

VOLUME III OF III

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Apr 17 2026

Certiorari to Berkeley County

S.C. SUPREME COURT

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

JERMAINE HARTWELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000867

APPENDIX

MOLLY M KEEGAN
Appellate Defender

ALAN WILSON
Attorney General

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

KYLEE KANEALEY
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED AUGUST 27-30, 2007	1
<u>ANDERS</u> BRIEF OF APPELLANT FILED JULY 27, 2009	781
<u>STATE V. HARTWELL</u> OP. NO. 2010-UP-036, (S.C. CT. APP. FILED JANUARY 26, 2010).....	791
APPLICATION FOR POST-CONVICTION RELIEF DATED JULY 5, 2010.....	793
PRO SE MEMORANDUM OF LAW IN SUPPORT OF PCR DATED JULY 6, 2010.....	798
RETURN DATED OCTOBER 26, 2010	821
ORDER OF DISMISSAL DATED AUGUST 15, 2011	826
SECOND APPLICATION FOR POST-CONVICTION RELIEF DATED OCTOBER 23, 2018	833
RETURN AND MOTION TO DISMISS DATED MARCH 19, 2019.....	847
CONDITIONAL ORDER OF DISMISSAL DATED MARCH 21, 2019.....	854
APPLICANT’S REPLY TO RETURN, MOTION TO DISMISS DATED APRIL 5, 2019.....	862
ORDER GRANTING MOTION TO RECONSIDER THE CONDITIONAL ORDER OF DISMISSAL DATED MAY 9, 2019.....	868
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED DECEMBER 9, 2020	869
ORDER DENYING MOTION TO DISMISS AND SETTING EVIDENTIARY HEARING FOR APPLICANT’S SECOND APPLICATION FOR POST-CONVICTION RELIEF	881
EVIDENTIARY HEARING TRANSCRIPT DATED SEPTEMBER 7, 2021	886
ORDER OF DISMISSAL DATED FEBRUARY 14, 2022.....	948
THIRD APPLICATION FOR POST-CONVICTION RELIEF DATED MAY 2, 2022.....	966
AMENDED THIRD APPLICATION FOR POST-CONVICTION RELIEF DATED SEPTEMBER 8, 2022.....	975

APPLICATION FOR FORENSIC DNA TESTING DATED MARCH 17, 2023.....982
RETURN AND MOTION TO DISMISS DATED DECEMBER 19, 2024987
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED JANUARY 21, 2025996
ORDER GRANTING AUSTIN APPEAL DATED APRIL 30, 20251007
INDICTMENT(S).....1013

1 take the stand?

2 MS. SWOPE: If your Honor feels like we need to do it
3 for the record --

4 THE COURT: I mean, he's just -- well --

5 MS. SWOPE: He's echoing that testimony, your Honor. If
6 you want him to do it under the record --

7 THE COURT: Let's just --

8 MS. SWOPE: Okay.

9 THE COURT: Okay? I mean, just to --

10 MS. SWOPE: It's just a few questions. We can do that.

11 THE COURT: Okay.

12 Mr. Hartwell?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Okay? Yes, sir.

15 Do you want me to just keep him there?

16 MS. SWOPE: That would probably --

17 THE COURT: Is that okay?

18 MS. SWOPE: -- be easier.

19 THE COURT: All right.

20 As best as you can, sir, can you stand just briefly.

21 Can you raise your right hand as best as you can, sir.

22 Thank you.

23 (Defendant sworn.)

24 THE COURT: Okay. You may take a seat, Mr. Hartwell.

25 Okay. Counsel, if you want to ask him the questions.

1 MS. SWOPE: Yes, your Honor.

2 JERMAINE HARTWELL,
3 called as a witness on his own behalf, being first duly
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. SWOPE:

7 Q. Mr. Hartwell, you've heard the attorney general state
8 that the trial counsel would have indicated that he couldn't
9 assist you with appealing the PCR. Did you want that appeal?

10 A. Yes, ma'am. I wanted the appeal, but he stated he was
11 retiring and he couldn't no longer help me.

12 Q. Okay.

13 A. And that -- you know what I'm saying?

14 But I got a letter from him stating that it was written
15 on the attorney general memorandum.

16 Q. Okay.

17 A. So I never seen the memorandum to my appeal.

18 Q. Okay. But you wanted that appeal and it --

19 A. Yes.

20 Q. -- did not occur?

21 A. Yes, sir. And they're waiting on a letter from the --
22 from Craig. He was waiting on it from the attorney general,
23 but he never received it because I never got it. I never got
24 nothing from --

25 Q. Oh, you mean the order?

1 A. The order.

2 Q. I see. Okay. And I've provided you with a copy of that
3 for purposes of this appeal today, as well as the
4 attachments.

