

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Charleston County

Honorable Marvin H. Dukes, III, Circuit Court Judge

CARY STEPHENS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002315

APPENDIX

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STATE OF SOUTH CAROLINA) SOUTH CAROLINA CIRCUIT COURT 9
COUNTY OF CHARLESTON) DOCKET NO. 2019-GS-10-04645;
-04647

STATE OF SOUTH CAROLINA,
Plaintiff,
versus
CARY KEJUAN JANAI STEPHENS,
Defendant.

H E A R I N G
BEFORE THE HONORABLE R. LAWTON MCINTOSH

DATE: October 11, 2022
TIME: 2:06 p.m.
LOCATION: South Carolina Circuit Court 9

TRANSCRIBED BY: Natasha Barrientos

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EXHIBITS

7 (None marked)

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24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL

25 IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.

1 THE BAILIFF: Honorable Judge Lawton McIntosh
2 presiding.

3 THE COURT: Please be seated. This is Cary Kejuan; is
4 that right?

5 MR. STEPHENS: Kejuan -- Kejuan.

6 THE COURT: Kejuan?

7 MR. STEPHENS: Yes, sir.

8 THE COURT: I'm sorry. Cary Kejuan Stephens?

9 MR. STEPHENS: Yes, sir.

10 THE COURT: And this has being presented as a
11 negotiated plea; is that right?

12 MR. STEPHENS: Yes, sir.

13 MS. WILSON: Yes, sir. Your Honor, it's a negotiated
14 range of 30 to 40.

15 THE COURT: Okay. Would you swear him, ma'am.

16 THE BAILIFF: Sir, please raise your right hand.

17 CARY KEJUAN JANAY STEPHENS,
18 being first duly sworn, testifies as follows:

19 THE BAILIFF: Thank you, sir.

20 THE COURT: All right, sir, you're Cary Kejuan
21 Stephens?

22 MR. STEPHENS: Yes, sir.

23 THE COURT: I need you to speak up for me please?

24 MR. STEPHENS: Yes, sir.

25 THE COURT: Mr. Stephens, it says that you're 31?

1 MR. STEPHENS: Yes, sir.

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

3 MR. STEPHENS: I went to college.

4 THE COURT: You did go to college?

5 MR. STEPHENS: Yes, sir.

6 THE COURT: Did you graduate?

7 MR. STEPHENS: No, sir.

8 THE COURT: I can't hear you.

9 MR. STEPHENS: No, sir. I did not graduate college.

10 THE COURT: All right, sir. In the last three years
11 have you worked?

12 MR. STEPHENS: Yes, sir.

13 THE COURT: What kind of work you be done?

14 MR. STEPHENS: I was working at Benelli Motors.

15 THE COURT: Sir?

16 MR. STEPHENS: Working at a place called Benelli.

17 THE COURT: I'm sorry?

18 MR. MCCOY: Your Honor, it's a -- it's a place that
19 does golf carts called Benelli Motors.

20 THE COURT: Okay.

21 MR. MCCOY: And it's in West Ashley, Your Honor. And
22 he hasn't worked for the past three years, so maybe he
23 misunderstood you. He's been incarcerated, Your Honor, for
24 over three years.

25 THE COURT: Over three years?

1 MR. MCCOY: Yes, sir.

2 THE COURT: All right. Before you were incarcerated,
3 where did you work? Is that the golf cart place?

4 MR. STEPHENS: Yes, sir.

5 THE COURT: How long did you work there?

6 MR. STEPHENS: A year and a half.

7 THE COURT: Are you married?

8 MR. STEPHENS: No, sir.

9 THE COURT: Do you have children?

10 MR. STEPHENS: No, sir.

11 THE COURT: Now, you're pleading guilty to murder?

12 MR. STEPHENS: Yes, sir.

13 THE COURT: You understand that carries a minimum of 30
14 years?

15 MR. STEPHENS: Yes, sir.

16 THE COURT: Up to life?

17 MR. STEPHENS: Yes, sir.

18 THE COURT: Also, you have weapons, which is 5, but the
19 murder, it was a day-for-day. You understand that?

20 MR. STEPHENS: Yes, sir.

21 THE COURT: Knowing that, you still want to go forward
22 with your plea?

23 MR. STEPHENS: You say that again?

24 THE COURT: You want to go forward with your plea
25 knowing you'll have to serve day-for-day?

1 MR. STEPHENS: Yes, sir.

2 THE COURT: Also, this has been presented to me as a
3 negotiated sentence and my understanding is either I accept
4 the negotiated range or I will reject it, but I can't change
5 it. Is that your understanding?

6 MR. MCCOY: Your Honor, that is my understanding. Yes,
7 sir.

8 THE COURT: Is that yours understanding?

9 MS. WILSON: Yes, sir.

10 THE COURT: And knowing that, do you still want to go
11 forward today?

12 MR. STEPHENS: Yes, sir.

13 THE COURT: Are you under the influence of any
14 medications, drugs, or alcohol?

15 MR. STEPHENS: No, sir.

16 THE COURT: Counsel, you satisfied that Mr. Stephens
17 competent to plead?

18 MR. MCCOY: Absolutely, Your Honor.

19 THE COURT: Is anybody forced, threaten, or promise you
20 anything to get you to plead guilty today?

21 MR. STEPHENS: No, sir.

22 THE COURT: Are you doing so of your own free will?

23 MR. STEPHENS: Yes, sir.

24 THE COURT: Do you understand that you have a
25 constitutional right to have a jury of 12 people determine

1 whether you're guilty or innocent of these charges?

2 MR. STEPHENS: Yes, sir.

3 THE COURT: If you go forward today, you'll give up
4 that right. Do you understand that?

5 MR. STEPHENS: Yes, sir.

6 THE COURT: Is that what you want to do?

7 MR. STEPHENS: Yes, sir.

8 THE COURT: Do you freely and voluntarily give up your
9 right to a jury trial in order to plead guilty today?

10 MR. STEPHENS: Yes, sir.

11 THE COURT: Mr. Stephens, if you were to go to trial,
12 you'd be presumed innocent and the burden would be on the
13 state of South Carolina to prove each and every element of
14 these charges by proof beyond a reasonable doubt. Do you
15 understand that?

16 MR. STEPHENS: Yes, sir.

17 THE COURT: And you could not be found guilty unless
18 they prove to the jury's satisfaction to prove beyond a
19 reasonable doubt. And you understand that's the highest
20 burden that we recognize in our law?

21 MR. STEPHENS: Yes, sir.

22 THE COURT: Now, if you go forward today, you'll no
23 longer be presumed innocent. You'll no longer be able to
24 claim -- you'll no longer not be able to admit your guilt,
25 and the State will no longer have the burden of having to

1 prove you guilty. Do you understand that?

2 MR. STEPHENS: Yes, sir.

3 THE COURT: Is that what you want to occur?

4 MR. STEPHENS: Yes, sir.

5 THE COURT: Also, Mr. Stephens, if you were to go to
6 trial, you could exercise the following additional
7 constitutional rights. First, you'd have a right to confront
8 and cross-examine anyone who testifies against you. Do you
9 understand that?

10 MR. STEPHENS: Yes, sir.

11 THE COURT: You'd have a right during trial to present
12 evidence in your own defense. Has that been explained to
13 you?

14 MR. STEPHENS: Yes, sir.

15 THE COURT: Also, you could subpoena people to a trial
16 to testify on your behalf. Do you understand that?

17 MR. STEPHENS: Yes, sir.

18 THE COURT: And also under the Fifth Amendment to the
19 United States Constitution, you'd have a right not to testify
20 at a trial. Do you understand that?

21 MR. STEPHENS: Yes, sir.

22 THE COURT: And if you chose not to testify, the trial
23 court would charge the jury, they couldn't consider that
24 whatsoever because that's your right under the Fifth
25 Amendment to the United States Constitution and because the

1 State has to burden of proving your guilt. You understand
2 that?

3 MR. STEPHENS: Yes, sir.

4 THE COURT: By going forward today, like with the jury
5 trial, you'll give up these additional constitutional rights
6 we've just gone over. Is that what you want to do?

7 MR. STEPHENS: Yes, sir.

8 THE COURT: Do you freely and voluntarily give up your
9 constitutional rights in order to plead guilty today?

10 MR. STEPHENS: Yes, sir.

11 THE COURT: Under indictment 2019-04647, are you guilty
12 -- excuse me, 04645, are you guilty of the charge of murder?

13 MR. STEPHENS: Yes, sir.

14 THE COURT: Under indictment 2019-04647, are you guilty
15 of possession of a weapon during the commission of a violent
16 crime?

17 MR. STEPHENS: Yes, sir.

18 THE COURT: Are you satisfied with the services of your
19 attorney?

20 MR. STEPHENS: Yes, sir.

21 THE COURT: Has he reasonably done what you've asked
22 him to do?

23 MR. STEPHENS: Yes, sir.

24 THE COURT: Standing here today, do you have any
25 complaints whatsoever about any aspect of your legal

1 representation?

2 MR. STEPHENS: No, sir.

3 THE COURT: You're totally and completely satisfied?

4 MR. STEPHENS: Yes, sir.

5 THE COURT: All right. Mr. McCoy, have you gone over
6 the elements of this charge with Mr. Stephens and have you
7 explained to him the time you could get (inaudible) whether
8 or not he has the defense, this is his charge and his
9 constitutional rights?

10 MR. MCCOY: I have, Your Honor. We spent significant
11 time, not only relaying potential issues at trial, how a
12 trial goes, potential punishments at trial, but also any
13 potential defenses that he may have.

14 THE COURT: And you've gone over the State's discovery
15 with him in detail?

16 MR. MCCOY: I have, Your Honor.

17 THE COURT: And do you feel like this is the right
18 thing for him to do?

19 MR. MCCOY: This is absolutely the right thing for him
20 to do, Your Honor.

21 THE COURT: Very good. All right. Tell me about Mr.
22 Stephens, please.

23 MS. WILSON: About the facts of the case?

24 THE COURT: Yes, ma'am.

25 MS. WILSON: Thank you, Your Honor. I'll be brief with

1 the facts. I know that we are on a time schedule. This
2 happened February 26, 2019, in the late afternoon, early
3 evening around 5:30 at the Citadel Mall, over in West Ashley,
4 and specifically in the Target parking lot area, crowded area
5 lots of people shopping that afternoon. And that's where
6 this defendant murdered Deja Dantley. You have her
7 photograph up there. She was 23 years old at the time that
8 she died.

9 You can imagine that this was very shocking to people
10 who were going to and from Target to witness what happened.
11 When law enforcement arrived, what they learned was that
12 bystanders had seen Deja and the Defendant arguing in the
13 parking lot. He was seated on the trunk of his car. She was
14 in and around the car, and they had been arguing back and
15 forth. Of course, the witnesses didn't know who either of
16 them were. But they could tell from the argument that they
17 were arguing about a relationship and about cheating, this,
18 that and the other.

19 It went on for some 15, 20 minutes. And this is
20 corroborated by video from the parking lot there. But as the
21 argument came to an end, Deja went and got in her car. She
22 started to leave the area, the Defendant got in his car, and
23 as they passed each other, side by side, door to door, he
24 fired one shot at her and -- and killed her.

25 That was a very dangerous reckless situation because

1 you know what happened then? The car keeps going and goes
2 across the parking lot where it eventually crashes into other
3 cars. Again, nobody knew exactly who the Defendant was, but
4 of course, they had an idea that this was some sort of
5 relationship. And as the police began investigating, they
6 learned that this defendant had a pending domestic violence
7 charge against Deja or involving Deja and that they had a
8 toxic relationship. So they became a -- a manhunt for this
9 defendant.

10 Additionally, the officers learned that the car that he
11 fled in and that he fired the shot from, fit the description
12 of a car he was known to drive that belonged to his family.
13 It had a distinctive dent in the side of it. Some video from
14 a nearby store captured the car leaving with that dent on it.
15 In addition, eyewitnesses noted that the Defendants was --
16 Defendant was smoking something, either cigarettes,
17 cigarillo, something like that, directed CPD to an area where
18 he had been smoking. They recovered the butt and were able
19 to get a DNA consistent with the profile of this defendant.

20 So those things led to the identity of this defendant.
21 As I mentioned, he was not captured for about a week. He was
22 found in Dorchester County at someone's apartment. When the
23 US Marshals and local police arrived there, they found that
24 he had tried to burn cell phones and other evidence that may
25 have led to the crime, but he eventually, at that location,

1 turned himself in to the police who were there without
2 incident.

3 THE COURT: Tell me about the pending charges or claims
4 for domestic violence and that also his prior record, please,
5 ma'am.

6 MS. WILSON: Okay. Your Honor, he -- he has a criminal
7 history and before he was incarcerated, he was arrested
8 pretty much every year from 2012 on. Mostly guns, but I'll
9 go through it with you. 2009, unlawful carrying; 2012,
10 unlawful carrying, resisting arrest, possession of cocaine;
11 2012, driving under suspension; 2014 three crack charges,
12 possession of stolen firearm, again; in 2015, possession with
13 intent to distribute crack. Again, a stolen firearm,
14 possession with intent to distribute marijuana. 2015, a
15 probation violation.

16 And then the other charges that he had are still
17 pending now, and were still pending at the time this
18 happened. But he had an arrest for unlawful carrying,
19 possession stolen firearm, again, in 2016. Failure to stop
20 for blue light 2017, another and a quid marijuana in 2017. A
21 false information to CPD in 2017. Then in January of 2018,
22 was the domestic violence charge that involved Deja. And it
23 involved him hitting Deja about the face. She had a swollen,
24 busted lip an abrasion on her ear. She called the police and
25 he was arrested for that.

1 Later, she contacted our office to drop charges. We
2 did not drop charges. They were still pending at the -- the
3 time of this. But this is a classic domestic violence
4 situation. And it's one of the -- the frustrating and sad
5 things about this case. He picked up another 2018, quid
6 marijuana, and then in 2019, in February is when these facts
7 occurred.

8 THE COURT: Now, I understand there's some victim's
9 representatives who'd like to speak?

10 MS. WILSON: Yes, would you like to do that now?

11 THE COURT: Yes, ma'am. If you would.

12 MS. WILSON: Okay. Your Honor we have, first, the
13 victim's mother and I -- I'm -- I have to tell you, they have
14 been extraordinarily patient through the pandemic and dealing
15 with courts being open and closed and virtual and not, but
16 they really wanted to be here today. And they understand
17 you're taking time away from a trial to do this for them.

18 THE COURT: I am not trying to limit them. I'm just
19 doing for as much as we can do.

20 MS. WILSON: I understand. I understand. Just take your
21 time. Ms. Morning Bolds (ph). She's Deja's mother.

22 THE COURT: B-O-W-L-E-S?

23 MS. BOLDS: B-O-L-D-S.

24 THE COURT: Okay. Yes, ma'am. I'll be glad to -- Mr.
25 McCoy, thank you.

1 MR. MCCOY: Yes, sir.

2 THE COURT: Yes, ma'am.

3 MS. BOLDS: Okay. So basically, Your Honor, thank you
4 for your time. I -- it was hard for me to write specifically
5 to you, so I just wrote like a message kind to Deja, but
6 address it. So my message is, or my heart message is,
7 "(Inaudible) my life has been and will never be the same with
8 my only one gorgeous daughter. Flaws and all, Deja Katrice,
9 thank me not being here to share this life with me/us. My
10 heart really is in pain, feeling like it has been ripped out
11 of my chest, thrown on a dirty ground and stomped to make it
12 -- make sure it has stopped.

13 I pray that you get above and beyond the justice you so
14 deserve today, 10/11/22. The strength I carry isn't for me.
15 It's for you and your siblings, especially your little
16 brother MINOR (ph) and our close knit family. I just want
17 to hug you so tight, look you in your eyes so you can see
18 that me, your mother has never been wavering or inconsistent
19 and the love I have for you.

20 It really has broken my heart that your life was cut
21 too short at the tender age of 23, the same age I was when
22 God blessed me with you by birthing you into this world. We
23 all miss you in person -- I mean, we all miss your in-person
24 affection, warm hugs, your laugh, infectious smile, and that
25 you are funny and love to laugh. Your passionate talents

1 enhance -- enhancing women's natural beauty with makeup and
2 embracing people with your sultry singing voice whenever you
3 felt the desire to.

4 Your big dreams of traveling to be on two beautiful
5 countries with the ones you love, sharing the deepest love
6 you have for your family and real friends so much. It -- it
7 constantly saddens me that you weren't able to one day find a
8 real man of your dream that nubs and honors you, that you
9 could have built a loving life and family with. It also
10 saddens me that you were robbed with change the (inaudible)
11 to the full beautiful flower that you are and will always be.

