

**RECEIVED**

**Apr 06 2026**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_

Certiorari to Greenville County

Honorable Daniel D. Hall, Circuit Court Judge

\_\_\_\_\_

ANTWON M. ROGERS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002210

\_\_\_\_\_

APPENDIX

\_\_\_\_\_

KATHRINE H. HUDGINS  
Senior Appellate Defender

ALAN WILSON  
Attorney General

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

D. RUSSELL BARLOW  
Senior Assistant Deputy Attorney General  
P.O. Box 11549  
Columbia, SC 29211-1549  
(803) 734-3737

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX ..... i

GUILTY PLEA TRANSCRIPT DATED JUNE 4, 2019 ..... 1

INDICTMENTS AND SENTENCE SHEETS ..... 24

APPLICATION FOR POST-CONVICTION RELIEF FILED ON MARCH 3, 2020 ..... 36

RETURN AND MOTION FOR MORE DEFINITE STATEMENT ..... 44

AMENDED APPLICATION FOR POST-CONVICTION RELIEF FILED ON  
SEPTEMBER 19, 2022 ..... 50

POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED MARCH 8, 2023 ..... 53

ORDER OF DISMISSAL FILED ON OCTOBER 14, 2025 ..... 91

State of South Carolina  
County of Greenville

Court of General Sessions

State of South Carolina )  
 )  
 )  
 v. )  
 )  
 Antwon Marcees Rogers )  
 )  
 Defendant. )

Transcript of Record  
2015-GS-23-09874  
2015-GS-23-09880

June 4, 2019  
Greenville, South Carolina

B E F O R E:

The Honorable Edward W. Miller Judge.

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

Doug Richardson, Assistant Solicitor  
Attorney for the State

Teal Johnson, Assistant Public Defender  
Attorney for the Defendant

Lisa Scott  
Circuit Court Reporter

I N D E X

WITNESS

PAGE

No Witnesses.

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
------------	--------------------	------------	-------------

No Exhibits.

P R O C E E D I N G S

- - -

MR. RICHARDSON: Antwon Rogers.

(The defendant was personally present, together with counsel.)

THE CLERK: Your Honor, in the case of 2015-GS-23-9874, the *State v. Antwon Marcees Rogers*, indicted for kidnapping and possession of a weapon during the commission of a violent crime. He's pleading to kidnapping, and of course this is a true bill.

In the case of 2015-GS-23-9880, Mr. Rogers is indicted for criminal sexual conduct in the first degree, pleading to the same, also a true bill.

In the case of 2016-GS-23 -- excuse me -- 2016-GS-39-0093, Mr. Rogers is indicted for armed robbery, pleading to the same, and it is a true bill.

And then in the case of 2016-GS-39-0240, Mr. Rogers is indicted for criminal sexual conduct, first degree, pleading to the same, also a true bill.

And, sir, if you would please raise your right hand.

THE DEFENDANT: (Complying.)

1 THE CLERK: Do you promise to tell the truth,  
2 the whole truth, and nothing but the truth so help  
3 you God?

4 THE DEFENDANT: Yes, ma'am.

5 THE CLERK: Thank you.

6 THE COURT: You got any jail days on him?

7 MR. RICHARDSON: Yes, Your Honor. 1,392.

8 THE COURT: All right. Mr. Rogers, in the last  
9 24 hours have you had any drugs, alcohol, or  
10 medication?

11 THE DEFENDANT: No, sir.

12 THE COURT: Have you ever been treated for  
13 substance abuse or for mental illness?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: What have you been treated for?

16 THE DEFENDANT: Wellbutrin for depress, stress.  
17 Seroquel for, like, I mean, schizophrenic.

18 THE COURT: Okay. Who treats you?

19 THE DEFENDANT: Huh?

20 THE COURT: Who treats you?

21 THE DEFENDANT: Mental health.

22 THE COURT: Okay.

23 THE DEFENDANT: Dr. Martin in Greenville  
24 County.

25 THE COURT: Are you supposed to be on some

1 medication?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Well, in the last 24 hours have  
4 they given it to you?

5 THE DEFENDANT: No, sir. Too early. Meds ---

6 THE COURT: Too early?

7 THE DEFENDANT: --- meds ain't ran.

8 THE COURT: Meds ain't ran. When -- when do  
9 you take them?

10 THE DEFENDANT: In the morning after breakfast.

11 THE COURT: Okay. You didn't get them this  
12 morning?

13 THE DEFENDANT: Huh-uh.

14 THE COURT: The fact that you are supposed to  
15 be on this medication and you haven't had it today,  
16 does that limit your ability to understand what's  
17 going on here?

18 THE DEFENDANT: I understand everything, sir.

19 THE COURT: Okay. Do you have any issues as to  
20 the his competency?

21 MS. JOHNSON: No, Your Honor.

22 THE COURT: Okay. All right. Well, you're up  
23 here on a number of indictments. The first one I'm  
24 looking at -- I also understand you have one from  
25 Pickens County. You understand you have an absolute

1 right to have that case resolved in Pickens County.  
2 Do you want to give that right up, which would allow  
3 you to go forward today and handle it today?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. All right. The first one  
6 I'm looking at alleges that you did in Pickens  
7 County on or about July 27, 2015, engage in sexual  
8 battery with FDJ and used aggravated force to  
9 accomplish the battery. And this carries up to  
10 30 years in prison.

11 This is a violent offense. This is a most  
12 serious offense. Violent nature impacts parole  
13 eligibility. Most serious means that if you get  
14 convictions for two or more most serious offenses,  
15 you are eligible for life in prison without parole.  
16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Next one alleges that you  
19 did in Pickens County, August 9, 2015, while armed  
20 with a deadly weapon or alleging you were while  
21 using a representation of a deadly weapon, you took  
22 by force or intimidation credit card and diamond  
23 wedding ring from **KBD** This carries from 10  
24 to 30 years, and this is a -- again, a violent and a  
25 most serious offense. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. The next one I'm  
3 looking at alleges you did in Greenville County,  
4 August 9, 2015, engage in a sexual battery with CDV  
5 and/or used aggravated force to accomplish this  
6 sexual battery and/or the victim submitted to sexual  
7 battery by the act or under circumstances where the  
8 victim was also the victim of forcible confinement,  
9 kidnapping, trafficking in persons, robbery,  
10 extortion, burglary, housebreaking, or any other  
11 similar -- similar offense. And, again, this is a  
12 30-year offense. It is also violent and most  
13 serious. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. Last one I'm looking at  
16 alleges, Count 1, that you did in Greenville County,  
17 on or about August 9, 2015, unlawfully seize,  
18 abduct, confine, inveigle, decoy, or carry away CBD  
19 without the authority of law. This carries up to 30  
20 years, and it is also a violent and a most serious  
21 offense. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Understanding the nature of  
24 the charges and the maximum possible punishment, how  
25 do you want to plead?

1 THE DEFENDANT: Guilty, sir.

2 THE COURT: Okay. Is that your free and  
3 voluntary decision?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Has anyone forced you to make this  
6 decision?

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay. Do you understand you have  
9 an absolute right to a trial by jury where you'd be  
10 presumed innocent unless and until the State could  
11 prove you guilty beyond any reasonable doubt of each  
12 and every element of each offense that you are  
13 charged with?

14 You'd have a right to confront and  
15 cross-examine the witnesses and the evidence put up  
16 against you by the State.

17 You'd have a right to use the subpoena power of  
18 the State to compel in court all relevant and  
19 competent evidence in your own defense, or you could  
20 remain silent. Your silence cannot be held against  
21 you. And you could never be compelled to  
22 incriminate yourself. Do you understand all those  
23 rights?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You want to give all those rights

1 up to enter this plea?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you guilty?

4 THE DEFENDANT: I'm guilty.

5 THE COURT: Okay. Are you totally and  
6 completely satisfied with the representation of your  
7 attorney?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Have you met with her as often as  
10 you think is necessary to reasonably prepare your  
11 defense in this case?

12 THE DEFENDANT: More than enough, sir.

13 THE COURT: Okay. And do you have any  
14 complaints you want to make about the way you've  
15 been treated in the case?

16 THE DEFENDANT: No, sir.

17 THE COURT: All right. Do you know what the  
18 evidence is the State has against you?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. Please listen while they  
21 tell me about it.

22 MR. RICHARDSON: May it please the Court? Your  
23 Honor, both victims are present and would like to  
24 address the Court at the appropriate time.

25 THE COURT: Okay.

1 MR. RICHARDSON: Your Honor, the first incident  
2 took place on July 27, 2015. This defendant was at  
3 the Quality Inn located in the city of Easley, which  
4 is in Pickens County. The victim, **FDJ**  
5 was staying at that same hotel. The defendant  
6 entered the victim's room after asking for a  
7 cigarette.

8 Once inside the room, he pulled out a knife,  
9 put it to the victim's throat. He then pushed her  
10 onto the bed and raped her at knifepoint. He used a  
11 Bi-Lo shopping bag as a condom.

12 The defendant then forced the victim into a  
13 bathroom. He ransacked the room, taking victim's --  
14 the victim's cell phone and also money to the extent  
15 of \$250. He then cut the cord to the landline in  
16 the room -- telephone landline in the room and was  
17 seen on videotape leaving the room and running away.

18 The second incident, Your Honor, took place on  
19 August the 9th, 2015. The second victim, **KBD**  
20 **██████████** and her husband were at their home. She left  
21 the home to go get dinner and a movie for them to  
22 watch from a Redbox dispensary.

23 She got lost trying to locate that Redbox, so  
24 she stopped at the 7-Eleven, which is located in  
25 Greenville County on Highway 123. At that location

1 was this defendant and also another male and a  
2 female. They asked her to buy some gas for them.  
3 She did buy that gas for them. She then asked for  
4 directions to the Redbox, which -- where she wanted  
5 to buy the movie.

6 This defendant said he would give her  
7 directions and -- or, actually, he said to follow  
8 him and he would take her to the Redbox. Your  
9 Honor, she did follow him.

10 At some point in time -- I will say at this  
11 point in time, it's about 2:30 in the morning and  
12 he's driving a stolen car. He actually drops the  
13 car off at a closed gas station on Saluda Dam Road  
14 in Pickens County and approaches her vehicle on the  
15 passenger's side, gets in her vehicle, and tells her  
16 that he would tell her how to get there.

17 So they went to the Redbox which was located at  
18 a Dollar General on Highway 183, which is also in  
19 Pickens County. She got out of the vehicle and  
20 approached the Redbox, actually rented the movie.  
21 When she turned around, this defendant was standing  
22 behind her pointing a gun at her head.

23 At that point in time he asked her, "Where's  
24 all the money?" She said she didn't have any. He  
25 then took her hand and stuck it against the car with

1 the weapon -- with the gun and removed her wedding  
2 ring.

3 At that point in time, she asked -- he told her  
4 to take her pants down. She refused. He hit her in  
5 the head with the gun, pistol-whipped her with the  
6 gun on the side of her face. He bent her over and  
7 raped her vaginally from behind with the gun pointed  
8 to her head. Once -- he actually also used a -- a  
9 shopping bag in this case too as a condom.

10 Once he completed, he put her into the trunk of  
11 her car and he took her to another location in  
12 Greenville County. That location was off Anderson  
13 Road, just before the Anderson County line.

14 He opened the trunk at that location, had her  
15 come out of the trunk at gunpoint, and then raped  
16 her again vaginally. Your Honor, once he completed  
17 in that instance, he had her actually wash herself  
18 with a green tea bottle and wash herself with a  
19 shirt, a white shirt that was found in the car. We  
20 actually have that shirt in evidence. He told her  
21 that it would be a shame to kill her.

22 And at that point, he let her go and she walked  
23 to a residence. He left the scene. She walked to a  
24 residence. He left the scene driving her car. She  
25 walked to a residence and had the resident call 911.

1           Subsequent to that, he -- he actually also took  
2 her cell phone, so he went to Spartanburg County and  
3 actually sold that. They have kiosks in the  
4 WestGate Mall. He sold it there. We were able to  
5 obtain documentation showing him selling the phone,  
6 his fingerprint, which is required to sell phones at  
7 these kiosks and I believe also his driver's  
8 license.

9           Once he sold the phone, he left that location  
10 and ended up in Hendersonville, North Carolina,  
11 where he was arrested. Upon search of -- he was  
12 arrested at a Red Roof Inn there. And upon search  
13 of his room, they found the gun. They also found  
14 the ring and other items belonging to the victim.

15           Your Honor, those are the facts as we would  
16 show it at trial. He does have a prior record.

17           THE COURT: Okay. Tell me his record.

18           MR. RICHARDSON: In 2004, disorderly conduct.  
19           2007, criminal domestic violence, first  
20 offense; possession of methamphetamine; and  
21 possession of a controlled substance, two counts;  
22 also, a petit larceny.

23           In 2008, a strong arm robbery; a failure to  
24 stop for a blue light; a breach of trust.

25           In 2010, an indecent exposure; a habitual

1 traffic offender; and also a parole revocation.  
2 Also in 2010, an assault and battery of a high and  
3 aggravated nature, which was actually pled down from  
4 a criminal sexual conduct.

5 In 2012, he had a receiving stolen goods;  
6 malicious injury to personal property; and an  
7 indecent exposure.

8 In 2015, he had a breach of trust in excess of  
9 \$2,000.

10 There's no recommendation, Your Honor, other  
11 than we are dropping several charges, which includes  
12 kidnap -- two kidnappings, armed robbery, grand  
13 larceny, unlawful possession of a firearm, habitual  
14 offender, and then two indecent exposures that he  
15 got while he was down at the jail on these charges.

16 THE COURT: Okay. All right. Is that true and  
17 correct, Mr. Rogers?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. Anything you disagree with  
20 in the recitation of the facts?

21 THE DEFENDANT: (No response.)

22 THE COURT: If you do, tell me now. This is  
23 your chance.

24 MS. JOHNSON: Your Honor, the only thing he  
25 disagrees with was the characterization of the

1 second victim, how that was a total stranger and he  
2 met this woman at -- at a gas station. That was a  
3 pre -- prearranged meeting at that gas station. I  
4 think these parties knew each other prior to this  
5 incident.

