptance of the plea by the Court. And then the
23 third transcript which was the setting of the
24 sentence. The issue of the pending charge arises
25 during the acceptance -- when the Court was

1 accepting the plea? Do you remember?

2 A. Well, I haven't seen the transcript ---

3 Q. Okay.

4 A. -- so I can't say exactly when it came
5 up, but I know that because we had basically a jury
6 waiting, there was quite a bit of hustle between
7 myself and the Solicitor and then discussions with
8 the Judge. I don't recall exactly when the other
9 trial -- the other pending charges were discussed.
10 But I am pretty confident, even without looking at
11 the transcript, that it was the Judge who had
12 concerns about the remaining charges.

13 Q. And that was my question. Did you
14 initiate -- did you know that those other charges
15 were still out there?

16 A. I did, and I mean, I had some
17 hesitation about the fact that there were other
18 charges, but I -- what I can tell you is that I
19 wouldn't do a plea without at least the lab results
20 confirming a weight and amount, weight and chemical
21 composition of the drugs. I think I would have
22 discussed that he was waiving any issues about
23 Fourth Amendment right to search and seizure issues
24 by -- but the plea -- but I had not done an analysis
25 of those individual charges. They were, at least to

1 my recollection, less serious and was something that
2 we were -- the biggest concern was about him being
3 brought back and potentially having an additional
4 strike if we brought him back later.

5 Q. So that was the intent of that was to
6 have all of those charges pled to ---

7 A. Yes, sir.

8 Q. -- at the same time?

9 A. And as I said I -- it's not my normal
10 practice to cover part of charges and not all the
11 charges. All I can tell you is I can confirm with
12 him and I think his plea colloquy establishes
13 possession of the drugs, their type and weight, but
14 as far as the circumstances and any potential
15 suppression issues, we did not go into great detail
16 about that since we had been dealing with the cases
17 that were set for trial.

18 Q. Right. And the Court asked you ---

19 MR. THOMAS: And Your Honor, this is page
20 22 of the transcript 11 through 18.

21 BY MR. THOMAS:

22 Q. The Court tells you that she wanted you
23 to meet with your client that evening ---

24 A. Yes, sir.

25 Q. -- to discuss these pending charges.

1 A. Yes, sir.

2 Q. And to go over and make sure that he
3 was aware of everything he needed to know prior to
4 finalizing this plea.

5 A. Yes, sir.

6 Q. Okay. And did you in fact do that?

7 A. To the best of my recollection we did.
8 I do not -- I haven't checked the jail logs to see
9 if I went in that night, but we certainly would have
10 had to before doing a plea on those charges. Like I
11 said, things were rushed because it was a trial
12 week, but I know I met with him and I know we
13 discussed the charges. I know we discussed the --
14 what he was waiving by the pleas. But I couldn't
15 tell you when I met or for how long. I would have
16 had to have met with him at the jail though because
17 I didn't have all the records I would need to go
18 over that with him at the time, in court.

19 Q. Okay.

20 MR. THOMAS: Your Honor, may I approach?

21 THE COURT: You may.

22 BY MR. THOMAS: Counsel, I want to show you
23 a copy of the second day of the plea. If you would
24 look at -- this is page two of that third transcript
25 beginning at line 7 and line 15. If you would just

1 read that for us.

2 A. Yes, sir. So "The Court: Did you go
3 through discovery with him? Mr. Stephens: I have
4 Your Honor. In a little bit of a rushed capacity.
5 From what I was provided by Ms. Molina, I went over
6 that with him. I've copied the drug lab result and
7 all the drugs that he is pleading to, went over the
8 search warrant and instant report." It says
9 reporter but I think that is a typo, Your Honor.

10 Q. Okay. So you did speak with him, but
11 you indicated to the Court that it was in a rushed
12 capacity.

13 A. Yes, sir.

14 Q. Were you confident that he understood
15 you?

16 A. I was. I mean, Mr. Smith was kind of
17 the one who was pushing for a plea at that time.

18 Q. All right.

19 A. I think he -- I think I properly
20 communicated with him. At least my understanding
21 from his risk of having a second strike and
22 potentially jail time that wouldn't run concurrent.
23 I don't recall if anything else, you know, could
24 have had as much -- you know, time that might have
25 added to his sentence, but, you know to always --

1 you know, there's pleas on different days, and I am
2 always concerned about whether the jail time will be
3 concurrent or not. So back -- I know we discussed
4 those things. That's about all I can tell you, sir.

5 Q. Okay. Let's -- let me ask you about
6 the sixty-five to eighty-five percent issue. This
7 was during the pandemic?

8 A. Yes, sir.

9 Q. And I think you alluded to this when
10 you were testifying that the legislature had taken
11 up the issue of a potential reduction of some
12 eighty-five percent crimes to sixty-five percent?

13 A. Yes, sir. And I think Mr. Smith is
14 correct that I know from my discussions with the
15 defense attorneys at the time, we were hopeful that
16 they do something to adjust the mandatory minimums.
17 I don't know about -- I don't know if I had any
18 discussion about, excuse me, changes to the
19 percentage of the sentence that would have to be
20 served, but we were hopeful that the mandatory
21 minimums would be reduced. You know, while it is
22 always possible that I might have not mentioned
23 whether it's a sixty-five or eighty percent offense
24 to a client, I mean it's always possible something
25 like that would get missed. I just don't believe

1 that I would have misstated the law to say that
2 these were sixty-five percent offenses. If I
3 addressed it, I would have addressed it incorrectly
4 -- addressed it correctly.

5 Q. But you do remember that you talked
6 about it with him?

7 A. I do recall we talked about possible
8 changes -- future changes, to the law. And, yeah, I
9 can't say -- Mr. Smith didn't seem confused by any
10 of that. If he was, it wasn't something that he
11 expressed to me.

12 MR. THOMAS: Your Honor, I beg the Court's
13 indulgence for one second.

14 THE COURT: Yes, sir.

15 MR. THOMAS: Your Honor, I may have no
16 further questions. Let me just check my notes.

17 THE COURT: Sure, by all means. Take your
18 time.

19 MR. THOMAS: Yes, sir. Okay. One thing.
20 The seizure of the money; do you remember that?

21 A. Excuse me, sir,

22 Q. The seizure of the money?

23 A. I recall doing a search in the Beaufort
24 County Public Index and seeing there was a civil
25 case but I'm unaware of anything related to the

1 seizure of the money and as far as when it took
2 place or anything -- I am assuming you mean seizure
3 and forfeiture?

4 Q. The forfeiture. Yes, sir.

5 A. I had nothing to do with any of that.
6 I didn't advise Mr. Smith about it. Couldn't tell
7 you when it happened. I didn't believe it was
8 something that was going to be covered by my
9 retainer agreement because I don't get involved with
10 forfeitures.

11 Q. I don't know the answer to this
12 question, so I asked you. In reading the
13 preliminary hearing transcript, page 13, lines 19
14 and 25, and page 14, 1 through 4, the officer
15 testifies almost like there's a deal. He says "we
16 agree that we will give you some portion of the
17 money if you will go ahead and consent to the
18 forfeiture."

19 A. Yes, sir. I have seen that in other
20 cases, at least in this County.

21 Q. Can they do that?

22 A. I couldn't tell you. But, like I said,
23 it wasn't anything that I advised Mr. Smith about
24 because it just wasn't -- I didn't believe it was
25 part of my representation or covered by my retainer

1 agreement. But I have seen it. I have never tried
2 to challenge it, ---

3 Q. Yes, sir.

4 A. -- so I just couldn't tell you. I
5 thought that at a minimum that it was something that
6 could be used at trial, but it's nothing Mr. Smith
7 and I discussed.

8 Q. I didn't know if it was an inducement
9 to something.

10 A. Not to my knowledge. I think it is
11 ways that the -- that both law enforcement try to
12 skirt forfeiture hearings, but again, it's nothing
13 that I get involved with. I am familiar with the
14 person at the Solicitor's Office who normally
15 handled that, Ms. Francine Norz, and I had
16 conversations with her years and years ago about it,
17 but I have never gotten involved in those forfeiture
18 hearings.

19 Q. Okay.

20 MR. THOMAS: Your Honor, I beg the Court?
21 Your Honor, may it please the Court, no further
22 questions.

23 THE COURT: Redirect?

24 MS. KANEALEY: No further questions, Your
25 Honor.

1 THE COURT: All right. Thank you, sir.

2 MR. STEPHENS: Your Honor, may I be
3 excused?

4 THE COURT: Please.

5 MR. STEPHENS: Thank you.

6 THE COURT: Any other witnesses from the
7 State?

8 MS. KANEALEY: No, Your Honor.

9 THE COURT: Anything in reply?

10 MR. THOMAS: Nothing in reply.

11 THE COURT: Okay. Bear with me two
12 seconds.

13 MR. THOMAS: Yes, sir.

14 THE COURT: Mr. Thomas, you had some points
15 you wanted to make?

16 MR. THOMAS: Yes, Your Honor. Just very
17 briefly.

18 I think that, you know, the plea has to be
19 freely and voluntarily given and knowingly and
20 intelligently given. I think really, maybe this
21 case is more than knowingly and intelligently given.
22 We would ask the Court just to -- if you have an
23 opportunity to please read those three transcripts.
24 They are very -- they are relatively short. The
25 pre-trial transcript really kind of lays out

1 everything and kind of clears up the confusion about
2 why there is an additional charge out there and how
3 all these charges arise. And based upon the
4 testimony of my client and also the testimony of
5 defense counsel, I think there wasn't adequate time
6 spent with my client and I think there were a lot of
7 unanswered questions. I think there were things
8 that needed to be clarified. There was testimony
9 that, yes, he talked to the client about sixty-five
10 eighty-five. Yes, during that period of time there
11 was some potential legislation pending, and I don't
12 believe there was a sufficient basis of care,
13 really, with my client for him to make an informed
14 decision about what he was doing. He certainly
15 testifies that had he known and these things had
16 been clarified in today's date, he would have gone
17 to trial rather than accepting a plea. I also think
18 my client was negligent in not meeting with the
19 Solicitor and trying to negotiate some sort of deal
20 prior to waiting until the preliminary hearing to
21 determine whether or not the evidence was going to
22 be suppressed.

