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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Marvin H. Dukes, III, Circuit Court Judge

TARELL L. RICHARDSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002322

APPENDIX

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ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA CIRCUIT COURT 9
2 COUNTY OF CHARLESTON) COURT C.A NO. 2023-GS-10-5413
3 2023-GS-10-5414

4 State of South Carolina,)
5 Plaintiff,))
6 Versus)
7 Tarell Lamont Richardson,)
8 Defendant.)

9
10 H E A R I N G

11
12 DATE: January 30, 2024

13
14 LOCATION: South Carolina Circuit Court 9

15
16 JUDGE: Roger M. Young, Sr

17
18 TRANSCRIBED BY: ERIN REILLY

19
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APPEARANCES:

Attorney for Plaintiff.

Charles William Patrick III

Ninth Circuit Solicitor's Office

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Attorney for Defendant.

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10 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH IS
11 REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)
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1 PROCEEDINGS

2 THE COURT: Okay. Mr. Patrick?

3 MR. PATRICK: Judge, we are here on the case of State
4 versus Tarrell L. Richardson charged with burglary first degree
5 and arson second degree on indictment numbers -- Court's
6 indulgence 2023GS1005413 and 2023GS1005414. Our understanding
7 is that the Defendant wishes to plead guilty straight up as
8 charged.

9 THE COURT: Mr. Voight?

10 MR. VOIGHT: Yes, Your Honor. That -- we haa
11 provided the Court with sentencing sheets; I've gone over this
12 with my client. We have discussed various options and at this
13 point we would tender pleas of guilty to both indictments.

14 THE COURT: All right. Well, Mr. Richardson, you
15 heard the solicitor, you heard your lawyer, you want to plead
16 guilty to the indictment 2023GS105414 arson second degree as
17 well as the indictment for burglary first degree 2023GS105413.?

18 MR. RICHARDSON: Yes, sir.

19 THE COURT: All right. Well on both of these, you
20 have the right to a jury trial. We were getting ready to start
21 your jury trial later this morning when your lawyer tells me
22 that you were deciding that you wanted to plead guilty to these
23 charges. So, I'm not trying to talk you out of it. I am
24 simply making sure that you understand what rights you have and
25 that you are giving these rights up freely, voluntarily, and

1 | intelligently. So, as to these, the biggest right that you
2 | give up is the right to a jury trial and if you wanted a trial,
3 | the State would have to present one for you.

4 | They would have to convince 12 jurors that you are
5 | guilty of these charges beyond a reasonable doubt. All 12 have
6 | to agree that you are guilty in order to convict you. And if
7 | convicted, you would have the right to appeal. You could
8 | challenge the State's evidence, put up evidence of your own.
9 | Testify if you wanted and if you did not want to testify, the
10 | judge would instruct the jury there not to hold that against
11 | you while they're deliberating the verdict. Do you understand
12 | those rights?

13 | MR. RICHARDSON: Yes, sir.

14 | THE COURT: And you want to give those rights up and
15 | plead guilty today?

16 | MR. RICHARDSON: Yes, sir.

17 | THE COURT: Are you pleading guilty to these charges
18 | because you're guilty of them?

19 | MR. RICHARDSON: Yes, sir.

20 | THE COURT: Are you under the influence of drugs or
21 | alcohol today?

22 | MR. RICHARDSON: No, sir.

23 | THE COURT: Do you need any more time with your
24 | lawyer?

25 | MR. RICHARDSON: I'm good.

1 THE COURT: Are you satisfied with the job that he
2 did for you?

3 MR. RICHARDSON: Yes, sir.

4 THE COURT: And you understand that you would give up
5 the right to have the hearing that we were going to have this
6 morning on the identification, we call that a vigorous hearing.
7 We had that scheduled. You understand you're giving that right
8 up?

9 MR. RICHARDSON: Yes, sir.

10 THE COURT: All right. Now, there has been no
11 promises or threats to -- made to you in order to get you to
12 plead guilty. Is that correct?

13 MR. RICHARDSON: Yes, sir.

14 THE COURT: How old are you?

15 MR. RICHARDSON: 40 [phonetic].

16 THE COURT: How far did you get in school?

17 MR. RICHARDSON: GED and I have an associate in
18 business school.

19 THE COURT: And did you have a job before you got
20 locked up?

21 MR. RICHARDSON: Yes, sir.

22 THE COURT: What was that?

23 MR. RICHARDSON: I oversee a manufacturing plant.

24 THE COURT: Are you married?

25 MR. RICHARDSON: No, sir.

1 THE COURT: You got any children?

2 MR. RICHARDSON: Step kids. Not the biological
3 children.

4 THE COURT: Mr. Voight, does this gentleman
5 understand what he is doing here today, in your opinion?

6 MR. VOIGHT: Yes, Judge. He does.

7 THE COURT: All right. I find that there is -- that
8 his plea is freely, voluntarily, and intelligently made. What
9 would the State like to tell me about the case?

10 MR. PATRICK: Thank you, Your Honor. May it please
11 the Court. As you're aware we were about to try this case
12 before we got the indication that the Defendant wishes to plead
13 guilty. But as to the facts of this case, we would present
14 that on December 28th, 2021, between 5:00 and 5:30 p.m. at [REDACTED]
15 [REDACTED] North Charleston Police Department and
16 Fire Department were dispatched for a structure fire in
17 reference to a residential building.

18 First around -- arriving units found a two-story
19 duplex with an extensive fire damage along with a neighboring
20 unit that was attached to that same building, which they had to
21 breach the door to make sure that the fire hadn't spread to
22 that area. Subsequent investigation determined that the fire
23 was set intentionally. That was done by Chief and Fire
24 investigator David Biser, who would've testified to that.

25 All -- in addition, there was a surveillance video

1 that was pulled from the area, a ring doorbell camera that was
2 from the neighbor's house that shows this Defendant leaving the
3 building around the exact same time that the fire was started.
4 On that video, you hear the smoke detector going off. In
5 addition, there were text messages or Facebook messages sent to
6 the victim in this case indicating that he had the intent to --
7 said that he was going to come burn her house down or I will
8 light that shit up.

9 In addition, there was a witness a neighbor that
10 identified this Defendant who got a clear view of him and
11 identified him in a six-pack lineup with a hundred percent
12 certainty. Finally, as we've developed this case, we've
13 learned of GPS records from ankle monitor places the Defendant
14 at the scene at the time of this incident.

15 All of this led to the conclusion by the
16 investigator, Dave Biser, that this Defendant was the one that
17 entered the building without consent, with the intent to commit
18 a crime and lit her futon or couch on fire with the intent to
19 burn the building. Judge, once you establish a factual basis
20 for the plea, we do have the victim in this case that would
21 like to address the Court as well as investigator Biser would
22 like to make a short statement

23 THE COURT: Mr. Voight, is there any challenge to any
24 of the State's presentation of facts?

25 MR. VOIGHT: No, sir.

1 THE COURT: All right. Well, I find there's a
2 substantial factual basis for the plea and we'll accept it.
3 So, who would you like to go with first?

4 MR. PATRICK: I think the victim first, Judge.

5 THE COURT: All right. Yes, ma'am. Would you state
6 your name please?

7 MS. FRASIER: Toshika Frasier.

8 THE COURT: And what would you like to tell me?

9 MS. FRASIER: I just I'm glad that he's actually
10 taking accountability for his actions fully stated and I'm just
11 ready to get this behind me. Whatever happened, happened.