12 It has been a face-to-face, life -- life lesson of the
13 same. When people show you who they are, believe them, their
14 family included. Due to the unfortunate situation of the --
15 of an evil person's act, you have placed an assignment on our
16 family to continue your beautiful life through us, by the way
17 of you -- by way of unity, genuine, consistent love,
18 celebrations for you, and most importantly, doing the work to
19 bring more help and awareness of domestic violence victims
20 and things. We will forever warn you until we join you in
21 heaven, Deja Katrice family, long-live day. I love -- I and
22 we love your beautiful soul always and forever."

23 Thank you, Your Honor.

24 THE COURT: Thank you.

25 MS. WILSON: Your Honor, this is McKay Dantley (ph).

1 This is Deja's aunt.

2 MS. DANTLEY: Thank you. Thank you for allowing us the
3 opportunity to speak today. Usually in these incidents,
4 attorneys or family members discuss how the defendant is a
5 good person or highlight their characteristics. I would like
6 to know their definition of a good person. When I think of a
7 good person, I think of someone who's honest, lovable, good
8 hearted, polite, good humor and compassion. My niece Deja
9 Dantley invite embody all of these qualities. Although in
10 most circles, she was the youngest, she left a mark on so
11 many lives. She was also a gang member on a lot of people's
12 guest list for family events.

13 She encouraged me to work hard. She taught me
14 accordance of maintaining relationships with family and
15 friends and taking time to spend time with one another. Deja
16 would also want to speak her mind. This allowed for
17 communication to be had on and -- and us to move past
18 whatever issue we had. I would like to -- I would like to
19 note that the -- that in my description of a good person, I
20 did not mention cruel. Characteristics of being a bad person
21 to me is being manipulative, disrespectful, abusive, cruel,
22 corrupt or victimizer or cocky, and the list goes on.

23 Again, like my sister has said, when show -- someone
24 shows you who they are, we have to believe them. For Deja
25 and so many men and family like her, it cannot be taken

1 lightly and will not be ignored. No person abuse should be
2 blamed. They do not bring them on themselves or desire this
3 treatment.

4 Deja was more like a daughter to me. Although I can
5 never feel the pain that my sister feels from losing a child
6 that she prayed for and birthed, since 16 years old, I made
7 the decision not to have children because I wanted to treat
8 my nieces and my nephews like they were my own. So this loss
9 is also major for me. She wasn't just a distant family
10 member, she wasn't just a niece, she was one of the reasons I
11 made such a life decision. This is a wound that I will carry
12 with me forever.

13 Knowing that she will not be able -- knowing that he
14 will not be able to do this to someone else's loved one will
15 help begin to -- the healing process. Grief is already hard
16 for me. It has been much more difficult knowing that her
17 life is taken by the hands of a man versus God. First of
18 all, the lack of remorse and sympathy that has been extended
19 to us is even more baffling. In fact, when we had the police
20 in attendance at her service, his family still disturbed the
21 service by coming and causing chaos.

22 They would never understand our pain. He still is
23 living. He can obtain skills, education, and receive visits
24 and supports. They would never understand the depression
25 internal we have endured, how this loss has hindered our

1 ability to truly perform our jobs and careers and sometimes
2 daily functions. We have a forever void. Thank you.

3 THE COURT: Thank you. Ms. Wilson, also, I have a
4 letter from Mr. Lee, the victim's father, which I have read.

5 MS. WILSON: Thank you.

6 THE COURT: Are there any other victims that would like
7 to speak?

8 MS. WILSON: Yes, sir, Your Honor. This is
9 MINOR. This is the victim's younger brother.

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

11 MINOR: Thank you for allowing me to speak.

12 THE COURT: When you speak up, I'm a little hard of
13 hearing, please.

14 MINOR: I'm sorry.

15 THE COURT: That's okay.

16 MINOR: Allowing me to speak today. Ever since
17 the -- the death of my sister life hasn't been the same. And
18 it hurts a lot. And I haven't really shown my emotions to
19 anybody or haven't been able to, you know, feel a lot of
20 things. And I really miss my sister and I wish she was here
21 with me today doing all the things that she used to do with
22 me, protecting me, loving on me, you know, bumping heads
23 better. I miss that. And I -- I don't know -- I don't know
24 how to live without her.

25 But I do know that I voted for her and I'll accomplish

1 everything she wanted to do and she'll look down and be with
2 me while I'm accomplishing those dreams of hers. Thank you.

3 THE COURT: Thank you.

4 MS. WILSON: Judge, I -- I think that's everybody.
5 You know, I was a little bit hesitant for **MINOR** to speak
6 because he's only 13 ---

7 THE COURT: Really ---

8 MS. WILSON: 13 years old.

9 THE COURT: --- well spoken.

10 MS. WILSON: But I think he captured the essence of
11 domestic violence and how it has these ripple effects. I
12 just want to point out that Detective Wilson is here with me
13 and he joins me and asking the Court to sentence for 40
14 years. We think that's an appropriate sentence. We also ask
15 you to keep in mind that this defendant has had chance after
16 chance with probation. One of the sentences he had way back
17 in 2014 with -- was with a group called Turning Leaf. I
18 don't know if you're familiar with it, but it's a wonderful
19 -- wonderful rehabilitation group that sets men who've gone
20 off the path back on for a -- a productive life. They have a
21 great rate of success, a very low recidivism rate.

22 And the fact that this defendant didn't make it is more
23 of a reflection on him than it is that program. But I tell
24 you that just to let you know that he has had opportunities
25 for rehabilitation and he shows him not to take them. Again,

1 that's proven by the number of times he violated bonds before
2 leading up to this. So we -- we believe that the reckless
3 nature of this act in broad daylight at the Target parking
4 lot, sending a missile of a car through the parking lot,
5 killing someone that loved him, and hearing from Deja's
6 family and friends again, her -- before she died, her knowing
7 that she had somehow stumbled in a life that was not meant
8 for her. And having the realization that she was in a
9 situation that she needed to get out.

10 And this is what women are afraid of, because this is
11 the most dangerous time when they try to leave. And that's
12 what she was doing that day. And now she's dead. We'd ask
13 you for 40 years. We think that's appropriate. And again,
14 we thank you for your time today.

15 THE COURT: Again, Ms. Wilson, just so I understand,
16 please correct me the range that y'all negotiated between 30
17 and 40 years; is that correct?

18 MS. WILSON: 40-year count, yes, sir.

19 THE COURT: 40 year. Okay. I'm glad to hear from you.

20 MR. MCCOY: Thank you, Your Honor. May I please the
21 Court and Judge.

22 THE COURT: Yes.

23 MR. MCCOY: I want to start with thanking you and
24 thanking the Court staff that's in here today to take the
25 opportunity to hear this plea. We know this is a serious

1 case, and Judge, we know that you're in the middle of a trial
2 as well. So Judge, thank you to your office and thank you to
3 the Court personnel who are in here today.

4 Judge, I stand here today and I represent Cary
5 Stephens. I have not been his only attorney on the case. I
6 came in about a year ago, Judge. So again, the case is old.
7 The case has been around for quite some time. And listening
8 to what Deja's family has just said here today, really hits
9 hard not only with myself, Your Honor, but also with Mr.
10 Stephens. I have spent significant time with him since my
11 representation began on his case.

12 We've sat down, we've had discussions about life,
13 Judge. We've had discussions about his case, and we've had
14 discussions about what he wants to do in life. What really
15 hits hard with me, Judge, is that he's exceptionally
16 emotional about his actions that day. He has asked me
17 multiple times, can he reach out to the victim's family? Can
18 he apologize? Can he talk to them? Can he share his heart
19 with them? I'm a -- Judge, and I've told him that he can't
20 yet. There -- there will be an appropriate time for him to
21 do so, but it's not right now. It's not while the case is
22 pending.

23 And Judge, he gets emotional with me. He cries about
24 what happened, and he is very upset, again, about the actions
25 that caused Deja's death. Judge, it's never easy to come in

1 here as an attorney. It's never easy to come in here as a
2 defendant, as a victim's family, as a solicitor, or as the
3 defendant's family. And -- and come in open court and hear
4 the facts, hear people talk about the facts, hear how it's
5 affected their lives, and how their lives will be forever
6 altered.

7 Judge, it's never easy for him to do, but he told me
8 from the moment I met with him, the very first time, he did
9 not want to put this victim's family through a trial. He did
10 not want them to have to sit through a trial, sit through
11 testimony, and relive this every single day, no matter how
12 long a trial would take to come to conclusion, Your Honor.
13 So again I find that to be commendable, Your Honor. I find
14 that to be something that is of a good heart.

15 Judge, you've heard a little bit about Cary already.
16 He's 31 years old. He was born and raised right here in the
17 Charleston area. He's joined in the courtroom today by his
18 mother, Ms. Stephens, and by his brother Cory Stephens. At
19 the appropriate time, Ms. Stephens would like to just address
20 you briefly as well, Judge.

21 THE COURT: Absolutely.

22 MR. MCCOY: I have had great talks with them. They are
23 loving family members of -- of Cary, and they're here to
24 support him, Judge. Because this is the highest sentence
25 that anything carries in our State. He realizes that he's

1 going away for day-to-day prison time. He knows it's no less
2 than 30 years. He understands that, Judge. And again, he
3 wants to do this because he does not want to put the victim's
4 family through a trial.

5 Judge, you've heard a little bit, again, about him and
6 his education. He started off at Orange Grove Elementary
7 School. He then graduated on to West Ashley Middle School,
8 and then went on to West Ashley High School where he earned
9 his diploma. Judge, he went to Greenville Technical College
10 for two years. He went there and studied business
11 administration, which I think is extremely commendable, and
12 it shows you judge that he does have drive, he does have
13 determination, and he does want to make something of his
14 life.

15 Judge, he unfortunately had to stop that because of
16 financial reasons. And he had to come back home. Judge, you
17 heard the solicitor talk about the relationship with the
18 victims and Mr. Stephens. Obviously this was not a good one.
19 A little bit of an oil and vinegar scenario. But one thing I
20 can tell you, Judge, when I've talked to him about the
21 relationship, when I've talked to him about the past, he has
22 never said one bad thing about the victim. He said she had a
23 compassionate heart. He said she was a beautiful person.
24 And he said that the reason they would fight to begin with
25 was because of his own actions.

1 He was involved with other women and that would cause
2 the victim to become upset with him, and that would be their
3 only source of issues amongst themselves, Judge. So again,
4 when he thinks back on the victim, it's nothing but kindness.
5 It's nothing but sincerity. It's nothing but a good heart.
6 And it tears at him emotionally because he knows that the
7 issues that they have were caused by nobody but himself.
8 He's never wavered from that, Judge. He's never faltered
9 from that. This has been something that he's owned up to me
10 in my year-long representation.

11 Judge, when I first got involved, what I like to do
12 with cases, that I like to sit down with people and I like to
13 talk to them about life. I'd like to talk to them about what
14 their goals are. I like to learn about their family. I want
15 to really understand them as -- as individuals and people.
16 And Cary has always been open with me. We've had fantastic
17 conversations. And Judge, when we eventually did start to
18 talk about the case and start to talk about discovery and
19 start to talk about his pending charges, he was all ears,
20 Judge. He was eager to learn, he was eager to listen, and he
21 was eager to participate with me.

22 Judge, the solicitor and I sat down for probably three
23 hours, four hours one day. We went through every single
24 piece of discovery in this case. We went through every piece
25 that would be presented at a trial. And -- and Judge, there

1 is no doubt, absolutely no doubt in my mind, this is the
2 right decision for him to come in here and accept
3 responsibility today. The fear, Judge, is going to trial.
4 The fear, Judge, is losing at trial, and the fear, Judge, is
5 -- is receiving a sentence of life without parole, never
6 being able to see the light of day again.

7 And with today's plea and with today's acceptance of
8 responsibility, Mr. Stephens is afforded that opportunity,
9 that once he has completed his prison sentence, he will see
10 the light of day again. Judge, don't make a mistake about
11 it. In terms of when I discussed the oil and vinegar
12 scenario of this prior relationship, when I discussed the
13 issues that are there, Mr. Stephens takes full
14 responsibility, not only for sparking those issues, but also
15 the issues that caused this unfortunate incident that
16 happened here today.

17 Again, Judge, I can't begin to imagine what Deja's
18 family is going through. I've been on both sides, Judge.
19 I've been a prosecutor, I've been a US attorney, and I -- I
20 have sat with victims. I've listened to victims. I see how
21 it stings and tugs at their hearts. There's a victim
22 advocate that's in here today, Teri Porcel. We worked on a
23 case many years ago, where I still keep in contact with the
24 victim's family in that case, Judge. And again, it's that
25 bond that's created, and I understand that bond and I

1 understand how serious it is.

2 But Judge, I -- I have -- I have had nothing but
3 absolute cooperation from Mr. Stephens, from the moment of my
4 representation. I've had nothing but compassion and
5 understanding coming from him since my representation. And
6 Judge, I ask you to keep that in mind. I ask you to keep in
7 mind that he is only 31 years old. He is here today to
8 accept full responsibility. No second guessing what happened
9 that day. No second guessing what caused the actions that
10 day, and no second guessing what led up to the events that
11 happened that day.

12 Judge, he's still emotional about it. He's still
13 tearful about it. And at the appropriate time, Judge, he
14 would like to apologize to the family in open court here
15 today as well.

16 THE COURT: I'll leave that up to the family. Would
17 you be acceptable to him? Where's the family? Are you
18 agreeable to have the Defendant say he's sorry to you? If
19 not, I will not let him. If you ---

20 UNKNOWN FEMALE: No.

21 THE COURT: Okay.

22 MR. MCCOY: And Judge, we completely respect that. And
23 -- and that's -- that's okay. And -- and we understand, but
24 we wanted the family to know. Judge, at this time, I'd love
25 for you to hear a couple of brief words from his mother, Ms.

1 Stephens, who seated in the front row in the blue dress.

2 THE COURT: Absolutely.

3 MR. MCCOY: Ms. Stephen, if you could stand and
4 identify yourself for the judge, please.

5 MS. STEPHENS: I'm Lisa Stephens and I am Cary's
6 mother. And I'll always be his mother, and I'll always be
7 behind to support him. I understand that others see him as a
8 monster, but I sure know that's not my son. There've been
9 other women who have been in his life, and this has never
10 been a situation. Cary, the popular young man, here he is,
11 dated over 50 women in his life, and there's nothing that
12 happened there. So I do apologize to his (sic) family.

13 I want you to understand, I live with this every day as
14 well. I have a child. Ma'am, my child is not passed away,
15 but I sit there and I think about how you feel and I -- I
16 don't know what I wish had something happened to my child.
17 So please do not believe that you are going through this
18 alone. I pray for you every single day of my life, and I
19 will continue to do so. I -- like I said, I know that you
20 see him as being monster, as being reckless. I wish, I only
21 wish that you had known the person that you are thinking
22 about in your head.

23 When Deja didn't have food to eat, Cary would provide.
24 When Deja was sleeping in her car, Cary would provide. When
25 Deja did certain things like put the dent in my car, like

1 wreck my car, like break into my house, he said, mom, don't
2 do anything. She -- she was a beautiful young lady, and I am
3 -- all I could do is be compassionate and apologize and hope
4 that one day perhaps we can pray together. And if not, I do
5 understand. But again, this is my son. I have -- he misses
6 his nephew. I have one grandchild who has missed him
7 terribly. He misses his brother who lives here and is the
8 father of my grandchild. And he misses his sister who lives
9 in Austin, Texas and is a nurse. And we've got so many
10 relatives and friends who we could not bring today to allow
11 you to see some of Cary's character.

12 Like I said, you can beat him down all you want to, but
13 this is mine, and I'm here for him whenever he needs me. And
14 I'm going to thank you for giving me the opportunity to
15 speak. And again, to just be willing, all I can do is
16 apologize. I -- like I said, I'm truly sorry. I'll probably
17 never get off of the -- the medications that I'm on dealing
18 with this, but it's okay. It's okay. I can't talk because I
19 don't know what else to say except I apologize. But he's not
20 a person that you're just trying to break down, beat up, make
21 it seem as though he has no character. That's fine. And so
22 thank you.