23 But, Your Honor, I do believe there is
24 ineffective assistance of counsel. Whether or not
25 the number of strikes was also an inducement. It's

1 out there, the Court talks about it and that was the
2 whole purpose, but, Your Honor, I do believe there
3 was ineffective assistance of counsel.

4 THE COURT: All right. I do appreciate
5 everyone's position on this. Since you are looking
6 to make a copy of this a part of the record, do you
7 want to simply email me this and we can leave this
8 hard copy with the Clerk?

9 MR. THOMAS: Sure. Be glad to, Your Honor.

10 THE COURT: That might be the safest way to
11 do it ---

12 MR. THOMAS: Okay.

13 THE COURT: -- to make sure it's also part
14 of the PCR packet. All right, yeah, simply email
15 that transcript on the suppression hearing to myself
16 and my clerk and we will take a look at that as
17 well.

18 MR. THOMAS: Your Honor, do I need to make
19 that an exhibit, or does it just become part of the
20 record?

21 THE COURT: What's easiest for you guys?

22 COURT REPORTER: It doesn't matter to me.
23 Either one.

24 (Transcript on Suppression Hearing will be
25 emailed to Judge Addy and the Clerk's office to be

1 made an exhibit.)

2 THE COURT: We will make it an exhibit.
3 That would be safe.

4 (Plaintiff's Exhibit Number 1, Transcript
5 of the Second Day of the Plea is marked for the
6 record.)

7 MR. THOMAS: Okay. Thank you.

8 THE COURT: Very good. It's under
9 advisement.

10 MR. THOMAS: Thank you, Your Honor.

11 THE COURT: Thank you.

12 (The hearing was concluded at 10:35 a.m.)

13 - - -END OF TRANSCRIPT- - -

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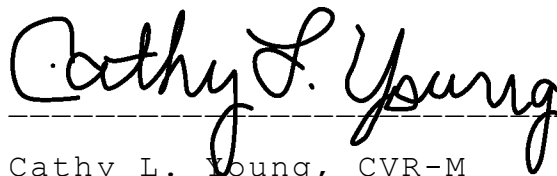
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CERTIFICATE OF REPORTERZ

I, Cathy L. Young, CVR-M, for the
Fourteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of
introduced in the hearing of the captioned case,
relative to appear, in the Circuit Court for
Beaufort County, South Carolina, on the 15th day of
April, 2025.

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



Cathy L. Young, CVR-M

Court Reporter and Notary

Public in and for South Carolina

My Commission expires: 3-28-2029

CHRISTOPHER R. SMITH

STATE OF SOUTH CAROLINA

2025 MAY 22 PM 1:01

APPLICANT

DEFENDANT

Submitted by: COURT

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This matter came before the Court on April 15, 2025 for a trial on Applicant's petition for Post-Conviction Relief. Mr. Smith was present and represented by Tommy Thomas, Esq. The State was represented by Assistant Attorney General Kylee Kanealey. The Court finds as follows:

Applicant's grounds for relief were ineffective assistance of counsel due to 1) failure to advise as to 65% versus 85% time rendering plea involuntary and unknowing, 2) bifurcation of plea and sentencing caused confusion, 3) insufficient time to review discovery, and 4) lack of understanding concerning serious versus most serious charges.

The Court notes that the first underlying case from a traffic stop in January, 2020 resulted in a plea after jury selection and pretrial evidentiary issues were addressed. Subsequently, there was an overnight break so that counsel could review with Applicant other pending charges from a July, 2020 incident, and Applicant would then have all his pending charges resolved. Importantly, the January, 2020 charges included two offenses classified as "serious" pursuant to Section 17-25-45, as did the July, 2020 set of charges. Therefore, at the time of the plea, Applicant was facing four offenses classified as serious arising out of two separate incidents. The Court will address the grounds in turn:

- (A) Ground 1: Applicant maintained counsel was not prepared for a trial on the January incident, and Applicant was unaware of any investigation into the charges. He



indicated that counsel only met with him a few times after his bond was revoked and that counsel advised Applicant that the drug laws would be changed sometime in the future so that Applicant would not have to serve the full sentence. Counsel stated that he spoke with Applicant roughly 3 to 4 times prior to the plea on indictments 2020-GS-07358, 359, 1417 to 1420 and that he would not have misadvised Applicant concerning 65% versus 85% release eligibility. At the most, any discussion about possible future changes in the law was of a hopeful, yet speculative, nature and would not have been presented as something which definitely was going to take place. As to the number of times counsel met with Applicant, the underlying factual allegations from the January 27, 2020 incident are not very complicated, so extensive, repeated meetings were not necessary for counsel to adequately prepare. Upon a review of the record as a whole, the Court finds counsel's testimony much more credible than Applicant's. On page 12 of the May 17, 2022 plea transcript, the plea court specifically addressed the non-parole implications of the plea, and the Court believes counsel when he stated that counsel would not have misadvised Applicant concerning the 85% implications. Accordingly, the Court denies Applicant's petition concerning the plea from the January, 2020 incident.

- (B) Grounds 2-4: The plea transcript reflects a colloquy between the plea court, counsel, and Applicant on this issue. The Court is concerned that the plea court misadvised counsel and Applicant that, assuming he pled to and was sentenced on both the January and July incidents together, they would constitute *only a single strike* against Applicant, which is an incorrect statement of the law. (see pages 12-13 of May 17, 2022 plea transcript; page 5 of May 18, 2022 plea transcript) The plea court specifically advised Applicant "Obviously, our goal...is that these would all run together *and all would only count as one strike...*" (emphasis supplied) Whether the incidents are distinct from each other and occurred on separate dates dictates if the offenses are separate strikes, not whether they were all handled together as part of a global resolution. *See* Section 17-25-50. The plea court appeared concerned that, pursuant to 17-25-45(F), a plea on the January 2020 incident, whereby two of those offenses were strikes, could result in LWOP eligibility for the July, 2020 incident. In actuality, by entering pleas to indictments 2020-GS-07-1415, 1416, 358, and 359, Applicant had two (2) strikes against him instead of the one strike as the plea judge advised him and plea counsel on both May 17th and 18th. That is, indictments 358 and 359 arose out of the same temporal event, as did 1415 and 1416, so despite pleading to 4 serious offenses, Applicant has two strikes against him under 17-25-50 even though they were resolved contemporaneously during the same plea proceeding. The plea court also emphasized this misreading of the law in encouraging Applicant and counsel to handle all pending charges in a single proceeding. Plea counsel also testified at the PCR that the May 18, 2022 plea felt rushed, and Applicant echoed counsel's sentiments in his testimony. The Court finds that plea counsel had an obligation to correct the plea court's misimpression that pleading to all four serious charges together would result in just a single strike, not two. The Court also finds

Applicant was credible with regard to his confusion concerning the May 18, 2025 plea, and obviously, being one strike away from life imprisonment is a much more precarious position than being two strikes away from LWOP. Accordingly, the Court finds that Applicant has demonstrated ineffectiveness and prejudice with respect to the plea of May 18, 2022 and grants post-conviction relief on indictments 2020-GS-07-334, 1415, & 1416 and 2021-GS-07-1077 to 1079.

Wherefore, the Court finds for Applicant with respect to indictments 2020-GS-07-334, 1415, & 1416 and 2021-GS-07-1077 to 1079. However, relief is denied with respect to the plea on the January, 2020 incident. Mr. Thomas is requested to prepare a more formal order within thirty (30) days reflecting this Court's ruling.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

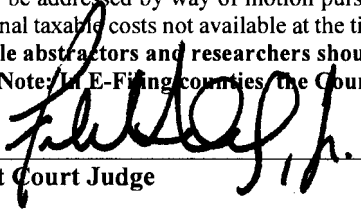
Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Circuit Court Judge

2159

Judge Code

May 8, 2025

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Tommy Thomas, Esq.

Kylee Kanealey, Esq.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



CLERK OF COURT

Court Reporter: Cathy Young

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)
2025 AUG 18 PM 1:20Christopher Ray Smith,)
Applicant,)
JERRI ANN ROSENEAU
CLERK OF COURT)

vs.)

State of South Carolina,)
Respondent.)IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUITOrder Granting Post-Conviction Relief
in Part

Case No.: 2023-CP-07-00723

THIS MATTER CAME BEFORE THE COURT pursuant to an application for post-conviction relief (PCR) filed by Christopher Ray Smith ("Applicant") on April 17, 2023 and amended October 10, 2024. Respondent filed a return and motion for more definite statement on November 28, 2023. A hearing was held on April 15, 2025 at the Beaufort County Courthouse. Applicant was present and represented by Tommy A. Thomas, Esquire, and respondent was represented by Assistant Attorney General Kylee Kanealey.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Beaufort County Clerk of Court. During its December 2020 term, the Beaufort County Grand Jury indicted Applicant for two counts of possession with intent to distribute (PWID) oxycodone (2020-GS-07-00334; -01417), trafficking heroin (2020-GS-07-00358), trafficking cocaine (2020-GS-07-00359), PWID buprenorphine (2020-GS-07-01418), PWID amphetamine (2020-GS-07-01419), and PWID alprazolam (2020-GS-07-01420). In June 2022, Applicant was further indicted but waived presentment for trafficking methamphetamine (2020-GS-07-01415), trafficking heroin (2020-GS-07-0416), PWID amphetamine (2021-GS-07-01077), PWID buprenorphine (2021-GS-07-01078), and PWID oxycodone (2021-GS-07-01079). Applicant's charges arose from three separate incidents as detailed below.