12 THE COURT: Okay. Thank you. Okay. Who else?

13 MR. PATRICK: Investigator David Biser also wishes to
14 speak.

15 THE COURT: All right. Yes, sir.

16 MR. BISER: Your Honor, based on all the evidence, we
17 feel that it was substantial risk to the life of property based
18 on what occurred. So, we provided that we can close this case
19 and move on.

20 THE COURT: All right.

21 MR. PATRICK: And Judge as to his prior convictions
22 in 2002, he has convictions for burglary, second degree, grand
23 larceny, another conviction for burglary second degree, all of
24 which he pled guilty or received a youthful offender act
25 sentence. Then in 2006, Defendant pled guilty to burglary

1 second degree, two counts and received five years each on those
2 concurrently, along with a possession of a weapon during the
3 commission of a violent crime for which he received five years.
4 Then finally, in 2012, Defendant pled guilty to assault and
5 battery first degree. Assault and battery of a high and
6 aggravated nature and a burglary second degree for which he
7 received 15 years concurrent.

8 THE COURT: Okay. Mr. Voight?

9 MR. VOIGHT: May it please the Court. Your Honor,
10 Mr. Richardson has family in court today, his brother is here
11 to support him. Members of his family have been here at each
12 setting; he has family support. He's told you he got his GED
13 in 2018 and that he was working for Mercedes as a forklift
14 operator. When he was incarcerated and he has been
15 incarcerated on these charges for 749 days. He sought to
16 address what he knew was a drinking problem.

17 On the day of this incident, he had been drinking since
18 the liquor store opened. He went and completed the DAODAS
19 program while he was incarcerated, but they also had him
20 psychologically evaluated as well to get to the root cause of
21 his depression and his drinking. And he suffers from PTSD,
22 which the most likely cause is watching as a 9-year-old, his
23 mother get sexually assaulted and stabbed by one of her
24 boyfriends.

25 Additionally -- in addition to PTSD and depression,

1 the psychologist at the jail thought that he suffered from
2 schizophrenia and he has been taking Risperdal since that time.
3 In the days immediately before this incident Mr. Richardson had
4 something occur that really set him into a spiral. A friend
5 called him and said, "Hey, can you come pick me up? I need to
6 ride around or I want to ride around. And this friend had
7 terminal cancer. But unbeknownst to Mr. Richardson, this
8 friend had taken a quantity of fentanyl before getting into Mr.
9 Richardson's car.

10 And as Mr. Richardson went from, you know, to the store or
11 driving from this place to that, that person expired in his
12 car. And at first, Mr. Richardson thought he was merely
13 sleeping and then for a horrifying two hours had a dead body in
14 his car and he didn't know what to do.

15 And that happened eight days before this incident.
16 And I think it caused the spiral of drinking and acting out
17 that ultimately led to us being here today. When he's properly
18 medicated as he is today, he is clear sighted, he is
19 loquacious, he is quick-witted. He has written me in the last
20 year seeking to take responsibility for this specific action
21 that he knows he was in the wrongful.

22 And he has -- I mean, as everyone who is accused of a very
23 serious crime does -- they would always wish for a resolution
24 other than a very serious crime. But as we -- as trial
25 approached, he knew that he had to take responsibility for his

1 actions. And that's something he has always wanted to do.

2 And that's a discussion that I have had with the
3 State for more than a week now and certainly I felt that way.
4 I felt yesterday that this is what we would be doing. I would
5 ask the Court to use its discretion and take into account what
6 Mr. Richardson was going through and the positive steps he's
7 taken while incarcerated to put himself on a path that will
8 permanently stop him from ever having this sort of relapse. He
9 is now properly medicated.

10 He has insight into what is going on with his mental
11 condition so that he can address it and monitor it. And he has
12 gotten -- I mean, he went through DAOTAS to understand the
13 mechanics of his drinking problems so that he could address
14 those. And someday, hopefully, that when he's back in society,
15 that's no longer a problem for him or any of the rest of us.
16 Thank you.

17 THE COURT: Mr. Richardson, would you like to say
18 anything?

19 MR. RICHARDSON: Yes, sir.

20 THE COURT: Pardon?

21 MR. RICHARDSON: Yes, sir.

22 THE COURT: Okay. Speak up.

23 MR. RICHARDSON: All right. From the beginning of
24 this, I know I was wrong with my actions. I never came in to
25 say that I was right. At that point in time, I just was going

1 through a lot of stuff like my family. I have family problems,
2 I had issue when my homeboy died. I'm not here trying to ask
3 nobody for no leniency, I'm starting to see I'm a bad person.

4 THE COURT: All right. Well, you know, the problem
5 that you got is you -- if you took it in isolation that hey,
6 this was a result of a bad relationship, you acted out terribly
7 wrong about it. You know, that'd be one thing. You -- you've
8 got though this record and this is where records come back to
9 haunt you is, you know, you are -- this isn't your first time
10 pleading in front of a court, getting convicted of some pretty
11 serious offenses.

12 And the consequences of it is that, you know, we got to
13 take a long, hard serious look and see, well what is the right
14 thing to do here? And a minimum sentence in this case with a
15 burglary first is 15 years. The ups or the downside on the
16 sentence on that from your standpoint is you could get life
17 without parole. And I can tell you, you know, depending on how
18 these things play out at trial, you never know how they're
19 going to go.

20 But from what I understand, the evidence would pretty
21 clearly indicate guilt and then you would have this record that
22 you bring along with you of multiple convictions. And that
23 would, I can tell you from my experience in doing this, get you
24 a lot closer to a life without parole sentence than it would be
25 to get something more towards the 15-year end of a minimum

1 sentence in this case. So, I certainly understand you would
2 like to have it towards the minimum side. I can go as I told
3 your lawyer towards the 20, but the minimum is not going to be
4 an option for you simply because this is far from being your
5 first offense.

6 But I do give you credit for coming in and taking
7 responsibility and not putting the victim through a trial.
8 Those are things that I'll -- I factor in when I'm giving you
9 the sentence that I do. And the sentence in -- on the Court --
10 from the Court on both of these would be -- will be 20 years in
11 the Department of Corrections that will run concurrently and
12 you will get credit for the time that you served while awaiting
13 trial, which I think you said 749 days.

14 MR. PATRICK: 749 days, Judge.

15 THE COURT: All right. Well, good luck to you.

16 MR. VOIGT: Thank you.

17 THE COURT: Thank you.

18 [END OF HEARING]

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CERTIFICATE OF TRANSCRIBER


I, ERIN REILLY, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 9, South Carolina, on the 30th day of January, 2024.

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

December 2nd, 2024

ERIN REILLY

TRANSCRIBER

A rectangular box containing a handwritten signature in cursive script that reads "erinreilly".

FORM 5

2024-09-10-1562

IN THE COURT OF COMMON PLEAS

FILED
2024 MAR 22 PM 4:20
CLERK OF COURT

GS
ATT.
SOL
AG

STATE OF SOUTH CAROLINA)

County of CHARLESTON)

TARELL LAMONT RICHARDSON
000288877)

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

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

2. Name and location of Court which imposed sentence CHARLESTON COUNTY
GENERAL SESSION, CHARLESTON 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) 2022A1021000015 - BURGLARY 1ST DEGREE

(b) 2022A1021000016 - ARSONS 2ND DEGREE:

(c) _____

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

(a) JANUARY 30, 2024 - 20-YEAR-SENTENCE

(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 NO

(c) after a plea of nolo contendere NO

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) WAS NOT INFORMED BY COUNSEL OF RIGHT TO DO SO.