6 THE COURT: Okay. Is that accurate,  
7 Mr. Rogers? What you would ---

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. All right. Well, I'm going  
10 to accept the plea as being freely, voluntarily, and  
11 intelligently made with the advice of a very  
12 competent attorney with whom he states he's well  
13 satisfied, and there is certainly a substantial  
14 factual basis for the plea.

15 So I'll be happy to hear from the victims.

16 VICTIM ADVOCATE: Your Honor, Cassidy Crowe.  
17 I'm the victim advocate for the State. I'm going to  
18 read a letter from both victims. I'm going to start  
19 with a letter FDJ [REDACTED] wrote. She's also  
20 present in the courtroom here on the end.

21 "I am Mary Evelyn Kraus, FDJ [REDACTED] aunt. I want  
22 to share with you what this tragic violation on her  
23 life has done to her. Has changed her way of living  
24 and one decision of yours, FDJ [REDACTED] trust for people  
25 is challenged. Her feeling safe is compromised to a

1 walk through hell. She doesn't know what demon is  
2 going to reach out and violate her. She has been  
3 sleeping -- she has not been sleeping. She gets  
4 angry because she has been left to attempt to move  
5 on with her life and be happy, have a relationship,  
6 smile, strike up a conversation, and this still  
7 today has a chain around her with her name and  
8 violation on it.

9 "As a family, we have listened to her  
10 heartbreak and pray and ask for deliverance, and we  
11 believe that this is closure today. Some of our  
12 prayers are being answered for her.

13 "I want to say to you this: As upsetting as  
14 this is and has been for our family, hurtful for  
15 **FDJ** I need to tell you, you are forgiven and we  
16 pray that you get the help that you need, whatever  
17 that may be, that has caused this sickening behavior  
18 that God's hands are laying on you and you are  
19 healed. I need to tell you that God loves you. He  
20 has made a way through Jesus for you, and I pray  
21 that peace comes for **FDJ** and peace comes to you and  
22 the families on both sides.

23 "We are walking away today with all that could  
24 be accountable, all that can be said is said.  
25 Tomorrow morning, we will be brand new start -- will

1 be a brand new start for **FDJ** This day is finally  
2 here and over. We ask that for you there is not  
3 enough time to be sentenced to give back what you  
4 have taken, but at least you will be aware that you  
5 can't violate another lady again. We ask for the  
6 maximum -- maximum sentence because that is what  
7 **FDJ** has been given. Thank you, Your Honor."

8 And then now I'm reading a letter from **KBD**  
9 **[REDACTED]**

10 "There is no way to explain the ways that this  
11 has affected my life. For the first two years  
12 following the incident, all I can remember is being  
13 in and out of hospitals, being scared to leave my  
14 home, and contemplating my life. In those two  
15 years, I lost that time with my kids. I couldn't be  
16 the mother I should've been to them. That's what  
17 hurts me the most.

18 "Being so mentally and emotionally damaged, I  
19 was unrecognizable to the people around me, to my  
20 children that needed me the most. I have fought  
21 every day to wake up and be present in their lives.  
22 I did not deserve this, but more than anything, they  
23 did not deserve this. The hardest thing I've done  
24 in my life is being a mother with PTSD. I've missed  
25 out on so much of my life living in constant fear.

1 The memories every day is a battle for me, one I  
2 should never have to fight.

3 "Your Honor, I'd like to ask for you to give  
4 him the maximum sentence allowed because he has done  
5 this to me. Thank you."

6 THE COURT: All right. Thank you very much.  
7 All right. Ms. Johnson.

8 MS. JOHNSON: May it please the Court?

9 THE COURT: Yep.

10 MS. JOHNSON: Your Honor, Mr. Rogers is 32 or  
11 he will be 32 on [REDACTED]. He's single. He has  
12 three children, two girls and one boy whom he loves  
13 very much. He is from Easley, born and raised.

14 He went through the 11th grade at Easley High  
15 School. He does not have his GED. He tells me he  
16 dropped out of high school because he was taking  
17 care of his younger brothers, age 29 and 26.

18 His work history is varied. He was working at  
19 Sunland Distribution in temporary services. He's  
20 also worked at Confluence. He tells me that was the  
21 longest job he had. And did fast food at Ryan's and  
22 Sonic.

23 I'm not here to offer excuses, Your Honor, but  
24 he's had a pretty hard life. His dad left his mom  
25 at age two to go to Detroit. I called his family as

1 he instructed me, and, you know, no one's here on  
2 his behalf. I mean, it's kind of sad, but his  
3 family has always been there for him. You know,  
4 I've always been able to talk to them and get  
5 information I needed. They -- they've been there  
6 for us, but, again, I just would point out to the  
7 Court that they're not here today. I think that's  
8 kind of telling about the kind of life he's had.

9 So what happened, Your Honor, I guess I don't  
10 really have an explanation, but he got out of prison  
11 in May of 2015 and he was trying desperately to get  
12 a job. He tells me he was trying to get a job with  
13 United Van Lines and he could not, so he -- it -- he  
14 just kind of turned to -- or got desperate and  
15 turned to drugs -- weed, meth, and cocaine. And,  
16 also, his grandmother died during this period.

17 So just all of these factors. Again, I'm not  
18 making excuses, but I think, you know, that may give  
19 some explanation as to why we are here today.

20 I have explained to Mr. Rogers the seriousness  
21 of the charges. He understands them. He knows what  
22 we're dealing with. If he's ever released -- SVP;  
23 lifetime registry; lifetime monitoring. He  
24 understands that.

25 Your Honor, he is pleading guilty today to,

1 one, get this over with, but, two, you know, he does  
2 not want to put the victims through a trial. He  
3 wants to accept responsibility for his actions.

4 And I'm asking the Court to take into account  
5 of his acceptance today for foregoing his right to a  
6 jury trial. I am asking for concurrent time, a  
7 concurrent sentence somewhere in the 15- to 20-year  
8 range.

9 And my client one day wants to be a musician.  
10 Maybe in SCDC he can work on his music -- musical  
11 career, and he desperately wants to get back to his  
12 children. He loves them very much. And I'm asking  
13 for some sort of life at the end of his sentence,  
14 Your Honor. And he wants me to ask for mercy.

15 THE COURT: Okay. What do you want to tell me?

16 THE DEFENDANT: First and foremost, I just want  
17 to say I apologize to the Court, to the victims, to  
18 their family, to my family, you know. I just don't  
19 want to die in prison.

20 I'm going to be something one day. And  
21 sometime when you send people away, it helps them.  
22 Sometimes they never make it home or they just, you  
23 know, turn into somebody they're not.

24 But being that I've been in the county for four  
25 years, I've learned a lot like with human beings,

1 me, myself. I've learned myself. And I just want  
2 to say I apologize to not hold y'all up. That's it.

3 THE COURT: Okay. Anything else?

4 THE DEFENDANT: I'm guilty.

5 THE COURT: Yeah. Well, these are horrific  
6 crimes, and you visited injury upon fellow humans  
7 inexcusably. You have a long history of the same  
8 conduct. It's 30 years on each of them. It runs  
9 concurrent.

10 MS. JOHNSON: Thank you, Your Honor.

11 THE COURT: Okay.

12 MR. RICHARDSON: Thank you, Judge.

13 THE COURT: Okay. All right. Thank you very  
14 much.

15 (The proceedings concluded at 10:07 a.m.)

16 - - -

17

18

19

20

21

22

23

24

25

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

2

3           S T A T E   O F   S O U T H   C A R O L I N A

4           C O U N T Y   O F   G R E E N V I L L E

5

6           I, the undersigned, Lisa Scott, Circuit Court  
7           Reporter for the Thirteenth Judicial Circuit of the  
8           State of South Carolina, do hereby certify that the  
9           foregoing is a true, accurate and complete  
10          transcript of record of all the proceedings had and  
11          the evidence introduced in the hearing of the  
12          captioned cause, relative to appeal in the Criminal  
13          Court for Greenville County, South Carolina, on the  
14          4th day of June, 2019.

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

17

18

April 24, 2020

19

20

/s/Lisa Scott

21

22

*Lisa Scott*  
*Circuit Court Reporter*

23

24

25

**WITNESSES**

D Picone *cl-*

Greenville County Sheriffs Office

8/12/2015

**ARREST WARRANT NUMBER**

2015A2330207062, 2015A2330207063

**ACTION OF GRAND JURY**

**TRUE BILL**

*Wayne Shephardson*

FOREMAN GRAND JURY

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*

Date:

DOCKET NO. 2015-GS-23-00717N

BCS

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November

TERM 2015

THE STATE

vs.

ANTWON MARCEES ROGERS

Indictment for

✓  
0095, 0549

KIDNAPPING AND POSSESSION OF A  
WEAPON DURING THE COMMISSION OF A  
VIOLENT CRIME

VIOLATION § 16-03-0910 AND 16-23-0490

ENTERED  
ACCT. *LBH*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
KIDNAPPING AND POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on **NOV 24 2015** the Grand Jurors of Greenville

County present upon their oath:

COUNT ONE

**KIDNAPPING**

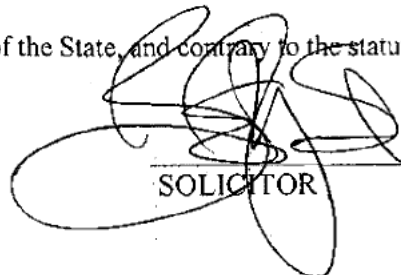
That ANTWON MARCEES ROGERS did in Greenville County, on or about the 9th day of August, 2015, unlawfully seize, abduct, confine, inveigle, decoy or carry away C. B. D., without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO

**POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME**

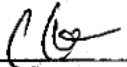
That ANTWON MARCEES ROGERS did in Greenville County, on or about the 9th day of August, 2015, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Kidnapping. This is in violation of §16-23-0490 of the South Carolina Code of Laws (1976) as amended.

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

  
SOLICITOR BAR # 15305

**WITNESSES**

D Picone



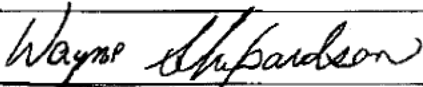
Greenville County Sheriffs Office

8/12/2015

**ARREST WARRANT NUMBER**

2015A2330207025

**ACTION OF GRAND JURY  
TRUE BILL**



FOREMAN GRAND JURY

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*

*Date:*

DOCKET NO. 2015-GS-23-

BCS

007000

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November

TERM 2015

THE STATE

vs.

ANTWON MARCEES ROGERS

Indictment for

0160

CRIMINAL SEXUAL CONDUCT FIRST DEGREE

VIOLATION § 16-03-0652

ENTERED  
ACCT. 12/1

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

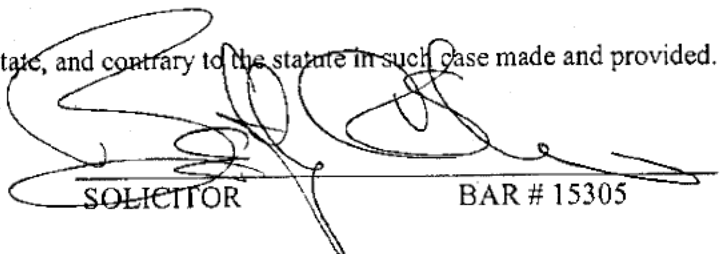
INDICTMENT FOR  
CRIMINAL SEXUAL CONDUCT FIRST DEGREE

At a Court of General Sessions, convened on **NOV 24 2015** the Grand Jurors of Greenville

County present upon their oath:

That ANTWON MARCEES ROGERS did in Greenville County, on or about the 9th day of August, 2015, engage in sexual battery, with C. B. D., and/or used aggravated force to accomplish this sexual battery and/or the victim submitted to sexual battery by the actor under circumstances where the victim was also the victim of forcible confinement, kidnapping, trafficking in persons, robbery, extortion, burglary, housebreaking or any other similar offense. This is in violation of South Carolina Code of Laws Section 16-03-0652 of the South Carolina Code of Laws (1976) as amended.

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

  
SOLICITOR BAR # 15305

WITNESSES

J Art Taylor

Pickens County Sheriff's Office

11/9/2015

ARREST WARRANT NUMBER

2015A3910500405

ACTION OF GRAND JURY

TRUE BILL

Date

JAN 25 2016

*[Signature]*  
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-39-0093  
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JAN 25 2016 TERM 2016

THE STATE

vs.

ANTWON MARCEES ROGERS

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330(A)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

INDICTMENT FOR  
ARMED ROBBERY

At a Court of General Sessions, convened on **JAN 25 2016** the Grand Jurors of Pickens

County present upon their oath:

That ANTWON MARCEES ROGERS did in Pickens County, on or about the 9th day of August, 2015, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: a credit card and/or diamond wedding ring from the person or presence of **KBD** This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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

  
\_\_\_\_\_  
SOLICITOR BAR # 66112

WITNESSES

David Sudduth

Easley Police Department

11/10/2015

ARREST WARRANT NUMBER

2015A3920400800

ACTION OF GRAND JURY

TRUE BILL

Date

FEB 09 2016

*David Sudduth*

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-39-0240  
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

FEB 09 2016

TERM 2016

THE STATE

vs.

ANTWON MARCEES ROGERS

Indictment for

0160

CRIMINAL SEXUAL CONDUCT FIRST DEGREE

VIOLATION § 16-03-0652

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF PICKENS )

INDICTMENT FOR  
CRIMINAL SEXUAL CONDUCT FIRST DEGREE

At a Court of General Sessions, convened on  
County present upon their oath:

FEB 09 2016

the Grand Jurors of Pickens

That ANTWON MARCEES ROGERS did in Pickens County, on or about the 27th day of July, 2015, engage in sexual battery, with F.D.J., and used aggravated force to accomplish this sexual battery. This is in violation of South Carolina Code of Laws Section 16-3-652 of the South Carolina Code of Laws (1976) as amended.