On May 17, 2022, Applicant pleaded guilty before the Honorable Carmen T. Mullen to all charges stemming from his January 2020 arrest but was not sentenced.¹ Applicant was represented at his plea by Jeffrey Stephens, Esquire (hereafter “plea counsel” or “trial counsel”), and Assistant Solicitor Samantha Molina represented the State. On May 18, 2022, Applicant pleaded guilty to his remaining charges with the same attorneys present. Judge Mullen accepted his plea and sentenced him to twenty-five (25) years for each count of trafficking heroin, fifteen (15) years for each count of PWID oxycodone, ten (10) years each for trafficking cocaine and trafficking methamphetamine, five (5) years for each count of PWID buprenorphine and PWID amphetamine, and three (3) years for PWID alprazolam, all to run concurrently. Applicant did not file an appeal.

Current Post-Conviction Relief Application

In Applicant’s first request for PCR, he filed an initial application and one amendment. His initial application, filed April 17, 2023, alleged ineffective assistance of counsel for failure to challenge an improper *Terry*² stop and failure to properly advise him regarding a guilty plea. He requested vacation of his conviction and sentence, as well as a new trial, as relief. The State filed a return on November 23, 2023. Tommy A. Thomas, Esquire, Applicant’s PCR counsel, filed an amendment on October 10, 2024. It alleged ineffective assistance of counsel more specifically alleging plea counsel lacked sufficient time and information to advise Applicant regarding his plea, including serious versus most serious charges and the associated strikes; improper advice from counsel by advising that, even if the plea court said 85% sentences, they would be changed to 65%

¹ As stipulated by the State, Applicant’s plea counsel was not prepared to advise Applicant on the remaining charges at that time and request more time to meet with Applicant to review his file. Further, Judge Mullen recommended Applicant be sentenced to all charges in one day so he would receive fewer strikes.

² 392 U.S. 1, 88 S.Ct. 1868 (1968).



sentences; and improper guilty plea because Applicant thought he was pleading to a 65% sentence and confusion due to the bifurcation of the plea and sentencing.

Factual History

On April 11, 2019, police discovered Applicant's truck crashed in a ditch on the side of the highway. Applicant was inside of the truck and appeared disoriented. After providing false information to the police, Applicant was arrested, and his truck was searched incident to his arrest. The search revealed drugs, drug paraphernalia, and a large amount of cash.³

On January 27, 2020, after attempting to find his whereabouts, police conducted a traffic stop involving Applicant, during which police discovered Applicant had an active arrest warrant. Police arrested Applicant and discovered many different drugs in Applicant's truck in a search incident to arrest.⁴

On July 16, 2020, police conducted surveillance on a hotel where they believed Applicant was staying. When Applicant left his hotel room, police arrested him in the hotel parking lot pursuant to active arrest warrants. After his arrest, Applicant confessed he had cash and various drugs in his hotel room. Police obtained and executed a search warrant for Applicant's hotel room, where they discovered various types of drugs and cash.⁵

Findings of Fact and Conclusions of Law

In addition to the pleadings in this action, this Court had before it a copy of the Beaufort County Clerk of Court records regarding the subject conviction, Applicant's records from the

³ This incident resulted in Applicant's first indictment for PWID oxycodone (2020-GS-07-00334).

⁴ This incident resulted in the December 2020 indictments: PWID oxycodone (2020-GS-07-01417); trafficking heroin (2020-GS-07-00358); trafficking cocaine (2020-GS-07-00359); PWID buprenorphine (2020-GS-07-01418); PWID amphetamine (2020-GS-07-01419); and PWID alprazolam (2020-GS-07-01420).

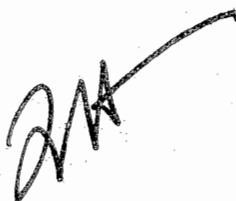
⁵ This resulted in all of the June 2022 indictments.



South Carolina Department of Corrections, the plea transcript including Pretrial Motions heard on May 16 and 18, 2022, and the records of the current action. This Court had the opportunity to listen to testimony and rule on witnesses' credibility, as well as entertain the arguments of counsel. After careful review of the applicable legal standards, this Court's findings of fact and conclusions of law are set forth below as required by S.C. Code Ann. § 17-27-80.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee criminal defendants the right to the effective assistance of counsel. U.S. Const. amend. VI and XIV; *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984). Where an application for PCR alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Id.*, 466 U.S. at 686; *see Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The reviewing court presumes that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. *Strickland*, 466 U.S. at 691, 104 S.Ct. at 2067. The applicant must overcome this presumption in order to receive relief. *Bell v. State*, 321 S.C. 238, 467 S.E.2d 926 (1996); *see also Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989); Rule 71.1(d) SCRPC. Further, a PCR applicant must prove that counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.*, 300 S.C. at 117-18.

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under



prevailing professional norms.” *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (citing *Strickland*, 466 U.S. at 688, 104 S.Ct. at 2065). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-118, 386 S.E.2d at 625.

The considerations are worded slightly differently when dealing with guilty pleas, notably considering whether counsel’s performance was deficient and then whether, but for that deficiency, Applicant would have proceeded to trial rather than pleading guilty. *Johnson v. Catoe*, 336 S.C. 354, 520 S.E.2d 617 (1999); *Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997); *Satterwhite v. State*, 325 S.C. 254, 481 S.E.2d 709 (1997). Where there is no evidence contradicting or conflicting with an applicant’s testimony that he would not have pled guilty but for counsel’s deficient performance, applicant is entitled to relief. *Jackson v. State*, 342 S.C. 95, 535 S.E.2d 926 (2000). In *Stalk v. State*, 383 S.C. 559, 681 S.E.2d 592 (2009), the Court held that something more than an applicant’s testimony that he would have proceeded to trial is necessary. In that instance, the applicant alleged that he pleaded guilty because his attorney had not conducted a proper investigation, yet provided no evidence as to what such investigation may have uncovered.

Notable Facts at the Trial Level

This Court notes that the first underlying case arose from a traffic stop in January 2020. This resulted in Applicant entering a guilty plea after a jury had been selected and pretrial evidentiary hearings had been held. Subsequently, there was an overnight break so counsel could review Applicant’s other pending charges with him so as to attempt a global resolution of all of Applicant’s charges. Importantly, the January 2020 charges included two offenses classified as

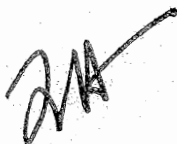


“serious” pursuant to S.C. Code § 17-25-45, as did the July 2020 charges. Therefore, at the time of the plea, Applicant was facing four offenses classified as “serious” arising out of two separate incidents.

Ground 1 – Failure to Advise as to 65% versus 85% Prison Time, Rendering Plea Involuntary

During the PCR process, Applicant maintained that trial counsel was not prepared for a trial on the January incident, and Applicant was unaware of any investigation into the charges. He indicated that trial counsel only met with him a few times after his bond was revoked, and that trial counsel advised Applicant that the drug offense laws would be changed sometime in the future, resulting in Applicant not having to serve a full sentence. Trial counsel stated that he spoke with Applicant roughly 3 to 4 times prior to the plea on indictments 2020-CP-07-358, -359, and -1417-1420. He further stated that he would not have misadvised Applicant regarding 65% versus 85% release eligibility. At the most, any discussion about possible future changes in the law was of a hopeful, yet speculative, nature and would not have been presented as something that would definitely occur.

As to the number of times trial counsel met with Applicant, the underlying factual allegations from the January 27, 2020 incident are not very complicated and, therefore, extensive, repeated meetings were not necessary for trial counsel to adequately prepare. “In reviewing a claim that defense counsel failed to properly investigate a defense to a crime, a court's principle concern is whether the investigation ‘*was itself reasonable.*’” *Taylor v. State*, 404 S.C. 350, 364, 745 S.E.2d 97, 104 (2013), citing *Wiggins v. Smith*, 539 U.S. 510, 522–23, 123 S.Ct. 2527 (2003) (emphasis in original).



Upon review of the record as a whole, this Court finds trial counsel's testimony much more credible than Applicant's. On page 12 of the May 17, 2022 plea transcript, the plea court specifically addressed the non-parole implications of the plea, and this Court believes trial counsel when he stated that he would not have misadvised Applicant concerning the 85% implications. Applicant has not shown deficiency in trial counsel's performance, nor has he shown that, but for trial counsel's actions, he would have proceeded to trial. *Johnson v. Catoe*, 336 S.C. 354, 520 S.E.2d 617 (1999); *Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997); *Satterwhite v. State*, 325 S.C. 254, 481 S.E.2d 709 (1997). Accordingly, the Court denies post-conviction relief as to the allegation of incorrect advice regarding the plea to the charges arising from the January 2020 incident.