23 THE COURT: Thank you.

24 MR. MCCOY: Thank you, Ms. Stephens. Judge, as you can
25 tell, he is extremely close to his family. His mother, who

1 you just heard from, has been working in the area for Verizon
2 for over 10 years. His brother, Mr. Stephens, who's in the
3 courtroom, you heard about his son. And that's Mr. Stephens'
4 nephew and Mr. Stephens' only grandson. His son or his
5 brother, Cory, has been an outstanding resource and a
6 shoulder to lean on from Mr. Stephens. And he is a
7 commendable, great guy. And again, I've enjoyed my time with
8 his family, Judge, as you can tell. His father left, Judge,
9 when he was in the first grade and he has not talked to him
10 or seen him since.

11 Judge, again, I -- I -- I've covered a lot of things
12 here today, and again, I greatly appreciate the opportunity
13 to be here. As I close, Your Honor, I would just mention
14 that he never once went up and asked for a bond. He never
15 once asked to go -- have a -- a circuit court judge set a
16 bond for him. So he sat in jail now, Judge, for 1,316 days.

17 THE COURT: 16?

18 MR. MCCOY: 1,316, yes, sir. That's the total amount
19 of time he's been in jail right now, Your Honor. We are here
20 today to ask the Court to take all these considerations and
21 all these factors in, Judge, and we were respectfully asked
22 for the 30-year sentence based on the argument that we
23 presented here today, Your Honor, and again, we greatly
24 appreciate the opportunity. We're here to answer any
25 questions that you may have.

1 THE COURT: Mr. Stephens, anything you would add to
2 that?

3 MR. STEPHENS: I just wanted to apologize. No, sir.

4 THE COURT: Have you explained, Mr. McCoy, to Mr.
5 Stephens that this is classified as violent, this could have
6 an effect on his housing?

7 MR. MCCOY: I have, Your Honor. I've explained the
8 statutory provisions in terms of violent and most serious, no
9 parole eligibility, as well as a day for day sentence,
10 correct.

11 THE COURT: Mr. Stephens, you have 10 days to appeal in
12 your sentence I pass. Under the circumstances, I'm going to
13 sentence you 40 years. You have a fine lawyer. He does a
14 good job. One of the best in South Carolina. The fact that
15 he got you that corpus remarkable in circumstances, but I
16 think it's the appropriate amount, 40 years, five years for
17 the possession, that's concurrent credit for 1,316 days.

18 MR. MCCOY: Thank you, Your Honor.

19 THE COURT: Thank you.

20 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
21 2:43 P.M.)

22

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CERTIFICATE OF TRANSCRIBER

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I, NATASHA BARRIENTOS, 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 of Charleston County, South Carolina, on the 11th Day of October, 2022.

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

November 19, 2023

Natasha Barrientos

Transcriber

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Versus,	)	
	)	MOTION FOR RECONSIDERATION
	)	OF SENTENCE
CARY KEJUAN STEPHENS,	)	
	)	Warrant No.: K404228 & K404229
Defendant.	)	
_____	)	

PLEASE TAKE NOTICE-THIS MATTER CAME BEFORE THE COURT for a guilty plea on October 11, 2022. The Defendant was represented by Peter M. McCoy, Jr. and the State was represented by Solicitor Scarlett A. Wilson of the Ninth Circuit Solicitor's Office. The Defendant, by and through his undersigned attorney, moves this Honorable Court for a reconsideration of the sentence imposed upon the Defendant at his plea. The Defendant was sentenced to forty (40) years by the Honorable R. Lawton McIntosh at the guilty plea for the above-listed warrants.

Respectfully submitted,

McCoy Law Group, LLC

/s/Peter M. McCoy, Jr.

Peter M. McCoy, Jr.
15 Prioleau Street
Charleston, SC 29401
(843) 459-8835

Charleston, South Carolina
October 19, 2022

2022 OCT 19 PM 4:04
JULIE J. ARMSTRONG
CLERK OF COURT
BY KLH

FILED

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

STATE OF SOUTH CAROLINA)

vs.)

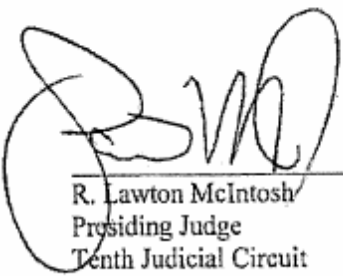
CARY KEJUAN STEPHENS)

IN THE COURT OF GENERAL SESSION

ARREST WARRANT NO.: K404228
K404229INDICTMENT NOS: 2019-GS-10-04645
2019-GS-10-04647ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION
OF SENTENCE

This matter came before the Court for a guilty plea on October 11, 2022. The Defendant was represented by Peter M. McCoy, Jr. and the State was represented by Solicitor Scarlett A. Wilson of the Ninth Circuit Solicitor's Office. At the hearing, the attorneys presented a negotiated forty year maximum sentence. The Defendant was sentenced to forty years for the above-listed warrants. Now, the Defendant, through his attorney, moves the Court for a reconsideration of the sentence imposed upon the Defendant at his plea. Defendant's motion for reconsideration of the sentence is denied without need for a formal hearing.

IT IS SO ORDERED.


 R. Lawton McIntosh
 Presiding Judge
 Tenth Judicial Circuit


 31
 October 27, 2022
 Charleston, South Carolina
 Anders

 BY KLH
 JULIE J. ARMSTRONG
 CLERK OF COURT
 2022 OCT 31 PM 3:13

FILED

2023-CP-10-4981

STATE OF SOUTH CAROLINA)

County of)

Charleston)

IN THE COURT OF COMMON PLEAS

Cary K Stephens 389267)

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

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

2023 OCT 10 PM 1:45

FILED

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 Turbeville Correction Institution
2. Name and location of Court which imposed sentence Sum. Charleston County Court of General Sessions
3. Name(s) of co-defendant(s) (if any) Not applicable
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) MURDER - 2019 GS1004645 / K404228
 - (b) Poss. of Weapon during Violate CRIME 2019 GS1004647 / K404229

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) SENTENCED ON Oct 11 2022
- (b) MURDER: 35 thirty-five YEARS
- (c) Poss. of violent crime: 5 five years
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ☒
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
The applicant did not appeal from judgement of conviction
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. N/A
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) _____
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? 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. Not Applicable
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. Not Applicable
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. Not Applicable
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. Not Applicable
- iii. _____
- iv. _____

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

- i. _____
- ii. Not Applicable
- 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?

The ground set forth in (10) have not been previously presented to this or any other court state or federal in any petition, motion or application which applicant has filed

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

(a) which grounds have been presented:

- i. _____
- ii. Not Applicable
- iii. _____

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

- i. _____
- ii. Not Applicable
- 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) The grounds set forth in (10) have been previously presented
 (b) because they were not appropriate issues for direct appeal or for a
 (c) petition for a writ of certiorari to the United States Supreme Court
 (d) Furthermore, these grounds rely on additional facts outside the record
 17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? ✓
 (b) your trial, if any? _____
 (c) your sentencing? _____
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

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

- (a) the name and address of each attorney who represented you:
 i. Chad Shelton 110 W Doty Ave Suite B SUMMERVILLE
SC 29483
 ii. Appointed trial counsel was Peter McCoy
15 Prioleau Street
 iii. Charleston, SC 29401

- (b) the proceedings at which each such attorney represented you:

- i. _____

 ii. _____

 iii. _____

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

Applicant seeks relief from his conviction and
sentence

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

Applicant is not under sentence from any other
court

STATE OF SOUTH CAROLINA)

County of Charleston)

VERIFICATION

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

SWORN to and subscribed before me this _____
 day of _____, _____.

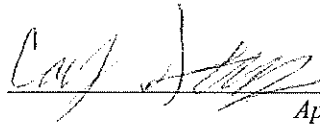
 Notary Public (L.S.)

My Commission Expires: _____

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

I, Cory K J Stephens, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

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



Applicant

SWORN or affirmed to and subscribed before me this
_____ day of _____, _____.

Notary Public

My Commission Expires: _____

10(A) Applicant's right to effective assistance of counsel was violated as a result of counsel providing unreasonable conduct and deficient performance due to failing to adequately prepare for trial. Applicant felt coerced into pleading guilty because his attorney never discussed any trial strategies. Counsel only advice to applicant was to accept the plea bargain and plead guilty. Counsel violated U.S.C.A. Const. Amend. 6 and South Carolina Constitution Art. I § 14

11(A) Facts/Procedural History

Cary K. Stephens was indicted on MURDER and Possession of a weapon during the commission of a violent crime.

Cary K. Stephens pled guilty to all charges and was sentenced to (1) 35 years for murder (2) 5 years for poss. of weapon during commission of a violent crime. The aggregate Cary K. Stephens was sentenced to 40 years of imprisonment.

Peter McCoy agreed with and affirmed the state's recitation of the facts at the guilty plea proceeding. At the plea proceeding Cary K. Stephens (Defendant)

that he was 31 years old and had an 12th grade education.

Cary K Stephens denied any physical or mental problems that might prevent him from understanding why he was in court.

The Plea counsel asked

Q: Do you understand that each of these indictments allege that you did in Charleston County on the date specified in the indictments commit the act of murder? Do you understand?

A: Yes, Sir.

Q: Do you understand that the court could give up to 30 years in regard to each indictment for Murder?

A: Yes, Sir.

Q: In the 2nd indictment charging you with Poss. of weapon during commission of violent crime it is alleged that you did in Charleston County on the dates specified in each of the 2 different indictments commit the act thereof. Do you fully understand the charge of Poss. of weapon during commission of a violent crime?

A: Yes, Sir.

Q: Do you understand the court could have sentenced you up to 5 years in regard to the charge?

A: Yes, Sir

Q: Do you fully understand that adding all of the minimum sentences that could be imposed you could receive a sentence of up to 40 years in prison on all of these charges?

A: Yes, Sir

Q: Understanding the Charges contained in all of the separate indictments against you understanding the Maximum sentences you could receive, how do you wish to Plead, guilty or not guilty?

A: Guilty

The plea court advised applicant that by entering a guilty plea he waived or gave up his constitutional rights to (1) remain silent and not be compelled to testify against himself.

(2) be tried by a jury of peers or equals to which the State would be required to prove his guilt beyond a reasonable doubt; and (3) confront and cross-examine any witnesses the State called to testify against him at a trial of his case. The court asked Cory K Stephens :

Q. Do you wish to give up these rights and plead guilty today?

A. Yes, sir.

Cory K Stephens professed he was not threatened or forced to plead guilty or promised anything in exchange for pleading guilty. He confirmed he entered the plea of his own free will and accord. Cory K Stephens then stated he was guilty and he did committed the murder, and possessed a weapon in the factual record and in the indictments. The plea court questioned Peter McCoy counsel as follows:

Q Have you had a full opportunity to explain to Cory K Stephens the charges contained in each of these bills of indictment, advise him of

all of his constitutional rights as well as the maximum sentences he could receive?

A. Yes, sir.

Q. Does MR. Stephens fully understand these matters?

A. I believe he does, Your Honor.

Q. Does he indicate how he wishes to plead?

A. Guilty.

Q. From your investigation of his cases do you agree with his decision?

A. I do, Your Honor.

Chief K. Stephens declared he was satisfied with his counsel's representation in the following colloquy:

Q. Are you satisfied with the services of your lawyer, MR. Stephens?

A. Yes, sir.

Q. Has he done everything you have asked him to do for you in regards to your cases?

A. Yes, sir.

Q. Has he refused to do anything you have asked him to do?

A. No, sir.

The court accepted Carl K. Stephens plea of guilty, finding it was voluntarily, knowingly and intelligently made, with the advice and counsel of a competent lawyer with whom Carl K. Stephens said he was satisfied.

Counsel states: Carl K. Stephens has been in jail a while now, he understands that he could have been facing as you indicated 40 years, he could have been facing a potential lengthy sentence on the original charges, and I indicated to him that any sort of negotiations less than that would certainly be to his advantage. He left it in my and the solicitor's hands to come up with this negotiation and

he has cooperated in basically leaving it up to us and the State to come up with something less than the worse case scenario. We ask for mercy.

Applicant now file this application for post-conviction relief.

ISSUE

- I. Did the Trial Court err in finding Cary R. Stephens guilty plea entered knowingly, willingly, and voluntarily made with the effective assistance of his counsel?

STANDARD OF REVIEW

This court gives great deference to the PCR court's findings of fact and conclusions of law. Porter v. State, 629 S.E.2d 353, 356 (2006). On review, a PCR court's findings will be upheld if there is any evidence of probative results value sufficient to support them. Id. (citing Cherry v. State, 386 S.E.2d 624, 626 (1989)).

LSW/ANALYSIS

The essential allegation raised by Cory K. Stephens involves the involuntary nature of his guilty plea due to the alleged lack of preparation and unreasonable conduct of his appointed counsel.

Cory K. Stephens proclaim now that he was coerced by his counsel who seemingly was unprepared. Applicant first meeting with his counsel, was in the presence of the prosecuting attorney. Applicant further testify that his counsel never met with him to discuss his case, never discussed the pending charges, and never discussed possible defenses.

Despite having pleaded guilty and answering the Court in the affirmative at the guilty plea, the applicant testified that he understood that the sentences would all run concurrently. Applicant further proclaim that he was coerced into pleading guilty because he had no confidence in his lawyer. Applicant would probably not have pled guilty had his lawyer been prepared or went over his (Rule 5) Motion of Discovery or properly

discuss any defenses.

Mr. Stephens insisted that [his attorney] had only met with him once prior to entering the plea and that meeting took place in the presence of the prosecuting attorney. As such Carl K. Stephens was unduly coerced into the plea agreement and would have otherwise insisted on going to trial.

Carl K. Stephens has established that he did not receive effective assistance from his court appointed attorney. This Court should find that the State has offered no evidence to refute the allegations of Carl K. Stephens.

Furthermore, this Court should find that due to the conduct of Peter McCoy attorney, Carl K. Stephens was prejudiced in not having the opportunity to go forward with trial.

Based on Carl K. Stephens's unrefuted testimony, this Court could find that there is a reasonable probability that [Carl K. Stephens] would have insisted on going to trial.

In a PCR proceeding, the applicant bears the burden of establishing that he is entitled to relief. *Suber v. State*, 640 S.E2d 881, 886 (2007) (citing *Capwood v. State*,

525 S.E.2d 514, 517 (2000); *Bannister v. State*, 509 S.E.2d 807, 809 (1998).

Strickland v. Washington, 104 S.Ct. 2052, (1984), established a two-prong test for evaluating claims of ineffective assistance of counsel. The first prong of the test requires that a defendant prove his counsel's deficiency by demonstrating counsel's performance fell below an objective standard of reasonableness. *Bennett v. State*, 638 S.E.2d 673, 675 (2006) (citing *Strickland*). The second part of the test requires a defendant to show there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. *Id.*

An applicant may attack the voluntary, knowing, and intelligent character of a guilty plea entered on the advice of counsel by demonstrating that counsel's representation was below an objective standard of reasonableness. *Porter v. State*, 629 S.E.2d 353, 356 (2006); *Roscoe v. State*, 546 S.E.2d 417, 419 (2001). The "prejudice" requirement focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process. *Hill v. Lockhart*,

106 S.Ct. 366, (1985). In other words, the applicant must prove prejudice by showing that, but for counsel's inadequacy, there is a reasonable probability he would not have pleaded guilty and, instead, would have insisted on going to trial. *Suber*, 640 S.E.2d at 886.

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. *Boykin v. Alabama*, 89 S.Ct. 1709, (1969); *Koddy v. State*, 528 S.E.2d 418, 421 (2000). "A defendant's knowing and voluntary waiver of the Constitutional rights which accompany a guilty plea may be accomplished by colloquy between the Court and the defendant, between the Court and defendant's counsel, or both." *Pittman v. State*, 524 S.E.2d 623, 625 (1999).

"[T]he voluntariness of a guilty plea is not determined by an examination of the specific inquiry made by the sentencing judge alone, but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing." *Harres v. Leek*, 318 S.E.2d 360, 361 (1984).

"When determining issues relating to guilty pleas, Court's should consider the entire record, including the transcript of the guilty pleas and the evidence that can be presented at PCR hearing," *Roddy*, 538 S.E.2d at 420. In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing. *Wolfe v. State*, 485 S.E.2d 367, 370 (1997).

1. Ineffective Assistance of Counsel

Cory K. Stephens claims his attorney met with him only one time prior to the plea hearing and was inadequately prepared. Counsel did not go over the warrants, did not ask him about potential defenses or witnesses, did not inform him of his right to a jury trial, and did not ask about (any) sentencing expectations.

Cory K. Stephens admitted his attorney told him that he faced a potential lengthy sentence if convicted at trial. Additionally, Cory K. Stephens

averred he only had ten or fifteen minutes to make up his mind about whether to plead guilty. Applicant felt coerced to plead guilty because he lacked confidence in his attorney.