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

  
\_\_\_\_\_  
SOLICITOR BAR # 66112

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

INDICTMENT/CASE#: 2015GS2309874

AKA: Antwon Marcees Rogers

A/W#: 2015A2330207062

Race: BLACK Sex: M Age: 31

Date of Offense: 8/9/2015

DOB: [redacted] SS#: [redacted]

S.C. Code §: 16-03-0910

Address: [redacted] Eunice Avenue

CDR Code #: 0095

City, State, Zip: Greenville, SC 29617

DL#: [redacted] SID#:

SENTENCE SHEET 0 to 3075

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]

In disposition of the said indictment comes now the Defendant who was TO: Kidnapping (gs)

[ ] CONVICTED OF or [X] PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
[ ] NON-VIOLENT [X] VIOLENT [ ] SERIOUS [X] MOST SERIOUS [ ] Mandatory GPS(CSC w/minor 1st or Lewd Act) [ ] §17-25-45

The charge is: [X] As Indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentation to Grand Jury. (defendant's initials)

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

ATTEST: Richardson, Doug 66112 SC Bar# Defendant Johnson, Teal 78451 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the [ ] State Department of Corrections, [ ] County Detention Center, for a determinate term of 30 days/months/years or [ ] under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[X] CONCURRENT or [ ] CONSECUTIVE to sentence on:

[X] 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. 1392 DHS

[ ] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered PTUP

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

Payment Terms: [ ] Set by SCDPPPS Obtain GED [ ] Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling [ ] Random Drug/Alcohol testing [ ] Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surcharge) \$100, §14-1-211(A)(2) (DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75. TOTAL \$ 128.75

[ ] Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Paul B. Wickens Court Reporter: L. Scott

Presiding Judge [Signature] Judge Code: 2130 Sentence Date: 6-4-19

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

INDICTMENT/CASE#: 2015GS2309880

Antwon Marcees Rogers

A/W#: 2015A2330207025

AKA:

Date of Offense: 8/9/2015

Race: BLACK Sex: M Age: 31

S.C. Code §: 16-03-0652

DOB: [redacted] SS#: [redacted]

CDR Code #: 0160

Address: Eunice Avenue

City, State, Zip: Greenville, SC 29617

DL#: [redacted] SID#:

SENTENCE SHEET 0 to 30 yrs

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]

[ ] CONVICTED OF or [X] PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Sex, Crim Sex Conduct, First Degree

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160

[ ] NON-VIOLENT [X] VIOLENT [ ] SERIOUS [X] MOST SERIOUS [ ] Mandatory GPS(CSC w/minor 1st or Lewd Act) [ ] §17-25-45

The charge is: [ ] As Indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury. (defendant's initials)

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

ATTEST: Richardson, Doug 66112 SC Bar# Defendant Johnson, TEAL 78451 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the [ ] State Department of Corrections, [ ] County Detention Center, for a determinate term of 30 days/months/years or and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[X] CONCURRENT or [ ] CONSECUTIVE to sentence on:

[X] 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. 1392 DAYS

[ ] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered PTUP

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

Payment Terms:

[ ] Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Rows include assessments, surcharges, and fees.

TOTAL \$ 126.75

Obtain GED [ ] Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling [ ] Random Drug/Alcohol testing [ ] Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

[ ] Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Paul B. Wickens Court Reporter L. Scott

Presiding Judge Judge Code: 2130 Sentence Date: 6-4-19

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Pickens
STATE VS.
Antwon Marcees Rogers

INDICTMENT/CASE#: 2016GS3900093
A/W#: 2015A3910500405
Date of Offense: 8/9/2015
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

AKA:
Race: Sex: M Age: 31
DOB: DOB SS#: SSN
Address: Eunice Dr
City, State, Zip: Greenville, SC 29617
DL#: DLN SID#
\*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET 10 to 30yo

In disposition of the said indictment comes now the Defendant who was
TO: Robbery, Armed With A Deadly Weapon

CONVICED OF or PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Richardson, Doug SC Bar# 66112
Antwon Rog Defendant
DEJONG, JOHN W. Attorney for Defendant SC Bar# 01620

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

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.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. 1792 DAYS
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

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

Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211(A)(1) (Conv. Surchage) \$100, §14-1-211(A)(2) (DUI Surchage) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surchage) \$150, §50-21-114(BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75. TOTAL \$128.75

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk Paul B. Wickens
Court Reporter: L. Scott

Presiding Judge [Signature]
Judge Code: 2130
Sentence Date: 6-4-19

COUNTY OF Pickens
STATE VS.
Antwon Marcees Rogers
AKA:
Race: Sex: M Age: 31
DOB: DOB SS#: SSN
Address:
City, State, Zip: Greenville, SC 29617
DL#: DLN SID#:

INDICTMENT/CASE#: 2016GS3900240
A/W#: 2015A3920400800
Date of Offense: 7/27/2015
S.C. Code §: 16-03-0652
CDR Code #: 0160

SENTENCE SHEET 0 to 30 days

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Sex, Crim Sex Conduct, First Degree

CONVICTED OF or PLEADS

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Richardson, Doug SC Bar# 66112 Defendant
PRO SE Attorney for Defendant SC Bar# 9999

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

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. 1392 Days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

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

Payment Terms:
Set by SCDPPPS Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning

Recipient: Substance Abuse Counseling Random Drug/Alcohol testing

\*Fine: \$
§14-1-206 (Assessments 107.5 %) \$
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§14-1-211(A)(2) (DUI Surcharge) \$100 \$
§56-5-2995 (DUI Assessment) \$12 \$
§56-1-286 (DUI Breath Test) \$25 \$
Proviso (Public Def/Probation) \$500 \$
§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§14-1-213 (Drug Court Surcharge) \$150 \$
§50-21-114(BUI Breath Test Fee) \$50 \$
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$ 3.75

\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Paul B. Wickensina
Court Reporter: L. Seiff
Presiding Judge Judge Code: 2130 Sentence Date: 6-4-19

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
 County of Greenville county )  
 )  
Antwon marcees Rogers )  
 Full name and prison number (if any) of Applicant )

IN THE COURT OF COMMON PLEAS

2020-CP-23- 01368

v.

State of South Carolina )  
 )  
 )  
 )  
 )  
 )

APPLICATION FOR  
 POST-CONVICTION RELIEF

FILED  
 CLERK OF COURT  
 2020 MAR -3 PM 2:37

**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 Broad River correctional institution

---

2. Name and location of Court which imposed sentence Greenville county

---

3. Name(s) of co-defendant(s) (if any) none

---

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_

- (c) \_\_\_\_\_
- 5. The date upon which sentence was imposed and the terms of the sentence:
  - (a) 6-4-2019
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
- 6. Check whether a finding of guilty was made:
  - (a) after a plea of guilty yes
  - (b) after a plea of not guilty \_\_\_\_\_
  - (c) after a plea of nolo contendere \_\_\_\_\_
- 7. Did you appeal from the judgment of conviction or the imposition of sentence?  
NO
- 8. If you answered "yes" to (7), list:
  - (a) the name of each Court to which you appealed:
    - i. \_\_\_\_\_
    - 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) \_\_\_\_\_
  - (b) \_\_\_\_\_

- (c) \_\_\_\_\_
- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
- 11. State concisely and in the same order the facts which support each of the grounds set out in (10):
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
- 12. Prior to this application have you filed with respect to this conviction:
  - (a) any petition in a State Court under South Carolina Law? \_\_\_\_\_
  - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? \_\_\_\_\_
  - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? \_\_\_\_\_
  - (d) any other petitions, motions or applications in this or any other Court? \_\_\_\_\_
- 13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
  - (a) the specific nature thereof:
    - i. \_\_\_\_\_
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
    - iv. \_\_\_\_\_
  - (b) the name and location of the Court in which each was filed:
    - i. Greenville county
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
    - iv. \_\_\_\_\_

(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?

\_\_\_\_\_

\_\_\_\_\_

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? \_\_\_\_\_
- (c) your sentencing? \_\_\_\_\_
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? \_\_\_\_\_
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
\_\_\_\_\_

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

- (a)\* the name and address of each attorney who represented you:
  - i. Tral Johnson
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (b) the proceedings at which each such attorney represented you:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

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

I want my sentence vacated

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

no

STATE OF SOUTH CAROLINA )  
County of \_\_\_\_\_ )

VERIFICATION

I, Arthur M. Roy, 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.

Arthur M. Roy

SWORN to and subscribed before me this 10<sup>th</sup> day of Feb, 2020.

[Signature] (L.S.)  
Notary Public

My Commission Expires: 7-27-2026

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

I, Arthur M. Roy, 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.

Arthur M. Roy  
Applicant

SWORN or affirmed to and subscribed before me this  
10<sup>th</sup> day of Feb., 2020.

[Signature]  
Notary Public

My Commission Expires: 7-27-2026

Antwon M. Rogers #0327699  
BRCI MLT - #1081  
4460 Broad River Rd.  
Columbia, S.C. 29210

COLLIMBIA SC 290  
27 FEB 2020 PM 2 L  
FOREVER  
USA



2020-CP-23-01368

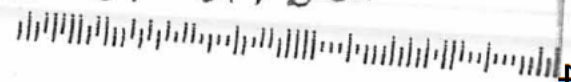
**RECEIVED**

FEB 27 2020

SCDC BRCI  
Christmas MAIL ROOM  
Packet

Paul B. Wickensimer  
Greenville county clerk of court  
305 East North street  
Greenville, S.C. 29601

29601-219099



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
	)	
Antwon Marcees Rogers, #327699,	)	Case No.: 2020-CP-23-1368
	)	
Applicant,	)	<b>RETURN AND MOTION FOR A</b>
	)	<b>MORE DEFINITE STATEMENT</b>
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

The State (Respondent), making its return to the application for post-conviction relief filed by Antwon Marcees Rogers (Applicant) on March 3, 2020, would respectfully show this Court:

I. Procedural History

Applicant is presently incarcerated according to an order of commitment of the Greenville County Clerk of Court. During its November of 2015 term, the Greenville County Grand Jury indicted Applicant for kidnapping (2015-GS-23-9874), first-degree criminal sexual conduct (2015-GS-23-9880), reckless driving (2015-GS-23-9882), failure to stop for a blue light, first offense (2015-GS-23-9876), two counts of the possession of a weapon during the commission of a violent crime (2015-GS-23-9877; -9874), criminal conspiracy (2015-GS-23-9878), grand larceny (2015-GS-23-9879), and driving as a habitual traffic offender (2015-GS-23-9875). Applicant was represented by Assistant Public Defender Teal Johnson of the Thirteenth Circuit Public Defender’s Office. Assistant Solicitor William Douglas Richardson, Jr., of the Thirteenth Circuit Solicitor’s Office prosecuted the case. On June 4, 2019, Applicant appeared before the Honorable Edward W. Miller and pleaded guilty to kidnapping (2015-GS-23-9874) and first-degree criminal sexual conduct (2015-GS-23-9880), and was sentenced to concurrent sentences of

imprisonment for thirty years.<sup>1</sup>

In accordance with the plea agreement between Applicant and the State, the State dismissed pending charges in Greenville County for two counts of indecent exposure (2018A2330206706; 2016A2330202186); the State dismissed the indictments in Greenville County for reckless driving and failure to stop for a blue light, first offense, grand larceny, driving as a habitual traffic offender, criminal conspiracy, and the two counts of possession of a weapon during the commission of a violent crime; and the State dismissed pending charges in Pickens County for two counts of kidnapping (2016-GS-39-242; -91), first-degree criminal sexual conduct (2016-GS-39-95), armed robbery (2016-GS-39-241), grand larceny (2016-GS-39-90), the possession of a weapon during the commission of a violent crime (2016-GS-39-92), and the possession of a firearm by a felon (2016-GS-39-94).

Applicant did not appeal his convictions or sentences.

## II. Current Application

Applicant does not plead any claims in his application, and the undersigned moves later herein for a more definite statement. Applicant prays that the PCR court would vacate his sentence. Attached to this return and incorporated by reference are the records of the Greenville County Clerk of Court regarding the subject convictions, the records of the Greenville County Clerk of Court and the Pickens County Clerk of Court regarding the charges dismissed by the State in

---

<sup>1</sup> On the same day and during the same proceeding, according to the transcript from Applicant's plea hearing, Applicant pleaded guilty to armed robbery (2016-GS-39-93) and first-degree criminal sexual conduct (2016-GS-39-240). These two convictions were for cases in Pickens County and are not specifically mentioned anywhere in Applicant's application. Therefore, the undersigned will not address them specifically herein, but notes Applicant is required to file an application for post-conviction relief with the Pickens County Clerk of Court if he desires to seek relief regarding those convictions, in accordance with the requirement of South Carolina Code Section 17-27-40 that a post-conviction relief proceeding is commenced when the application is filed "by the applicant with the clerk of court in which the conviction took place."

accordance with Applicant's plea agreement, the transcript from Applicant's plea hearing, and the application for post-conviction relief. Respondent reserves the right to amend this return upon receipt of any relevant materials.

### III. Motion for a More Definite Statement

Respondent moves for a more definite statement as to Applicant's allegations. Applicant does not present any claims or present any facts that would support an application for post-conviction relief. As such, Respondent cannot respond substantively and lacks notice of any basis for which Applicant believes he is entitled to post-conviction relief.

The Uniform Post-Conviction Procedure Act requires that an applicant must "specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South Carolina (1976). In an application for post-conviction relief, it is incumbent upon an applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). The Supreme Court of South Carolina has provided that:

[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the appellant that he was deprived of counsel is insufficient.

Coardes v. State, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974). Furthermore, Rule 8(a), SCRCPP, requires all civil pleadings include "a short and plain statement of the facts showing that the pleader is entitled to relief."