5 MS. SWOPE: Your Honor, I believe that's all I have.

6 THE COURT: Okay. Anything from the State?

7 MS. KANEALEY: Just one question, your Honor.

8 THE COURT: Okay.

9 CROSS-EXAMINATION

10 BY MS. KANEALEY:

11 Q. Did you ask your lawyer to file the appeal?

12 A. I got a letter from him. I got denied. I got a letter.
13 He stated that he was no longer practicing to be a lawyer no
14 more so he couldn't help me. I told him I wanted the appeal.
15 He sent me some kind of paper, a letter in the mail. I got
16 it -- I left it in the van -- stating that when you got the
17 order correct, it was to go to him and it would come to me.
18 I never got no order. I wanted the appeal.

19 Q. Okay. So did you ask your lawyer to file the appeal?

20 A. He said he couldn't help me. He gave me a different
21 appellate number to Columbia for asking them to do it, but he
22 was my paid lawyer and he said he couldn't do it because he
23 was retired. But he's told me once he get the order come
24 from you, he would have gave it to me and I would have did my
25 appeal. I never got nothing.

1 Q. So just to clarify, you did communicate to him that you
2 wanted an appeal?

3 A. On the phone I did tell him I wanted to appeal.

4 Q. Okay.

5 A. I did tell him I wanted to appeal.

6 MS. KANEALEY: Nothing further, your Honor.

7 THE COURT: Okay. Anything else, Ms. Swope?

8 MS. SWOPE: Nothing, your Honor.

9 THE COURT: Okay.

10 (Witness excused.)

11 THE COURT: Okay. And exactly what is being waived?

12 MS. SWOPE: My recollection, Judge, is that there were
13 issues regarding the prior PCR and he was attempting to raise
14 them again. We understand that those are successive and that
15 what he was actually trying to do was appeal the PCR and that
16 that never occurred.

17 THE COURT: Okay. Do y'all want to give me brief, I
18 guess, arguments as far as your position?

19 MS. SWOPE: I can, your Honor.

20 Under *White* as well as *Austin*, I believe that the
21 applicant is entitled to his discretionary review. He tried
22 to seek that review and was told by trial counsel -- excuse
23 me, PCR counsel that he could not do the appeal, that he was
24 retiring. And I'm sure as everyone present knows, it's a
25 civil matter to file a one-page notice of intent and it would

1 have gone to the appellate courts for review. That did not
2 occur.

3 And I believe that equity and fairness state that he is
4 allowed -- under *White* as well as *Austin*, that he is allowed
5 to have his discretionary review of his PCR denial.

6 THE COURT: Okay. Anything from the State?

7 MS. KANEALEY: Yes, your Honor.

8 This just comes down to credibility, whether you believe
9 that he, in fact, asked for the appeal and was denied it.
10 And then if that is the case, then we would concede.

11 THE COURT: Okay. Thank you both.

12 I will take it under advisement.

13 MS. KANEALEY: Thank you.

14 (End of proceedings.)
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

State of South Carolina

County of Berkeley

I, Jamie L. Bickett, an Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case in the Ninth Judicial Circuit, the Court of Common Pleas for Berkeley County, South Carolina.


Official Court Reporter

Dated this 7th day
of July, 2025.

STATE OF SOUTH CAROLINA)
 COUNTY OF BERKELEY)
)
 Jermaine Hartwell, #323738,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

Case No.: 2022-CP-08-02185

ORDER GRANTING LATE APPEAL

2025 APR 30 PM 1:05
 CLERK OF COURT
 BERKELEY COUNTY, SC

FILED

This matter is before the Court by way of an application for Post-Conviction Relief (PCR) filed by Jermaine Hartwell (Applicant) on September 8, 2022. Respondent made its return requesting an evidentiary hearing. On January 21, 2025, an evidentiary hearing convened before the Honorable Patrick Fant, III. Applicant was present and was represented by Denise Grainger Swope, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. At the hearing, the Court was informed that the Applicant was proceeding only on the late appeal issue pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). The Applicant waives all other claims in his application. The Court heard testimony from Applicant and the parties stipulated that prior PCR counsel, Jim Craig, would testify that he was retiring from the practice of law and failed to file the requested appeal. Following a thorough review of the records before this Court and the testimony presented at the hearing, this Court finds that Applicant is entitled to a belated discretionary review of the dismissal of his application.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a cumulative thirty-year sentence. During its February 2007 term, the Berkeley County Grand Jury indicted Applicant for four counts of Kidnapping (2007-GS-08-00308, -00309, -00310, -