Grounds 2-4 – Confusion as to Bifurcation; Insufficient Time to Review Discovery; Lack of Understanding Concerning Serious versus Most Serious Charges

The plea transcript reflects a colloquy between the plea court, trial counsel, and Applicant on these issues. This Court is concerned that the plea court misadvised counsel and Applicant by stating that, assuming he pled to and was sentenced on both the January and July incidents together, they would constitute *only a single strike* against Applicant, which is an incorrect statement of the law. (See pages 12-13 of May 17, 2022 plea transcript; page 5 of May 18, 2022 plea transcript) The plea court specifically advised Applicant, "Obviously, our goal...is that these would all run together *and all would only count as one strike....*" (emphasis added)

The determining factor of whether offenses amount to one or more strikes is whether the incidents are distinct from each other and occurred on separate dates, not whether they were all handled together as part of a global resolution. See S.C. Code § 17-25-50. The plea court appeared concerned that, pursuant to S.C. Code § 17-25-45(F), entry of a guilty plea to the January 2020 incident, wherein two of those offenses were strikes, could result in life without the possibility of



parole (LWOP) eligibility for the July 2020 incident. In actuality, by entering pleas to indictments 2020-GS-07-1415, -1416, -0358, and -0359, Applicant had two (2) strikes against him instead of one as the plea judge advised him and trial counsel on both May 17 and 18. That is, indictments -0358 and -0359 arose out of the same temporal event, as did -1415 and -1416; so, despite pleading to four (4) serious offenses, Applicant has two strikes against him under S.C. Code § 17-25-50 even though they were resolved contemporaneously during the same plea proceeding.

The plea court also emphasized this misreading of the law in encouraging Applicant and trial counsel to handle all pending charges in a single proceeding.⁶ Trial counsel also testified at the PCR hearing that the May 18, 2022 plea hearing felt rushed. Applicant echoed these sentiments during his testimony. This Court finds that trial counsel had an obligation to correct the plea court's misimpression that pleading to all four serious charges together would result in just a single strike, not two. Failure to provide this information qualifies as deficient performance in regard to prevailing professional standards. *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (citing *Strickland*, 466 U.S. at 688, 104 S.Ct. at 2065). This Court also finds that Applicant was credible with regard to his confusion concerning the May 18, 2022 plea and, obviously, being one strike away from life imprisonment is a much more precarious position than being two strikes away from LWOP. This is clear evidence of prejudice to Applicant, as the circumstances surrounding his conviction changed drastically due to the ineffective representation of trial counsel. *Cherry*, 300 S.C. at 117-118, 386 S.E.2d at 625. Accordingly, this Court finds that Applicant has demonstrated ineffectiveness and prejudice, satisfying both prongs of the relevant case law test, with respect to the plea of May 18, 2022. This Court therefore grants post-conviction relief on indictments 2020-GS-07-0334, -1415, and -1416 and 2021-GS-07-1077, -1078, and -1079.

⁶ Certainly, as a practical matter, the trial court was correct in encouraging a possible global resolution of all pending charges. However, the advice she gave was still legally incorrect.



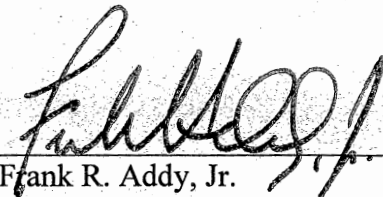
Conclusion

Based on the foregoing, it is clear that Trial Counsel's level of representation fell below what is required by prevailing professional norms, thus providing ineffective assistance of counsel to Applicant. As such, Applicant was found guilty of multiple charges, including several most serious charges, and received an aggregate sentence of twenty-five years, plus two strikes toward LWOP. Therefore, this Court grants relief on one of the four grounds above, vacates the conviction and sentence of the trial court for indictments 2020-GS-07-0334, -1415, and -1416 and 2021-GS-07-1077, -1078, and -1079, and remands Applicant and this charge to Beaufort County for further proceedings. The Court finds for Applicant with respect to indictments 2020-GS-07-334, 1415, and 1416 and 2021-GS-07-1077, 1078 and 1079. However, relief is denied with respect to the plea on the January, 2020 incident.

IT IS THEREFORE ORDERED:

1. This court grants relief on the three instances of ineffective assistance of counsel;
2. Applicant's conviction and sentence are vacated; and
3. Applicant and his charge are remanded to Beaufort County for further proceedings.

AND IT IS SO ORDERED this 11th day of August, 2025.



Frank R. Addy, Jr.
Presiding Judge
Fourteenth Judicial Circuit

Greenwood, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Christopher Ray Smith, #284203,

Applicant,

v.

State of South Carolina,

Respondent.

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

2025 SEP -9 AM 11:21

) CASE NO. 2023-CP-07-00723

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

) **RESPONDENT'S MOTION TO**
) **RECONSIDER, ALTER, OR AMEND**
) **PURSUANT TO RULE 59(e), SCRPC**
)
)
)
)
)
)

The matter before this Court is an action for post-conviction relief (PCR) application filed on April 17, 2023, and amended October 10, 2024. Respondent, the State of South Carolina, made its return and motion for more definite statement on November 28, 2023. An evidentiary hearing was held on April 15, 2024, at the Beaufort County Courthouse before the Honorable Frank R. Addy, Jr. Applicant was present and represented by Tommy A. Thomas, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant testified on his own behalf. Respondent presented the testimony of Jeffrey Stephens, Esquire (Plea Counsel). Following the hearing, the Court issued an order on August 18, 2025, granting relief in part for indictments 2020-GS-07-00334, -01415, -01416, and 2021-GS-07-01077, -01078 and -01079. Respondent now files this motion to reconsider, contending the Court applied an improper standard in assessing prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving an active twenty-five-year sentence. In December 2020, the Beaufort County Grand Jury indicted Applicant for two counts of PWID oxycodone (2020-GS-07-00334; -01417); trafficking heroin (2020-GS-07-00358); trafficking cocaine (2020-GS-07-00359); PWID buprenorphine (2020-GS-07-01418); PWID amphetamine (2020-GS-07-01419); and PWID alprazolam

(2020-GS-07-01420). In June 2022, Applicant was further indicted but waived presentment for trafficking methamphetamine (2020-GS-07-01415); trafficking heroin (2020-GS-07-01416); PWID amphetamine (2021-GS-07-01077); PWID buprenorphine (2021-GS-07-01078); and PWID oxycodone (2021-GS-07-01079). All of Applicant's charges arose from three separate incidents.

On April 11, 2019, police discovered Applicant's truck crashed in a ditch on the side of the highway. Applicant was inside his truck and appeared disoriented. After providing false information to police, Applicant was arrested, and his truck was searched incident to his arrest. The search revealed drugs, drug paraphernalia, and a large amount of cash in Applicant's truck.¹

On January 27, 2020, police conducted a traffic stop on Applicant, during which police discovered Applicant had an active arrest warrant. Police arrested Applicant and discovered a multitude of different drugs in Applicant's truck in a search incident to arrest.²

On July 16, 2020, police conducted surveillance on a hotel where they believed Applicant was staying. When Applicant exited his hotel room, police arrested Applicant in the hotel parking lot for having active arrest warrants. After his arrest, Applicant confessed he had cash and various drugs in his hotel room. Police obtained and executed a search warrant for Applicant's hotel room and discovered various types of drugs and cash.³

On May 17, 2022, Applicant pled guilty⁴ before the Honorable Carmen T. Mullen to all charges stemming from his January 2020 arrest.⁵ Applicant was represented by Jeffrey Stephens,

¹ This incident resulted in Applicant's first indictment for PWID oxycodone (2020-GS-07-00334).

² This incident resulted in the rest of Applicant's December 2020 indictments (2020-GS-07-00358; -00359; -01417; -01418; -01419; and -01420).

³ This incident resulted in all of Applicant's indictments in June 2022.

⁴ On May 16, 2022, Applicant proceeded to trial, and a jury was selected. However, on May 17, 2022, Applicant decided to enter a guilty plea.

⁵ Applicant's counsel was not prepared to advise Applicant on his remaining charges until counsel could properly review Applicant's case file with Applicant. In addition, Judge Mullen recommended Applicant be sentenced to all charges in one day, rather than two, so he would receive less strikes.

Esquire. Assistant Solicitor Samantha Molina represented the State. On May 18, 2022, Applicant pled guilty to his remaining charges.⁶ Judge Mullen accepted Applicant's plea and sentenced him concurrently to twenty-five years for each count of trafficking heroin; fifteen years for each count of PWID oxycodone; ten years each for trafficking cocaine and trafficking methamphetamine; five years for each count of PWID buprenorphine and PWID amphetamine; and three years for PWID alprazolam. Applicant did not file a direct appeal.

CURRENT ACTION BEFORE THIS COURT

In his initial PCR application, Applicant alleged he is being held in custody unlawfully based on the following:

1. Ineffective assistance of counsel:
 - a. Counsel failed to challenge the improper Terry⁷ stop and the fruit of the poisonous tree
 - i. "On January 27, 2020 the Beaufort County violent crimes division conducted a traffic stop of applicant without probable cause. Applicant was also forcibly removed from vehicle without properly being notified of any violations. The stop was unlawful and resulted in an illegal seizure and illegal search of Applicant and vehicle. Any evidence retrieved should have been suppressed requiring dismissal for lack of evidence. Had I known I had a right to challenge the seizure and searches I would have pleaded not guilty."
 - b. Counsel failed to properly advise Applicant on his guilty plea
 - i. "On May 18, 2022 Attorney advised me that the negotiated plea would have required only 65% of service of the 25 years, and was eligible for parole and work credits."