Respondent moves pursuant to Rule 12(e), SCRCPP, to require Applicant to provide a more definite statement of his claims and supporting factual allegations. Respondent moves to require Applicant to file an amended application within forty-five days of the service of this return upon Applicant. If Applicant fails to file a timely and responsive amended application setting forth

specific allegations for relief within that time frame, Respondent will move for the summary dismissal of the application with prejudice.

#### IV. Denial of All Other Allegations

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

#### V. Future Amendments and the Discovery Process

Applicant must specify any claims he intends to raise at the post-conviction relief evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed counsel, that attorney and not the Applicant is the only individual authorized to file amendments to this application for post-conviction relief. See Rule 11, SCRPC. Pro se filings will not be considered at the evidentiary hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent pursuant to Love v. State, Op. No. 27921 (S.C. Sup. Ct. filed October 2, 2019) (Shearhouse Adv. Sh. No. 39 at 14), or, alternatively, Respondent will move for a continuance in the matter. See Love, at 24 (Kittredge, J., dissent) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

#### VI. Conclusion

WHEREFORE, Respondent requests that the Court require Applicant to provide a more definite statement within forty-five days of the service of this return upon him so that Respondent

may have notice of any claims Applicant is raising.

Respectfully submitted,

ALAN WILSON  
Attorney General  
W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

TAYLOR SMITH  
Assistant Attorney General

By: s/Taylor Zane Smith  
ATTORNEYS FOR RESPONDENT

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

May 21, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
	)	
Antwon Marcees Rogers, #327699,	)	Case No.: 2020-CP-23-1368
	)	
Applicant,	)	<b>CERTIFICATE OF SERVICE</b>
	)	
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

1. Undersigned is counsel of record for the Respondent in the above-captioned action.
2. Pursuant to the South Carolina Supreme Court’s Order “RE: Operation of the Trial Courts During the Coronavirus Emergency” (Appellate Case No. 2020-000447), dated April 3, 2020), “a lawyer admitted to practice law in this state may serve a document on another lawyer admitted to practice law in this state using the lawyer’s primary email address listed in the Attorney Information System (AIS).”
3. Undersigned has served a copy of the **Return and Motion for a More Definite Statement** in the above-captioned matter on opposing counsel by emailing a copy to the email address as listed in the AIS:

**Sarah Morrison Henry, Esquire**  
**sarah@sarahmhenrylaw.com**

DATED this 21st day of May, 2020.

s/Taylor Zane Smith  
ATTORNEY NAME  
Assistant Attorney General  
S.C. Bar No.: 103282

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737  
TSmith@scag.gov

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

ANTWON ROGERS (327699),  
PLAINTIFF,

VS.

STATE OF SOUTH CAROLINA,  
DEFENDANT.

IN THE COURT OF  
COMMON PLEAS THIRTEENTH  
JUDICIAL CIRCUIT

DOCKET NO: 2020-CP-23-01368

AMENDED APPLICATION FOR POST  
CONVICTION RELIEF

22 SEP 19 PM 2:48  
Paul Hinkensimer COC 601.50

The application is being brought pursuant to South Carolina Code of Laws Sec 17-27-10 et seq. and should be considered along with the original application filed on October 10, 2019.

1. The applicant is presently being held as an inmate with the South Carolina department of corrections.
2. On or about June 4, 2019 Applicant pled guilty in the Greenville County Court of General Session to CSC 1<sup>st</sup>, Kidnapping, Armed Robbery, and CSC 1<sup>st</sup>.
3. Applicant was found guilty, and sentenced to 30 years in prison.
4. A series of charges including reckless driving, FTSFBL, POWDVC (x2), Criminal Conspiracy, GL, and HTO were dismissed by the solicitor's office as part of this plea.
5. The applicant did not file a direct appeal.
6. The applicant filed the post-conviction relief application in a timely manner.
7. The applicant has filed no action in federal court challenging his convictions.
8. Attorney Teal Johnson represented the applicant on these charges, and was relieved during the guilty plea whereupon the Applicant moved forward pro se.
9. In this application the applicant seeks an order vacating his sentence and remanding him for a new trial.
10. The applicant is amending his post-conviction relief petition to include the below allegations.

11. The applicant alleges that he was denied effective assistance of counsel on the above charges and submits the following facts to support his allegations:
- a. Applicant's original attorney Ms. Johnson informed Applicant that he would receive 15 years in jail as part of his guilty plea. Applicant would not have agreed to accept the plea if he had believed that he would receive more than 15 years in jail.
  - b. Ms. Johnson was aware that Applicant was being held in restricted housing at the GCDC and was unable to contact his family and support. Ms. Johnson failed to contact any of his family for them to show up and support him at his plea hearing, and this potentially affected his sentencing from the court.
  - c. Ms. Johnson failed to investigate Applicant's case including Applicant's allegations that the victim's had actually been attacked by other people prior to their consensual encounters with him.
  - d. Finally, Applicant alleges that due to Ms. Johnson's failure to render effective assistance Applicant's guilty plea was not voluntary.

Respectfully Submitted,

s/Sarah M. Henry  
SC Bar #77907  
406 Pettigru St.  
Greenville, SC 29601  
478-8324/232-9555 (fax)  
[sarah@sarahmhenrylaw.com](mailto:sarah@sarahmhenrylaw.com)  
Attorney for Applicant

September 9, 2022

**PROOF OF SERVICE**

ON THIS DATE, a copy of this document, Amended Application for Post Conviction Relief, was served by email upon counsel for the State of South Carolina at the following address:

**S.C. Attorney General's Office**

Rembert C. Dennis Building

Post Office Box 11549

Columbia, South Carolina 29211

Office: (803) 734-0964

LillyMeadows@scag.gov

s/Sarah M. Henry

Date: September 9, 2022

1 STATE OF SOUTH CAROLINA  
2 COUNTY OF GREENVILLE

IN COMMON PLEAS  
13th JUDICIAL CIRCUIT

3 ANTWON M. ROGERS,  
4  
5 Plaintiff,

6 vs.

CASE NO. 2020-CP-23-01368

7 STATE OF SOUTH CAROLINA,  
8 Defendant.

9  
10 HEARING BEFORE: HONORABLE DANIEL D. HALL

11 DATE: March 8, 2023

12 TIME: 9:55 AM

13 LOCATION: Greenville County Courthouse  
14 305 E. North Street  
15 Greenville, SC 29601

16 REPORTED BY: LORA L. MCDANIEL,  
17 Registered Professional Reporter

18  
19 APPEARANCES:

20 ATTORNEYS FOR THE PETITIONER  
21 SARAH M. HENRY, ESQ.

22 ATTORNEYS FOR THE RESPONDENT  
23 D. RUSS BARLOW, II, ASSISTANT ATTORNEY GENERAL  
24  
25

ANTWON ROGERS v. STATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

DIRECT CROSS REDIRECT RECROSS

WITNESS/EXAMINATION

ANTWON M. ROGERS

BY MS. HENRY	6	--	--	--
BY MR. BARLOW	--	20	--	--
TEAL JOHNSON				
BY MR. BARLOW	28	--	--	--
BY MS. HENRY	--	35	--	--

CERTIFICATE OF REPORTER Page 38

E X H I B I T S

(No Exhibits Proffered)

ANTWON ROGERS v. STATE

1 THE COURT: Mr. Barlow, if you'll call your case.

2 MR. BARLOW: Yes, sir. Thank you, Your Honor. May  
3 it please The Court. Russ Barlow on behalf of the State of  
4 South Carolina. This is a post-conviction relief matter of  
5 Antwon M. Rogers versus the State, case number 2020-CP-23-1368  
6 out of Greenville County.

7 During the November 2015 term of the Greenville  
8 County Grand Jury, Affiant was indicted for kidnapping,  
9 2015-GS-23-9874; first degree criminal sexual conduct,  
10 2015-GS-23-9880; reckless driving, 2015-GS-23-9882; failure to  
11 stop for blue lights, first offense, 2015-GS-23-9876; two  
12 counts of possession of a weapon during the commission of a  
13 violent crime, 2015-GS-23-9877 and 9874; criminal conspiracy,  
14 2015-GS-23-9878; grand larceny, 2015-GS-23-9879; and driving as  
15 a habitual traffic offender, 2015-GS-23-9875.

16 Applicant was represented by Assistant Public  
17 Defender Teal Johnson of the 13th Circuit Public Defender's  
18 Office. And Assistant Solicitor William Douglas Richardson of  
19 the 13th Circuit Solicitor's Office prosecuted the case.

20 On June 4, 2019, Applicant appeared before the  
21 Honorable Edward W. Miller, plead guilty to kidnapping,  
22 2015-GS-23-9874, and first degree general sexual conduct,  
23 2015-GS-23-9880. And he was sentenced to concurrent sentences  
24 of imprisonment for 30 years.

25 In accordance with the plea agreement between

ANTWON ROGERS v. STATE

1 Applicant and the State, the State dismissed pending charges in  
2 Greenville County for two counts of indecent exposure. The  
3 State also dismissed the indictments in Greenville County for  
4 reckless driving and for failure to stop for a blue light,  
5 first offense, and for grand larceny and for driving as a  
6 habitual traffic offender, criminal conspiracy, and the two  
7 counts of possession of a weapon during the commission of a  
8 violent crime.

9 Also, the State dismissed pending charges in  
10 Pickens County, two counts of kidnapping. That's  
11 2016-GS-39-242 and 91; first degree criminal sexual conduct,  
12 2016-GS-39-95; armed robbery, 2016-GS-39-241; grand larceny,  
13 2016-GS-39-90; possession of a weapon during the commission of  
14 a violent crime, 2016-GS-39-92; possession of a firearm by a  
15 felon, 2016-GS-39-94. Applicant did not appeal his convictions  
16 or sentences.

17 On March 3, 2020, Applicant filed his PCR.  
18 However, there were no allegations contained in the  
19 application.

20 On September 9, 2022, Applicant, through counsel,  
21 amended his application to allege the following: That Ms. Teal  
22 Johnson, Applicant's original attorney, informed him that he  
23 would only receive 15 years in jail as part of his guilty plea,  
24 and he would not have agreed to accept the plea if he believed  
25 more than 15 years.

ANTWON ROGERS v. STATE

1                   Number two, Ms. Johnson was aware the Applicant was  
2 being held in restricted housing and was unable to contact his  
3 family for support. Ms. Johnson failed to contact any family  
4 for them to show up and support at his plea hearing, and has  
5 potentially affected his sentencing with the court.

6                   Number three, Ms. Johnson failed to investigate  
7 Applicant's case, including Applicant's allegation the victim  
8 had been attacked by other people prior to their consensual  
9 encounter with him.

10                   At this time, Your Honor, we would ask Ms. Henry to  
11 state for the record which issues she intends to move forward  
12 on.

13                   THE COURT: Thank you. Ms. Henry.

14                   MS. HENRY: Your Honor, as far as we're moving  
15 forward on all of them. We only have one witness. That's  
16 Mr. Rogers.

17                   THE COURT: Call your witness.

18                   THE CLERK: Mr. Rogers, please place your left hand  
19 on the Bible and raise your right hand.

20                   THE BAILIFF: He uses Koran.

21                   THE COURT: You wish to affirm?

22                   THE DEFENDANT: Koran.

23                   THE COURT: Here's the thing. You don't have to  
24 swear on the Bible. We don't have a Koran here in the  
25 courtroom; however you can affirm that the testimony you're

ANTWON ROGERS DIR BY MS. HENRY

1 going to give is the truth. Is that what you wish to do?

2 MR. ROGERS: (Nods head yes).

3 THE COURT: Listen very carefully.

4 THE CLERK: You do solemnly affirm to tell the  
5 truth, the whole truth and nothing but the truth so help you  
6 God.

7 MR. ROGERS: Yes, ma'am.

8 ANTWON MARCEES ROGERS

9 being first duly sworn, testified as follows:

10 THE CLERK: Please state your full name for the  
11 record.

12 MR. ROGERS: Antwon Marcees Rogers.

13 DIRECT EXAMINATION

14 BY MS. HENRY:

15 Q. Mr. Rogers.

16 MS. HENRY: Your Honor, just stop us if you can't  
17 hear me.

18 THE COURT: All right.

19 BY MS. HENRY:

20 Q. Mr. Rogers, you pled guilty on June 4, 2019?

21 A. Yes, ma'am.

22 Q. Is that to a criminal sexual conduct, first, two  
23 counts; kidnapping, armed robbery?

24 A. Yes, ma'am.

25 Q. Were you sentenced to 30 years?

ANTWON ROGERS DIR BY MS. HENRY

1           A.    Yes, ma'am.

2           Q.    Were a series of other charges that have already  
3 been recited by the State dismissed against you as part of this  
4 guilty plea?

5           A.    Say what now?

6           Q.    Were a series of other charges dismissed against  
7 you and those have already been recited by the State?

8           A.    Yes, ma'am.

9           Q.    Obviously, you didn't file a direct appeal.  Were  
10 you represented by Teal Johnson?

11          A.    Yes, ma'am.

12          Q.    Are you asking This Court to vacate your sentence  
13 and remand you for a new trial?

14          A.    Yes, ma'am.

15          Q.    I want to talk to you about the basis of your claim  
16 or the amended application that you filed.  You're claiming  
17 that Ms. Johnson rendered ineffective assistance of counsel  
18 and, specifically, you're claiming that Ms. Johnson told you  
19 that you would receive 15 years as part of your guilty plea.  
20 That was what you would receive from The Court?

21          A.    Yes, ma'am.

22          Q.    Can you tell The Court about your conversations  
23 with Ms. Johnson and why you felt that way.

24          A.    Okay.  Me and Ms. Johnson, like, every year, like,  
25 every other day she would come to the jail house and tell me,

ANTWON ROGERS DIR BY MS. HENRY

1       like -- she would show me that, you know, videos and stuff like  
2       that, seven-11, stuff like that. And I was telling her that I  
3       want to go to trial because I'm not guilty of a lot of the  
4       false allegations that was accused to me. And she was, like,  
5       okay, but they're going to LWOP you, this, that, the third.