00311), Murder (2007-GS-08-00312), Armed Robbery (2007-GS-08-00313), and two counts of first-degree Burglary (2007-GS-08-00342, -00345). On August 27, 2007, Applicant proceeded to a jury trial before the Honorable Deadra L. Jefferson. N. Elliot Barnwell, Esquire, represented Applicant. Solicitor Scarlet Wilson and Assistant Solicitor Blair Jennings prosecuted the case. On August 30, 2007, the jury found Applicant guilty as indicted. Judge Jefferson sentenced Applicant to concurrent sentences of thirty years' imprisonment for each charge.

Applicant filed a timely notice of appeal. Chief Appellate Defender Joseph L. Savitz, III, of the South Carolina Office of Appellate Defense perfected the appeal by filing an Anders brief, Anders v. California, 386 U.S. 738 (1967), and a petition to be relieved as counsel with the Court of Appeals on the following issue:

1. Did the trial judge commit reversible error by denying Hartwell's motion to sever his case from Grant and Smith's?

The South Carolina Court of Appeals dismissed Applicant's appeal without oral argument. State v. Hartwell, Op. No. 2010-UP-036 (S.C. Ct. App. filed January 26, 2010). The Remittitur was sent on February 11, 2010.

On July 6, 2010, Applicant filed his first post-conviction relief action, alleging the following grounds for relief:

1. Ineffective assistance of trial counsel in that counsel
 - a. Failed to object to Mr. Bolus' improper religiously tinged closing argument;
 - b. Failed to object to improper closing argument of Mr. Bolus and the solicitor that impermissibly invoked the "Golden Rule";
 - c. Failed to object to trial court's comments during jury charge that impermissibly commented on the facts of the case;
 - d. Failed to object to trial court's malice instructions that shifted the burden

- of proof; and
 2. Denial of due process

Respondent filed its return on October 26, 2010. An evidentiary hearing was held on July 12, 2011. On August 15, 2011, the Honorable Kristi L. Harrington, issued an Order of Dismissal denying and dismissing the application with prejudice. Applicant did not appeal.

On October 23, 2018, Applicant, through counsel, submitted a second post-conviction relief application in which he requested relief based on newly discovered evidence. On September 7, 2021, an evidentiary hearing was held. On February 14, 2022, the Honorable R. Kirk Griffin issued an order dismissing the application with prejudice.

CURRENT APPLICATION

Applicant commenced this PCR action on September 8, 2022, asserting he is being held in custody unlawfully based on the following verbatim:

1. "Applicant's PCR Counsel [rendered] ineffective assistance pursuant to White v State 269. S.C. 110,208 S.E. 2d 35 (1974)"
 - a. "Applicant strongly desired for PCR Counsel to file his notice of appeal"
2. "Illegal sentence (Constructive Amendment)"
 - b. "During the criminal proceedings Solicitor committed constructive amendment"

Applicant requests relief in the form of "grant belated appeal and vacate illegal sentence".

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Berkeley County Clerk of Court records regarding the subject convictions, the trial transcript, and record of direct appeal, the record of Applicant's previous PCR action, and the PCR transcript, and the current application. This Court has further had the opportunity to observe the witnesses presented at the PCR hearing, closely pass upon their credibility, and weigh their testimony accordingly. Applicant alleged that he was denied the right to appeal the dismissal of

his previous post-conviction relief application when his previous PCR counsel failed to timely file a notice of appeal of the denial of that action. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), a post-conviction relief applicant may petition the South Carolina Supreme Court for belated discretionary review of the dismissal of his or her application in some circumstances. A PCR applicant is entitled to an *Austin* appeal if the PCR judge affirmatively finds either: (1) the applicant requested and was denied an opportunity to seek appellate review; or (2) the right to appellate review of a previous PCR order was not knowingly and intelligently waived. *Odom v. State*, 337 S.C. 256, 262, 523 S.E.2d 753, 756 (1999). This Court affirmatively finds that the Applicant requested and was denied an opportunity to seek appellate review. *Odom v. State*, 337 S.C. 256, 262, 523 S.E.2d 753, 756 (1999). Below are this Court's findings of facts and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

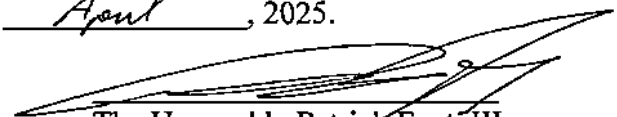
CONCLUSION

Based on the foregoing, this Court concludes that Applicant is entitled to petition the South Carolina Supreme Court for belated discretionary review of the dismissal of his PCR application.