Transcript records from Cory K. Stephens Counsel at the plea hearing indicated he first sat down with Cory K. Stephens alone and then "later" sat down with Cory K. Stephens and the Solicitor. Counsel believed Cory K. Stephens understood he could face a potential lengthy sentence — if found guilty at trial. Consequently, he advised Cory K. Stephens that any negotiation resulting in less time would be to his advantage.

Cory K. Stephens initially stated he met with his attorney one time, in the presence of the Solicitor. Cory K. Stephens testimony suggests he met with Counsel earlier in the month and on the day of his Guilty Plea Hearing. Cory K. Stephens asserts that he did not understand the terms of the guilty plea.

2.

PRESUDICE

Cory K. Stephens maintains that he "probably would have requested a jury trial" had his attorney spent

time with him and properly prepared his case,
and informed him of the charges and penalties
he faced

Conclusion

The PCR Court should REVERSE the
decision of the trial court and vacate
Cory K. Steph guilty plea and sentences.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
Cary Kejuan Janai Stephens, # 389267,	)	CASE NO. 2023-CP-10-04981
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

FILED
 2024 DEC 16 AM 10:35
 JULIE J. ARMSTRONG
 CLERK OF COURT

In response to the application for post-conviction relief (PCR) filed by Cary Kejuan Janai Stephens (Applicant) on October 10, 2023, Respondent makes the following return:¹

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a thirty-year sentence. In its September 2019 term, the Charleston County Grand Jury indicted Applicant for Murder (2019-GS-10-04645) and Possession of a Weapon during the Commission of a Violent Crime (2019-GS-10-04647). These charges arose from the fatal shooting of Deja Dantley on February 26, 2019. On October 11, 2022, Applicant entered into a negotiated guilty plea before the Honorable R. Lawton McIntosh. Applicant was represented by Peter McCoy, Jr., Esquire (Counsel). Assistant Solicitor Scarlett Wilson prosecuted the case. Pursuant to the negotiations, Judge McIntosh sentenced Applicant to forty (40) years for murder, with a concurrent term of five (5) years for the possession charge. Applicant, through Counsel, filed a motion to reconsider the sentence on October 19, 2022. Judge McIntosh issued an order denying the motion

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).

on October 31, 2022. Applicant did not appeal his conviction.

CURRENT APPLICATION

On October 10, 2023, Applicant timely filed this PCR application alleging he is being held in custody unlawfully on the following grounds:

- I. Ineffective assistance of counsel
 - a. Failed to adequately prepare;
 - b. Failed to discuss trial strategies, defenses, potential witnesses, and sentencing expectations;
 - c. Failed to adequately meet;
 - d. Failed to explain charges;
 - e. Failed to review warrants;
 - f. Failed to inform of right to jury trial.
- II. Involuntary Guilty Plea
 - a. Applicant was coerced;
 - b. Only had ten to fifteen minutes to make up his mind;
 - c. Applicant did not understand the terms of the plea.

Applicant requests relief from his guilty plea and sentences. Attached to this return and incorporated by reference 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/ INVOLUNTARY GUILTY PLEA

Respondent requests an evidentiary hearing on Applicant's claim of ineffective assistance of counsel. Applicant asserts that counsel's ineffectiveness rendered his plea involuntary. To establish ineffective assistance of counsel, the PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice because of counsel's deficient performance. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *Cherry v. State*, 300 S.C. 11 5, 11 7-1 8, 386 S.E.2d 624, 625 (1989). "The test for effective assistance of counsel is whether the representation was within the range of competence

demanded of attorneys in criminal cases." *Watson v. State*, 287 S.C. 356, 357, 338 S.E.2d 636, 637 (1985). To establish prejudice, the applicant must prove "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. *Hill v. Lockhart*, 474 U.S. 52 (1985). When reviewing a guilty plea, the *Strickland* deficiency prong remains unchanged—Applicant must show counsel's representation fell below an objective standard of reasonableness. *Hill*, 474 U.S. at 58–59. To show prejudice, Applicant must show a reasonable probability exists "that, but for counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." *Id.* at 59.

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

“Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . . , a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed.” *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007). Indeed, admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements.” *Id.* at 137–38, 654 S.E.2d at 874. An applicant who enters a plea on the advice of counsel may “only attack voluntary, knowing and intelligent character of the plea by showing that plea counsel’s representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel’s errors, the [applicant] would not have pled guilty, but would have insisted on going to trial.” *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). Surmounting *Strickland*’s high bar is not easy, and the societal interest in finality has “special force with respect to convictions based on guilty pleas.” *Lee*, 582 U.S. 368-369, 137 S. Ct. at 1967.

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

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 that any amendments withheld until the last minute be stricken because of undue prejudice to the State or, alternatively, the State will request a continuance. Respondent further requests all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent in advance of the hearing. Likewise,

Respondent requests all potential evidence and a witness list be sent to Respondent in advance of 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 denied.

CONCLUSION

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

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

RYAN T. KOWALSKI
Assistant Attorney General

By:



Ryan T. Kowalski

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

December 12, 2024

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Cary K. Stephens, # 389267,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO. 2023-CP-10-04981

CERTIFICATE OF SERVICE BY MAIL

FILED
2024 DEC 16 AM 10:36
JULIE L. ARMSTRONG
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 12th day of December, 2024.

Vickie Hall

Vickie Hall, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA	*	COURT OF COMMON PLEAS
	*	
COUNTY OF CHARLESTON	*	TRANSCRIPT OF RECORD
-----X		
CARY STEPHENS #389267,	*	
	*	
Applicant,	*	
	*	
vs.	*	Case No. 2023-CP-10-04981
	*	
STATE OF SOUTH CAROLINA,	*	
	*	
Respondent.	*	
-----X		

August 6, 2025

POST-CONVICTION RELIEF

B E F O R E:

The Honorable Marin H. Dukes, III, Presiding Judge

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

Christopher L. Murphy, Esq.
Attorney for the Applicant

Danielle Dixon, Esq.
Assistant Attorney General for the State

Recorded by: DCRP Court Monitor Caressa Johnson

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

I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE</u>
CARY STEPHENS	
Direct Examination By Mr. Murphy	4
PETER McCOY	
Direct Examination By Ms. Kanealey	22
Cross-Examination By Mr. Murphy	30

E X H I B I T S

(Exhibits on file in Clerk of Court's Office.)

Court's Exhibit

No.	Description	MKD/ADM
1	Facebook Messages	18

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

P R O C E E D I N G S

(The following proceedings started at 1:55 PM:)

THE COURT: I think this one is 24-CP-10-01849. We have the Stephens case, if y'all are ready. That's 23-CP-10-2981.

MS. KANEALEY: May it please the Court. Kylee Kanealey on behalf of the State.

Applicant is presently confined to the South Carolina Department of Corrections, serving a 30-year sentence.

In its September 2019 term, the Charleston County Grand Jury indicted Applicant for murder, 2019-GS-10-4645, and possession of a weapon during the commission of a violent crime, 2019-GS-10-4647.

Applicant entered into a negotiated guilty plea before the Honorable R. Lawton McIntosh. Applicant was represented by Peter McCoy, Jr., Esquire, and Solicitor Scarlett Wilson prosecuted the case.

Pursuant to the negotiations, Judge McIntosh sentenced Applicant to 40 years for murder, with a concurrent term of five years for the possession charge.

Applicant, through counsel, filed a Motion to Reconsider the sentence on October 19th, 2022. Judge McIntosh issued an Order denying the motion on October 31st, 2022, and Applicant did not appeal his conviction.

On October 10th, 2023, Applicant timely filed his PCR application, alleging he is being held in custody unlawfully

1 on ineffective assistance of counsel and involuntary guilty
2 plea, alleging counsel failed to adequately prepare; failed to
3 discuss trial strategies, defenses, potential witnesses, and
4 sentencing expectations; failed to adequately meet; failed to
5 explain charges; failed to review the warrants; failed to
6 inform him of the right to a jury trial, and for the
7 involuntary guilty plea, Applicant was coerced, only had 10 to
8 15 minutes to make up his mind, and he did not understand the
9 terms of the plea at this time.

10 I'll turn it over to Mr. Murphy.

11 THE COURT: Yes, sir.

12 Mr. MURPHY: Yes, we would call Mr. Stephens, Your Honor.

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

16 THE APPLICANT: Yes.

17 CARY STEPHENS

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

20 THE CLERK: You may be seated. And please, for the
21 record, state your full name.

22 THE APPLICANT: Cary Kejuan Stephens.

23 DIRECT EXAMINATION

24 BY MR. MURPHY:

25 Q All right. Mr. Stephens, you're here for your PCR

1 application. You understand that; correct?

2 A Yes, sir. Yes, sir.

3 Q And you were charged with murder in Charleston County,
4 and Peter McCoy represented you; correct?

5 A Yes, sir.

6 Q Was he your first attorney?

7 A No, sir.

8 Q Who was your first attorney?

9 A I was appointed Chad Shelton.

10 Q Okay. And he's with the public defender's office?

11 A Yes, sir.

12 Q And then you retained Mr. McCoy?

13 A Yes, sir.

14 Q Is that correct?

15 A We were -- we retained him. We retained Mr. McCoy just
16 to keep me up for a bond reduction, just so I can get a grant
17 -- be granted a bond.

18 Q All right. So you were originally looking for just a --
19 try to get a bond?

20 A Yes, sir.

21 Q But, at some point, you ended up retaining -- you took
22 him on the murder charge?

23 A It was -- we hired Mr. McCoy in September of, I believe,
24 '21. And we -- by March of '22, he told me, "Well, we have to
25 prepare for trial." But we never -- like I say, we never

1 prepared for trial. It was --

2 Q And I'm going to talk to you about that.

3 So you retained Mr. McCoy to represent you on these
4 charges; right?

5 A Yes, sir.

6 Q All right. And how many times did you meet with
7 Mr. McCoy to discuss this case?

8 A Me and Mr. McCoy only met -- the first time we -- when
9 I -- when I paid a retainer fee, like, I signed off a stimulus
10 check. The last time I saw Mr. McCoy was a week before I went
11 to court. And then I saw him again when -- the day of court.

12 Q All right. So you're saying you saw him three times
13 before your guilty plea?

14 A Yes, sir. If -- if -- the only person who was coming to
15 see me was Allison, Mr. McCoy's paralegal.

16 Q All right. And how many times did Allison come to see
17 you?

18 A She came a couple of times, but we never went over --
19 like I say, we never went over the case. It was all -- we
20 were just talking about going for the bond.

21 Q All right. Now, in terms of the case and discovery, did
22 you review the discovery?

23 A I never got my motion to -- the motion that I had from
24 Mr. Shelton, I was missing material. I kept on requesting
25 material from Mr. Shelton. He said, "Okay, we'll give --

1 we'll -- I'm gonna give you the rest of your motion. I never
2 received it."

3 When I asked him, Mr. McCoy for my motion, we never -- we
4 never -- like I say, we never went over it because we didn't
5 plan on going to trial with Mr. McCoy. It was just for a
6 bond.

7 Q All right. So let me ask you this, just so that the
8 judge knows. This was the case, there was a shooting at the
9 Citadel Mall; correct?

10 A Yes, sir.

11 Q And the Citadel Mall is right down the road in West
12 Ashley.

13 A Yes, sir.

14 Q And it was during the daytime; right?

15 A Yes, sir.

16 Q And your girlfriend or ex-girlfriend was the victim; is
17 that right?

18 A Yes, sir.

19 Q And, in this case, you didn't deny doing the shooting,
20 did you?

21 A No, sir, but how they he have it put as is not like --
22 like I say, with murder it's a -- it's a certain degree that
23 you have to -- you have to put for murder.

24 Q You have a malice aforethought.

25 A Correct, sir. And like I'm saying, I said, if me and

1 Mr. McCoy could have went over the materials, like, I'm pretty
2 sure that I would have got a lesser charge.

3 Q And if I understand your position, you know, talking to
4 this, you fired the shots at your girlfriend but you weren't
5 trying to actually hit her with any of the bullets; is that
6 correct?

7 A It was really an accidental shot. You know what I'm
8 saying? Like I say, I -- like, how it was put, it was put as
9 I was chasing Ms. Dantley, but it was -- it was the other way
10 around. Like I say, if -- if we would have got all the
11 material -- we were in the parking lot for three hours. So we
12 went from one side of the parking lot to the next side of the
13 parking lot. So it would show where I'm trying to leave --
14 I'm trying to leave the mall but I'm getting chased.

15 So instead of me getting chased around Charleston, you
16 know, because it will go from Charleston to North Charleston
17 to Summerville to Mount Pleasant, instead of me getting chased
18 and one of us getting hurt, I'm like, "All right. Well, I'm
19 gonna just go back and park at the mall."

20 Q All right. We're talking about -- and I want to talk to
21 you about what you wish you told Peter if given the
22 opportunity or the defense you would have put up at trial.

23 And so it would have been -- your defense would be this
24 was an accidental shooting?

25 A Correct, sir.

1 Q Okay. And so that day of the shooting, you were at the
2 Citadel Mall; correct?

3 A Yes, sir.

4 Q And what were you doing there?

5 A We were just going through it. We were arguing
6 because --

7 Q Well, were you there by yourself?

8 A Yes. I always go sit at the mall sometimes by myself.

9 Q And then did your girlfriend come -- arrive in a separate
10 car?

11 A Yes, sir.

12 Q And what was -- why did she show up?

13 A She was upset with me because I just got caught cheating.
14 So we have an argument about that. You know what I'm saying?
15 So instead of me, like, trying to, like -- how can I put it?
16 It's just like I say, we had previous situations where we'll
17 -- I'm getting chased around the city. You know what I'm
18 saying? So I'm like, "Hey, that's where I'm at. Just come
19 here."

20 Q All right. So at Citadel, she was angry with you for
21 having an affair.

22 A Yes, sir.

23 Q And what -- she showed up at the Citadel to talk to you?
24 Or "talking" might not be the right word, but to confront you
25 on it, or...

1 A I wouldn't even say confront. Like I say, it's really --
2 Deja didn't have any place to go. So her mother -- her mother
3 moved back to D.C., where -- back to Washington where they're
4 from. So I was really -- I'm Deja's only support system.

5 She has friends, but her and her friends have fallen out.
6 So when she doesn't have a place to go, it will be -- she
7 would lean on me.

8 Q Was she living with you at the time?

9 A We -- we -- we was going from hotel to hotel. If we
10 wasn't at the hotel we were staying -- we were sneaking in my
11 mom's house.

12 Q All right. So the two of you were together. You had no
13 place permanent to live.

14 A We were -- we were not -- we were in a relationship, but
15 we were dealing with each other. But we didn't have any place
16 to go at the time. I had a place to go, but she didn't have a
17 place to go.

18 And, like, you could see in those messages where I'm
19 asking her mom like, "All right, if" -- because I'm asking her
20 mom, like -- her mom basically told me, "Well, why can't you
21 just pay for the hotel and just don't stay there?" I started
22 to do that. No problem. But then it's like I'm still going
23 through situations with Deja. So it's, like, I'm asking her
24 mom, like, "What do you want me to do?" Like --

25 Q Let's back up. I'm trying to just get a timeline down.

1 She caught you having an affair?

2 A Yes, sir.

3 Q You folks were bouncing around from hotel to hotel.

4 A Yes, sir.

5 Q She called you and said, "We gotta talk, you're cheating
6 on me," and showed up at the mall.

7 A Like I say, I'm -- I'm (indiscernible) that's the area.
8 So if she knows where I'm at -- like, if I'm from -- I'm from
9 a neighborhood called Maryville. If she knows where I'm at,
10 she'll come over there. So like I say, it's -- it's not
11 necessarily that we planned to meet there, but if, like, she
12 sees me, I'll get chased and this is where I'm like, "All
13 right, well, I'm gonna just go park someplace safe."

14 Q And when she -- so you were looking for a public place.

15 A Yes, sir.

16 Q All right. And did she show up -- was she yelling or
17 angry?

18 A Yes, sir.

19 Q All right. Did she get out of the car or were you --

20 A Yes, sir.

21 Q Were you in a car?

22 A Yes, sir.

23 Q Okay. Did you ever get out of the car?

24 A Yes, sir. Like, we -- we went inside the mall, also.

25 And if you -- if they still have the videos, you can see where

1 I'm being followed inside the mall.

2 Q All right. So you were walking into the mall and she was
3 following you?

4 A Yes, sir.

5 Q And was she yelling at you or saying anything?

6 A Oh, yes, sir. Yes, sir.

7 Q Okay. And were you ignoring her or trying to get away?

8 A Yeah, because I'm used to it. So it's just, you know...

9 Q And how long ago was she following -- or how long was she
10 following you around the mall?

11 A We weren't in the mall for more than probably 15 minutes.
12 We went inside Dillard's. So, you know, we went inside. I
13 walked around. It got loud. I went back outside.