On October 10, 2024, Applicant filed an amended PCR application with the following allegations:

1. Applicant did not enter the plea freely and voluntarily or knowingly and intelligently

⁶ Applicant waived presentment of his indictments for all June 2022 charges (2020-GS-07-01415 to -001416 and 2021-GS-07-01077 to -01079).

⁷ 392 U.S. 1, 88 S.Ct. 1868, 20 L.E.2d 889 (1968).

- a. The Applicant was under the impression that his sentence, if he pled was going to be 65%.
- b. Counsel was ineffective in advising Applicant that even if the Court said 85% that this requirement was in the process of being reduced to 65%
2. That the bifurcation of the plea and sentencing created confusion in the Applicant's understanding of what he was pleading to and the sentence he was receiving.
3. That additional charges had yet to be indicted when the Applicant entered into a plea on May 17, 2022. The Applicant did not have sufficient time to go over discovery with his attorney. As a result, the Applicant lacked sufficient information to enter into his plea.
4. The Applicant lacked sufficient information and understanding regarding serious and most serious charges and the strikes associated with these charges.

An evidentiary hearing was held on April 15, 2025, before the Honorable Frank R. Addy, Jr. Applicant was present and represented by Tommy A. Thomas, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant testified on his own behalf. Respondent presented the testimony of Jeffrey Stephens, Esquire (Plea Counsel). At the close of the evidentiary hearing, this Court took the matter under advisement.

The Court granted relief in part by filed order on August 18, 2025,⁸ finding Applicant established the following:

“This Court finds that trial counsel had an obligation to correct the plea court’s misimpression that pleading to all four serious charges together would result in just a single strike, not two. Failure to provide this information qualifies as deficient performance in regard to prevailing professional standards. Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (citing Strickland, 466 U.S. at 688, 104 S.Ct. at 2065). This Court also finds that Applicant was credible with his regard to the confusion concerning the May 18, 2022 plea and, obviously, being one strike away from life imprisonment is a much more precarious position than being two strikes away from LWOP. This is clear evidence of prejudice to Applicant, as the circumstances surrounding his conviction changed drastically due to the ineffective representation of trial counsel. Cherry, 300 S.C. at 117-118, 386 S.E.2d at 625. Accordingly, this Court finds that Applicant has

⁸ Respondent received written notice of the filing of the Order Granting Post-Conviction Relief on August 25, 2025.

demonstrated ineffectiveness and prejudice, satisfying both prongs of the relevant case law test, with respect to the plea of May 18, 2022.”

(Order Granting PCR Relief p. 8).

ARGUMENT IN SUPPORT OF RECONSIDERATION

Respondent moves this Court to reverse its earlier decision and deny post-conviction relief on all claims because Applicant failed to meet his burden of establishing prejudice under the required standard for a guilty plea. To establish ineffective assistance of counsel, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice because of counsel's deficient performance. Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Cherry v. State, 300 S.C. 11 5, 11 7-1 8, 386 S.E.2d 624, 625 (1989). The Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985). When reviewing a guilty plea, the Strickland deficiency prong remains unchanged—Applicant must show counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58–59. To show prejudice, Applicant must show a reasonable probability exists "that, but for counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

Respondent respectfully asserts this Court's order is based on the incorrect standard for prejudice, and when applying the correct standard, Applicant failed to meet his burden of proof. Accordingly, this Court's grant of post-conviction relief should be reconsidered, and relief should be denied.

The Incorrect Standard was Applied

In its order granting relief, the Court applied the ineffective assistance of counsel standard from a *trial*, and not the standard required for a *guilty plea*. In its order granting relief, this Court found Applicant being one strike away from life imprisonment rather than two strikes away to be

“clear evidence of prejudice to Applicant, as the circumstances surrounding his conviction changed drastically due to the ineffective representation of trial counsel.” Cherry, 300 S.C. at 117-118, 386 S.E.2d at 625. This finding does not take into consideration the prejudice standard required for a guilty plea in Hill. To show prejudice, Applicant must show a reasonable probability exists “that, but for counsel’s [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial.” Hill, 474 U.S. at 59. The finding that the circumstances surrounding Applicant’s conviction changed is not a finding that Applicant showed a reasonable probability that but for counsel’s errors, he would have insisted on going to trial. Thus, this finding does not satisfy the applicable ineffective assistance of counsel standard. Respondent respectfully asks this Court to reconsider and alter its decision and apply the legal standard required for a guilty plea.

When Applying the Correct Standard, Applicant Failed to Meet His Burden

Applicant failed to prove that but for counsel’s error, he would have not pled guilty and insisted on going to trial and thus failed to satisfy the prejudice prong required for a guilty plea pursuant to Hill. Applicant testified at the PCR hearing that things were not going well at the pretrial hearing, so he asked Plea Counsel to negotiate a plea. Plea Counsel testified that Applicant was pushing for a plea, and he discussed with Applicant the risk of the sentences not running concurrently had they not been all resolved at one time. The foregoing shows Applicant wanted to plea, and it was not the issue regarding strikes that induced his plea. Applicant did not meet his burden of proof *or even allege* that had he known the second set of charges would count as a second strike under S.C. Code § 17-25-20, he would not have pled guilty,⁹ and insisted on going to trial. See, e.g., Hill v. Lockhart, 474 U.S. 52, 60, 106 S. Ct. 366, 371, 88 L. Ed. 2d 203 (1985)(“Petitioner did not allege in his habeas petition that, had counsel correctly informed him

⁹ In fact, Applicant did not even raise this claim in his application – further showing this was not the reason he pled guilty.

about his parole eligibility date, he would have pleaded not guilty and insisted on going to trial. He alleged no special circumstances that might support the conclusion that he placed particular emphasis on his parole eligibility in deciding whether or not to plead guilty”). Ultimately, Applicant received a benefit from pleading guilty to the second set of charges by receiving a concurrent sentence for both sets of charges. Viewed objectively, the evidence showed Applicant did not enter this plea because he believed he would avoid a strike.

Further, in assessing the Hill prejudice prong objectively, there is not a reasonable probability Applicant would have not pled guilty and insisted on going to trial based on the strike confusion. Plea Counsel testified that he and Applicant discussed that had he not pled to the second set of charges, he risked the chance of the sentences not running concurrently. Further, Plea Counsel testified there was a jail call made by Applicant that was devastating to any defense. As Plea Counsel told the plea court, he had discussed with Applicant the drug lab results on all the drugs he was pleading to, the search warrant, and the incident report for this second set of charges. (Plea Tr. 2). Applicant was informed of the evidence the State had against him and as a result chose to plead guilty. Had Applicant proceeded to trial on this second set of charges, he would have risked being sentenced to *significantly* more than the cumulative twenty-five-year sentence he received and would still have received a second strike if convicted. With these facts, a reasonable attorney would not have changed his recommendation as to the plea, based solely on this strike issue. See, e.g., Hill v. Lockhart, 474 U.S. 52, 59, 106 S. Ct. 366, 370, 88 L. Ed. 2d 203 (1985) (“For example, where the alleged error of counsel is a failure to investigate or discover potentially exculpatory evidence, the determination whether the error ‘prejudiced’ the defendant by causing him to plead guilty rather than go to trial will depend on the likelihood that discovery of the evidence would have led counsel to change his recommendation as to the plea”).

Thus, Applicant failed to prove he was prejudiced by Counsel's failure to correct the court's misimpression regarding the strikes. The State asks this Court to reconsider and alter its decision and deny PCR relief.

CONCLUSION

WHEREFORE, the State respectfully requests this Court grant its motion to reconsider and issue an order denying Applicant's PCR application in full.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

KYLEE KANEALEY
Assistant Attorney General

By: 

Kylee Kanealey, Bar No. 107060
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211
Telephone: (803) 734-3737

September 3, 2025

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023-CP-07-00723

CHRISTOPHER R. SMITH

2025 OCT -1 STATE OF SOUTH CAROLINA

APPLICANT

JERIN AMIL ROSARIO
BEAUFORT COUNTY, SC
CLERK OF COURT

DEFENDANT

Submitted by: COURT

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This matter originally came before the Court on April 15, 2025 on Applicant's petition for Post-Conviction Relief. The Court issued a Form-4 order dated May 8, 2025 granting partial relieve with the formal order being issued on August 18, 2025. The orders only granted relief with respect to indictments 2020-GS-07-334, 1415, & 1416 and 2021-GS-07-1077 to 1079 and denied relief with respect to the other indictments to which Applicant plead on May 17, 2022. The State timely moved to reconsider the Court's granting of partial relief, and the Court has fully considered the argument and authority as outlined in the State's motion dated September 3, 2025.

Having fully reconsidered the matter, the Court denies the State's motion. Again, the Court found Applicant credible as to his testimony that the plea to indictments 2020-GS-07-334, 1415, & 1416 and 2021-GS-07-1077 to 1079 was rushed. The plea court misadvised Applicant and his counsel on material and relevant considerations when the plea court encouraged him to plead. Finally, plea counsel should have corrected the court's erroneous understanding of the law in counsel's advice to Applicant. Accordingly, the Court finds that, but for the erroneous advice by the plea court and counsel, Applicant would not have entered his admittedly rushed plea to these indictments. Relief is, therefore, warranted, and the Court declines to alter or amend the order of August 18, 2025.

ORDER INFORMATION

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This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

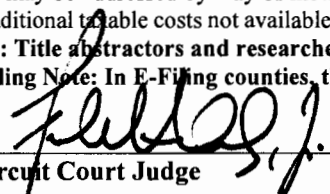
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Circuit Court Judge

2159

Judge Code

Sept. 5, 2025

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Tommy Thomas, Esq.