IT IS THEREFORE ORDERED:

1. This application for PCR is granted as to the right to petition the South Carolina Supreme Court for belated discretionary review of the dismissal of Applicant's previous application pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991); and
2. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 21st day of April, 2025.



The Honorable Patrick Fant, III.
Presiding Judge
Ninth Judicial Circuit

_____, South Carolina



State of South Carolina
The Circuit Court of the Thirteenth Judicial Circuit

Patrick C. Fant, III
Judge

Greenville County Courthouse
305 East North Street, Suite 219
Greenville, SC 29601
Phone: (864) 467-8559
Fax: (864) 467-8815
pfantj@sccourts.org

April 22, 2025

The Honorable Leah Guerry Dupree
Clerk of Court
P.O. Box 219
Moncks Corner, SC 29461

RE: Jermaine Hartwell, #323738 v State of South Carolina
Case No.: 2022-CP-08-02185

Dear Ms. Dupree:

Attached please find for filing the signed Order Granting Late Appeal regarding the above-referenced matter.

Sincerely,

A handwritten signature in cursive script that reads "Brenna Jennings".

Brenna Jennings
Administrative Assistant to Judge Patrick C. Fant, III

BCSO, MERRITHEW

[Handwritten signature]

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2007

THE STATE

vs.

JERMAINE HARTWELL

ARREST WARRANT NUMBER
1725420

ACTION OF GRAND JURY

True Bill

[Handwritten signature]
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

KIDNAPPING

[Handwritten initials]
FILED
07 FEB -7 PM 2:09
MARY F. JORDAN
CLERK OF COURT
BERKELEY COUNTY, S.C.

[Handwritten mark]

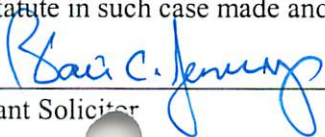
STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

INDICTMENT FOR
KIDNAPPING

At a Court of General Sessions, convened on February 7, 2007, the Grand Jurors of Berkeley County present upon their oath:

That Jermaine Hartwell did in Berkeley County on or about the 2nd day of August, 2006, while acting in concert with co-defendants, seize, abduct, confine or carry away, Birdie Cobbs, by any means whatsoever without the authority of law and against the will and consent of Birdie Cobbs. This in violation of Section 16-3-910 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.



Assistant Solicitor

BCSO, MERRITHEW

[Handwritten signature]

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2007

THE STATE

vs.

JERMAINE HARTWELL

ARREST WARRANT NUMBER

Direct Presentment

ACTION OF GRAND JURY

True Bill

[Handwritten signature]
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

Indictment for

KIDNAPPING

Mh
FILED
07 FEB -7 PM 2:09
MARY E. JENKOWH
CLERK OF COURT
BERKELEY COUNTY, S.C.

[Handwritten mark]

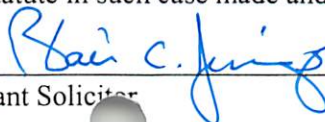
STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

INDICTMENT FOR
KIDNAPPING

At a Court of General Sessions, convened on February 7, 2007, the Grand Jurors of Berkeley County present upon their oath:

That Jermaine Hartwell did in Berkeley County on or about the 2nd day of August, 2006, while acting in concert with co-defendants, seize, abduct, confine or carry away, Joe Husser, by any means whatsoever without the authority of law and against the will and consent of Joe Husser. This in violation of Section 16-3-910 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.



Assistant Solicitor

BCSO, MERRITHEW

[Handwritten Signature]

ARREST WARRANT NUMBER

1725417

ACTION OF GRAND JURY

True Bill

[Handwritten Signature]
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2007

THE STATE

vs.

JERMAINE HARTWELL

Indictment for

KIDNAPPING

[Handwritten Initials]
FILED
07 FEB -7 PM 2:09
MANY P. FLOWEN
CLERK OF COURT
BERKELEY COUNTY, S.C.

[Handwritten Initials]

[Handwritten signature]

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2007

THE STATE

vs.