- (b) COULD NOT OBTAIN PAPERWORK TO APPEAL
- (c) INEFFECTIVE ASSISTANCE OF COUNSEL

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

- (a) COUNSEL REFUSED TO PROVIDE DEFENDANT WITH ANY PUBLIC INTEREST LEGAL SERVICES.
- (b) COUNSEL SHOWED REPUGNANT CAUSE OF BEARS GROUNDS TO NOT REPRESENT THE DEFENDANT
- (c) COUNSEL WITHHELD KEY EVIDENCE ACCORDENCE TO RULE 5 + 6 LAW

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

- (a) RELIEF OF COUNSEL FORM FILED
- (b) FILE NUMBER, 23-DE-L-0640, COMPLAINT FILED WITH DISCIPLINARY COUNSEL
- (c) NOTORIZED PETITION WRIT FOR RULE 5 + 6 EVIDENCE

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. _____
 - iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

NO, NONE AT ALL THE DATE

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

(a) which grounds have been presented:

i. NONE AT THIS TIME

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) COMPLAINT FILED, NO FOUNDRING RETURN AT THIS TIME.
- (b) RELIEVE OF COUNSEL MOTION FILED, BUT NOT GRANTED.
- (c) MOTION FOR RULES 16 FILED, BUT NOT FULLY GRANTED TO DATE.

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

- (a) your arraignment and plea? YES
- (b) your trial, if any? YES
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

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

- (a) the name and address of each attorney who represented you:
 - i. MR. GREGORY KENNETH VOIGT, ESQUIRE
815 SAVANNAH HWY, STE. 201B
 - ii. CHARLESTON, S.C. 29407
(843) 571-4300
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. ARRAIGNMENT AND PLEA
TRIAL HEARING
 - ii. SENTENCING
 - iii. _____

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

RELIEF IN SENTENCE IN ORDER OF 5 TO 10 YEARS

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

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)
County of CHARLESTON)

VERIFICATION

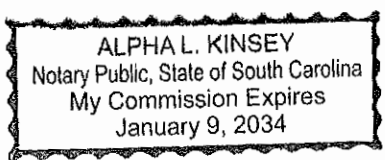
I, TARELL LAMONT RICHARDSON, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application;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

[Signature]

SWORN to and subscribed before me this 14th day of March, 2024

[Signature] (L.S.)
Notary Public

My Commission Expires: 01/09/2034



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

I, TARELL LAMONT RICHARDSON, 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:

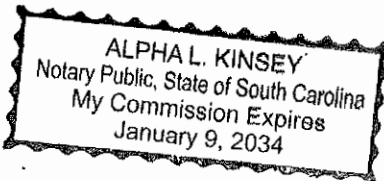
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Tarell Richardson
Applicant

SWORN or affirmed to and subscribed before me this
14th day of March, 2024.

Alpha F Kinsey
Notary Public

My Commission Expires: 01/09/2034



STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	IN THE NINTH JUDICIAL CIRCUIT
)	
Tarell L. Richardson, #288877)	CASE NO. 2024-CP-10-01562
)	
Applicant,)	
v.)	RETURN
)	(Counsel Already Appointed)
State of South Carolina,)	
)	
Respondent.)	
_____)	

2025 MAY 19 AM 10:40
 CLERK OF COURT
 FILED

In response to the application for post-conviction relief (PCR) filed by Tarell L. Richardson (Applicant) on March 22, 2024, Respondent makes the following Return¹:

PROCEDURAL HISTORY

Applicant is presently confined to the South Carolina Department of Corrections serving a twenty-year sentence. During its November 2023 term, the Charleston County Grand Jury indicted Applicant for Burglary 1st Degree (2023-GS-10-05413) and Arson 2nd Degree (2023-GS-10-05414). On January 30, 2024, Applicant appeared before the Honorable Roger M. Young, Sr., and pled guilty as indicted. Gregory K. Voigt, Esquire, represented Applicant. Assistant Solicitor Charles W. Patrick, III, of the Ninth Circuit Solicitor’s Office represented the State. Judge Young sentenced Applicant to twenty years for Burglary 1st Degree and Arson 2nd Degree, with 749 days credit for time served. Applicant did not appeal.

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

CURRENT APPLICATION

On March 22, 2024, Applicant timely filed this PCR application alleging:

- I. Ineffective Assistance of Counsel²
 - a. “Counsel refused to proved [sic] defendant with any public interest legal services.”
 - i. “Relieve [sic] of counsel form filed”.
 - b. “Counsel showed repugnant [sic] cause of bias grounds to misrepresent the defendant.”
 - i. “File number, 23-DE-L-0640, Complaint filed with Disciplinary Counsel”.
 - c. “Counsel withheld key evidence accordance [sic] to rule 5 & 6 law”.
 - i. “Notarized petition writ for rule 5 & 6 evidence”.

As relief, Applicant has requested, “Relief in sentence in order of 5 to 10 years”. Attached to this return are the Charleston County Clerk of Court records of the subject conviction, Applicant’s records from the South Carolina Department of Corrections, and the plea transcript. Respondent reserves the right to amend this Return upon receipt of any additional relevant materials.

INEFFECTIVE ASSISTANCE OF COUNSEL

In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as

² In response to question nine on the PCR application, Applicant answered that he was not informed by counsel of his right to appeal and that he could not obtain the paperwork to appeal his guilty plea or sentence imposed. Based on this response and Applicant’s failure to state this as an enumerated ground for relief, it is unclear whether Applicant is seeking belated appellate review pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). Accordingly, the State moves for Applicant, through counsel, to amend his application to provide a more definite statement of his allegations pursuant to Rule 12(e), SCRCP, and the Post-Conviction Procedure Act. See Code Ann. 17-27-50 (2014).

having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performances was deficient. Id.; Cherry v. State, 300 S.C. .115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. At 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C at 117-18, 386 S.E.2d at 625.

Here, the record likely does not refute or disprove Applicant's claims; therefore, Respondent requests an evidentiary hearing once Applicant files an amended application. See Sharper, 279 S.C. at 265, 305 S.E.2d at 248 (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record").

ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY

Respondent requests Applicant specify any claims he intends to raise in advance of the hearing. Respondent reserves the right to request a continuance based upon any amendments withheld until the last minute. Respondent further requests all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent before the hearing. Likewise, Respondent requests all potential evidence and a witness list be sent to Respondent before the hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that result in undue prejudice to the State.

ALL OTHER ALLEGATIONS

Any allegation not expressly admitted, qualified, or explained is hereby denied.

[CONCLUSION AND SIGNATURE PAGE FOLLOWS]

CONCLUSION

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

Respectfully Submitted,


ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

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By: 
Kylee Kanealey, 107060

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May 15, 2025

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) IN THE NINTH JUDICIAL CIRCUIT
)

Tarell L. Richardson, #288877,

) CASE NO. 2024-CP-10-01562
)

Applicant,

)

v.

)

CERTIFICATE OF SERVICE BY MAIL

State of South Carolina,

)

Respondent.

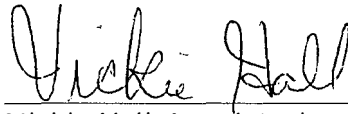
)

2025 MAY 19 AM 10:46
FILED
CLERK OF COURT

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

Christopher L. Murphy, Esquire
Murphy Law Offices, LLC
146 Fairchild Street, Suite 130
Charleston, SC 29492

DATED this 15th day of May, 2025.