Kylee Kanealey, Esq.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)


CLERK OF COURT

Court Reporter: No court reporter. State's motion was addressed without a hearing.

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

148

WITNESSES

BCSO *TORO CALHOUN*

ARREST WARRANT NUMBER

2019A0710400271

ACTION OF GRAND JURY

True Bill

Bozell Young
Foreperson of Grand Jury

Date: *12-17-20*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2020GS0700334

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2020

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

Manuf. Dist., etc. Narcotic drugs in
Sch. I(b) & (c), LSD, and Sched. II

SC Code: 44-53-370(b)(1)

CDR Code: 0183

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2020GS0700334

At a Court of General Sessions, convened on December 17th, 2020, the Grand Jurors of Beaufort County present upon their oath:

Manuf., Dist. etc. Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II

That in Beaufort County, South Carolina, on or about April 11, 2019, the Defendant, CHRISTOPHER RAY SMITH, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Oxycodone, which was a controlled substance classified in Schedule I (b) or (c) which was a narcotic drug, or lysergic acid diethylamide (LSD), or in Schedule II which was a narcotic drug, all in violation of Section 44-53-370(b)(1), et al. of the Codes of Law of South Carolina.

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



Solicitor

STATE CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2020GS0700334

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2020GS0700334

VS.

CHRISTOPHER RAY SMITHA/W#: 2018A0710400271

AKA:

Date of Offense: 04/11/2019Race: White Sex: Male Age: 40S.C. Code §: 44-53-370(b)(1)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0183Address: [REDACTED] RIDGELAND, SC

City, State, Zip:

SENTENCE SHEET

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Possession with Intent to Distribute OxycodoneIn violation of § 44-53-370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183☒ 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. ES (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

SMITH 104709 [Signature] [Signature] 72418
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 670 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center. True Copy

SCCA/217 (07/2021)

Page 1 of 2

[Signature]
 Jeff Ann Roseneau - Clerk of Court
 Beaufort County, SC - Jennifer Petrof

STATE CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2020GSO700334

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

SPECIAL CONDITIONS:
☐ PTUP after _____ months/years
And Other Terms Listed Below:

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

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

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

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$		
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 100 -
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25 -
§14-1-213 (Drug Court Surcharge)	\$150		\$ 150 -
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (If paid in installments)	TBD		\$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$
☒ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ 40 -

TOTAL \$ 323.25

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: 2-18-22

WITNESSES

BCSO *TOO A CAPTAIN*

ARREST WARRANT NUMBER

2020a0710400016

ACTION OF GRAND JURY

*True Bill**Russell Young*
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2020GS0700358

The State of South Carolina
County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2020

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

Trafficking in Heroin, 28g or more

SC Code: 44-53-370(e)(3)(c)

CDR Code: 0149

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

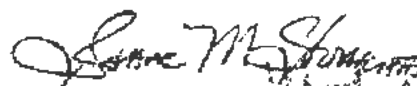
INDICTMENT
2020GS0700358

At a Court of General Sessions, convened on December 17th, 2020, the Grand Jurors of Beaufort County present upon their oath:

Trafficking in Heroin, 28g or more

That in Beaufort County, South Carolina, on or about January 27, 2020, the Defendant, CHRISTOPHER RAY SMITH, did knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State or provide financial assistance to bring into this State or aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this state or actually or constructively possess or attempt to become in actual or constructive possession of twenty-eight grams or more of a morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in Section 44-53-190 or Section 44-53-210 or a mixture containing any of these substances, all in violation of Section 44-53-370(e)(3)(c), et al. of the Codes of Law of South Carolina.

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



Solicitor

STATE

CHRISTOPHER RAY SMITH

25 - 40 YEARS and \$200,000

INDICTMENT/CASE#: 2020GS0700358

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

VS.

INDICTMENT/CASE#: 2020GSD700358

CHRISTOPHER RAY SMITH

AW#: 2020a07104000 16

AKA:

Date of Offense: 01/28/2020

Race: White

Sex: Male

Age: 43

S.C. Code §: 44-53-370(e)(3)(c)

DOB: [REDACTED]

SS#: [REDACTED]

CDR Code #: 0149

Address: [REDACTED], Ridgeland, SC [REDACTED]

Jasper County

City, State, Zip:

SENTENCE SHEET

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Trafficking in Heroin, 28 g or moreIn violation of § 44-53-370(e)(3)(c) of the S.C. Code of Laws, bearing CDR Code # 0149☐ 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. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 25 months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 670 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center - A True Copy

SCCA217 (07/2021)

Page 1 of 2

Jen Ann Rosensau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

STATE

CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GS 0700358

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

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

TOTAL \$ 2583.25

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

 2142
 5-18-22

WITNESSES

BCSO *Toss GAC 11/12/20*

ARREST WARRANT NUMBER

2020a0710400017

ACTION OF GRAND JURY

True Bill*Russell G. Jones*
Foreperson of Grand Jury

Date: _____

VERDICT

Foreperson of Petit Jury

Date: _____

INDICT

DOCKET NO. 2020GS0700359

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2020

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

Trafficking in Cocaine, 10g or more
but less than 28g

SC Code: 44-53-370(e)(2)(a)(1)

CDR Code: 0278

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

Defendant

I _____
hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF BEAUFORT

2020GS0700359

At a Court of General Sessions, convened on December 17th, 2020, the Grand Jurors of Beaufort County present upon their oath:

Trafficking in Cocaine, 10g or more but less than 28g

That in Beaufort County, South Carolina, on or about January 27, 2020, the Defendant CHRISTOPHER RAY SMITH, did knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State or provide financial assistance to bring into this State or aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase or bring into this state or actually or constructively possess or attempt to become in actual or constructive possession of ten grams or more, but less than twenty-eight grams of cocaine or a mixture containing cocaine, as provided in 44-53-210(b)(4), all in violation of Section 44-53-370(e)(2)(a)(1), et al. of the Codes of Law of South Carolina.

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



Solicitor

3 - 10 YEARS and \$25,000

STATE CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GS0700359

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2020GS0700359

VS.

CHRISTOPHER RAY SMITH

AW#: 2020a0710400017

AKA:

Date of Offense: 01/28/2020

Race: White Sex: Male Age: 43

S.C. Code §: 44-53-370(e)(2)(a)(1)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0278

Address: [REDACTED], Ridgeland, SC [REDACTED]

Jasper County

City, State, Zip:

SENTENCE SHEET

DL# [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADSTO: Trafficking in Cocaine, 10 - 28 gIn violation of § 44-53-370(e)(2)(a) of the S.C. Code of Laws, bearing CDR Code # 0278☐ 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. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

104209
SC Bar #

Defendant

Attorney for Defendant

12418
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 695 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

SCCA/217 (07/2021)

Certified - A True Copy

Page 1 of 2

Jerr Ann Rosemary - Clerk of Court
Beaufort County, SC - Jennifer Petroff

STATE

CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GS0700359

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

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

TOTAL \$ 283.25

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

WITNESSES

DOCKET NO. 2020GS0701415

The State of South Carolina
County of Beaufort

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



Defendant

COURT OF GENERAL SESSIONS

June Term 2022

THE STATE

vs.

CHRISTOPHER RAY SMITH

hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2020A0710400205

Indictment For

Trafficking Methamphetamine or
Cocaine Base

SC Code: 44-53-375(C)(1)(a)

CDR Code: 0450

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF BEAUFORT)

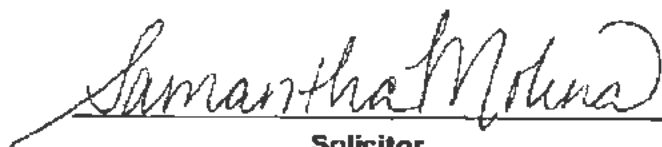
2020GS0701415

At a Court of General Sessions, convened on June 2, 2022, the Grand Jurors of Beaufort County present upon their oath:

Trafficking Methamphetamine or Cocaine Base

That in Beaufort County, South Carolina, on or about July 16, 2020, the Defendant, CHRISTOPHER RAY SMITH, did knowingly sell, manufacture, deliver, purchase, or otherwise bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession of more than ten but less than twenty-eight grams of methamphetamine or cocaine base as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1) or 44-53-210(d)(2), all in violation of Section 44-53-375(C)(1)(a), et al. of the Codes of Law of South Carolina.

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



Solicitor

STATE CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2020GSO701415

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

VS.

INDICTMENT/CASE#: 2020GSO701415

CHRISTOPHER RAY SMITH

A/W#: 2020A07104002.05

AKA:

Date of Offense: 07/16/2020Race: White Sex: Male Age: 41S.C. Code §: 44-53-375(C)(1)(a)DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0450Address: [REDACTED], RIDGELAND, SC [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Trafficking Methamphetamine, 10g - 28gIn violation of § 44-53-375(C)(1)(a) of the S.C. Code of Laws, bearing CDR Code # 0450☐ 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. CS (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature] 104209 [Signature] [Signature] 72418
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 days/months/years Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable"; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.10 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center Certified - A True Copy

SCCA/217 (07/2021)

Page 1 of 2

[Signature]
 Jerri Ann Roseau - Clerk of Court
 Beaufort County, SC - Jennifer Petroff

STATE

CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2020GSO701415

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

SPECIAL CONDITIONS:
☐ PTUP after _____ months/years
And Other Terms Listed Below:

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

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

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

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

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

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

WITNESSES

DOCKET NO. 2020GS0701416

The State of South Carolina
County of Beaufort

COURT OF GENERAL SESSIONS

June Term 2022

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

Trafficking in Morphine, Opium,
Heroin

SC Code: 44-53-370(e)(3)(c)

CDR Code: 0149

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



Defendant

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

ARREST WARRANT NUMBER

2020A0710400203

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF BEAUFORT)

2020GS0701416

At a Court of General Sessions, convened on June 2, 2022, the Grand Jurors of Beaufort County present upon their oath:

Trafficking in Morphine, Opium, Heroin

That in Beaufort County, South Carolina, on or about July 16, 2020, the Defendant, CHRISTOPHER RAY SMITH, did knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State or provide financial assistance to bring into this State or aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this state or actually or constructively possess or attempt to become in actual or constructive possession of twenty-eight grams or more of a morphine, opium, salt, isomer, or salt of an isomer thereof, including heroin, as described in Section 44-53-190 or Section 44-53-210 or a mixture containing any of these substances, all in violation of Section 44-53-370(e)(3)(c), et al. of the Codes of Law of South Carolina.