14 We -- -I tried to leave the mall. I tried to leave that
15 side of the -- I left that side.

16 We drove around to, like, the Ponderosa area.

17 Q When you say "we," you got into a car?

18 A I got in my car. She followed me in her car.

19 Q All right. So she's following you in the car?

20 A Yes, sir.

21 Q All right. You said you went to the Ponderosa?

22 A Yes, sir. Because I left from the Citadel Mall. I'm
23 trying to lose her now because I know I'm -- I'm -- I usually
24 get chased.

25 So we drove around, like, the Ponderosa area where I'm

1 trying to lose her. She's still here. I'm just like, "All
2 right. Well, I'm just gonna go back and park by the mall."

3 Q All right.

4 A So that's where we parked by the food court area now.

5 Q All right. So you parked at this point?

6 A Yes, sir.

7 Q All right. Then what happened?

8 A We had a discussion. I'm trying to leave again, and
9 that's why I'm just like, "Can you please stop following me?"
10 I pointed the gun at her and the gun went off. But it's
11 like -- it wasn't like I pointed the gun at her. It was
12 specifically at the ground.

13 Q Was she in the -- were you in cars or not in cars?

14 A We were in cars.

15 Q Okay. You were in cars.

16 A Yes, sir.

17 Q And were you actually moving?

18 A Yes, sir, I was -- I went down -- if you're going like
19 you go up this lane, I went the opposite way so I could lose
20 her that way. So we kind of met face-on like that.

21 Q All right. And you had a gun in the car?

22 A Yes, sir.

23 Q All right. And you're saying you fired the gun?

24 A Yes, sir.

25 Q And what was -- what were you trying to accomplish by

1 firing the gun?

2 A I was just trying to scare Deja, like, "Please quit
3 following me." Because, like I say, we -- we -- we have
4 situations where we're getting chased around the city. If we
5 get at red lights, she would hit her -- she would hit my car
6 with her car. So situations like that.

7 Q All right. And how many shots were fired?

8 A Just one, sir.

9 Q All right. And after the shot was fired, what did you
10 do?

11 A I left. I went by -- I went, like, right around the
12 corner to another friend's house. But I didn't know anything
13 happened to Deja at the time.

14 So I called -- I'm calling Deja like, "Yo, like, quit
15 following me." And when I'm -- when she didn't answer the
16 phone, that's when I saw -- I got a notification from Live 5
17 where it's saying a situation happening at the mall. And I
18 drove back around to the mall, and that's when I found out
19 what happened.

20 Q Okay. And then you found out that she actually got hit
21 by the bullet?

22 A Yes, sir.

23 Q At any point, did you ever try to actually kill her?

24 A No. Like I say, we -- we -- we were toxic, but it was
25 never to that point. Like I say, it was just -- we -- that's

1 -- that's not me. Like I say, I'm more of a protector than
2 anything. You know? Like I say, we have a toxic
3 relationship, but it's never like where I want to cause harm
4 to Deja.

5 Q All right. And I'm going to hand you up -- you've got
6 some Snapchat stuff from -- this is from -- well, let me just
7 ask you to identify this stuff.

8 A All right.

9 Q Those are -- what are those pictures of?

10 A These are messages with me and Deja's mom and her aunt.

11 Q And this is from -- when you say "messages," they're from
12 Facebook?

13 A Yes, sir.

14 Q And I don't do any Facebook, so -- but there's a Snapchat
15 or a conversation option on Facebook?

16 A Can you explain the question?

17 Q Those are on Facebook.

18 A Yes, sir. These are messages on Facebook.

19 Q You're having conversations with --

20 A I'm having conversations with Deja's mom, asking them,
21 like -- okay, because like I say, Deja's mom and aunt, they
22 basically told me, like, "Why don't you just pay for the hotel
23 and just let her stay there?" I did that, no problem here.

24 But it's still -- I'm still having problems because like
25 I say, I'm getting chased around the city when, like I say,

1 it's -- now it's my responsibility to take care of Deja, and I
2 have my own responsibilities also.

3 Like I say, we're not in a relationship, but it's -- and
4 I'm asking her mom like -- her mom -- her mom -- basically,
5 her mom and her aunt would be like, "Well, why don't you just
6 call the police and get Deja locked up?" I've been locked up
7 before. You know what I'm saying? It's like, if she doesn't
8 have any support system and she's a female. So if it's hard
9 on a male in jail, she's a female with no support system, I
10 would never -- I would never do that to somebody. You know
11 what I mean?

12 Q Let me ask you this about those pictures. That's from
13 your Facebook page; is that correct?

14 A Yes, sir.

15 Q And these were conversations taken back in about February
16 of 2019, I believe?

17 A Well, yes, from me and her Aunt Nakia (ph) Dahlee (ph).
18 These are from February. But me and her mom always -- we were
19 always in contact with each other.

20 Q And you're one of the parties that's in contact -- that's
21 involved in those conversations?

22 A Yes, sir.

23 Q And are those the same as you recall when they were
24 initially sent back in -- I believe it was 2019.

25 A How you mean? Are these the same messages?

1 Q I mean, were they altered at all?

2 A Oh, no, sir. No, sir.

3 Q And to the best of your recollection, those are exactly
4 the same when they were originally sent--

5 A Correct.

6 Q --through Facebook?

7 And the purpose -- what is the purpose or what do you
8 believe that these messages show?

9 A That -- with these messages, it'll show that I never
10 meant to intend harm on Deja. Because like I say, if I'm
11 intending to intent harm, why would I be in contact with her
12 mom and her family? You know what I'm saying? Like...

13 Q During this whole time, you were in contact with her
14 mother or her family?

15 A Yes. Because this was the -- this was all her whole
16 idea. I'm trying to get Deja to go back to D.C. because, like
17 I say, she doesn't have any support system. You know, I'm --
18 I'm in contact with her mom, like, "what's -- what are y'all
19 going to do?" Like, if she's staying here -- because if
20 Deja's are not staying with me, she'll sleep in her car.
21 She'll sleep outside my mom's apartment in her car. She'll
22 sleep in the hotel parking lot.

23 It's like, "Yo, like, this is not the lifestyle." So
24 it's like, I would rather help you than, you know what I'm
25 saying, let you -- let you go through this.

1 Q And so what you're saying is this evidence would support
2 your defense that this was an accidental shooting--

3 A Correct.

4 Q --that you didn't mean to actually kill her.

5 A Correct.

6 MR. MURPHY: And, Judge, we'd mark that as Court's
7 Exhibit 1.

8 THE COURT: All right. That'll be -- any objection to
9 Court's 1?

10 MS. KANEALEY: No objection, Your Honor.

11 (COURT'S EXHIBIT NO. 1, Facebook Messages, were marked
12 and admitted.)

13 BY MR. MURPHY:

14 Q Now, did you get a chance to tell Mr. McCoy this story
15 that you talked about, that you just told all of us?

16 A No, sir.

17 Q Did you ever get a chance to tell his paralegal that came
18 in to discuss this?

19 A No, sir. After -- it was after I plead where -- where I
20 talked to Allison about what really happened.

21 Q Okay. And so you ended up doing a plea eventually.

22 A Yes, sir.

23 Q And you understand, for a murder charge, the lowest you
24 could get is 30 years--

25 A Yes, sir.

1 Q --and the highest is life.

2 A Yes, sir.

3 Q And you ended up plea'ing to a range of 30 years to 40
4 years; correct?

5 A Correct.

6 Q And going into that plea, what was your understanding of
7 what was going to happen?

8 A I was -- I believed 30 years. That's what Mr. McCoy told
9 me when I went -- I -- he -- he wasn't the one who brought me
10 to plea. It was Allison. So when I signed the plea, Allison
11 told me 30 years. I didn't know anything about the 30 to 40
12 until five minutes before court.

13 Q All right. So when you signed the paperwork, you thought
14 you were getting a 30-year sentence.

15 A Yes, sir.

16 Q And then when the judge was talking to you, you learned
17 that it was a 30- to 40-year sentence?

18 A Yes, sir. So right before --

19 Q So a range of 30 to 40 years.

20 A Yes, sir.

21 Q Okay. And so why didn't you back out and say, "Wait a
22 second, let's stop this. I want to figure out what's going
23 on"?

24 A I tried to. Like, when you have your meetings, like
25 you're -- your little meeting with the lawyer right before you

1 come inside the courtroom, I told Mr. McCoy, I said, "I want
2 to go to trial."

3 And Mr. McCoy brought my mother in there. My mother
4 started crying, and it was kind of putting pressure on me to
5 just go with the plea. My mother was like, "Can you please
6 take the plea?"

7 Q All right. And so what you're saying is Mr. McCoy was
8 coercing you to plea, trying to--

9 A Yes, sir.

10 Q --to lean on you to plea.

11 A He all -- he -- it was stated I still owed money, "The
12 family -- the victim's family here. We have to go through
13 this today."

14 Q Okay. So you wanted to go to trial.

15 A Yes, sir.

16 Q You believed you were getting a 30-year deal for pleading
17 guilty.

18 A Yes, sir.

19 Q And had you known it was going to be more than 30 years,
20 you would have gone to trial.

21 A I could have went with 30 years with Mr. Shelton for
22 free.

23 Q I mean, with 40 years, you could have gone to trial and
24 could have gotten that sentence anyways; right?

25 A Correct. But I would still rather, you know, fight it

1 before anything.

2 Q Is there anything else that you believe your attorney did
3 incorrect that led you to this guilty plea?

4 A Like me and Mr. McCoy, we had -- we had dealings before.
5 Like I say, I can honestly say Mr. McCoy is a good lawyer. I
6 just don't understand what happened or how my situation turned
7 to how it went.

8 Q Was there any other pleas offered to you or deals offered
9 other than the straight-up plea to it?

10 A Yeah, it was just -- just the plea. Just "you gotta go
11 with this."

12 Q That's all I have. Thank you, sir.

13 MS. KANEALEY: No questions.

14 MR. MURPHY: We would rest, Your Honor.

15 THE COURT: Thank you very much, sir. You may step down.
16 Please call your first witness for the State.

17 MS. KANEALEY: The State would call Peter McCoy.

18 THE CLERK: Do you swear or affirm that the testimony you
19 shall give Before this Court shall be the truth, the whole
20 truth, and nothing but the truth, so help you God?

21 THE WITNESS: I do.

22 PETER MCCOY

23 after having been duly sworn, was examined and testified
24 to as follows:

25 THE CLERK: Please be seated. And for the record, please

1 state your full name.

2 THE WITNESS: My name is Peter Michael McCoy, Jr. McCoy
3 is spelled M-c-C-o-y.

4 DIRECT EXAMINATION

5 BY MS. KANEALEY:

6 Q How are you doing today, Mr. McCoy?

7 A I'm doing just fine. How about yourself?

8 Q I'm good. Thank you.

9 A Good.

10 Q So how long have you been practicing the law?

11 A Going back to college education, I graduated from
12 Hampton-Sydney College in 2001. I took a year off of
13 education after that and then went to law school at Regent
14 University in Virginia Beach. Graduated there in 2005.

15 Prior to that, summers of law school, I clerked for the
16 Ninth Circuit Solicitor's Office. I did that every year.

17 And then, after I graduated from law school and passed
18 the bar, I was offered a job in the Ninth Circuit Solicitor's
19 Office. I started there in 2005.

20 In 2010, I graduated -- or, excuse me. In 2010, I won an
21 election to the South Carolina House of Representatives. And
22 then, from there, had to leave the Solicitor's Office and went
23 into private practice.

24 While in private practice, I formed a law firm called
25 McCoy and Stokes, and we practiced -- I practiced in the

1 criminal law world; my partner practicing in the family law
2 world.

3 I also dabbled in some plaintiff's work as well, but I
4 would say 90% of my practice while at McCoy and Stokes was
5 related to criminal law. And that was after five years of
6 just doing criminal work at the Solicitor's Office.

7 And then while I was in Columbia, I was on the Judiciary
8 Committee in Columbia and eventually chaired the Judiciary
9 Committee. And from there, we handled all criminal issues
10 that came through the State -- all the new laws, all
11 procedure -- everything that came through the Judiciary
12 Committee.

13 And then, in 2020, I was presidentially appointed and
14 United States Senate confirmed to be United States Attorney
15 for South Carolina. I left that position after roughly
16 14 months and then went back into private practice where I'm
17 on my own, solo practitioner. And I would say, from there,
18 90% of my practice relates to criminal law, the other 10% is
19 civil, and I do some receivership work as well.

20 Q Okay. And so here, how many times roughly did you meet
21 with Applicant?

22 A Listen, Cary Stephens is a great guy. I know his family
23 well. I know his brother well. I know his mom well. I've
24 known the family for quite some time.

25 As Cary told you on the stand, I was not the original

1 attorney on the case. He had a lawyer named Chad Shelton on
2 the case, another good lawyer. I like Chad. He does a lot of
3 great work.

4 So when I became involved in the case, I was hired by the
5 family and retained by the family to come help. And during
6 that time, I had a lot of conversations with Chad Shelton
7 about the case, what he had done, what was going on. He had
8 been on the case probably roughly I'd say three years before
9 me coming on. And, again, that's a guess, but roughly three
10 years.

11 And Chad explained to me kind of where the case sat, from
12 his perspective. We discussed the discovery on the case. We
13 discussed the charges on the case. We discussed his
14 discussions with the solicitor on the case.

15 This case was being handled by the elected solicitor,
16 Scarlett Wilson, and she had that case, I believe, when Chad
17 had it as well. So we went through all of that.

18 And in terms of getting prepared for a case and getting
19 ready for a case, you know, I keep track of meetings. I keep
20 track of times that I see clients. And then, if we're talking
21 about maybe even the two months prior to our plea that
22 happened in, I believe, October of 2022, I've got a list of
23 times that I met with Mr. Stephens. And, again, I put a guess
24 on it; even just during those two months would be about, you
25 know, five to eight to nine times.

1 And, again, that would be including my paralegal that's
2 already been mentioned as well, discussing and going through
3 things with Mr. Stephens as well.

4 Q And do you feel as if you had adequate time to meet with
5 him?

6 A I absolutely do. And I'll tell you, part of my practice
7 in what I do is I care about my clients. As I've already told
8 you, I've got a relationship with Mr. Stephens' family. I
9 knew his brother. So open communication is extremely
10 important to me, not only through access to employees of my
11 office. After-hours access, weekend access, doesn't matter.
12 I want people to have the ability to be able to talk to me, to
13 reach me, and to be able to talk about their case or
14 questions. So, again, absolutely. I feel like we did have
15 enough time together.

16 Further, I feel, with a case as serious as a murder
17 charge -- and, again, being handled by the solicitor -- you
18 know, we actually took the time -- my office is about three
19 blocks away from the solicitor's office. I went up to the
20 solicitor's office. I went through every shred of evidence,
21 looked at every piece of physical evidence with the elected
22 solicitor and her investigator, which took hours to do.
23 Again, very important for me to do that on a case like this.

24 So, yes, I do believe we had adequate time together.

25 Q Okay. Can you give us a brief overview of some of the

1 evidence that the State had against Applicant?

2 A Sure. Cary Stephens already kind of told you on the
3 witness stand, this was a volatile relationship that he had
4 with the deceased in the case, the victim in the case. He had
5 told me that. We had discussed that.

6 In fact, you know, Mr. Stephens would be emotional about
7 what happened. I think he very much cared for the victim in
8 the case. A lot of times, he would cry about this. A lot of
9 times, he would be very upset about this when we would have
10 our discussions and case discussions.

11 You know, I think that, again, he was -- he was torn up
12 about it.

13 So, you know -- excuse me, what was your -- what was your
14 immediate question there?

15 Q Just a brief overview of the evidence.

16 A Oh, the evidence of the case.

17 So, again, in my discussions with Chad Shelton, my
18 discussions with the solicitor, Scarlett Wilson, on the case,
19 you know, I felt that the evidence against Mr. Stevens was
20 overwhelming.

21 This was a highly publicized case. It was in the news.
22 It was in the paper. It was a shooting that happened in broad
23 daylight at the Citadel Mall and, again, in the parking lot
24 there with people around, witnesses around, random people
25 around, obviously, who were not expecting to go to a mall and

1 see a shooting.