Vickie Hall, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA	*	COURT OF COMMON PLEAS
	*	
COUNTY OF CHARLESTON	*	TRANSCRIPT OF RECORD

-----X	
TARELL RICHARDSON #288877,	*
	*
Applicant,	*
	*
vs.	* Case No. 2024-CP-10-01562
	*
STATE OF SOUTH CAROLINA,	*
	*
Respondent.	*
-----X	

August 6, 2025

B E F O R E:

The Honorable Marvin H. Dukes, III, Presiding Judge

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

Christopher L. Murphy, Esq.
Attorney for the Applicant

Kylee Kanealey, Esq.
Assistant Attorney General for the Respondent

Recorded by: DCRP Court Monitor Caressa Johnson (BIS)

Court Reporter: Bobbi Fisher, RPR
SC Official Court Reporter III

I N D E XWITNESS/DESCRIPTION

TERELL RICHARDSON

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Cross-Examination By Ms. Kanealey	11

GREGORY VOIGT

Direct Examination By Ms. Kanealey	12
Cross-Examination By Mr. Murphy	21

E X H I B I T S

None.

COURT REPORTER/TRANSCRIBER LEGEND

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

1 P R O C E E D I N G S

2 (The following proceedings started at 1:11 PM:)

3 THE COURT: We're all set, then, 24-CP-10-1562?

4 MR. MURPHY: Yes, sir.

5 MS. KANEALEY: May it please the Court. Kylee Kanealey
6 on behalf of the State. This is Terrell Richardson versus
7 State, 2024-CP-10-1562.8 Applicant is presently confined in the South Carolina
9 Department of Corrections, serving a 20-year sentence.10 During its November 2023 term, the Charleston County
11 Grand Jury indicted Applicant for burglary, first degree --
12 that's 2023-GS-10-5413 -- and arson, second degree --
13 2023-GS-10-5413.14 On January 30th, 2024, Applicant appeared before the
15 Honorable Roger M. Young and pled guilty as indicted.16 Gregory K. Voigt, Esquire, represented Applicant, and
17 Assistant Solicitor Charles Patrick, III, of the Ninth Circuit
18 Solicitor's Office represented the State.19 Judge Young sentenced Applicant to a sentence of 20 years
20 for burglary first and arson second degree, with 749 days'
21 credit for time served.

22 Applicant did not appeal.

23 On March 22nd, 2024, Applicant timely filed this PCR
24 application. At this time, I'll turn it over to Mr. Murphy to
25 state which allegations they intend on proceeding forward on

1 today.

2 MR. MURPHY: He's going to be pleading on an involuntary
3 plea, Your Honor.

4 THE COURT: All right. Thank you.

5 And go ahead and call --

6 MR. MURPHY: And whenever you're ready...

7 THE COURT: Yes, please.

8 MR. MURPHY: Yes. We'd call Mr. Richardson to the stand.

9 THE CLERK: To the best of your ability, can you please
10 raise your right hand. Place your left hand on the Bible to
11 be sworn.

12 Do you swear or affirm that the testimony you shall give
13 the Court is the truth, the whole truth, and nothing but the
14 truth so help you God?

15 THE DEFENDANT: Yes.

16 TERELL RICHARDSON,

17 after having been duly sworn, was examined and testified
18 to as follows:

19 THE CLERK: You may take your seat.

20 Please state your full name, spelling your last name
21 loudly and clearly into the microphone.

22 THE DEFENDANT: Terell Richardson. R-i-c-h-a-r-d-s-o-n.

23 DIRECT EXAMINATION

24 BY MR. MURPHY:

25 Q And you can have a seat, Mr. Richardson.

1 Now, Mr. Richardson, we're here on your Post-Conviction
2 Relief Application. You understand that; correct?

3 A Yes, sir.

4 Q And you're also alleging, as part of this application,
5 errors that your attorney committed while representing you;
6 right?

7 A Yes, sir.

8 Q And that was Mr. Voigt -- Greg Voigt that represented
9 you; right?

10 A Yes, sir.

11 Q And he was court appointed to represent you; is that
12 correct?

13 A Yes, sir.

14 Q And you originally got charged with burg first and arson?

15 A Yes, sir.

16 Q And you eventually pled to burg first and arson?

17 A Yes, sir.

18 Q And you received a 20-year sentence; correct?

19 A Yes, sir.

20 Q And I believe you pled -- you were right on the eve of
21 trial, either the day of trial or shortly before when you pled
22 guilty; is that correct?

23 A Yes, sir.

24 Q All right. Now, as part of your application, you're
25 saying, "I didn't want to plead guilty" or "I shouldn't have

1 pled guilty"; is that fair?

2 A Yes, sir.

3 Q And so what we've got to do is talk about things or
4 errors that your attorney did that caused this involuntary
5 guilty plea.

6 A Yes, sir.

7 Q Okay. And so one of the things that, when we spoke, you
8 indicated that you never saw or met with Mr. -- let me say
9 this: How many times did you meet with Mr. Voigt before going
10 to trial?

11 A None.

12 Q Okay. And so you're saying you never actually met with
13 Mr. Voigt?

14 A I only saw Mr. Voigt in the initial -- the initial visit,
15 in which I wrote him up. I put in a motion with the courts to
16 have him dismissed off my -- have him removed off my case.
17 That was -- that was June of 2022.

18 Q All right.

19 A He -- that was the first time I ever seen him.

20 Q All right. And so you say -- did you make a motion to
21 have him relieved as counsel?

22 A Yes.

23 Q And that hearing went before the Court?

24 A The first motion, they didn't. The first motion, they
25 didn't honor it. The second motion, yes. They granted me

1 that. They tell me -- I stressed my point, that I didn't feel
2 safe going to trial with him and I didn't like how he was
3 representing me because he -- he didn't even have time to go
4 over my case or none of that.

5 So they still made me -- they still made me keep him as a
6 representative -- as my counsel, which I neglected -- I really
7 tell them that I really didn't want him on my case.

8 Q All right. So the Court denied your request for new
9 counsel?

10 A Yes.

11 Q And then you also indicate you wrote him up as -- did you
12 file a bar complaint against him as well?

13 A Yes.

14 Q All right. And was that an effort to try to get him
15 relieved as counsel or --

16 A It was -- it was all -- it was that and also just to
17 point out his negligence towards me, towards my case.

18 Q And so back to your case, you're saying you never met
19 with him to go over the facts of your case?

20 A Nothing.

21 Q And in terms of the discovery that the State had, did you
22 ever see that?

23 A Not that -- I keep stressing the point I wanted to see
24 the video to point out that it wasn't no grounds for them to
25 charge me with burglary. He -- at first, he said he never had

1 the video. And then, right before trial -- I did a trial, he
2 told me, "Oh, I watched the video. It looks like you."

3 But I said, "Well, you never let -- I wrote you motions.
4 I even wrote you letters to see this. I have a right to see
5 this. That's part of my Rule 5."

6 He never respected that or never came to see me at the
7 county jail or nothing.

8 Q Okay. And you were being held at the county jail pending
9 trial; correct?

10 A Yes.

11 Q And I believe you got -- there are probably about 749
12 days; correct?

13 A Yes.

14 Q Now, you're saying to this Court that you never saw any
15 of the discovery in your case?

16 A Never.

17 Q You never met with Mr. Voigt?

18 A Never.

19 Q You never saw any of the videos?

20 A Never.

21 Q Okay. And you touched on the burglary first and the
22 elements. What you're saying is there was no evidence that
23 you actually entered the house; correct?

24 A Enter it. I asked him -- I also asked him to obtain my
25 cell phone to show him that I had a reason to be by the house

1 that day. He -- and neglect to get that, too.