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


Solicitor

STATE · · · CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GSO701416

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2020GSO 701416

VS.

CHRISTOPHER RAY SMITH

A/W#: 2020A0710400203

AKA:

Date of Offense: 07/16/2020

Race: White Sex: Male Age: 41

S.C. Code §: 44-53-370(e)(3)(c)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0149

Address: [REDACTED] RIDGELAND, SC [REDACTED]

City, State, Zip:

SENTENCE SHEET

DL# [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADSTO: Trafficking Heroin, 28g or moreIn violation of § 44-53-370(e)(3)(c) of the S.C. Code of Laws, bearing CDR Code # 0149☐ 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. CS (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature]
Solicitor104709
SC Bar #[Signature]
Defendant[Signature]
Attorney for Defendant72418
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 25 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.
670 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center Copy

SCCAV217 (07/2021)

Page 1 of 2

[Signature]
Jaim Ann Rosenau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

STATE · CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2020GS0701416

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

SPECIAL CONDITIONS:☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

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

TOTAL \$ 283.25Clerk of Court/Deputy Clerk: _____
Court Reporter: _____Presiding Judge: _____
Judge Code: _____
Sentence Date: 2-14-22
3-18-22

WITNESSES

BCSO TODD CALHOUN

ARREST WARRANT NUMBER

2020A0710400197

ACTION OF GRAND JURY

True BillRussell Yarns
Foreperson of Grand JuryDate: 12/15/20

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2020GS0701417

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2020

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

Manuf., Dist., etc. Narcotic drugs in
Sch. I(b) & (c), LSD, and Sched. II

SC Code: 44-53-370(b)(1)

CDR Code: 0183

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF BEAUFORT

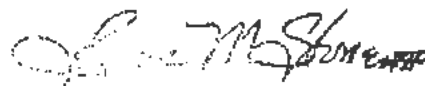
2020GS0701417

At a Court of General Sessions, convened on December 17th, 2020, the Grand Jurors of Beaufort County present upon their oath:

Manuf., Dist., etc. Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II

That in Beaufort County, South Carolina, on or about January 27, 2020, the Defendant, CHRISTOPHER RAY SMITH, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Oxycodone, which was a controlled substance classified in Schedule I (b) or (c) which was a narcotic drug, or lysergic acid diethylamide (LSD), or in Schedule II which was a narcotic drug, all in violation of Section 44-53-370(b)(1), et al. of the Codes of Law of South Carolina.

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



Solicitor

0 - 15 years

STATE

CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GS0701417

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

VS.

INDICTMENT/CASE#: 2020GS0701417

CHRISTOPHER RAY SMITH

AW#: 2020A0710400197

AKA:

Date of Offense: 01/27/2020

Race: WhiteSex: MaleAge: 43

S.C. Code §: 44-53-370(b)(1)

DOB: [REDACTED]

SS#: [REDACTED]

CDR Code #: 0183

Address: [REDACTED], Ridgeland, SC [REDACTED]

Jasper County

City, State, Zip:

SENTENCE SHEET

DL#:

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Possession with intent to distribute OxycodoneIn violation of § 44-53-370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183☒ 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. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:



104209



Solicitor

SC Bar #

Defendant

Attorney for Defendant

72418

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 670 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center - A True Copy

SCCA/217 (07/2021)

Page 1 of 2

Jani Ann Roseneau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

STATE

CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GSO701417

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

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

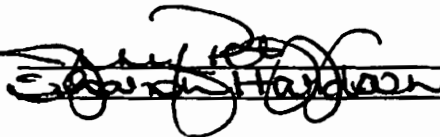
 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 100.-
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$
§14-1-213 (Drug Court Surcharge)	\$150		\$ 150.-
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$
☒ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ 40.-
TOTAL			\$ 353.25

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____



 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

 2142
 5-18-22

WITNESSESBCSO Todd Calhoun**ARREST WARRANT NUMBER**

2020A0710400198

ACTION OF GRAND JURY**True Bill**Barrett King
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2020GS0701418

The State of South Carolina**County of Beaufort****COURT OF GENERAL SESSIONS**

December Term 2020

THE STATE

vs.

CHRISTOPHER RAY SMITH**Indictment For**Manuf. Dist., etc. other sub. in Sch. I,
II, III or flunitrazepam or analogueSC Code: 44-53-370(b)(2), 44-53-
370(a)(1)

CDR Code: 0186

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)

INDICTMENT

2020GS0701418

At a Court of General Sessions, convened on December 17th, 2020, the Grand Jurors of Beaufort County present upon their oath:

Manuf. Dist., etc. other sub. in Sch. I, II, III or flunitrazepam or analogue

That in Beaufort County, South Carolina, on or about January 27, 2020, the Defendant, CHRISTOPHER RAY SMITH, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Buprenorphine, which was a controlled substance classified in Schedule I, II, III, flunitrazepam, or a controlled substance analogue, all in violation of Section 44-53-370(b)(2), 44-53-370(a)(1), et al. of the Codes of Law of South Carolina.

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



Solicitor

0-5 YEARS

STATE CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GSO701418

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2020GSO701418

VS.

CHRISTOPHER RAY SMITH

A/W#: 2020A0710400198

AKA:

Date of Offense: 01/27/2020

Race: White

Sex: Male

Age:

S.C. Code §: 44-53-370(b)(2)

DOB:

SS#:

CDR Code #: 0186

Address: , Ridgeland, SC

Jasper County

City, State, Zip:

DL#:

SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS

TO: Possession with intent to distribute Buprenorphine

In violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186

☒ 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. (def.'s Initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 670 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center True Copy

SCCA/217 (07/2021)

Page 1 of 2

Jeri And Roseau - Clerk of Court
Beaufort County, SC - Jennifer Patroff

STATE

CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2020GSO701418

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

SPECIAL CONDITIONS:
☐ PTUP after _____ months/years
And Other Terms Listed Below:

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

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

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

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ 100 -
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$
§56-5-2995 (DUI Assessment)		\$12	\$
§56-1-286 (DUI Breath Test)		\$25	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25 -
§14-1-213 (Drug Court Surcharge)		\$150	\$ 150 -
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$
§50-21-114 (BUI Breath Test Fee)		\$50	\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$
3% to County (if paid in installments)		TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$

TOTAL \$ 283.25

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

 2142
 5-10-22

176

WITNESSES

BCSO *Todd Calhoun*

ARREST WARRANT NUMBER

2020A0710400199

ACTION OF GRAND JURY

True Bill

Russell Yeager
Foreperson of Grand Jury

Date: _____

VERDICT

Foreperson of Petit Jury

Date: _____

INDICT

DOCKET NO. 2020GS0701419

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2020

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

**Manuf., dist., etc. other sub. in Sch.
I, II, III or flunitrazepam or analogue**

SC Code: 44-53-370(b)(2), 44-53-
370(a)(1)

CDR Code: 0186

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

Defendant

I _____
hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF BEAUFORT)

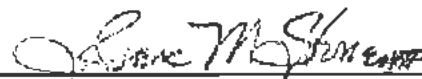
2020GS0701419

At a Court of General Sessions, convened on December 17th, 2020, the Grand Jurors of Beaufort County present upon their oath:

Manuf., Dist., etc. other sub. in Sch. I, II, III or flunitrazepam or analogue

That in Beaufort County, South Carolina, on or about January 27, 2020, the Defendant, CHRISTOPHER RAY SMITH, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Amphetamine, which was a controlled substance classified in Schedule I, II, III, flunitrazepam, or a controlled substance analogue, all in violation of Section 44-53-370(b)(2), 44-53-370(a)(1), et al. of the Codes of Law of South Carolina.

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



Solicitor

0 - 5 YEARS

STATE CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GSO701419

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2020GSO701419

VS.