6                   I was like, ma'am, I'm not guilty. I got family,  
7       you know. I got kids. I don't have to do none of that, you  
8       know what I'm saying? She was, like, I understand, sir. Tried  
9       to show her the kit, you know, the rape kit with **KBD** Say  
10      negative, negative, negative. Stuff like that.

11                Q.    I apologize, Mr. Rogers. What you're talking about  
12      there, there was a rape kit done on one of the alleged victims?

13                A.    On just one.

14                Q.    You felt like it was very important --

15                A.    Yes, it was very.

16                Q.    -- because the rape kit came back negative?

17                A.    Yes, ma'am, came back negative. She was on Ativan,  
18      you know. She know my family.

19                Q.    You and Ms. Johnson discussed your case a lot?

20                A.    Yes, ma'am.

21                Q.    As part of those discussions for the case, did you  
22      both discuss you pleading guilty in this case? Did you discuss  
23      this guilty plea?

24                A.    No. I was trying to go to trial. To go, you know,  
25      to get the false allegations off of me.

ANTWON ROGERS DIR BY MS. HENRY

1 Q. You and Teal never discussed a guilty plea?

2 A. A guilty plea that's like 15 years. Yes, ma'am.

3 Q. Tell The Court about your discussions related to  
4 the guilty plea.

5 A. The discussions about the guilty plea, she was  
6 like, okay, every time we come up for guilty plea or talk about  
7 a guilty plea, she was saying the prosecutor, she had my neck.  
8 She want to, you know, throw the book at me, LWOP me. And I  
9 was not budging. I did four years in the county behind it, you  
10 know.

11 And she kept coming up there, checking on me and,  
12 you know, trying to talk to me because the Solicitors and the  
13 prosecutors were trying to tell her, you know, they're going to  
14 LWOP me, and they ain't budging with no time. They ain't  
15 budging with the plea.

16 Q. You felt like your case had major issues that  
17 would've gone in your favor at a trial?

18 A. Yes, ma'am.

19 Q. It's your testimony now that you were willing to  
20 wait in the county jail for a trial?

21 A. I was going to wait. I was trying to get a bond.  
22 I couldn't get a bond. They kept denying my bail because of my  
23 prior history of being on YOA, getting slapped on the wrist and  
24 stuff like that.

25 Q. After four years of waiting, you changed your mind

ANTWON ROGERS DIR BY MS. HENRY

1 about a trial and decided to move forward with a plea. What  
2 changed your mind? What about this plea was attractive to you  
3 to no longer desire a trial even in the weaknesses in the  
4 State's case?

5 A. I was located in the shoe at the time. And she  
6 came to visit. I had a visit with her. She was like, I'm  
7 going to ask them. They want to do 30, but I'm going to ask  
8 them 15.

9 I was, okay, ma'am. I'm in the shoe indefinitely.  
10 I've been in the county four years. I mean, if I can get 15, I  
11 can go down the road, do my time, you know, and be close to  
12 home.

13 Q. Teal told you or Ms. Johnson told you she was going  
14 to ask for 15?

15 A. She was going to ask for 15.

16 Q. Did she tell you that they were going to give you  
17 15, and that was guaranteed?

18 A. She was, like, they can give you 15 but, you know,  
19 they at your neck. They're going to light you up like a  
20 Christmas tree, this, that, the third. That's what she was  
21 basically telling me, you know, that she was going -- ain't  
22 nobody here to support me like, you know what I'm saying,  
23 because I was in the shoe.

24 Q. I just want you to be really, really clear for The  
25 Court and for the record. You allege that Ms. Johnson told you

ANTWON ROGERS DIR BY MS. HENRY

1 that you were going to get 15 years --

2 A. Yes, ma'am.

3 Q. -- if you pled guilty?

4 A. Yes, ma'am.

5 Q. Your testimony has been that she said she would ask  
6 them for 15. I just want you to be really clear for The Court  
7 about the difference. Did she tell you that you were going to  
8 get 15 if you accepted the plea --

9 A. Yes, ma'am.

10 Q. -- or did she tell you she was going to ask for it?

11 A. She was going to get me 15.

12 Q. Okay. If she had told you that you would likely  
13 get 30 years or 20 years or anything other than 15, would you  
14 have accepted the plea?

15 A. She said, if I do that, she will get me back up  
16 here in court, you know. She'll be here or whatever. She  
17 said, but -- I don't know. Like, it was just a big old bust, I  
18 don't know. Like, it was crazy.

19 Q. Okay. I'm going to ask you again. If you had  
20 thought or she had told you that you could get more than 15,  
21 did she tell you that you could get more than 15 at this plea?

22 A. She said you can get more than 15.

23 Q. Okay. You said that she also failed to contact  
24 your family to speak for you at the plea?

25 A. Yes, ma'am.

ANTWON ROGERS DIR BY MS. HENRY

1 Q. Why do you think that?

2 A. I don't know. I mean, I don't know. I know she  
3 was a good lawyer at the time. You know, she is a good lawyer.  
4 I don't know what happened to me.

5 Q. You feel like she's generally a good lawyer, but  
6 you feel like she was not a good lawyer for you?

7 A. I mean, look, I got 30 years.

8 Q. I'm going to ask you again. You wanted to put in  
9 the application that she failed to contact your family to come  
10 to your plea?

11 A. Yes, ma'am.

12 Q. Who would've come?

13 A. My momma.

14 Q. Keep going. I apologize. I cut you off.

15 A. I got my momma, my cousin, my girl.

16 Q. Why didn't you contact them yourself?

17 A. I was in the shoe. I couldn't -- be getting  
18 shackled. I couldn't contact nobody.

19 Q. Did the victim speak at the plea?

20 A. No. The aunt spoke at the plea to the victim that  
21 was in Easley and that didn't do no kit whatsoever.

22 MR. BARLOW: Your Honor, I apologize. Could we get  
23 the mike to move closer to his mouth. We're having trouble  
24 hearing him.

25 MR. ROGERS: Hello.

ANTWON ROGERS DIR BY MS. HENRY

1 THE COURT: That's much better. Thank you.

2 BY MS. HENRY:

3 Q. Did the victims both write letters that were read  
4 out at the plea?

5 A. Only one of them, ma'am.

6 Q. At least one victim wrote a letter at the plea --

7 A. Yes.

8 Q. -- that was not positive for you?

9 A. No, ma'am.

10 Q. Did you feel like those letters influenced The  
11 Court in your sentencing?

12 A. Yes, ma'am.

13 Q. Did you feel as though -- did you feel like having  
14 your family there to support you and speak for you might have  
15 improved your chances in getting 15 years?

16 A. Show some of my character, like, and the way I am,  
17 like, you know, they painted a picture that I was a monster  
18 and, you know. They was telling my people that, you know, I'm  
19 a monster, whatever, like The Court, they just -- I feel like I  
20 didn't have nobody to talk for me or nothing.

21 So, I mean, I got kids. I got a family that love  
22 me, the ground I walk on. I got 13-year-old daughter, you know  
23 what I'm saying? Like, I never been like that. So...

24 Q. Did you feel that having your family there and  
25 having people to speak for you is something that an effective

ANTWON ROGERS DIR BY MS. HENRY

1 attorney would've done for a guilty plea?

2 A. Effective attorney.

3 Q. A good lawyer. Would they have called your family  
4 and had people there to speak for you at your guilty plea if  
5 they were available?

6 A. Yeah, she tried to locate -- she did try to locate  
7 this girl named Kelley Sloan. And she kept lying, prolonging  
8 that she going to come and then never come, whatever, and  
9 then --

10 Q. Keep going.

11 A. As far as anybody else, she ain't locate them,  
12 like. She probably called my momma, like, a couple times. My  
13 momma, she never say when we going to court or whatever. When  
14 I was in the shoe, I couldn't call my momma and say, hey, we're  
15 going to court, you know. You come. And stuff like that.

16 So I'm behind the door and a flap and another door.  
17 Some more doors.

18 Q. You also allege that Ms. Johnson failed to  
19 investigate whether one of the victims had been -- potentially  
20 been attacked by someone else?

21 A. Yes, ma'am.

22 Q. Can you explain that to The Court. What did you  
23 want her to investigate? What did she fail to investigate?

24 A. Well, okay, the victim, the victim **KBD** she  
25 was with my cousin. I didn't know about, you know. My cousin

ANTWON ROGERS DIR BY MS. HENRY

1 is a changed person, like, you know.

2 I just got out of jail and, you know. She kept  
3 coming around to, like, coming around on weekends like Fridays,  
4 stuff like that. My cousin, when she found out about the  
5 situation and **KBD** tried to cover it up to my cousin because  
6 they was married at the time, my cousin told them, told The  
7 Court that I burnt my bridges with my family.

8 MR. BARLOW: Objection, Your Honor; hearsay.

9 THE COURT: I'll sustain the objection.

10 BY MS. HENRY:

11 Q. What they want you to do is tell the story from  
12 your perspective. Don't repeat the statements of anybody else.  
13 Continue. Don't mention anything anyone else said.

14 A. Okay. Well, okay, **KBD** was coming around, you  
15 know. I had got warned about her, you know, around the time.  
16 She had came, you know, vulnerable, you know, came with  
17 somebody else. We was at Seven-11. They seen me on the phone  
18 talking to her. She pulled up. They seen us leave. We left.  
19 And, you know, that's when all this extra stuff happened.

20 I told Teal about, you know, we was at the trailer  
21 park, you know, chilling at the trailer park. And she had  
22 left. And when she come back, she crying and stuff like that.  
23 Went to my house. And we went to my house, took car seats and  
24 stuff out. We were riding around, you know, in Greenville.

25 And she's from, she was living in Easley at the

ANTWON ROGERS DIR BY MS. HENRY

1 time. So when she was showing me pictures on her phone, I was,  
2 like: That's my cousin right there, Nute.

3 She said that ain't Nute no more, that's Christian.  
4 I was like, oh, I ain't know, you know. When I seen my girl  
5 cousin/man now, I was like, you know, I ain't, you know. I was  
6 shocked, you know. And I was like, well, that's my people  
7 right there. That's when she was like, what, what, you know,  
8 all reckless, you know, and her phone dead or whatever. We was  
9 at the trailer park.

10 The story about the trailer park situation, I told  
11 Teal about. When she came, she was all, you know, crying and  
12 emotion and bruised up. She was like she can't go home or  
13 whatever, you know, 'cause of the situation.

14 MR. BARLOW: Your Honor, object to hearsay.

15 MR. ROGERS: That's hearsay?

16 THE COURT: Yeah. I'll sustain the objection.

17 MS. HENRY: Your Honor, he's talking about his  
18 observations of her physical representation that he saw. I  
19 don't think there's any statements from her in there.

20 THE COURT: What's the relevance as far as where we  
21 are with the PCR and his allegations?

22 MS. HENRY: Fair enough. Your Honor, my  
23 understanding from him, his allegation is that **KBD** was  
24 sexually assaulted by somebody else prior to his consensual  
25 sexual encounter with her. That's what he is describing for

ANTWON ROGERS DIR BY MS. HENRY

1 The Court and wants to put on the record.

2 THE COURT: I'll allow him to do that. This is a  
3 PCR hearing. We're here to determine about whether his counsel  
4 was ineffective or not. I'll give you some leeway. We'll let  
5 him put that information on the record.

6 MS. HENRY: Thank you, Your Honor.

7 BY MS. HENRY:

8 Q. Keep it a bit functional, Mr. Rogers.

9 A. Right. I also like PCR --

10 Q. Mr. Rogers, let me stop you. Is what I just said  
11 to The Court, is that accurate? Is your allegation that  
12 **KBD** was sexually assaulted by somebody else prior to you  
13 having consensual sex with her?

14 A. Yes, ma'am.

15 Q. Is that something you told Ms. Johnson?

16 A. I mean, every time I talked to Ms. Johnson, it was  
17 like, we was going over, like, the videos and stuff like that,  
18 you know, and trying to figure out, you know. I did tell her  
19 about the situation. Okay. I told her several things about  
20 the Easley -- it was like a big old mix up.

21 I was confused, you know. I mean, I'm getting  
22 harassed in the county, you know what I'm saying. Behind this  
23 stuff because -- and treated differently. So I don't know what  
24 your question is, ma'am.

25 Q. We're here on a PCR against Ms. Johnson and her

ANTWON ROGERS DIR BY MS. HENRY

1 actions as your lawyer; right? I'm asking you if you told her  
2 and asked her to investigate?

3 A. Yes, ma'am.

4 Q. Okay. Did she investigate?

5 A. I showed her the -- I don't know if she did or not.

6 Q. Did you guys discuss her investigation?

7 A. We discussed it. You know, she was coming  
8 faithfully. Ms. Johnson was coming faithfully to talk to me  
9 about it. She even brought a mental health counselor, I don't  
10 know. But we did talk about it, you know what I'm saying. I  
11 showed her the paper, you know.

12 Q. And the paper that you're referring to, is that the  
13 rape kit?

14 A. The rape kit and a couple other things I showed her  
15 in my motion.

16 Q. I feel like you've asked and answered this. You're  
17 telling me that you discussed this with her and you asked her  
18 to investigate. As far as you're aware, she did not  
19 investigate it?

20 A. No, ma'am, she was talking about something else.

21 Q. Do you feel that you would've pled guilty if she  
22 had investigated your allegations fully?

23 A. Not plead guilty, you know what I'm saying. I  
24 wouldn't have plead guilty. I wouldn't have plead guilty, not  
25 on 30 years.

ANTWON ROGERS DIR BY MS. HENRY

1 Q. Okay.

2 A. Not on 30 years, I wouldn't have plead on that.

3 Q. Let's see. Would you have taken the plea if you  
4 knew that you could have received 30 years or would you have  
5 tried the case?

6 A. Yeah, it could've been dropped. If some of that  
7 could have been dropped, yes, I would've plead guilty. What  
8 are you saying?