2 Q And what was your reason to be by the house that day?

3 A To return the item that I got the day before.

4 Q All right. And so just by kind of facts in this case,
5 this was your girlfriend?

6 A Yeah, ex-girlfriend.

7 Q Ex-girlfriend.

8 And what happened was, her house burned down?

9 A Yes.

10 Q And there was some indication -- obviously, the police
11 arrested you in connection with that crime.

12 A Mm-hmm.

13 Q And you're saying that you were in the area, but you were
14 returning or getting some items from her house.

15 A Yeah. I never -- I never -- nobody -- nobody never
16 interviewed me about the case the whole time. So Mr. Voigt, I
17 was trying to -- I wrote him out for a whole year straight.
18 Every Sunday, I wrote him a letter, and I explained to him I
19 never denied being by the house, but I had a reason to be by
20 the house. I never had malice. Me and her wasn't having
21 problems. My phone could have showed that, and the camera
22 would have showed that I just came and knocked on the door.

23 Q All right. And what you're saying is you never did
24 anything to cause any arson to the house.

25 A Never.

1 Q And you never went into the house with the intent to
2 commit a crime?

3 A I never stepped foot in the house.

4 Q Okay. You also indicate that you ended up pleading
5 guilty because you lost faith in your attorney and that he
6 wasn't ready for trial?

7 A Yeah, he wasn't -- he -- the day -- the day of my trial,
8 that's when he got my witness list.

9 Q And what witness list is this that you're talking about?

10 A Well, of all my -- the guy -- I had a guy who was in the
11 car with me that day. I put him -- I told him month -- a year
12 -- I said, "I need you to get the statement of that guy."

13 Also, the statements of the person with my cell phone to
14 show that I didn't have control of my -- that Facebook page at
15 that time because she got my old phone and changed the
16 passcode.

17 Q Okay. And these witness lists, I've also asked you for
18 this witness list; correct?

19 A Yes.

20 Q And I -- I have not received it?

21 A That came in a letter.

22 Q You sent in a letter but I didn't receive it yet.

23 A Oh. I did send it in a letter.

24 Q Okay. And when did you send in this letter?

25 A The day after we got off the phone with each other.

1 Q Okay. So you're talking about he didn't -- he wasn't
2 ready for trial. The elements of burglary could not be
3 proven, is what you're saying?

4 A Yes.

5 Q You're saying that you never met with him and that you
6 never got your discovery.

7 A Mm-hmm.

8 Q And you pled guilty because he wasn't ready for trial,
9 and you felt like you were going to get a much worse sentence?

10 A Yes.

11 Q Is there anything else that you believe your attorney did
12 wrong representing you?

13 A As far as like -- not keeping me informed on the case.
14 His due diligence. His correspondence with me. I -- like I
15 say, this is about the third time. Like, this is the third
16 time I seen him since I had this case.

17 Q All right, sir. That's all the questions I have for you.
18 Please answer any questions from the State.

19 A Okay.

20 CROSS-EXAMINATION

21 BY MS. KANEALEY:

22 Q Just briefly. You testified that you wanted your lawyer
23 to get a statement from a guy?

24 A Yeah.

25 Q What's the name of this guy?

1 A Jamal Mungin (ph).

2 Q Okay. Is he here today?

3 A He's not here today.

4 MS. KANEALEY: Okay. No further questions, Your Honor.

5 MR. MURPHY: No follow-up.

6 THE COURT: Thank you, sir. You may step down.

7 Anything else for your presentation?

8 MR. MURPHY: Nothing, Your Honor.

9 THE COURT: Please call your first witness.

10 MS. KANEALEY: Yes, Your Honor. The State would call
11 Gregory Voigt to the stand.

12 THE CLERK: Do you swear or affirm that the testimony you
13 shall give before this Court shall be the truth, the whole
14 truth, and nothing but the truth, so help you God?

15 THE WITNESS: Yes.

16 GREGORY VOIGT

17 after having been duly sworn, was examined and testified
18 to as follows:

19 THE CLERK: Please be seated. And for the record, please
20 state your full name.

21 THE WITNESS: My name is Gregory Kenneth Voigt. V as in
22 "Victor" o-i-g-t.

23 DIRECT EXAMINATION

24 BY MS. KANEALEY:

25 Q How are you doing today, Mr. Voigt?

1 A All right.

2 Q And so how long have you been practicing the law?

3 A I -- well, I passed the bar in Louisiana in 1994. I
4 stayed in Louisiana as a defense attorney and as a prosecutor
5 until Katrina in 2005.

6 I came here, worked for the solicitor's office for ten
7 years, then entered into private practice for ten years. And
8 now I'm back being a civil servant. So there's that.

9 Q And so how much of that approximately has been criminal
10 law?

11 A During the 20-plus years I was a prosecutor, 100%.

12 When I was in private practice for the three times I was
13 in private practice, about 80%.

14 Q Okay. And so here, how many times, approximately did you
15 meet with Applicant?

16 A I believe I met with him three times. I met with him
17 initially, I met with him regarding a speedy trial motion, as
18 well as the time that he asked to have me relieved. And that
19 would have been -- those two times would have been downstairs
20 in this building.

21 Q And do you feel as if you had adequate time to meet with
22 him?

23 A I did, because, in addition to meeting with him, my -- my
24 business card at the time had my cell phone number on it, and
25 Mr. Richardson would call me both on my cell phone and on my

1 office phone.

2 He got into the habit of leaving me long messages on
3 Sunday afternoons at my office answering service.

4 Q Okay. And can you give us a brief overview of the
5 evidence the State had against him?

6 A Well, Mr. Richardson had a number of issues in his case.
7 Primarily, the fact that he had -- when I was appointed to
8 represent him, I believe he had 16 warrants, of which these
9 were just two, and they were grouped in very specific
10 instances. Some were more serious, some were less serious,
11 but at least three of them were most serious and violent for
12 statutory purposes. There were two burg firsts in separate
13 incidents as well as an attempted murder. I believe all those
14 are still open, to the best of my knowledge.

15 This case was a burglary first and an arson second, so
16 nobody was injured, but there was a potentiality of it.

17 The State had text messages from Mr. Richardson to his
18 former girlfriend to the effect that he was going to "burn her
19 shit up." All right? And that occurred, I believe, within
20 two hours of her couch catching on fire and alarms from inside
21 the building that alerted -- was the first alert to the fire.

22 The State also had a Ring video that showed a person.
23 Now, this -- the video did not show Mr. Richardson's face
24 clearly. It would not -- you would not be able to identify
25 his face from the video. However, as you can see in court

1 today, Mr. Richardson is a tall, lean individual, and the
2 person who was approaching the door -- now, this would have
3 been the next-door neighbor's Ring camera, so it would have
4 been approaching the door on the other side the apartment were
5 ultimately the fire started -- the -- a tall, lean person is
6 the person who approached that door.

7 That door was kicked in, so it was forcefully opened. So
8 there was a breach there.

9 There had been --

10 Q Sorry.

11 A I believe that his ex-girlfriend was also prepared to
12 testify that he had made a number of threats, some alluding to
13 fire in addition to the text message.

14 Q Okay. And did you discuss all of this with him?

15 A Yes.

16 Q And did you discuss the discovery you had?

17 A I did. As a matter of fact, because he had 16 different
18 warrants that were a multiple of cases, I couldn't bring him a
19 stack of discovery when I first met with him. So what I
20 promised him I would do -- and I did -- was, each week, I
21 would copy all of the paper discovery in each of his cases and
22 send them to him through the Sheriff's Office through the
23 mail. And that's what I did.