JERMAINE HARTWELL

ARREST WARRANT NUMBER
I-725419

ACTION OF GRAND JURY

True Bill

[Handwritten signature]
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

Indictment for
KIDNAPPING

FILED
07 FEB -7 PM 2:09
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2007

THE STATE

vs.

JERMAINE HARTWELL

791

BCSO, Merrithew

[Signature]

ARREST WARRANT NUMBER
I-725386

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

VERDICT

Indictment for
MURDER

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on February 7, 2007, Grand Jurors of Berkeley County present upon their oath:

That Jermaine Hartwell did in Berkeley County on or about the 2nd day of August, 2006, while acting in concert with co-defendants, feloniously, willfully and with malice aforethought, kill and murder one Dexter Perry, by means of blunt force trauma to the head and/or gunshot wounds, and Dexter Perry did die in Berkeley County as approximate result thereof on or about August 2, 2006. This action being in violation of §16-3-10 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.


Assistant Solicitor

BCSO, Me ew

[Handwritten signatures]

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2007

THE STATE

vs.

ARREST WARRANT NUMBER

I-725423

JERMAINE HARTWELL

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

VERDICT

Indictment for
ARMED ROBBERY

Foreperson of Petit Jury

Date:

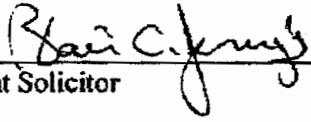
STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on February 7, 2007, the Grand Jurors of Berkeley County present upon their oath:

That Jermaine Hartwell did in Berkeley County on or about the 2nd day of August, 2006, while acting in concert with co-defendants, take from the person or presence of Dexter Perry, the goods or monies of Dexter Perry, such goods or monies being described as an amount of U.S. currency and/or jewelry, while armed with a deadly weapon, to wit: a handgun. This action being in violation of Section 16-11-330, 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.


Assistant Solicitor

795

BCSO, Merrithew

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2007

THE STATE

VS.

ARREST WARRANT NUMBER

I-725422

JERMAINE HARTWELL

ACTION OF GRAND JURY

True Bill

John W. [Signature]
Foreperson of Grand Jury

VERDICT

Indictment for

BURGLARY FIRST DEGREE

Foreperson of Petit Jury

Date:

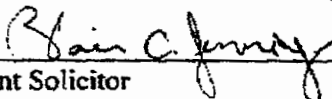
STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

INDICTMENT FOR
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on February 7, 2007 the Grand Jurors of Berkeley County present upon their oath:

That Jermaine Hartwell did in Berkeley County on or about the 2nd day of August, 2006, while acting in concert with co-defendants, willfully, unlawfully and feloniously enter the dwelling located at 634 Dutch Fork Road, Ladson, South Carolina, without consent and with the intent to commit a crime therein, to wit: kidnapping and armed robbery. These acts occurring with the following circumstances of aggravation, to wit: the entering or remaining occurred during the hours of darkness and/or when in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, to wit: a handgun, and/or did cause physical injury to a person who is not a participant in the crime and/or used or threatened the use of a dangerous instrument and/or displayed what is or appeared to be a pistol or other firearm. This action in violation of Section 16-11-311, 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.


Assistant Solicitor

797

BCSO, Merrithew

[Handwritten signature]

DOCKET NO. 2007-GS-08-0345

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2007

THE STATE

vs.

ARREST WARRANT NUMBER

I-725421

JERMAINE HARTWELL

ACTION OF GRAND JURY

True Bill

[Handwritten signature]
Foreperson of Grand Jury

VERDICT

Indictment for

BURGLARY FIRST DEGREE

Foreperson of Petit Jury

Date:

1027

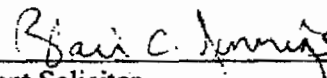
STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)

INDICTMENT FOR
 BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on February 7, 2007 the Grand Jurors of Berkeley County present upon their oath:

That Jermaine Hartwell did in Berkeley County on or about the 2nd day of August, 2006, while acting in concert with co-defendants, willfully, unlawfully and feloniously enter the dwelling located at 1106 Snow Goose Circle, Goose Creek, South Carolina, without consent and with the intent to commit a crime therein, to wit: kidnapping and armed robbery. These acts occurring with the following circumstances of aggravation, to wit: the entering or remaining occurred during the hours of darkness and/or when in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, to wit: a handgun, and/or did cause physical injury to a person who is not a participant in the crime and/or used or threatened the use of a dangerous instrument and/or displayed what is or appeared to be a pistol or other firearm. This action in violation of Section 16-11-311, 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.


 Assistant Solicitor