9 Q. I'm asking you about your PCR. I'm asking you if  
10 you would've plead guilty if you knew you could get more than  
11 15 years?

12 A. No.

13 Q. Okay.

14 A. No.

15 Q. Okay. All right. I don't have any other  
16 questions. Is there anything else that you want to tell The  
17 Court about your PCR that you feel like is really important so  
18 The Court can fully analyze your PCR claims?

19 A. I feel like, you know, I was wholly charged for  
20 some of the stuff that they -- the allegations and stuff like  
21 that. That's the main thing because, like, the Easley victim  
22 didn't have no kit. They just went on hearsay because of this  
23 allegations in Greenville about **KBD** This person calls,  
24 says, well, that person did it, too. It's not right. I don't  
25 think I should've got 30 years for, you know, just for my past,

ANTWON ROGERS CROSS BY MR. BARLOW

1 being locked up and, you know.

2 THE COURT: Thank you, Mr. Rogers. Answer any  
3 questions that Mr. Barlow may have for you.

4 MR. BARLOW: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. BARLOW:

7 Q. Good morning, Mr. Rogers.

8 A. Good morning, sir.

9 Q. You're here today alleging that your plea counsel,  
10 Ms. Teal Johnson, was ineffective; correct?

11 A. Yes, sir.

12 Q. But for the errors that she made at your plea, you  
13 would not have plead and you would've gone to trial; correct?

14 A. Yes, sir.

15 Q. I just want to confirm for the record that you  
16 understand that, if you're successful here today, you go back  
17 to day one. All indictments come back on you including all of  
18 the Greenville indictments, all of the Pickens indictments.  
19 Everything that was part of this deal, wrapped up in this deal,  
20 it all comes back on you. Do you understand that?

21 A. Yes, sir.

22 Q. Do you know what your maximum exposure is?

23 A. No, sir.

24 Q. How about on the Greenville charges alone?

25 A. No, sir.

ANTWON ROGERS CROSS BY MR. BARLOW

1           Q.    They were going to serve you with life without  
2 parole; correct?

3           A.    Yes, sir.

4           Q.    You're facing life without parole just on the  
5 Greenville charges at trial. Do you understand that?

6           A.    Yes, sir.

7           Q.    How about, I believe it was the Pickens County --  
8 excuse me. Do you understand what you're facing there?

9           A.    Yes, sir. It's the same thing.

10          Q.    Two counts of kidnapping. And understanding that,  
11 if you get a new trial, you face life. The State would  
12 potentially serve you with life without parole, you still wish  
13 to proceed with this PCR? How many years did you get?

14          A.    Thirty.

15          Q.    If you get a trial, you are facing life. And you  
16 still wish to proceed with this PCR?

17          A.    I don't know the question. I'm not understanding.

18          Q.    In PCR, the only relief -- I apologize, I didn't  
19 mean to speak over you. In PCR, the only relief that This  
20 Court can grant you is a new trial. In that new trial, because  
21 this was a plea deal, all of the indictments that were dropped  
22 as part of that deal come back on. You will face a trial on  
23 all of those charges in Greenville that were dropped and all of  
24 the charges in Pickens County that were dropped. In Greenville  
25 alone you're facing life. In Pickens, you're facing life.

## ANTWON ROGERS CROSS BY MR. BARLOW

1           A.    Yeah, I bring it up.

2           Q.    I'm sorry?

3           A.    I want to go to trial.

4           Q.    So you want to proceed with the PCR?

5           A.    Yeah, with the PCR.  Why wouldn't I?

6           Q.    I just want to be clear for the record that you're  
7 understanding that you're facing life if you have a new trial.

8           A.    It's the same thing they did me when I was in the  
9 county, sir.  Facing life.  Facing life, sir.

10          Q.    That's what I'm trying to explain to you.

11          A.    Thirty years is life.

12          Q.    Okay.  Well, we can proceed on then.

13                 You talked about you were in a shoe.  Why were you  
14 in a shoe?

15          A.    I was in the shoe because, in the pod, SLED came in  
16 the pod and, you know, they thought a nurse or somebody was  
17 bringing something in so they put me on the shoe indefinitely.  
18 They put me and couple more people in the shoe indefinitely  
19 because I let somebody use my phone pin.

20          Q.    You let someone use your phone?

21          A.    I let somebody use my pin number on the phone, and  
22 they listen to your phone calls.  They locked everybody up.  It  
23 was, you know --

24          Q.    Let's -- I'm sorry.

25          A.    They locked everybody up in the shoe for that.

ANTWON ROGERS CROSS BY MR. BARLOW

1           Q.    Let's move on to your allegations.  Allegation  
2           number one, I believe your testimony here today is that  
3           Ms. Teal -- correct me if I'm wrong -- told you that she would  
4           try to get you 15 but you could get more.  That was your  
5           testimony; correct?

6           A.    That she could get me 15 but they trying to LWOP  
7           me.

8           Q.    Right.  In the plea negotiation, you testified that  
9           she told you that she would try to get you 15 years but you  
10          could get more; is that correct?

11          A.    Yes, sir.

12          Q.    Do you recall the plea judge going over the  
13          offenses you were pleading to?

14          A.    Not really.  I was looking for my family.  I didn't  
15          see nobody.

16          Q.    Do you recall the plea judge explaining to you that  
17          the criminal sexual conduct was a 30-year offense?

18          A.    What criminal sexual conduct?  I'm saying like they  
19          got proof that -- I mean, with the Easley situation, I don't  
20          even get that.

21          Q.    We're not speaking to Easley.  We're speaking to  
22          Greenville.

23          A.    Okay.  Greenville situation.  I don't get that  
24          either, like, it's negative.  It's a big negative, sir.

25          Q.    Do you recall the plea judge going over the charges

ANTWON ROGERS CROSS BY MR. BARLOW

1 with you?

2 A. They went back towards the armed robbery and the  
3 other stuff.

4 Q. My question is: Do you recall the plea judge going  
5 over the charges which you were pleading to at your plea  
6 hearing?

7 A. Yes, sir.

8 Q. Do you recall the plea judge explaining to you the  
9 maximum sentence on each of those charges?

10 A. All I know, my past came up on me. That's all I  
11 know. That's basically what they were going after, my past.

12 Q. Moving on. Let's see. So you're alleging that  
13 plea counsel failed to contact your family to support you at  
14 your plea hearing; is that correct?

15 A. Yes, sir.

16 Q. Your testimony was that they did call your mom?

17 A. They called my momma a couple times when I told her  
18 to call my momma. Not when I came to court, sir. She would  
19 show up in court.

20 Q. And they called your girl?

21 A. They didn't call nobody.

22 Q. So your testimony previously was that they called  
23 your mom and your girl. Now they didn't call anyone?

24 A. That wasn't my girl. That was somebody I was with  
25 at the time when I was out. That was an alibi.

ANTWON ROGERS CROSS BY MR. BARLOW

1           Q.    But for her not calling those witnesses or those  
2 character witnesses, you would've gone to trial and not plead  
3 guilty?

4           A.    I was going to trial for Easley count.

5           Q.    But you plead guilty; correct?

6           A.    Yeah, guilty.

7           Q.    Right.  If you were going to trial, why didn't you  
8 tell the plea judge that you wanted to go to trial and did not  
9 want to plead guilty.

10          A.    They kept saying I was going to trial.  They kept  
11 saying LWOP.  LWOP.  LWOP.  LWOP.  LWOP.

12          Q.    The day of your plea, nowhere in the transcript  
13 does it state what you just said.  Why didn't you tell the  
14 judge at the plea hearing that you wanted to go to trial?

15          A.    They had me on my neck, sir.

16          Q.    Do you recall the judge explaining to you that you  
17 had a right to a trial by a jury?

18          A.    Yeah.  I mean, he asked me was I promised anything.  
19 I looked at Teal.  Teal looked at me, and she talked about it.  
20 She talked.  I didn't say nothing.

21          Q.    You didn't say anything?

22          A.    I didn't say nothing 'cause she said she got it.  
23 She going to talk.

24                   MR. BARLOW:  Your Honor, may I approach?

25                   THE COURT:  Yes, you may.

ANTWON ROGERS CROSS BY MR. BARLOW

1 MR. BARLOW: It's on page nine of the transcript.

2 BY MR. BARLOW:

3 Q. What I want you to do is read this for me. Right  
4 here, lines five to seven. What was your response to that  
5 question?

6 A. You want me to read five to nine?

7 Q. The question and then your answer.

8 A. Has anyone forced you to make this decision? I  
9 looked at Teal.

10 Q. And your answer?

11 A. I say, no, sir.

12 Q. Thank you.

13 A. That's nine.

14 MR. BARLOW: Your Honor, beg The Court's indulgence  
15 real quick.

16 (A pause transpired).

17 BY MR. BARLOW:

18 Q. Real quickly. On the end of this, I believe you  
19 were going into what happened with one of the victims in this  
20 case. I don't want you to go into that here. What I want to  
21 ask you, do you recall Ms. Johnson -- do you recall affirming  
22 the facts as they were read in by the Solicitor?

23 A. Do I recall facts that was read by Solicitor?

24 Q. Uh-huh.

25 A. No, sir.

ANTWON ROGERS CROSS BY MR. BARLOW

1 MR. BARLOW: Beg The Court's indulgence.

2 (A pause transpired.)

3 BY MR. BARLOW:

4 Q. Do you recall Ms. Johnson informing The Court that  
5 you agreed with the facts except for the characterization of  
6 the second encounter?

7 A. Meaning?

8 Q. The second encounter was with someone you knew; it  
9 was not a stranger.

10 A. What you mean?

11 Q. When the Solicitor read the facts into the record,  
12 you agreed with them. And Ms. Teal said that -- I apologize,  
13 Your Honor.

14 (A pause transpired.)

15 MR. BARLOW: Your Honor, it's on page 15. Starts  
16 on line 24.

17 BY MR. BARLOW:

18 Q. Do you recall Ms. Johnson informing The Court that  
19 you agreed with the recitation of the facts except for the  
20 characterization of the second victim, that you knew her, and  
21 that she was not a stranger?

22 A. Second victim is over -- what you mean? I'm not  
23 getting your answer, sir.

24 MR. BARLOW: That's all right. Nothing further,  
25 Your Honor.

TEAL JOHNSON DIR BY MR. BARLOW

1 THE COURT: Thank you. Any redirect?

2 MS. HENRY: No, Your Honor.

3 THE COURT: Mr. Rogers, you may step down.

4 (The witness exited the stand.)

5 THE COURT: Ms. Henry, you indicated that was your  
6 only witness?

7 MS. HENRY: Yes, Your Honor.

8 THE COURT: State have any witnesses?

9 MR. BARLOW: Yes. We call Ms. Teal Johnson.

10 TEAL JOHNSON

11 being first duly sworn, testified as follows:

12 THE CLERK: Please state your full name for the  
13 record.

14 THE WITNESS: It's Teal Alease, like a lease on a  
15 house, Johnson.

16 DIRECT EXAMINATION

17 BY MR. BARLOW:

18 Q. Good morning, Ms. Johnson.

19 A. Good morning.

20 Q. Thank you for being here. How long have you been  
21 practicing law?

22 A. I've been practicing law now for 12-and-a-half  
23 years. If you include the time I spent with a judge,  
24 13-and-a-half years.

25 Q. How much of that has been in criminal law?

TEAL JOHNSON DIR BY MR. BARLOW

1           A.    Except for that year, the entire 12-and-a-half  
2 years I've been a Public Defender.

3           Q.    Were you appointed or retained in this case?

4           A.    Appointed.

5           Q.    Roughly, how long before the trial were you  
6 appointed?

7           A.    I was appointed, I think, like as soon after he was  
8 arrested. A couple days after he was arrested, maybe a week.

9           Q.    How long were you on this case? How long before  
10 trial?

11          A.    The whole time.

12          Q.    During that time you received your Rule Five  
13 discovery; correct?

14          A.    Yes, that's correct.

15          Q.    Did you review the discovery with Applicant?

16          A.    I did.

17          Q.    Can you give us a brief overview of the State's  
18 evidence in this case.

19          A.    It was complicated because Mr. Rogers also had a  
20 situation going on in Pickens County. He was represented by  
21 Mr. Deyoung in Pickens County. But because he was in  
22 Greenville, I guess I just took charge. If I remember  
23 correctly, the allegations were that Mr. Rogers was at a gas  
24 station in Greenville County, met this victim, drove to Pickens  
25 County, raped her, threw her in the back of the trunk of her

TEAL JOHNSON DIR BY MR. BARLOW

1 car, brought her back to Greenville County where he let her out  
2 of the trunk, raped her again.

3 There were allegations of a condom being used in  
4 the form of a Bi-Lo grocery bag. And there was, I think,  
5 allegations that he made the victim douche with green tea and  
6 so that was like one incident. It was two counties.

7 He, thereafter, stole her car. There was a gun in  
8 the car. And later on got in a high-speed chase. He eluded  
9 authorities. Somehow he was also at one point with one of his  
10 girlfriends, Kelley Sloan, they stole or took the victim's  
11 phone, sold it at a Wal-Mart like phone machine. And then  
12 drove up to North Carolina, Hendersonville, where they were  
13 apprehended.

14 And then, I don't know how far after when he was  
15 arrested on those sets of charges, a victim from Easley, a  
16 separate victim came forward. And I'll be honest, I don't  
17 remember that situation very well. But I do remember the Bi-Lo  
18 bag-condom being at issue.

19 She also alleged Mr. Rogers raped her previously or  
20 sometime during the summer. And she came forward after he was  
21 apprehended on the Greenville and Pickens charges with the same  
22 victim.

23 Q. Was the Bi-Lo bag the connecting factor between the  
24 two cases?

25 A. I believe so.

TEAL JOHNSON DIR BY MR. BARLOW

1 Q. Okay. Based on --

2 A. I didn't mean to interrupt you. That was, you  
3 know, alleged by both victims that he used a Bi-Lo bag as a  
4 condom. I don't want to say -- it was not the same bag.