2 But in my evidence review, not only on my own and also
3 with the Solicitor's Office, you know, I felt like the
4 evidence was overwhelming. There was video evidence that was
5 there. There was evidence of, again, Mr. Stephens smoking
6 something -- either a cigarette or a cigar of some kind --
7 that was found on the scene later. DNA came back and linked
8 him to the scene.

9 You know, it was evolved through the investigation as
10 well that Mr. Stephens had the relationship with the victim.

11 And, again, in my talks with him, you know, it was a
12 volatile relationship. She would hit him, she would come to
13 his house unannounced, and she would verbally abuse him and
14 physically abuse him, and he never called the police. He
15 never did, not one time on her.

16 So, again, you know, the relationship was there. It was
17 established through the investigation from law enforcement.

18 The car that pulled away from the scene was identifiable
19 to Mr. Stephens and, actually, there was a dent in that car
20 that was put on that car by the victim in the case. So,
21 again, that was another distinguishing thing that put him on
22 the scene.

23 The video shows the gunshot, shows one shot. And, again,
24 I thought that was very convincing evidence.

25 Part of the other reason that gave me pause and gave me

1 concern in terms of serious allegations and serious charges
2 and serious evidence here was the fact that, you know,
3 Mr. Stephens did not call law enforcement, fled the scene.
4 Not only did he flee the scene, fled the state. And also,
5 there was an opportunity where he was found at somebody else's
6 apartment. And the State would allege and they would say that
7 he was attempting to burn evidence that was related to the
8 case. And so, again, I thought that was very problematic for
9 Mr. Stephens.

10 Q And did you discuss all the discovery and all this
11 evidence with Mr. Stephens?

12 A I did. So, again, if we look at the visits that I've got
13 located on my calendar here, you know, there was -- it's
14 marked on here. Not only did I discuss this and meet with his
15 family a lot on this case but immediately after my visit with
16 the solicitor, there is a time where I went to the jail right
17 after that to discuss these with Mr. Stephens.

18 Q And did Mr. Stephens have any defenses?

19 A You know, Mr. Stephens, again, from my recollection of
20 the case and my understanding from discussions with him on the
21 case, were he never really provided much to me in terms of a
22 defense of his case.

23 I also asked Chad Shelton, his previous attorney, about
24 that as well, and he tells me that, again, Mr. Stephens never
25 offered him any evidence of a defense, never discussed any

1 evidence of a defense.

2 And, again, Mr. Shelton even told me he discussed this
3 with Mr. Stephens' brother as well.

4 So, again, my understanding from the moment I got on this
5 case was that Mr. Stephens did not want to put the victim or
6 the victim's family through a trial. This was not something
7 that we had discussed in terms of a trial. And so, again, you
8 know, that was -- that was something Mr. Stephens never gave
9 to me in terms of a defense.

10 Q Okay. And did you review the potential sentences with
11 Applicant?

12 A I do. So anytime I go to court with a client, it's
13 important for me to not only go through the charges, the
14 allegations, what the sentences actually hold statutorily and
15 what they mean, what they carry, potential penalties that you
16 can have once convicted of these crimes, but also, you know,
17 the statutory requirements of what a most serious offense
18 means, what a violent offense means, what a no parole
19 eligibility offense means, and also that this is day-for-day.

20 Q Okay. Did you discuss the constitutional rights he was
21 waiving by pleading guilty?

22 A Yes. So, obviously, anytime someone chooses to go to
23 trial, I'll have a discussion with clients about the
24 constitutional rights that they give up. And that's the right
25 to remain silent, that's the right to confront witnesses, and

1 that's the right to present a defense.

2 And, again, all of this is discussed with the client.

3 That's correct.

4 Q Okay. And did you discuss the terms of the plea with
5 him?

6 A I did. I did. I discussed that the range would have
7 been a negotiated 30 to 40 years.

8 MS. KANEALEY: Beg the Court's indulgence.

9 Nothing further, Your Honor.

10 THE COURT: Mr. Murphy?

11 MR. MURPHY: Yes, Your Honor. May it please the Court.

12 CROSS-EXAMINATION

13 BY MR. MURPHY:

14 Q Mr. McCoy, I know there's a lot of ways to defend
15 clients, and the way I look at this case is it was a pretty
16 simple case. You agreed that there was a gun that shot the
17 victim. We know the cause of death. We admit Defendant did
18 the shooting. And that kind of eliminates a lot of issues at
19 a criminal trial; right?

20 A It does.

21 And, Mr. Murphy, part of my calculation and part of my
22 case analysis goes and looks at, you know, somebody's prior
23 record, looks at other pending charges as well.

24 And Mr. Stephens had a pending domestic violence issue
25 with the same victim on this case as well. So, again, that

1 goes into part of my analysis in examining a plea.

2 Q Got it.

3 And, in this case, really the only issue was his intent.
4 Did he mean to shoot the person or scare the person? And
5 that's an intent -- that'd be a question of fact for the jury.

6 A It would be. You know, it would be. And, again, you
7 know, I -- I go back to this, Mr. Murphy. This was a
8 relationship between the defendant and the victim in this case
9 that was volatile, and it was not one that was pretty.

10 And, again, if I'm going back to my memory of the plea,
11 you know, I likened it to oil and vinegar. It was a scenario
12 that was just the two just did not mix well together.

13 Q And a lot of attorneys differ on this issue, but, you
14 know, I take the position that defendants need to get up on
15 the stand. It really doesn't -- and talk to the jury about
16 this stuff. A lot of people say disagree and say we never put
17 the defendant on the stand. Where do you stand in that?

18 A I'll tell you, I go -- I go -- it depends on the case. I
19 will tell you I tried a murder charge -- a murder case in
20 Dorchester County to verdict in May this year. It was
21 actually with Mr. Voigt, who was previously in here, as the
22 prosecutor.

23 We did -- I put -- I chose in that case to put my client
24 on the stand. And, again, we got a not guilty on that trial.
25 But, again, it's just a -- it depends on the case, Mr. Murphy.

1 Q And in this case, with intent being the only issue, would
2 you agree that it would be really Mr. Stephens is the only one
3 -- he'd have to explain that intent?

4 A He would have to explain that. And, again, when it comes
5 to deciding whether someone should take the stand, ultimately,
6 it's the client's decision. It's not my decision.

7 So when you look at those things, again, it would -- it
8 would come down to that but also, you know, how does the
9 previous record look and how would he do on the stand, coming
10 to my calculation.

11 Q And in terms of a plea, there was also -- there was a
12 plea of -- eventually of a 30- to 40-year range; correct?

13 A That's correct.

14 Q And 40 years, would you -- you would agree that that's
15 not really a good -- a deal for a murder charge, is it?

16 A Well, I'll tell you, if you're looking at life -- if
17 you're looking at a conviction of life, which I believe a
18 conviction of murder would have happened at trial and I
19 believe the solicitor at that time would have asked for life
20 and gotten life.

21 I will tell you that, at the plea, I asked for 30, and I
22 firmly believe, in my 20 years of practicing law, that 30 was
23 appropriate. I don't ask for things in front of judges that I
24 don't believe are appropriate. I thought a 30-year sentence,
25 given the defendant's age, given his acceptance of

1 responsibility, and given his remorse, frankly -- Mr. Murphy,
2 he told me from day one that he -- he regretted and was sorry
3 and, you know, he would cry and be very emotional over this.

4 In our plea, he actually wanted to turn around and
5 apologize to the family of the victim. They did not want that
6 apology, and I understand that and I respect that.

7 But I thought 30 would have been appropriate, Mr. Murphy,
8 and that's why I asked for it. And, again, if I were to tell
9 you that I was disappointed with the 40-year sentence, I was.
10 I was disappointed that happened.

11 Q And that was going to be my next question. Did you tell
12 Mr. Stephens that he would get 30 years or...

13 A I've been doing this long enough, Mr. Murphy, where I
14 don't tell clients what's going to happen in court. I don't
15 tell them what's going to happen at any hearing whatsoever.
16 Again, a lot of this is left up to a jury. A lot of this is
17 left up to a judge. And, again, the State had a strong case
18 here. So, again, that's why I believe, you know, a plea was
19 appropriate.

20 Q Did you ever discuss with the solicitor or Mr. Stephens
21 about doing just an open plea, saying, "Look, Scarlett,
22 Ms. Wilson, can you just not say anything or, you know, let's
23 plea straight-up?"

24 A In my negotiations with Solicitor Wilson, which we had a
25 lot -- we discussed this case a lot, you know, I'da said, you

1 know, please -- I said, "Let's agree to murder 30." I said,
2 "I think that's fair. I think it's appropriate. You're
3 getting a conviction here. And, frankly, you're not going to
4 have to put the family through a trial scenario," again, which
5 is what Mr. Stephens did not want to do.

6 So my negotiations always came back to -- I always wanted
7 to either have murder 30 or voluntary 30. Those were my
8 requests.

9 Q Did you ever hear the story that Mr. Stephens gave up on
10 the stand before today?

11 A And that deals with what?

12 Q In terms of -- that he didn't mean to shoot -- didn't
13 mean to actually hit her with the bullet. It's just meant to
14 scare her.

15 A I'm looking at some notes that I have here. And if you
16 don't mind, I'd like to just review them--

17 Q No, please, just take your time.

18 A --briefly.

19 I'll tell you when, Mr. Murphy, if you're asking me if he
20 ever came to me and said, "Hey, this was an accident," I don't
21 recall that. I don't recall that conversation. Again,
22 I would say that Mr. Stephens' interaction with me on
23 potential defenses and the desire, frankly, to want to go to
24 trial were not there. Those were things that were not said to
25 me by him.

1 And, again, you know, when I get to know a client,
2 Mr. Murphy, I'm trying to understand them as a person, as a
3 family member, learning about their background. I spent
4 significant time with Mr. Stephens, learning about his
5 education, his history, his past, where he works, what he did.

6 So, you know, again, I consider Mr. Stephens to be a
7 pretty smart guy. I mean, he actually did some college and --
8 after graduating from high school, and, he, you know, for
9 financial reasons, had to come home.

10 But, again, you know, I care about Mr. Stephens, and I
11 care about what happens to him with this case, and that was my
12 real, you know, decision making when it came to trying to
13 discuss this case, was I just didn't want the guy to get life.

14 Q That's all I have. Thank you, sir.

15 A Thank you, Mr. Murphy.

16 MS. KANEALEY: Nothing further from the State, Your
17 Honor.

18 THE COURT: Thank you.

19 Any other witnesses?

20 MS. KANEALEY: No, Your Honor.

21 MR. MURPHY: No rebuttal.

22 THE COURT: Thank you. You may step down.

23 THE WITNESS: Thank you, Judge.

24 THE COURT: All right.

25 Anything at all? I'll hear from you.

1 MR. MURPHY: Nothing, Your Honor.

2 THE COURT: Thank you-all. I will take it under
3 advisement and let you know something as soon as I can.

4 MR. MURPHY: Thank you, Your Honor.

5 (The proceedings concluded at 2:35 PM.)
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Certificate of Transcriber

CASE NAME: Cary Stephens v. State of SC

DATE OF HEARING: 8/6/25

RECORDING METHOD: DCRP Court Monitor Caressa Johnson

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.

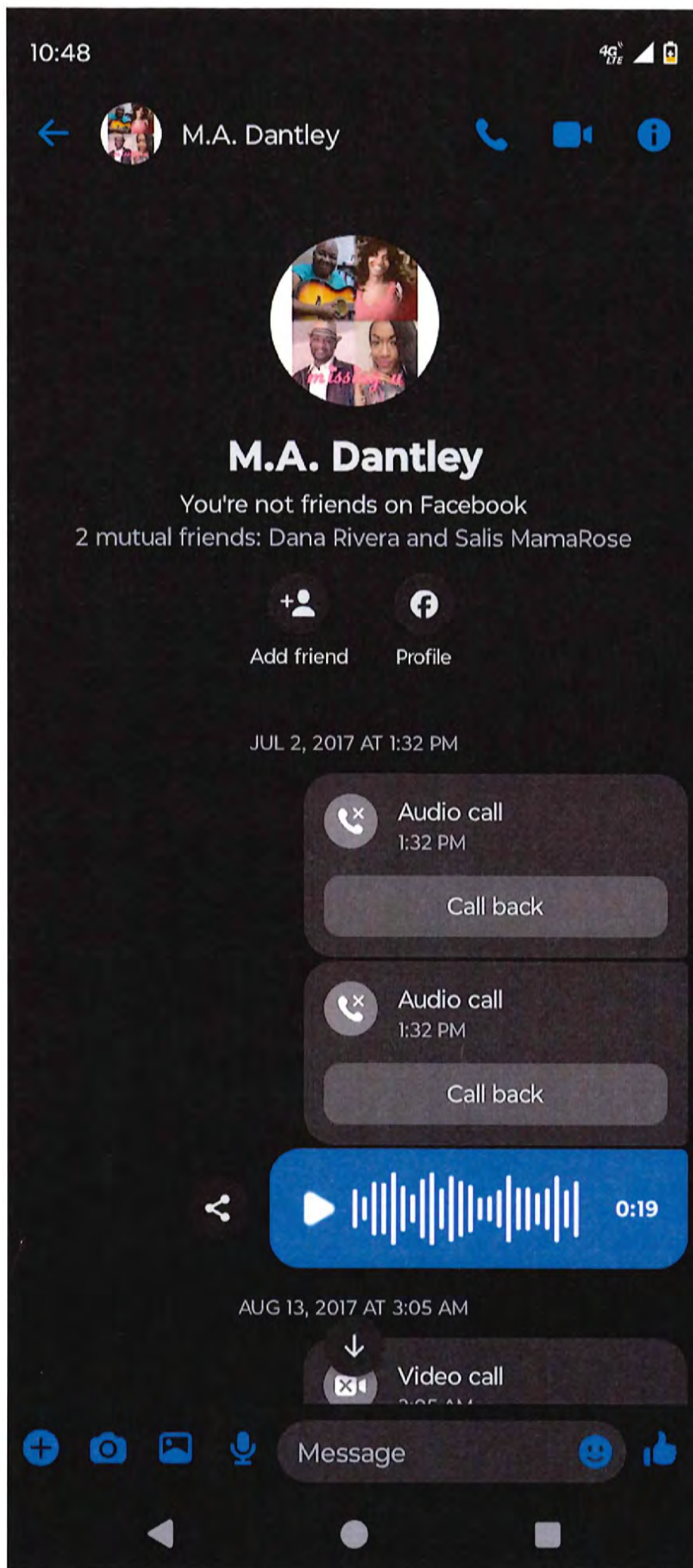


/s/ Bobbi Fisher_____

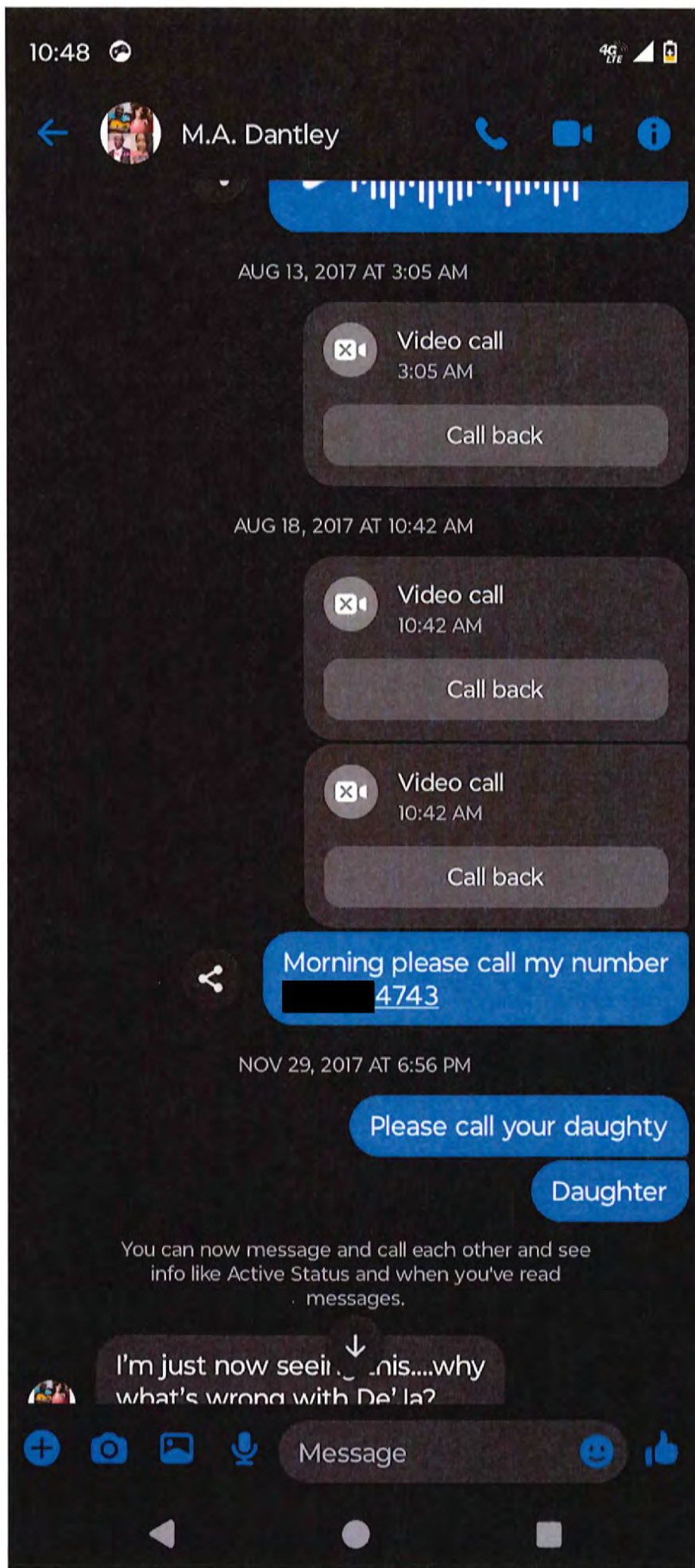
Bobbi Fisher, SC Official Court Reporter III, RPR