CHRISTOPHER RAY SMITH

A/W#: 2020A0710400199

AKA:

Date of Offense: 01/27/2020

Race: White Sex: Male Age:

S.C. Code §: 44-53-370(b)(2)

DOB: SS#:

CDR Code #: 0186

Address: , Ridgeland, SC

Jasper County

City, State, Zip:

SENTENCE SHEET

DL# SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Possession with intent to distribute Amphetamine

In violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186

☒ 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. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Solicitor

104209
SC Bar #

Defendant

Attorney for Defendant

72418
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years Time Served ☐ Youthful Offender Act not to exceed years

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

of \$; plus costs and assessments as applicable; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

670 days/months

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

SCCA/217 (07/2021)

Page 1 of 2

Jerrin A. Roseau - Clerk of Court
Beaufort County, SC - Jennifer Petroff

STATE

CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2020GSO701419

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

SPECIAL CONDITIONS:
☐ PTUP after _____ months/years
And Other Terms Listed Below:

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

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

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

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

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

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

180

WITNESSES

BCSO Todd Canard

ARREST WARRANT NUMBER

2020A0710400200

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

Date: _____

VERDICT

Foreperson of Petit Jury

Date: _____

INDICT

DOCKET NO. 2020GS0701420

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2020

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

Manuf., Dist., etc. Sch. IV drugs,
except flunitrazepam

SC Code: 44-53-370(b)(3)

CDR Code: 0189

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

Defendant

I _____
hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

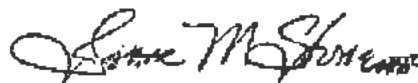
INDICTMENT
2020GS0701420

At a Court of General Sessions, convened on December 17th, 2020, the Grand Jurors of Beaufort County present upon their oath:

Manuf., Dist., etc. Sch. IV drugs, except flunitrazepam

That in Beaufort County, South Carolina, on or about January 27, 2020, the Defendant, CHRISTOPHER RAY SMITH, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Alprazolam, which was a controlled substance classified in Schedule IV except for flunitrazepam, all in violation of Section 44-53-370(b)(3), et al. of the Codes of Law of South Carolina.

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



Solicitor

2021

0 - 3 YEARS

STATE

CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2020GSO701420

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2020GSD 701420

VS.

CHRISTOPHER RAY SMITH

A/W#: 2020A0710400200

AKA:

Date of Offense: 01/27/2020

Race: White Sex: Male Age:

S.C. Code §: 44-53-370(b)(3)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0189

Address: [REDACTED], Ridgeland, SC [REDACTED]

Jasper County

City, State, Zip:

DL# SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Possession with intent distribute AlprazolamIn violation of § 44-53-370(b)(3) of the S.C. Code of Laws, bearing CDR Code # 0189☒ 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. (def.'s Initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:



Solicitor

104209

SC Bar #



Defendant



Attorney for Defendant

72418

SC Bar #

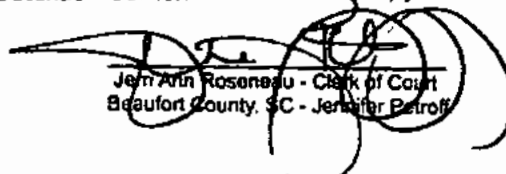
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 3 days/months/years Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP. 670 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center. Certified - A True Copy

SCCA/Z17 (07/2021)


Jennifer Petroff - Clerk of Court
Beaufort County, SC - Jennifer Petroff

STATE CHRISTOPHER RAY SMITH INDICTMENT/CASE#: 2020GSO701420

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

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

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

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

WITNESSES

DOCKET NO. 2021GS0701077

The State of South Carolina
County of Beaufort

COURT OF GENERAL SESSIONS

June Term 2022

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

Schedule I, II, III, Flunitrazepam, or
Controlled Substance Analogue

SC Code: 44-53-370(b)(2), 44-53-
370(a)(1)

CDR Code: 0186

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


Defendant

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

ARREST WARRANT NUMBER

2021A0710400158

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2021GS0701077

At a Court of General Sessions, convened on June 2, 2022, the Grand Jurors of Beaufort County present upon their oath:

Schedule I, II, III, Flunitrazepam, or Controlled Substance Analogue

That in Beaufort County, South Carolina, on or about July 16, 2020, the Defendant, CHRISTOPHER RAY SMITH, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Amphetamine, which was a controlled substance classified in Schedule I, II, III, flunitrazepam, or a controlled substance analogue, all in violation of Section 44-53-370(b)(2), 44-53-370(a)(1), et al. of the Codes of Law of South Carolina.

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


Solicitor

STATE CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2021GSO701077

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

INDICTMENT/CASE#: 2021GSO701077

VS.

CHRISTOPHER RAY SMITHAW#: 2021A0710400159

AKA:

Date of Offense: 07/16/2020Race: White Sex: Male Age: 41S.C. Code §: 44-53-370(b)(2)DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0186Address: [REDACTED], RIDGELAND, SC [REDACTED]

City, State, Zip:

SENTENCE SHEET

DL# SID# *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Possession with Intent to Distribute AmphetamineIn violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186☒ 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. CS (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature] 104209 [Signature] [Signature] 72418
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 670 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center. True Copy

SCCA/217 (07/2021)

Page 1 of 2

[Signature]
 Jenn Ann Roseneau - Clerk of Court
 Beaufort County, SC - Jennifer Payoff

STATE CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2021GSO701077

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

SPECIAL CONDITIONS:☐ PTUP after _____ months/years**And Other Terms Listed Below:**

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ 100 -
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§56-1-286 (DUI Breath Test)	\$25 \$
§14-1-212 (Law Enforce. Funding)	\$25 \$ 25 -
§14-1-213 (Drug Court Surcharge)	\$150 \$ 150 -
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$
§50-21-114 (BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	TBD \$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500 \$
☒ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ 40 -
TOTAL	\$ 323.25

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

7142
5-18-22

WITNESSES

DOCKET NO. 2021G90701078

The State of South Carolina
County of Beaufort

COURT OF GENERAL SESSIONS

June Term 2022

THE STATE

vs.

CHRISTOPHER RAY SMITH

Indictment For

Schedule I, II, III, Flunitrazepam, or
Controlled Substance Analogue

SC Code: 44-53-370(b)(2), 44-53-
370(a)(1)

CDR Code: 0186

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


Defendant

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

ARREST WARRANT NUMBER

2021A0710400160

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2021GS0701078

At a Court of General Sessions, convened on June 2, 2022, the Grand Jurors of Beaufort County present upon their oath:

Schedule I, II, III, Flunitrazepam, or Controlled Substance Analogue

That in Beaufort County, South Carolina, on or about July 16, 2020, the Defendant CHRISTOPHER RAY SMITH, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Buprenorphine, which was a controlled substance classified in Schedule I, II, III, flunitrazepam, or a controlled substance analogue, all in violation of Section 44-53-370(b)(2), 44-53-370(a)(1), et al. of the Codes of Law of South Carolina.

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


Solicitor

INDICTMENT/CASE#: 2021GS0701078

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GSD701078

VS.

AW#: 2021A0710400160

Date of Offense: 07/16/2020

S.C. Code §: 44-53-370(b)(2)

CDR Code #: 0186

City, State, Zip:

SENTENCE SHEET

DL# SID#

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

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

TO: Possession with Intent to Distribute Buprenorphine

In violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186

☒ 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. CD (def.'s initials)

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

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

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

for a determinate term of 3 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

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

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.
days/months

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

☐ The Defendant Shall be Released from County Detention Center.

SCCA/217 (07/2021)

Certified - A True Copy

Page 1 of 2

Jeri Ann Roseneau - Clerk of Court
Beaufort County, SC - Jennifer Retros

STATE CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2021GS0701078

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

SPECIAL CONDITIONS:
☐ PTUP after _____ months/years
And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

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

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

☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$		
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150		\$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ 8.25

☐ Appointed PD or appointed other counsel. Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

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

TOTAL \$ 283.25

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

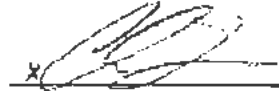
Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

WITNESSES

DOCKET NO. 2021GS0701079

The State of South Carolina
County of Beaufort

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



Defendant

COURT OF GENERAL SESSIONS

June Term 2022

THE STATE

vs.

CHRISTOPHER RAY SMITH

hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2021A0710400161

Indictment For

Schedule I (b),(c), Schedule II Drugs

SC Code: 44-53-370(b)(1)

CDR Code: 0183

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C PLS. and G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF BEAUFORT)

2021GS0701079

At a Court of General Sessions, convened on June 2, 2022, the Grand Jurors of Beaufort County present upon their oath:

Schedule I (b),(c), Schedule II Drugs

That in Beaufort County, South Carolina, on or about July 16, 2020, the Defendant, CHRISTOPHER RAY SMITH, did manufacture, distribute, dispense, deliver, or purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase or possess with the intent to manufacture, distribute, dispense, deliver, or purchase Oxycodone, which was a controlled substance classified in Schedule I (b) or (c) which was a narcotic drug, or lysergic acid diethylamide (LSD), or in Schedule II which was a narcotic drug, all in violation of Section 44-53-370(b)(1), et al. of the Codes of Law of South Carolina.

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


Solicitor

STATE

CHRISTOPHER RAY SMITH

INDICTMENT/CASE#: 2021GS0701079

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

STATE

VS.

INDICTMENT/CASE#: 2021GS0701079

CHRISTOPHER RAY SMITH

A/W#: 2021A07104001 61

AKA:

Date of Offense: 07/06/2020

Race: White Sex: Male Age: 41

S.C. Code §: 44-53-370(b)(1)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0183

Address: [REDACTED], RIDGELAND, SC [REDACTED]

City, State, Zip:

SENTENCE SHEET

DL# [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Possession with Intent to Distribute Oxycodone

In violation of § 44-53-370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183

☒ 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. CS (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Smilina

104209

[Signature][Signature]

D4/18

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 15 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable"; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.60 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center

SCCA/217 (07/2021)

Certified - A True Copy

Page 1 of 2

[Signature]
Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC - Jennifer Pafford

STATE

CHRISTOPHER RAY SMITHINDICTMENT/CASE#: 2021GS 0701079

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

SPECIAL CONDITIONS:
☐ PTUP after _____ months/years
And Other Terms Listed Below:

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

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

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

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

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

TOTAL \$ 283.25

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

CWS
2142
5-18-22