5 Q. Based on the State's evidence, were you able to  
6 craft a defense strategy?

7 A. Yes. I mean, well, we were, you know, going to try  
8 to argue that it was a consensual encounter. I just had a lot  
9 of problems with that based on, you know, stealing the car  
10 later on, selling the phone. Let's see. You know, I think the  
11 victim, like, ran to a neighbor's house. I'm not 100 percent  
12 sure, you know, after she was left in the trailer park.

13 You know, I think there were a lot of obstacles  
14 here. Absolutely, we were going to try to argue that was going  
15 to be a consensual encounter. I don't think with, you know,  
16 all the other evidence, I don't think we would prevail. You  
17 never know what a jury is going to do.

18 Q. Did Mr. Rogers indicate to you that he wanted to  
19 plea or he wanted to go to trial?

20 A. I mean, I don't remember exactly. I mean, you  
21 know, I think I was always trying to get the best possible deal  
22 I could, you know. And I know that we kept negotiating. It  
23 was very difficult to negotiate with the State. They do not  
24 want to bulge or budge with any kind of deal in this case.

25 But, you know, also, you know, I guess in the

TEAL JOHNSON DIR BY MR. BARLOW

1 alternative, we were preparing for a trial, you know, but I  
2 don't make that decision ultimately.

3 Q. Let's move to the allegation, the first allegation.  
4 Did you ever tell the Applicant that he would only get 15  
5 years?

6 A. Absolutely not.

7 Q. In your discussions with the Applicant, do you  
8 recall what you informed him that he would or could get?

9 A. So I told him basically that he could get 30  
10 consecutive. Now I had crafted the best deal I was able to get  
11 which would keep the State silent as to sentencing; they would  
12 not ask for consecutive time. I did inform him that the judge  
13 on his own could sentence him to consecutive time. Because he  
14 was pleading to four charges; he's pleading to, I guess, two  
15 Pickens charges and two Greenville charges.

16 Q. What was the maximum you informed him?

17 A. 120. And I've got -- I actually have the notes  
18 where I wrote out this is worse case scenario. You know, we're  
19 going to ask the judge to consider the fact that you're trying  
20 to resolve this. And that you don't want to put anybody  
21 through a trial.

22 But ultimately I have to be honest with you and  
23 tell you your exposure or everything you're facing. And, you  
24 know, the best I've been able to do is keep the State silent as  
25 to sentencing, and they will not ask for consecutive time.

TEAL JOHNSON DIR BY MR. BARLOW

1 Q. He plead to two charges; right?

2 A. He plead to four, I believe.

3 Q. Two Greenville, two Pickens; is that correct?

4 A. That's correct.

5 Q. In those, there were a ton of others dismissed?

6 A. Yes.

7 Q. In your experience, would you consider that a  
8 reasonable negotiation?

9 A. I wish I had done better, you know. I tried, you  
10 know. I kept trying to get the State to give me a negotiated  
11 20. I was not able to get there at all. These are very, very  
12 serious charges, yeah. They had many ways to go at him with  
13 LWOP and, you know.

14 Q. Do you control sentencing?

15 A. I do not.

16 Q. Let's move on to allegation number two. Did you  
17 contact any of his family prior to the plea to let them know  
18 when the plea was occurring?

19 A. I looked over my notes. So I met with Mr. Rogers  
20 on May 30, 2019. I had on my to do list call Randy, call mom,  
21 and call June Bug. I checked off where I called all three  
22 ladies. And then I've got on my notes where I phone called to  
23 Randy, June Bug and mom.

24 I don't know why I didn't call them back again  
25 right before the plea. I'm sorry that I didn't do that.

TEAL JOHNSON DIR BY MR. BARLOW

1 Maybe I didn't know the day. I don't know why I didn't do  
2 that. I definitely called them about the time we were going to  
3 court. And I assume I informed them, you know, we should be  
4 going to court next week.

5 I can't say that I called them the day before. I  
6 don't have any notes where I did that. But I called them May  
7 30th. And if the plea took place on June 4th, so a week prior  
8 to give them some guidance as to when the plea would take  
9 place.

10 Q. Did you do any investigations into this case?

11 A. I actually hired Paul Savaggio, who was an  
12 investigator in this case. And I had our, I guess, by the end  
13 of his case we actually had an in-house investigator. I had  
14 him doing, you know, talking to witnesses. Mr. Rogers would  
15 give me names of witnesses. And I had him, you know, talk to  
16 witnesses. Mr. Rogers would give me names throughout the  
17 trial, and we would try to talk to these witnesses.

18 I never got what I felt like anything that would  
19 really help us. But I did involve Mr. Savaggio and our  
20 investigator, Jeff McCall, on some investigation for this case.

21 Q. Did they investigate the victims in this case?

22 A. I had Paul Savaggio, like, send me a report on the  
23 victims and, you know, he advised me that they were solid. I  
24 probably would've pressed him. Had I known we were going to  
25 trial, I probably would've had him, you know, really focus on

TEAL JOHNSON CROSS BY MS. HENRY

1 that. But, you know, he felt like they were solid.

2 Q. Ultimately, whose decision was it to plea guilty?

3 A. It was Mr. Rogers.

4 MR. BARLOW: Beg The Court's indulgence, Your  
5 Honor.

6 (A pause transpired.)

7 BY MR. BARLOW:

8 Q. One last question. There was some talk about  
9 Easley charges. Do you recall if those charges were included  
10 in this plea deal?

11 A. Well, he pled to a CSC from the Easley incident.  
12 And everything else, I believe, would've been dismissed as part  
13 of the plea agreement.

14 Q. I'm not from here. I apologize. Is Easley in  
15 Greenville County?

16 A. It's in Pickens County.

17 Q. That was the Pickens County charge. I just wanted  
18 to clear that up.

19 MR. BARLOW: Nothing further, Your Honor.

20 THE COURT: Thank you.

21 Cross-examination, Ms. Henry.

22 MS. HENRY: Just one question.

23 CROSS-EXAMINATION

24 BY MS. HENRY:

25 Q. The client wants me to ask you, our mutual client,

TEAL JOHNSON CROSS BY MS. HENRY

1 wants me to ask you, regarding his guilty plea, the criminal  
2 sexual conduct against the victim that had the rape kit that  
3 came back negative, do you have the results with you?

4 MR. BARLOW: It's not a part of our record, Your  
5 Honor.

6 MS. HENRY: I'm not asking about the rape kit; I'm  
7 asking if she remembers the victim. Only one of the victims  
8 did a rape kit.

9 THE WITNESS: Okay.

10 BY MS. HENRY:

11 Q. There was a victim that came back with a negative  
12 rape kit. My client wants me to ask you how you feel, like, it  
13 was appropriate for him to plea guilty to a charge that had no  
14 rape kit. And if you felt like it was effective assistance of  
15 counsel to advise him to plea guilty to a charge where there  
16 was no functional rape kit or a rape kit that came back  
17 positive against him or for semen?

18 A. He used the Bi-Lo bag as the condom.  
19 Unfortunately, I don't make that decision, you know. I've had  
20 cases -- I don't want to say I had cases. Where there is no  
21 DNA, a jury could still convict. That's not my decision.

22 I think the State would've argued, look, he's using  
23 a Bi-Lo bag and there was evidence of douche with green tea.  
24 That could've been the explanation as to why there was no semen  
25 in that DNA rape kit. I'm sure we discussed that. Again,

TEAL JOHNSON CROSS BY MS. HENRY

1 ultimately that is not my decision to make.

2 MS. HENRY: No other questions. Thank you, Your  
3 Honor.

4 THE COURT: Thank you. Ms. Johnson, you can step  
5 down.

6 MR. BARLOW: No more witnesses, Your Honor.

7 (The witness exited the stand.)

8 THE COURT: Anything else on this matter from the  
9 Applicant? Ms. Henry?

10 MS. HENRY: No, Your Honor.

11 THE COURT: Anything else from the State?

12 I'll take it under advisement and I'll issue my  
13 ruling within ten days.

14 (The hearing was concluded at 10:27 a.m.)

15

16

17

18

19

20

21

22

23

24

25

TEAL JOHNSON CROSS BY MS. HENRY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 14th day of December, 2025 at Spartanburg, Spartanburg County, South Carolina.



\_\_\_\_\_  
Lora L. McDaniel,  
Registered Professional Reporter  
My Commission expires:  
August 9, 2026

25 OCT 14 AM 11:18  
JAY GRESHAM CDDC GVL SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
	)	
Antwon M. Rogers, #327699,	)	Case No: 2020-CP-23-1368
	)	
Applicant,	)	
	)	
v.	)	<b>ORDER OF DISMISSAL</b>
	)	<i>(with prejudice)</i>
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

This matter comes before the Court by way of an application for post-conviction relief filed on March 3, 2020, by Applicant Antwon M. Rogers, challenging his 30-year sentence for kidnapping and first-degree criminal sexual conduct. On March 8, 2023, an evidentiary hearing was held at the Greenville County Courthouse before the Honorable Daniel D. Hall. Assistant Attorney General D. Russell Barlow, II, represented Respondent. Applicant was present and represented by Sarah M. Henry, Esq. This Court received testimony from Applicant and his plea counsel, Assistant Public Defender Teal Johnson.

At the conclusion of the hearing, this Court took the matter under advisement. Thereafter, this Court advised the parties that the application is denied and dismissed with prejudice and instructed the State to submit and prepare a proposed order for this Court’s consideration.

This Court now issues this order with its findings of facts and conclusions of law as required under S.C. Code Ann. § 17-27-80. Based upon the record, the evidence presented at the evidentiary hearing held in this matter, the argument of the parties, and consideration of the applicable statutory and case law, this Court finds that the Applicant has failed to establish any deficient performance on the part of counsel and/or any prejudice resulting from counsel’s performance required under *Strickland v. Washington*, 466 U.S. 668 (1984), and *Cherry v. State*,

300 S.C. 115, 386 S.E.2d 624 (1989), or any other cognizable claim allowed under S.C. Code Ann. § 17-27-20. Consequently, Applicant's request for post-conviction relief is **DENIED** and the application is **DISMISSED** with prejudice.

#### PROCEDURAL HISTORY

Applicant is presently incarcerated in the South Carolina Department of Corrections, Evans Correctional Institution, pursuant to orders of commitment of the Greenville County Clerk of Court. During its November of 2015 term, the Greenville County Grand Jury indicted Applicant for kidnapping (2015-GS-23-9874), first-degree criminal sexual conduct (2015-GS-23-9880), reckless driving (2015-GS-23-9882), failure to stop for a blue light, first offense (2015-GS-23-9876), two counts of the possession of a weapon during the commission of a violent crime (2015-GS-23-9877; -9874), criminal conspiracy (2015-GS-23-9878), grand larceny (2015-GS-23-9879), and driving as a habitual traffic offender (2015-GS-23-9875).

On June 4, 2019, Applicant appeared before the Honorable Edward W. Miller and pleaded guilty to kidnapping (2015-GS-23-9874) and first-degree criminal sexual conduct (2015-GS-23-9880).<sup>1</sup> Assistant Public Defender Teal Johnson of the Thirteenth Circuit Public Defender's Office represented Applicant. (Plea Tr. pp. 1). Assistant Solicitor William Douglas Richardson, Jr., of the Thirteenth Circuit Solicitor's Office, prosecuted the case. (Plea Tr. p. 1) The solicitor presented the following recitation of facts:

Your Honor, the first incident took place on July 27, 2015. This defendant was at the Quality Inn located in the city of Easley, which is in Pickens County. The victim, [REDACTED], was staying at that same hotel. The defendant entered the victim's room after asking for a cigarette. Once inside the room, he pulled out a knife, put it to the victim's throat. He then pushed her onto the bed and

---

<sup>1</sup> Applicant also pled guilty to charges out of Pickens County for armed robbery (2016-GS-39-93) and first-degree criminal sexual conduct (2016-GS-39-240). Applicant does not challenge these convictions in his application and the convictions are not addressed specifically herein.

raped her at knifepoint. He used a Bi-Lo shopping bag as a condom. The defendant then forced the victim into a bathroom. He ransacked the room, taking victim's -- the victim's cell phone and also money to the extent of \$250. He then cut the cord to the landline in the room -- telephone landline in the room and was seen on videotape leaving the room and running away.

The second incident, Your Honor, took place on August the 9th, 2015. The second victim, [REDACTED], and her husband were at their home. She left the home to go get dinner and a movie for them to watch from a Redbox dispensary. She got lost trying to locate that Redbox, so she stopped at the 7-Eleven, which is located in Greenville County on Highway 123. At that location was this defendant and also another male and a female. They asked her to buy some gas for them. She did buy that gas for them. She then asked for directions to the Redbox, which -- where she wanted to buy the movie. This defendant said he would give her directions and -- or, actually, he said to follow him and he would take her to the Redbox.

Your Honor, she did follow him. At some point in time -- I will say at this point in time, it's about 2:30 in the morning and he's driving a stolen car. He actually drops the car off at a closed gas station on Saluda Dam Road in Pickens County and approaches her vehicle on the passenger's side, gets in her vehicle, and tells her that he would tell her how to get there. So they went to the Redbox which was located at a Dollar General on Highway 183, which is also in Pickens County. She got out of the vehicle and approached the Redbox, actually rented the movie. When she turned around, this defendant was standing behind her pointing a gun at her head. At that point in time he asked her, "Where's all the money?" She said she didn't have any. He then took her hand and stuck it against the car with the weapon -- with the gun and removed her wedding ring. At that point in time, she asked -- he told her to take her pants down. She refused. He hit her in the head with the gun, pistol-whipped her with the gun on the side of her face. He bent her over and raped her vaginally from behind with the gun pointed to her head. Once -- he actually also used a -- a shopping bag in this case too as a condom.