24 Now, I did not send him the video. Obviously, there's no
25 way to play the media. But I did discuss it with him. I've

1 discussed the case on the telephone with him, in addition to
2 the times I met with him in person.

3 We spent a lot of time together in the trial term before
4 the plea, because the plea was actually on the second
5 scheduled day of trial.

6 Q Let me just clarify: So you did discuss the contents of
7 the video with him?

8 A Oh, absolutely.

9 Q Okay.

10 A Absolutely.

11 Q And did Applicant have any defenses had you proceeded to
12 trial?

13 A He, at one point, had mentioned to me two things. One,
14 that there was somebody who would vouch for him and say that
15 he didn't do it. I never knew that person's name. None of
16 that information was ever provided to me. I make -- I have no
17 opinion as to whether or not that was actually true or not.

18 He also told me, while we were selecting the jury, that,
19 when he was out on bond, I believe for the attempted murder
20 charge, that he had been placed on an ankle monitor and that
21 the ankle monitor was going to show that he wasn't anywhere
22 near the location.

23 So I asked for a continuance of the trial. I was granted
24 a one-day reprieve. We were able to get the information from
25 his bondsman and the GPS tracking company.

1 And about 7:00 last night, I learned -- or that night of
2 the first day of trial, I learned that, according to their GPS
3 tracking, at the time the fire alarm went off, his ankle
4 monitor was within 100 yards of that location.

5 Q And can you give a brief overview of your plea
6 negotiations with the State?

7 A I wanted -- and I will tell you, there was another time
8 where I did meet with him, and that was when we had a bond
9 revocation hearing early in the proceedings. And it was -- he
10 had been arrested for other things and older bonds the State
11 sought to revoke.

12 At the time, his -- all of his cases were being handled
13 by a team leader who would ultimately then become the chief
14 deputy for the circuit, and she is a thorough but deliberate
15 solicitor, let's just say. And I knew, having had
16 conversations with Mr. Richardson, that he wanted this over
17 yesterday. He was not -- he was impatient. He didn't feel
18 like he should be incarcerated.

19 And my plea to her always was, "Please, please give this
20 to somebody, one of your trial-hungry assistant solicitors,
21 who will want to make this happen," whatever it is, whether
22 it's a trial and we show Mr. Richardson's innocence or whether
23 it's a plea of some sort.

24 And I met with her in person. I called her on the
25 telephone. I emailed her. I stalked her for about six

1 months, and she is someone who requires stalking.

2 I finally got her to agree, got a new assistant solicitor
3 assigned. Once he came up to speed -- we made a Motion for a
4 Speedy Trial, which was granted. The problem was that this
5 assistant solicitor did a very typical assistant solicitor
6 move, which was he set the attempted murder case on a docket
7 for which he knew there was already an older murder case that
8 was going to go.

9 Now, Mr. Richardson and I knew, because we had discussed
10 it, that the victim in this attempt -- he always maintained
11 his absolute innocence on the attempted murder case, but he
12 also said that the victim was someone who was not going to
13 come to court under any circumstances, for whatever reason.
14 He had that knowledge, and I believed him.

15 So we were set on a November trial docket. It
16 ultimately -- you know, some other trial went, and thereby,
17 the State complied with the speedy trial Order in that they
18 put him on a trial docket, but it really was never going to be
19 a trial.

20 There may have been more to your question, but --

21 Q No. That's -- thank you.

22 And did you discuss the potential sentences with him,
23 like, had he received a trial versus pleading guilty?

24 A So let me tell you how we got to it. The short answer is
25 yes. The long answer is that we were prepared to go to trial.

1 I am someone who tries a lot of cases. I have tried a lot of
2 cases. I am ready -- when I'm -- when I'm -- when I wear a
3 suit and I'm sitting at that table, I'm ready for trial.

4 And we picked a jury. We selected a jury. We had a
5 judge that, for sentencing purposes, I did not believe was
6 ideal for Mr. Richardson based on his prior record, which is
7 substantial. And I believed that we -- I wasn't going to get
8 this witness that was promised to me.

9 Mr. Richardson had clearly told me something about his
10 GPS monitor that wound up not being true. Ultimately, it
11 wasn't going to be able to be authenticated in time to be
12 introduced, but nevertheless, it was an indicia that perhaps I
13 needed to find another way of solving this case.

14 I believe -- you know, I've been doing this long enough
15 that I believe that one of the first principles is to first do
16 no harm. And my duty to the client is not to allow them to
17 walk themselves into a buzzsaw.

18 I believe, based on the quality of the State's evidence
19 in the burglary and arson case -- not the rest of the cases,
20 but in that case alone -- with his history, he was looking at
21 a potential life sentence. I didn't want that to happen to
22 him.

23 And so I -- while we were at a break, I asked to talk to
24 the judge, the attorneys, and I basically tried to get the
25 judge to a number. Most judges will not give you a number and

1 they shouldn't. They've been told not to. But I'm old
2 school, and I kind of like the old way of doing it. When
3 judges would pick a number, and we could work with it.

4 So we went back and I tried to negotiate with the judge
5 for the number because the State -- for the State's purposes,
6 it was a straight-up plea. They had no dog in the fight.

7 I got what I thought was a -- not a perfect number, but a
8 number, and it was something that was going to mean that
9 Mr. Richardson would have some life that was not going to be
10 incarcerated at some point.

11 And I took that to him and discussed it with him,
12 discussed what it meant giving up the trial right, giving up
13 the right to cross-examine witnesses, the right to, you know,
14 call witnesses on your own. I discussed that with him.

15 I also discussed that with his family. His brother had
16 come. His brother was a calm, rational person who I believed
17 would be able to discuss important things with him because I
18 believe he had Mr. Richardson's trust. And I talked with him.

19 He talked with Mr. Richardson. Then I talked to
20 Mr. Richardson again. And, ultimately, you know, I believe
21 that Mr. Richardson understood what he was giving up and the
22 advantages that he was getting as well.

23 MS. KANEALEY: No further questions, Your Honor.

24 THE COURT: Thank you.

25 Yes, sir.

1 MR. MURPHY: Yes. May it please the Court.

2 CROSS-EXAMINATION

3 BY MR. MURPHY:

4 Q Mr. Voigt, prior to the guilty plea, did Mr. Richardson
5 maintain his innocence in this -- for these charges?

6 A Mr. Richardson's had a number of different charges. I
7 would say as a -- he basically had a blanket expression of
8 innocence as to each of the charges.

9 Q And for -- I asked a bad question. I'm really just
10 asking about the burg first and the arson charge.

11 A And that he -- he -- but he treated them -- he had many
12 -- he had many problems in his basket, and he treated them all
13 equally.

14 Q And in terms of -- if I heard you and I've spoke with him
15 about the evidence, I realized there was text messages or
16 Facebook stuff saying he was going to burn up the -- the
17 victim's place and there was stuff putting him in the scene
18 around the fire -- when the fire started.

19 But the main thing I'm looking at is the doorbell. The
20 text message that you talked about, none of them indicated
21 that he actually entered the house, did they?

22 A Well, so the witness, his ex-girlfriend, was prepared to
23 testify, and this would have been in police reports and in
24 statements, that she identified the person who approached her
25 door. And when I say "approached her door," not casually walk

1 up as if to knock.

2 The last thing you see in the video is, like, a raised
3 leg as if to kick the door.

4 The door is broken off of its hinges and then a fire
5 starts in the middle of a couch, far away from an electrical
6 outlet, so that -- for purposes of arson, the arson part was
7 there. You just have to -- you know, from -- for
8 circumstantial evidence purposes, the State has to put the
9 person entering at the same time as the fire starting
10 together. For circumstantial evidence purposes, they could
11 make that burden. It's not a guarantee. There was always a
12 way to fight those things.