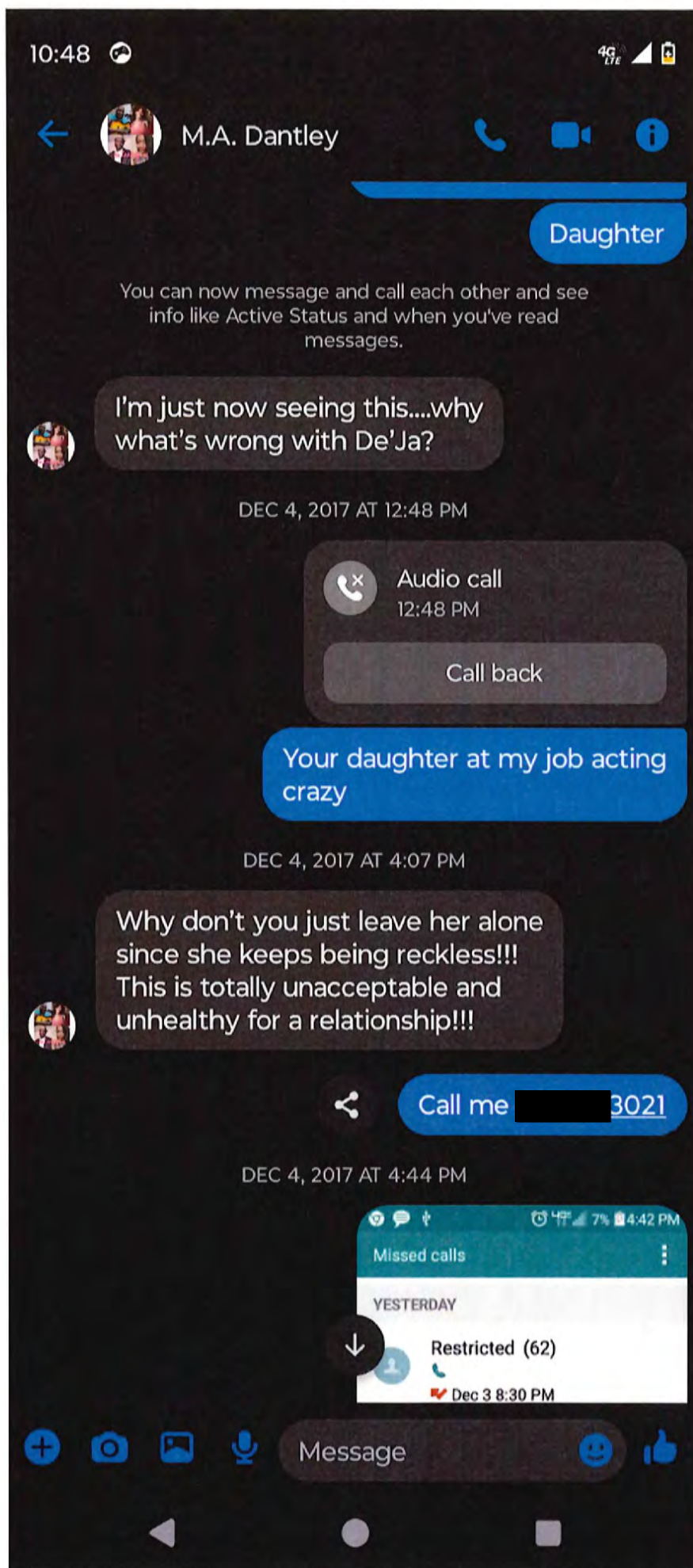
Transcript Prepared: 12/22/25

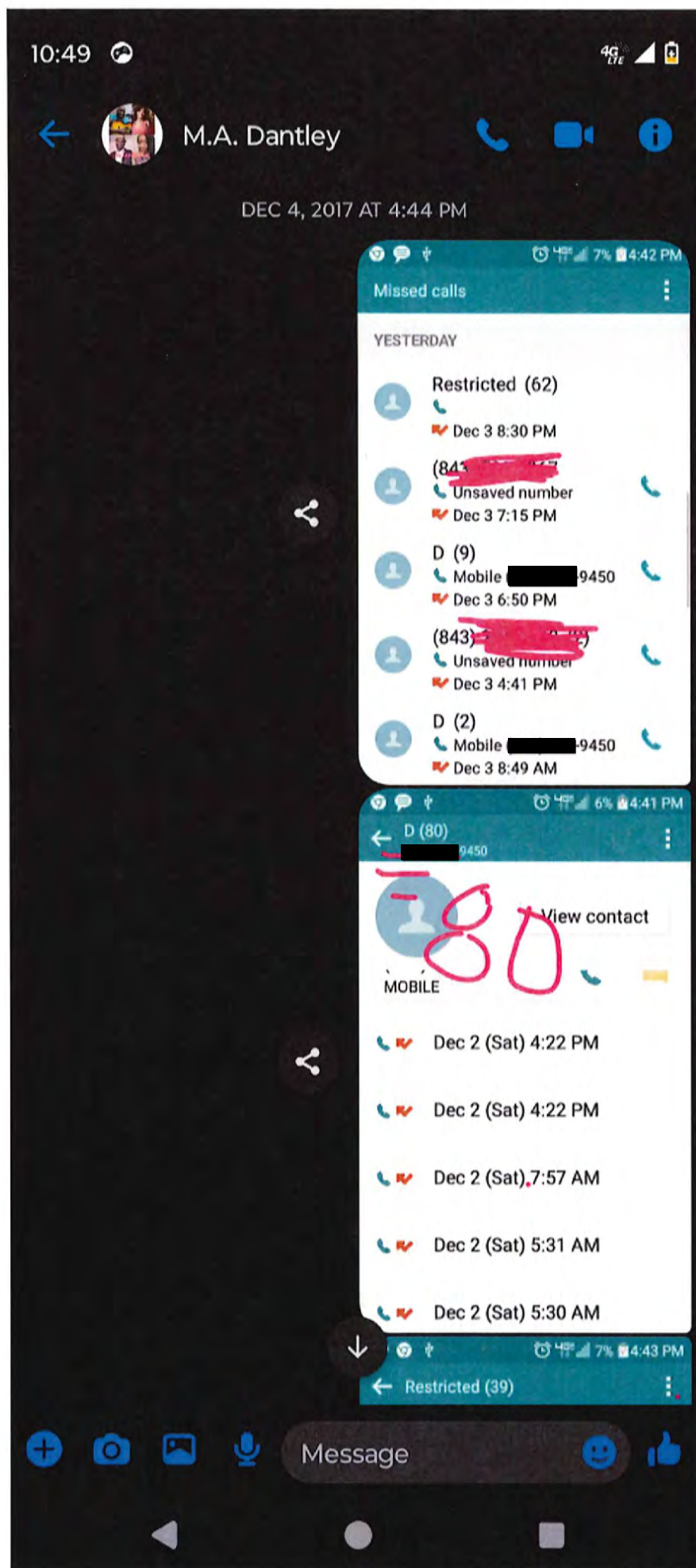
NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

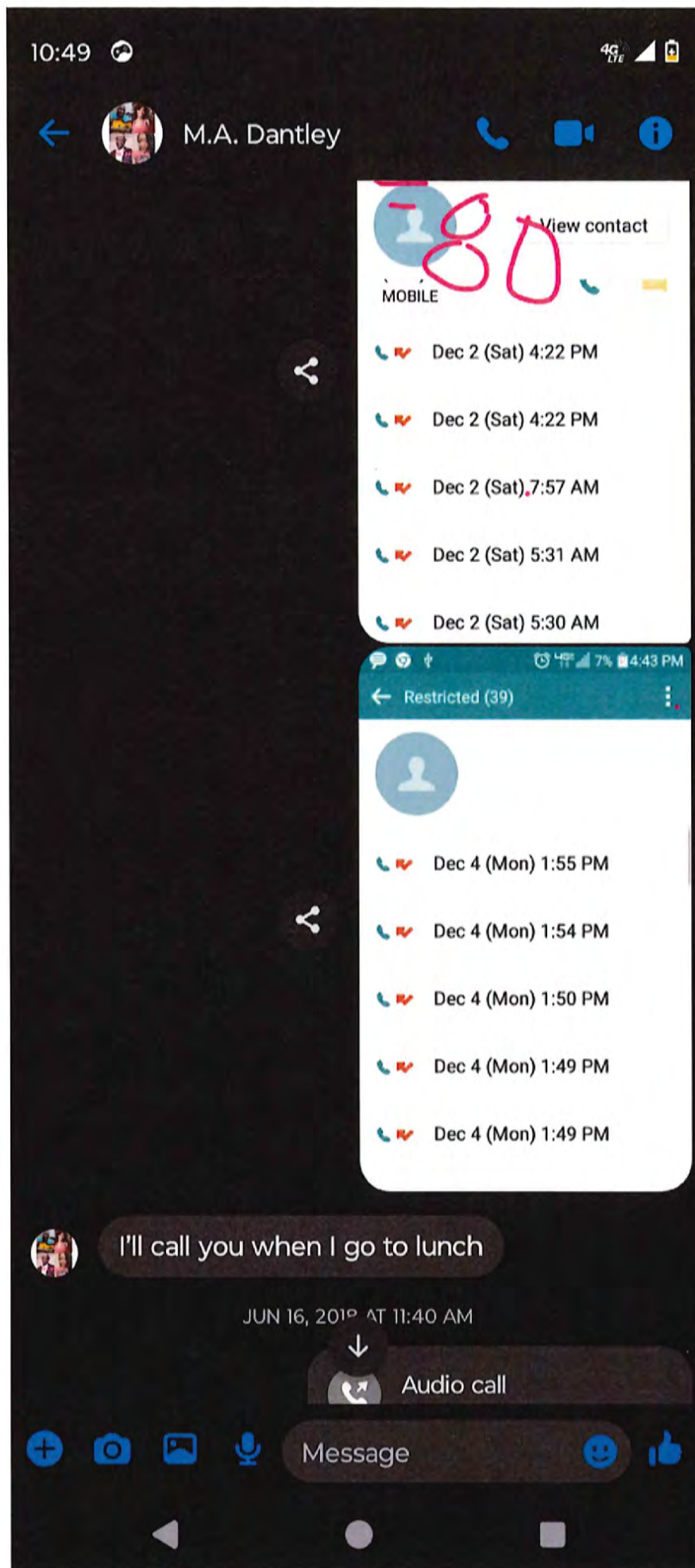


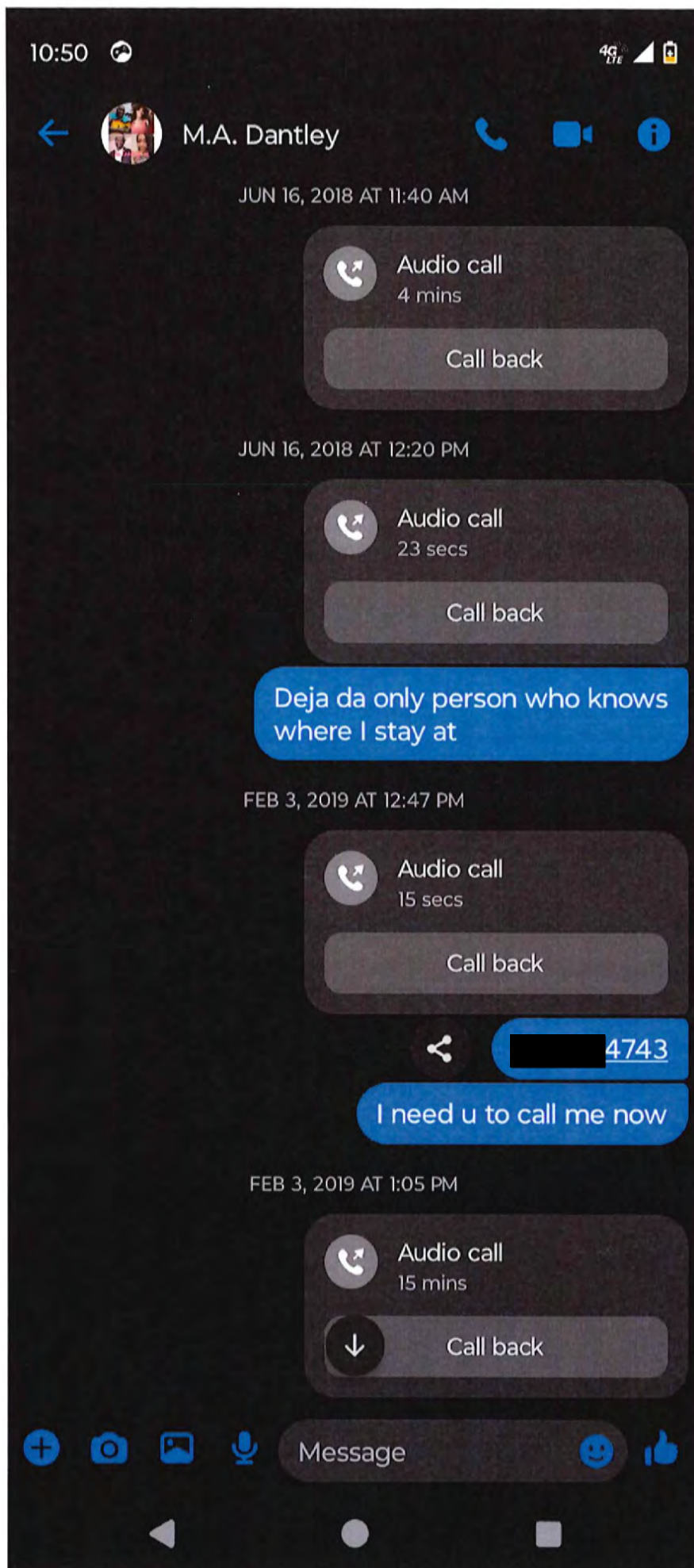
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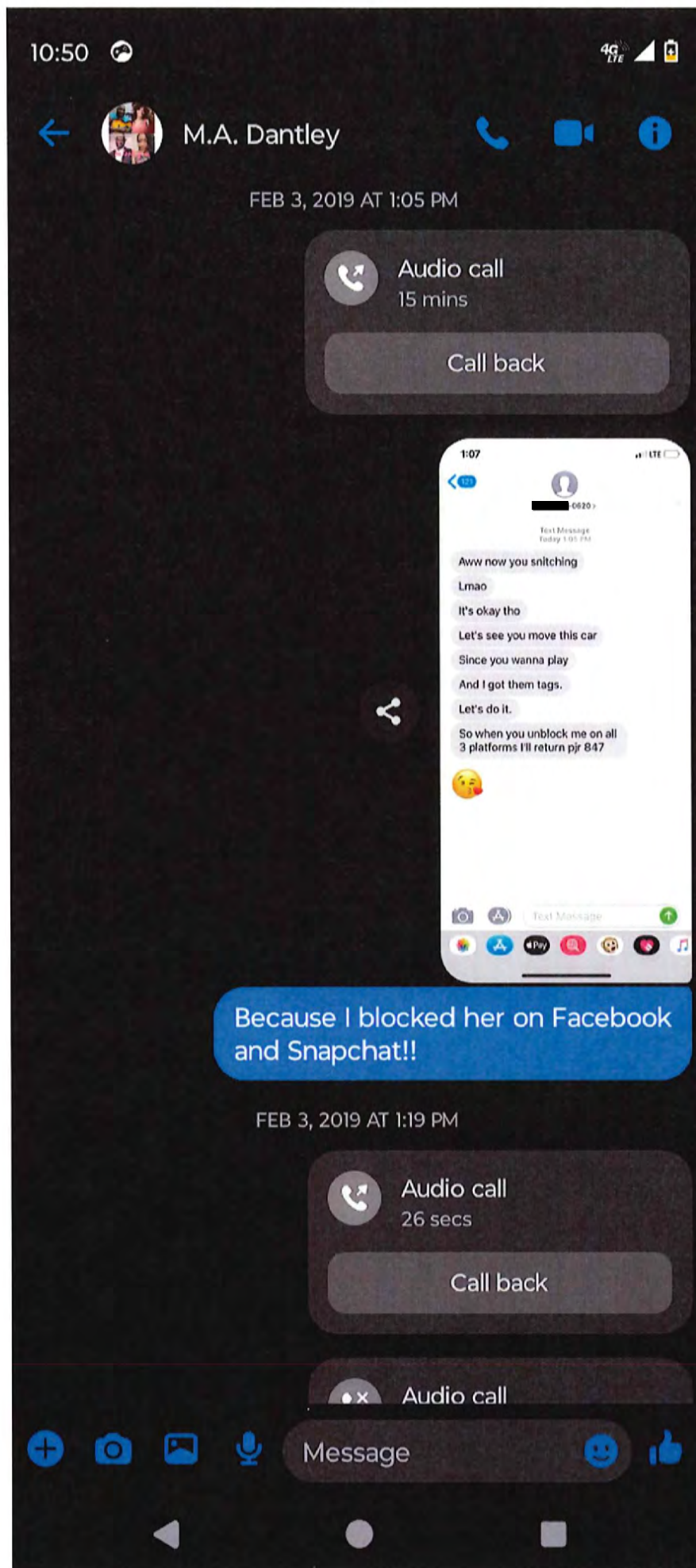