Once he completed, he put her into the trunk of her car and he took her to another location in Greenville County. That location was off Anderson Road, just before the Anderson County line. He opened the trunk at that location, had her come out of the trunk at gunpoint,

and then raped her again vaginally. Your Honor, once he completed in that instance, he had her actually wash herself with a green tea bottle and wash herself with a shirt, a white shirt that was found in the car. We actually have that shirt in evidence. He told her that it would be a shame to kill her. And at that point, he let her go and she walked to a residence. He left the scene. She walked to a residence. He left the scene driving her car. She walked to a residence and had the resident call 911.

Subsequent to that, he -- he actually also took her cell phone, so he went to Spartanburg County and actually sold that. They have kiosks in the WestGate Mall. He sold it there. We were able to obtain documentation showing him selling the phone, his fingerprint, which is required to sell phones at these kiosks and I believe also his driver's license. Once he sold the phone, he left that location and ended up in Hendersonville, North Carolina, where he was arrested. Upon search of -- he was arrested at a Red Roof Inn there. And upon search of his room, they found the gun. They also found the ring and other items belonging to the victim. Your Honor, those are the facts as we would show it at trial.

(Plea Tr. pp. 11-14). The State did not make a recommendation, however, in accordance with the plea agreement, the remaining charges were dismissed. (Plea Tr. p. 15). Applicant was sentenced to 30 years imprisonment for each conviction, to be served concurrently. (Plea Tr. p. 22). Applicant did not appeal his convictions or sentences.

#### **ALLEGATIONS RAISED AND RELIEF SOUGHT**

In his initial application for post-conviction relief, Applicant did not assert any claims he was being held in custody unlawfully. Respondent moved for a more definite statement and requested that counsel be appointed in this action. On April 15, 2020, Sarah M. Henry, Esq., was appointed as counsel. On September 19, 2022, Applicant, through counsel, amended his application raising the following allegations:

1. Ineffective Assistance of Plea Counsel
  - a. “Applicant’s original attorney Ms. Johnson informed Applicant that he would receive 15 years in jail as part of his guilty plea. Applicant would not have agreed to accept the plea if he had believed that he would receive more than 15 years in jail.”
  - b. “Ms. Johnson was aware that Applicant was being held in restricted housing at the GCDC and was unable to contact his family and support. Ms. Johnson failed to contact any of his family for them to show up and support him at his plea hearing, and this potentially affected his sentencing from the court.”
  - c. “Ms. Johnson failed to investigate Applicant’s case including Applicant’s allegations that the victim’s had actually been attacked by other people prior to their consensual encounters with him.”
  - d. “Finally, Applicant alleges that due to Ms. Johnson’s failure to render effective assistance Applicant’s guilty plea was not voluntary.”

#### INEFFECTIVE ASSISTANCE CLAIMS

This Court is guided by the familiar test: To show a violation of the Sixth Amendment, an applicant must show that counsel’s representation fell below an objective standard of reasonableness, and but for counsel’s error, there is a reasonable probability that the outcome of the trial would have been different. *Strickland*, at 694; *Simpson v. Moore*, 367 S.C. 587, 595–96, 627 S.E.2d 701, 706 (2006). Indeed, “[a] defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that counsel’s representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel’s errors, the defendant would not have pled guilty, but would have insisted on going to trial.” *Kolle v. State*, 386 S.C. 578, 588, 690 S.E.2d 73, 78 (2010) (quoting *Rolen v. State*, 384 S.C. 409, 413, 683 S.E.2d 471, 474 (2009)); *Burket v. Angelone*, 208 F.3d 172, 189 (4th Cir. 2000) (same). This is the *Strickland* test as applied in the guilty plea context.

“It is beyond dispute that a guilty plea must be both knowing and voluntary.” *Parke v. Raley*, 506 U.S. 20, 29, 113 S.Ct. 517 (1992). It is also clear the record should reflect that voluntary choice. *Boykin v. Alabama*, 395 U.S. 238, 242, 89 S.Ct. 1709 (1969) (“a guilty plea should only be accepted where the record evidences ‘an affirmative showing that it was intelligent and voluntary.’”). “Where, as here, a defendant is represented by counsel during the plea process and enters his plea upon the advice of counsel, the voluntariness of the plea depends on whether counsel’s advice ‘was within the range of competence demanded of attorneys in criminal cases.’ ” *Hill v. Lockhart*, 474 U.S. 52, 56, 106 S.Ct. 366 (1985) (quoting *McMann v. Richardson*, 397 U.S. 759, 771, 90 S.Ct. 1441 (1970)). It is presumed that counsel made all decisions in exercise of reasonable judgment. *Strickland*, 466 U.S. at 689. It is the applicant’s burden to prove, by a preponderance of the evidence, that he is entitled to relief. Rule 71.1 (e), SCRCPP. *See also Speaks v. State*, 377 S.C. 396, 399, 660 S.E.2d 512, 514 (2008) (“the burden of proof is on the applicant to prove the allegations in his application”). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. *See Harres v. Leeke*, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984) (finding the voluntariness of a guilty plea “is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing.”).

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

After carefully considering the record and the arguments presented by counsel, this Court now presents the relevant findings of fact and conclusions of law as required by S.C. Code Ann. §17-27-80 (2003). This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments at the PCR hearing. This Court has further had the opportunity

to observe each witness who testified at the hearing and to closely pass upon their credibility. This Court has weighed the testimony accordingly and finds that plea counsel rendered reasonably effective assistance under prevailing professional norms and demonstrated a normal degree of skill, knowledge and professional judgment that are expected of an attorney who practices criminal law. *Strickland v. Washington*, 466 U.S. 668, 694 (1984). Thus, Applicant has not shown resulting prejudice, i.e. that but for plea counsel's alleged deficiencies, there is a reasonable probability he would not have pleaded guilty and, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59, 106 S.Ct. 366, 370 (1985).

#### MERITS ANALYSIS

##### *Misadvise as to Sentencing*

Applicant alleges that his plea was involuntary because plea counsel told him he would receive a 15-year sentence, and if he believed he would receive more than 15 years, he would not have accepted the plea. This Court finds the allegation to be without merit. This Court finds the record refutes Applicant's allegations and reflects that Applicant's guilty plea was knowingly and voluntarily entered with a complete understanding of the charges and consequences of the plea.

Applicant testified that plea counsel told him he could get 15 years; however, Applicant also testified that plea counsel told him he would only get 15 years if he pleaded guilty. Plea counsel testified that she never told Applicant he would only get 15 years. She testified that she explained to Applicant that the State would remain silent at sentencing, but the judge could give him 30 years consecutive. The record shows that the plea court advised Applicant that he could receive a 30-year sentence on each of the charges. (Plea Tr. p. 8). Applicant confirmed that he understood the maximum possible punishments for the charges and proceeded to enter a guilty plea. (Plea Tr. pp. 8-9). *See generally Wolfe v. State*, 326 S.C. 158, 485 S.E.2d 367 (1997) (defendant's claim he understood from counsel that the trial judge's questions at the guilty plea

were only a “polite fiction” was “not an invitation to answer untruthfully”). This Court sees no reason to otherwise conclude that Applicant was unaware or did not understand the sentencing parameters of the charges. Statements made during a guilty plea should be considered conclusively unless an Applicant presents valid reasons why he should be allowed to depart from the truth of his statements. *See Crawford v. U.S.*, 519 F.2d 347, 350 (4th Cir. 1975) (*overruled on other grounds by U.S. v. Whitley*, 759 F.2d 327 (4th Cir.1985)). Moreover, if there was any misunderstanding on Applicant’s part, the plea colloquy cured any alleged deficiency regarding plea counsel’s advice. *Moorehead v. State*, 329 S.C. 329, 333, 496 S.E.2d 415, 416 (1998).

This Court finds Applicant has failed to show that plea counsel's representation fell below an objective standard of reasonableness, and that but for plea counsel’s alleged errors, Applicant would not have pled guilty and proceeded to trial. *See Roscoe v. State*, 345 S.C.16, 20, 546 S.E.2d 417, 419 (2001); *see also Richardson v. State*, 310 S.C. 360, 362 426 S.E.2d 795, 797 (1993). Accordingly, this allegation must be **DENIED** and **DISMISSED**.

*Failure to Contact Family Members for Mitigation*

Applicant alleges plea counsel was constitutionally ineffective for failing to call family members to attend his plea hearing, potentially affecting his sentence. This Court finds this allegation to be without merit.

At the plea hearing, counsel presented the following statement to the plea court:

I'm not here to offer excuses, Your Honor, but he's had a pretty hard life. His dad left his mom at age two to go to Detroit. I called his family as he instructed me, and, you know, no one's here on his behalf. I mean, it's kind of sad, but his family has always been there for him. You know, I've always been able to talk to them and get information I needed. They -- they've been there for us, but, again, I just would point out to the Court that they're not here today. I think that's kind of telling about the kind of life he's had.

(Plea Tr. pp. 19-20).

At the evidentiary hearing, Applicant testified that he did not know whether plea counsel contacted his family members or not. Applicant testified that he did not know what happened to his family not showing and that his mother, cousin, and girl would have been present. Applicant testified that his family could have shown that he was a man of good character and not the monster the State painted him out to be. Applicant testified that plea counsel did try to locate Kelly Sloan, but Ms. Sloan kept lying and prolonging so she never came. Plea counsel testified that her notes reflected that she did call the people Applicant wanted her to call. However, she could not recall if she told them the date of the hearing.

As an initial basis for denying this allegation, Applicant asserts that his family could have shown he was a man of good character, however, Applicant did not present those witnesses to this Court to pass on the testimony that they may have provided at the plea hearing. Mere speculation of such testimony cannot satisfy the prejudice burden of proof, and the witnesses must be presented at the evidentiary hearing. *Martin v. State*, 427 S.C. 450, 455, 832 S.E.2d 277, 279-280 (2019). Even so, considering the facts and circumstances of this case, testimony of Applicant's good character from family members would have been of little help in regard to Applicant's sentencing. *See Strickland*, 466 U.S. at 699 (finding that counsel reasonably surmised that character evidence would be of little help considering the aggravating circumstance of the case).

Additionally, in non-capital cases, there is no required fact finding that could reduce or increase the sentencing range. The sentencing range is set by statute as a result of the plea. Considering Applicant was sentenced within the sentencing range, and was well aware of the possibility of being sentenced to the max, it is nearly impossible to show the required *Strickland* prejudice.

This Court finds that Applicant has failed to establish that plea counsel acted deficiently and that there's a reasonable probability that the outcome of his sentencing was prejudiced by those deficiencies. Whether Applicant's family was advised of the hearing date or not, this Court finds that Applicant has not presented any supporting evidence that there's a reasonable probability he would have received a lesser sentence had their testimony been presented to the plea court.. In fact, the only supporting testimony from Applicant himself, is that he did not know whether plea counsel called his family or not. Accordingly, this Court finds Applicant has failed to establish any deficiency by plea counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

*Failure to Investigate*

Applicant alleges that his plea was involuntary because plea counsel failed to investigate Applicant's contention that the victims were attacked by a different perpetrator prior to their consensual sexual encounters with him. This Court finds the allegation to be without merit, especially in light of Applicant's admission of guilt.

Counsel has a duty to conduct an independent investigation of the facts and circumstances of a case, but such a duty is measured under reasonableness and depends on a number of issues. *Ard v. Catoe*, 372 S.C. 318, 331-332, 642 S.E.2d 590, 597 (2007). At the evidentiary hearing, Applicant testified that the second victim was known to him, and she returned to the trailer with bruises because she was assaulted by someone else. Applicant testified that he told plea counsel the circumstances behind victim two but did not know if she investigated those things. Plea counsel testified that she hired an investigator to investigate the victims and that the investigator's report on the victims was that they were "solid." In regard to a lack of DNA found in the rape kit, plea counsel testified that it was ultimately Applicant's decision to plead guilty and the State's

argument was that he used a grocery bag as a condom and made the victim douche with green tea which would explain the lack of DNA.

To prevail on this type of ineffective assistance claim, Applicant must not only present the evidence or defenses that counsel allegedly failed to investigate and discover, but that there is a reasonable probability Applicant would have elected to proceed to trial had this evidence been discovered. *Harris v. State*, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. *Harris*, 377 S.C. at 75, 659 S.E.2d at 145 (citing *Glover v. State*, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Applicant presented no evidence to this Court as to what plea counsel could have discovered or what other defenses could have been pursued had plea counsel been more fully prepared. His testimony rests on mere speculation considering he presented no witnesses to support an alleged additional perpetrator. Considering the facts of Applicant's crime(s), this Court finds that plea counsel had no reasonable basis to investigate that there was an additional perpetrator. *See Strickland*, 466 U.S. at 691 (finding that deference must be given to counsel's reasonable decision that makes particular investigations unnecessary; decisions to not investigate must be assessed for reasonableness). Even so, this Court cannot overlook Applicant's solemn judicial admission of guilt, rendering any further investigation unnecessary.

As to these allegations, plea counsel's decisions are objectively reasonable under the circumstances and her representation cannot be found as deficient. Further, other than his own contention, Applicant has failed to show any support that such discoverable material exists. Applicant cannot satisfy the prejudice standard, i.e., that there is a reasonable probability that had counsel investigated what Applicant has alleged, the evidence would have been discovered and he

would have elected to proceed to trial. *Hill, supra*. Accordingly, this allegation is **DENIED** and **DISMISSED**.

#### CONCLUSION

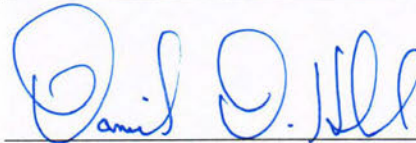
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations during his plea hearing. Therefore, this PCR application must be **DENIED** and **DISMISSED** with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

#### IT IS THEREFORE ORDERED:

1. Applicant's application for post-conviction relief is denied and dismissed with prejudice; and
2. Applicant is remanded to the custody of Respondent for completion of his sentence.

AND IT IS SO ORDERED THIS 9<sup>th</sup> DAY OF October, 2025.



THE HONORABLE DANIEL D. HALL  
Presiding Judge, Thirteenth Judicial Circuit