13 Q So what we're talking about is objective evidence versus
14 -- or direct evidence versus subjective?

15 A This would have been circumstantial evidence.

16 Q Circumstantial.

17 A Right. And, as we all know, circumstantial -- you know,
18 a conviction can be founded purely on circumstantial evidence,
19 and the law doesn't treat them any differently.

20 Q But in terms of -- and I believe I was reading some of
21 the testimonies. The door was kicked in and a Coke bottle or
22 a soda bottle of gasoline was thrown in the house?

23 A It's un- -- it's -- arson cases are difficult in that,
24 I think in this case, they never actually -- the arson
25 investigator would be able to tell you it was arson because he

1 could exclude all other means, but he could not tell you
2 exactly what the accelerant would have been. And so much in
3 arson science has been curtailed. I mean, we -- you know, we
4 don't talk about alligating and things like that anymore.
5 It's just not -- you can basically tell if it is a purposely
6 set fire or not and much more than that is speculation.

7 Q And did you talk to Mr. Richardson about his reason for
8 being in the area of wanting to pick up some items from the
9 girlfriend's house?

10 A Mr. Richardson gave multiple reasons for --
11 Mr. Richardson alternately would tell me he had a reason to be
12 there and then tell me he was not there and that he had
13 somebody who would vouch for him not being there.

14 There were inconsistent stories, and I didn't have faith
15 in any of them, and I didn't have specifics with which I could
16 track anything down.

17 Q And had you gone to trial, was Mr. Richardson going to
18 take the stand in his defense?

19 A We hadn't officially made that decision. I had had those
20 conversations with him. He indicated he did not initially
21 want to, but we weren't locked into a particular strategy
22 there.

23 Q I think I -- did I ask if you were court-appointed in
24 this case?

25 A I was appointed in this case.

1 Q And what about the other warrants? Were you appointed in
2 those cases as well?

3 A I was appointed to all those -- all the cases at once. I
4 believe I took over for a public defender because there had
5 been a previous conflict -- a personality conflict.

6 Q And I think you touched -- the other charges, you don't
7 know the status of them.

8 A Oh, I do know the status of them.

9 Q What is the status?

10 A They're still pending.

11 Q Okay. They are pending.

12 A They're still pending.

13 Q And typically, though, at least it used to be when a
14 defendant would get a long sentence like this, those charges
15 would get dismissed. They haven't been dismissed?

16 A You'd think -- I was approached by the assistant
17 solicitor assigned to the case afterwards, who indicated to me
18 that the elected solicitor wanted Mr. Richardson to plead to
19 another charge, receive essentially a concurrent sentence, so
20 that, if he went to a PCR on any of them, that the concurrent
21 sentence would basically lock in the incarceration.

22 I discussed that with Mr. Richardson. I'm personally of
23 the belief that that's not my job. I didn't think that was a
24 good deal for Mr. Richardson. And I told that assistant
25 solicitor that that -- I didn't believe Mr. Richardson was

1 going to plead guilty to any of the other cases for their
2 benefit, because it didn't benefit him at all.

3 Q So I just want to understand. Procedurally, let's assume
4 that these charges are -- his application is granted. He
5 still has to face this attempted murder charge or these other
6 charges --

7 A They would still potentially all be -- to the extent that
8 they're pending, he would still face all those charges.

9 Some of the -- they're not created equally. Some of
10 those charges are not -- as we know, they don't have legs.

11 MR. MURPHY: Okay. No further questions, Your Honor.

12 MS. KANEALEY: Nothing from the State, Your Honor.

13 THE COURT: All right. Anything else?

14 MR. MURPHY: Nothing, Your Honor.

15 MS. KANEALEY: Nothing from the State, Your Honor.

16 THE COURT: All right then.

17 THE WITNESS: May I go?

18 THE COURT: You may, sir.

19 THE WITNESS: Good to see you.

20 THE COURT: Good to see you.

21 All right. Nothing else on this case?

22 MR. MURPHY: Nothing, Your Honor.

23 THE COURT: All right. I'll take it under advisement and
24 let y'all know something as soon as I can.

25 (At 1:48 PM, the above proceeding concluded.)

Certificate of Transcriber

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CASE NAME: Tarell Richardson v. State

DATE OF HEARING: 8/6/25

RECORDING METHOD: DCRP Court Monitor Caressa Johnson (BIS)

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that I was not present for the live proceeding; and that said proceedings were transcribed to the best of my ability from the audio and/or video recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher _____

Bobbi Fisher, SC Official Court Reporter III, RPR

Transcript Prepared: 12/11/25

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)	FOR THE NINTH JUDICIAL CIRCUIT
)	
Tarell L. Richardson, #288877,)	CASE NO. 2024-CP-10-01562
)	
Applicant,)	
)	ORDER OF DISMISSAL
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	
)	

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This matter comes before the Court by way of Tarell L. Richardson’s application for post-conviction relief (PCR) filed on March 22, 2024. On August 6, 2025, an evidentiary hearing was held at the Charleston County Courthouse before the Honorable Marvin H. Dukes, III. Applicant was present and represented by Chris Murphy, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the allegations in his application. In support of these claims, Applicant testified on his own behalf. Respondent presented the testimony of Gregory Voigt, Esquire (Plea Counsel).

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined at the South Carolina Department of Corrections serving a twenty-year sentence. During its November 2023 term, the Charleston County Grand Jury indicted Applicant for Burglary 1st Degree (2023-GS-10-05413) and Arson 2nd Degree (2023-GS-10-05413). On January 30, 2024, Applicant appeared before the Honorable Roger M. Young and pled guilty as indicted. Gregory K. Voigt, Esquire, represented Applicant. Assistant Solicitor Charles

u

W. Patrick III of the Ninth Circuit Solicitor's Office represented the State. Judge Young sentenced Applicant to a sentence of twenty years for Burglary 1st Degree and Arson 2nd Degree, with 749 days credit for time served. Applicant did not appeal.

CURRENT APPLICATION

On March 22, 2024, Applicant timely filed this PCR application alleging:

- I. Ineffective Assistance of Counsel
 - a. "Counsel refused to provide [sic] defendant with any public interest legal services."
 - i. "Relieve [sic] of counsel form filed".
 - b. "Counsel showed repugnant [sic] cause of bias grounds to misrepresent the defendant."
 - i. "File number, 23-DE-L-0640, Complaint filed with Disciplinary Counsel".
 - c. "Counsel withheld key evidence accordance [sic] to rule 5 & 6 law".
 - i. "Notarized petition writ for rule 5 & 6 evidence".

As relief, Applicant requested, "Relief in sentence in order of 5 to 10 years."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Charleston County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are the Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel/ Involuntary Plea

In a PCR action, an applicant bears the burden of proving the allegations in his application.

Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to received relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. at 117-18, 386 S.E.2d at 625. When reviewing a guilty plea, the Strickland deficiency prong remains unchanged – Applicant must show that counsel's representation fell below an objective standard of reasonableness. Hill, 474 U.S. at 58-59. To show prejudice, Applicant must show a reasonable probability "that, but for counsel's [alleged] errors, he would not have pled guilty and would have insisted on going to trial." Id. at 59. To be knowing and voluntary, the defendant must be advised of the constitutional rights he is waiving, including the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. Boykin, 395 U.S. at 243.

Failed to Review Discovery

At the PCR hearing Applicant alleged counsel did not discuss the facts of the case with him, and he never saw the discovery, specifically a ring video of Applicant. Counsel testified that he had adequate time to meet with Applicant. Counsel testified that he discussed the discovery with Applicant and each week he copied the paper discovery and sent it to Applicant. Counsel

testified that he could not send Applicant the video (due to detention center policies) but that he discussed the video with Applicant. Counsel testified he was prepared for trial. This Court finds counsel's testimony credible. Based on the foregoing, counsel's representation was reasonable under prevailing professional norms and not deficient.

This Court finds Counsel thoroughly discussed the discovery with Applicant. Applicant did not present the video he allegedly did not see and did not present any testimony that had he seen this video, he would have insisted on going to trial instead of pleading guilty. This Court further finds Applicant has failed to set forth what more Counsel should have done regarding the discovery or discussed further that would have changed his decision to plead guilty. See Hill at 59. This Court finds Applicant has failed to meet his burden of proving deficiency and prejudice and thus, this claim is denied.

Involuntary Guilty Plea

At the hearing, Applicant alleged he did not want to plea guilty. This Court finds this allegation to be without merit. Applicant has presented no valid reason why he should be able to depart from the statements made during his guilty plea. See Tollett v. Henderson, 411 U.S. 258, 267 (1973) ("When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea."); Garren v. State, 423 S.C. 1, 12, 813 S.E.2d 704, 710 (2018) ("A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed."); Jamison v. State, 410 S.C. 456, 468, 765 S.E.2d 123, 129 (2014) ("[I]n South Carolina, a guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights.").Applicant

has not provided any evidence to prove counsel's representation fell below an objective standard of reasonableness. The plea colloquy shows Applicant told the plea court he did not need any more time with his attorney and was satisfied with the job that his attorney did for him. (Plea Tr. 5,6). Further, it showed he understood the constitutional rights he was waiving. See Boykin, 395 U.S. at 243. Thus, based on the evidence presented at the plea proceeding and the evidentiary hearing, this Court finds Applicant freely, knowingly, and voluntarily pled guilty. Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

[CONCLUSION AND SIGNATURE PAGE FOLLOWS]

CONCLUSION

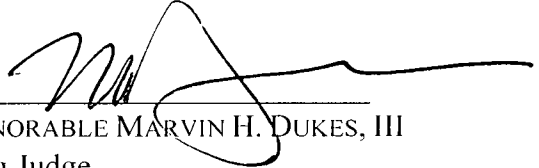
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 7th day of Nov, 2025.


 THE HONORABLE MARVIN H. DUKES, III
 Presiding Judge
 Ninth Judicial Circuit

Beaufort, South Carolina

CWP/0386104
WITNESSES

DOCKET NO. 2023-GS-10-05414

North Charleston Police Department

The State of South Carolina

County of Charleston

Chris Ross

AGENCY CASE NUMBER

2021-035574

ARREST WARRANT NUMBER

2022A1021000016

DATE OF ARREST

01/11/2022

TRUE BILL
ACTION OF GRAND JURY

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2023

THE STATE

VS.

TARELL LAMONT RICHARDSON

B/M DOB: [REDACTED]

FILED

DEC 20 2023

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

Martin Woodward NOV 07 2023
Foreperson of Grand Jury Date:

VERDICT

Indictment for

ARSON, SECOND DEGREE

SC Code: § 16-11-0110(B)
CDR Code: 2551

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened November 2023, the Grand Jurors of Charleston County present upon their oath:

Arson, Second Degree

That in Charleston County , South Carolina, on or about December 28, 2021, the Defendant, Tarell Lamont Richardson, did willfully and maliciously cause an explosion, set fire to, burn, or cause to be burned or aid, counsel, or procure a burning that resulted in damage to a dwelling house, church or place of worship, public or private school facility, manufacturing plant or warehouse, building where business is conducted, institutional facility or structure designed for human occupancy including local and municipal buildings, whether the property of the person or another, in violation of Section 16-11-110(B) 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.



CHARLES W. PATRICK, III
ASSISTANT SOLICITOR

CWP/0386104
WITNESSES

DOCKET NO. 2023-GS-10-05413

North Charleston Police Department

The State of South Carolina

County of Charleston

Chris Ross

AGENCY CASE NUMBER

2021-035574

ARREST WARRANT NUMBER

2022A1021000015

DATE OF ARREST

01/11/2022

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2023

THE STATE

VS.

TARELL LAMONT RICHARDSON

B/M DOB: [REDACTED]

FILED

DEC 20 2023

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

ACTION OF GRAND JURY

TRUE BILL

Martin Walsburn **NOV 07 2023**
Foreperson of Grand Jury Date:

VERDICT

Indictment for

BURGLARY FIRST DEGREE

SC Code: § 16-11-0311
CDR Code: 0079

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

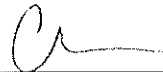
INDICTMENT

At a Court of General Sessions, convened November 2023, the Grand Jurors of Charleston County present upon their oath:

Burglary First Degree

That in Charleston County, South Carolina on or about December 28, 2021, the Defendant Tarell Lamont Richardson, did enter the dwelling of Toshika Monique Frazier without consent and with the intent to commit a crime therein. That, in addition, the defendant has a prior record with two or more convictions for burglary, housebreaking or a combination of both; in violation of § 16-11-311 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.



CHARLES W. PATRICK, III
ASSISTANT SOLICITOR

3.25

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/CASE#: 2023-GS-10-05414

VS.

TARELL LAMONT RICHARDSON

A/W#: 2022A1021000016

AKA: Terre L. Richardson, Lamont Terrell Richardson

Date of Offense: 12/28/2021

Race: Black Sex: M Age: 40

S.C. Code §: 16-11-0110(B)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 2551

Address: [REDACTED]

City, State,

Zip: [REDACTED]

SENTENCE SHEET

DL#* [REDACTED] SID# SC01419369

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Arson, Second Degree

In violation of § 16-11-0110(B) of the S.C. Code of Laws, bearing CDR Code # 2551

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:

Charles W. Patrick, III, Assistant Solicitor (101831 SC Bar #) Defendant Attorney for Defendant (75186 SC Bar #)

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 20 days/months/years/Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$____; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

749 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

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

SPECIAL CONDITIONS:

STATE TARELL LAMONT INDICTMENT/CASE#: 2023-GS-10-05414
VS. RICHARDSON

PTUP after _____ months/years

And Other Terms Listed Below:

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

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____

TOTAL \$ 128.75

2134

11/30/24

Clerk of Court/Deputy Clerk: Stelland
Court Reporter: DCRP

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

15-2w08

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/CASE#: 2023-GS-10-05413

VS.

TARELL LAMONT RICHARDSON

AKA: Terre L. Richardson, Lamont Terrell Richardson

Race: Black Sex: M Age: 40

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, [REDACTED]

Zip: [REDACTED]

DL#* [REDACTED] SID# SC01419369

AW#: 2022A1021000015

Date of Offense: 12/28/2021

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Burglary First Degree

In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:

Charles W. Patrick, III. 101831 SC Bar # [Signature] Defendant Attorney for Defendant 75186 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 20 days/months/years Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$____; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2023-65-10-05414

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.

749 day/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

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

SPECIAL CONDITIONS:

STATE TARELL LAMONT INDICTMENT/CASE#: 2023-GS-10-05413
VS. RICHARDSON

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
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- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

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

	\$	\$
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: S ferland
DCPP
Court Reporter: DCRP

Presiding Judge: _____
Judge Code: 2134
Sentence Date: 1/30/24