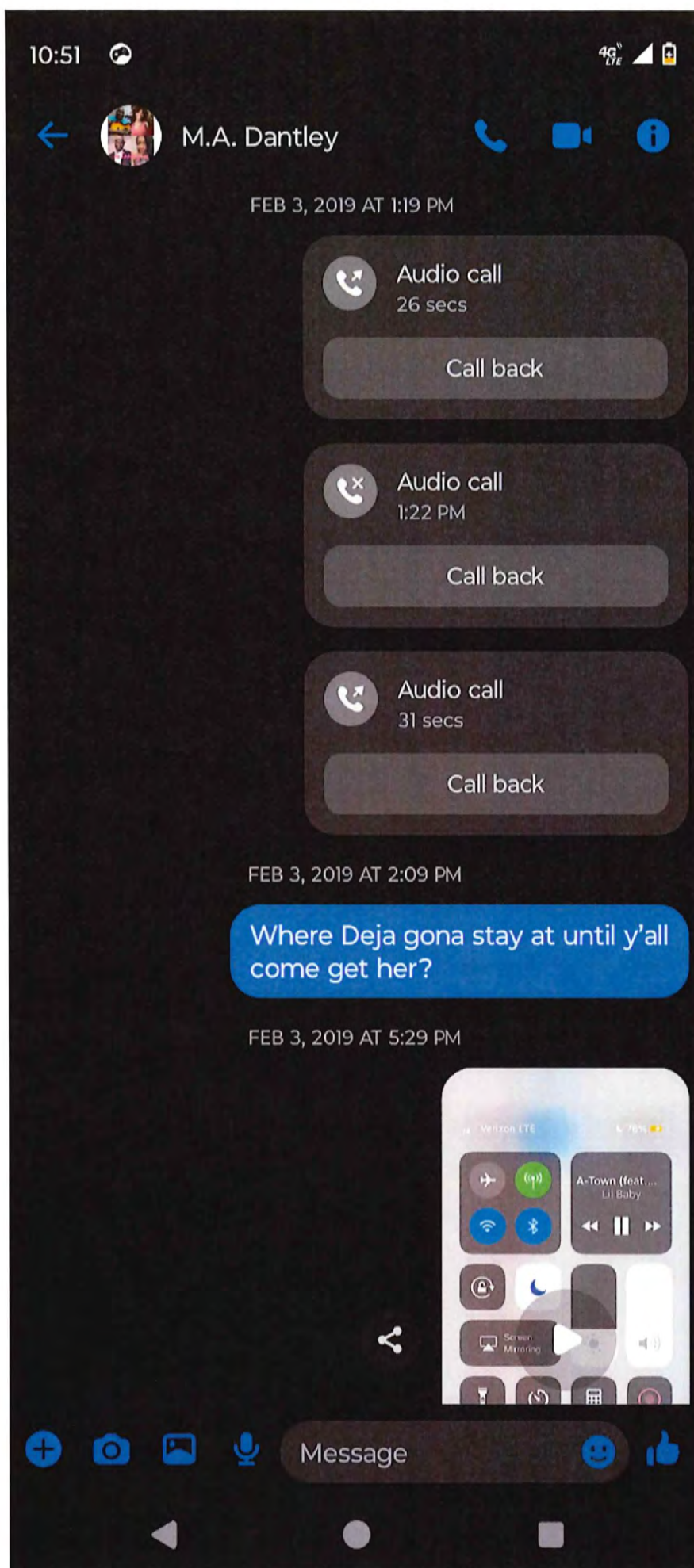


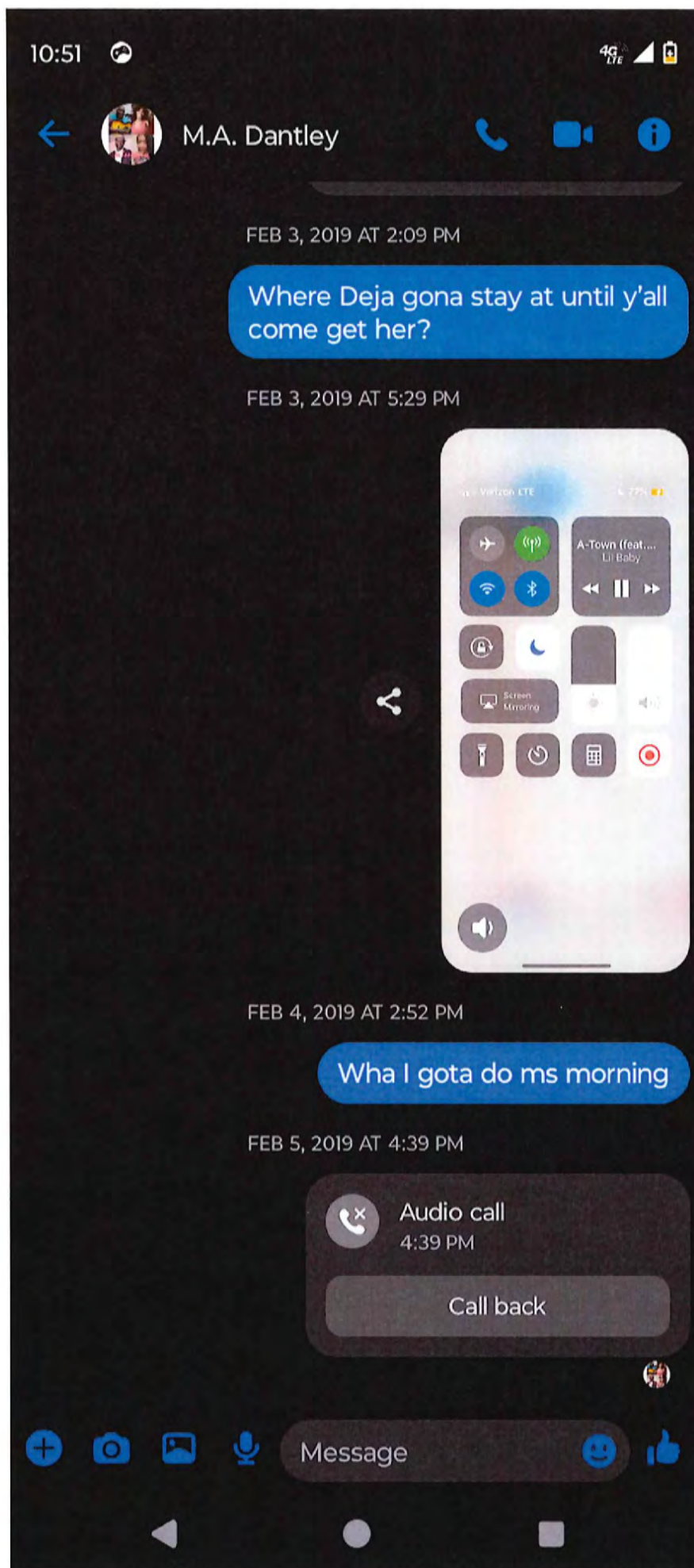












10:52

4G LTE

Cary Stephens
2nd Attech.



Makeya Dantley

Active 1 hour ago



FEB 5, 2019 AT 12:38 PM



Audio call

12:37 PM

Call back

FEB 5, 2019 AT 1:46 PM



Audio call

1:45 PM

Call back

FEB 5, 2019 AT 4:38 PM



Audio call

4:38 PM

Call back



Audio call

4:38 PM

Call back

FEB 5, 2019 AT 4:53 PM

Wen y'all kumin to get her



She has a car

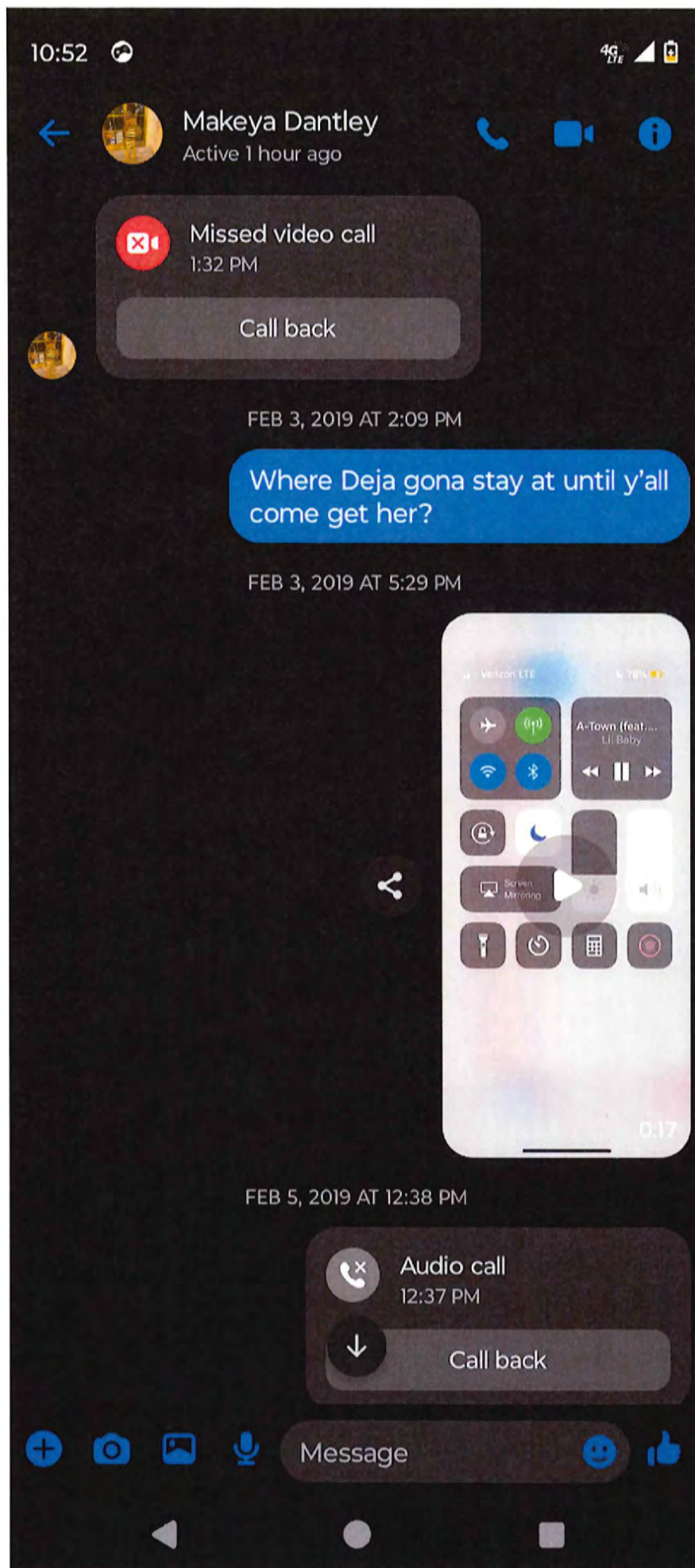


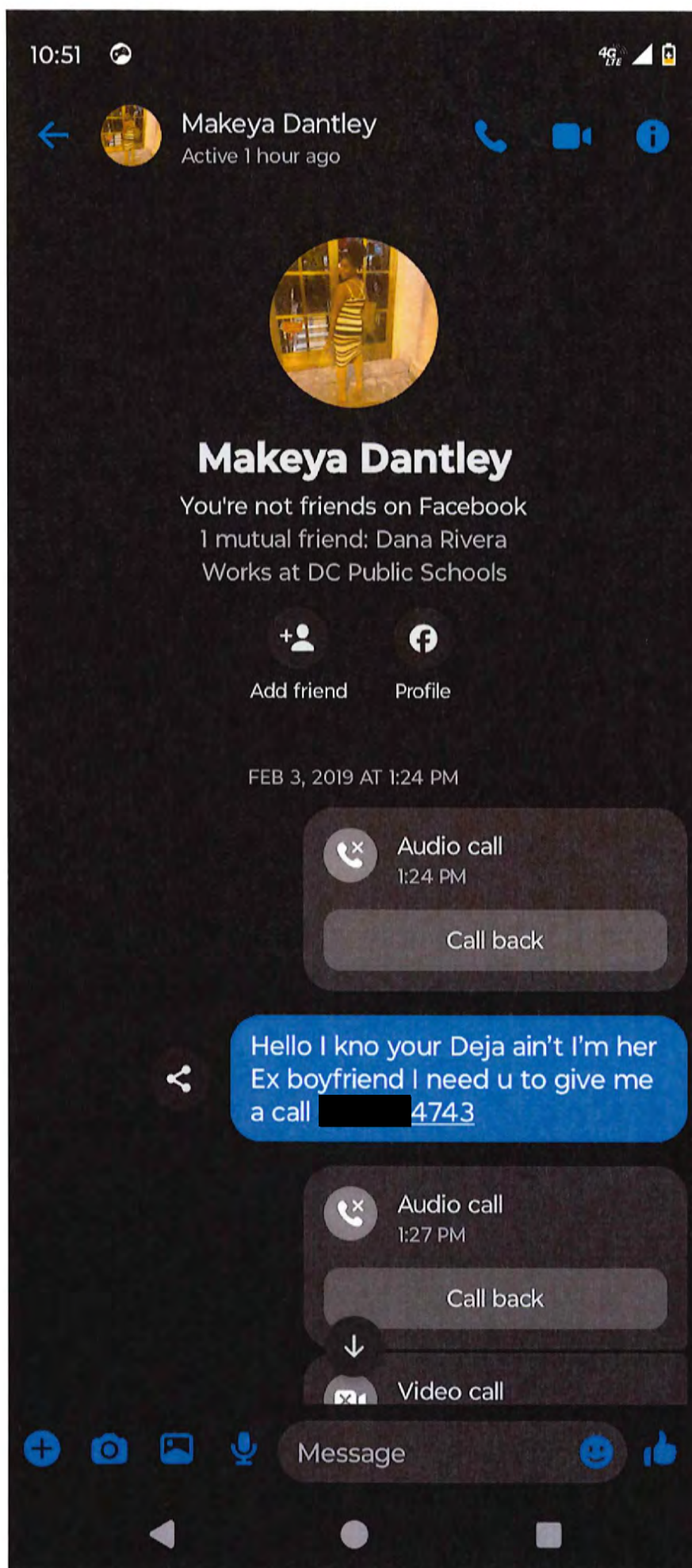
You can now message ↓ call each other and see
info like Active Status and when you've read

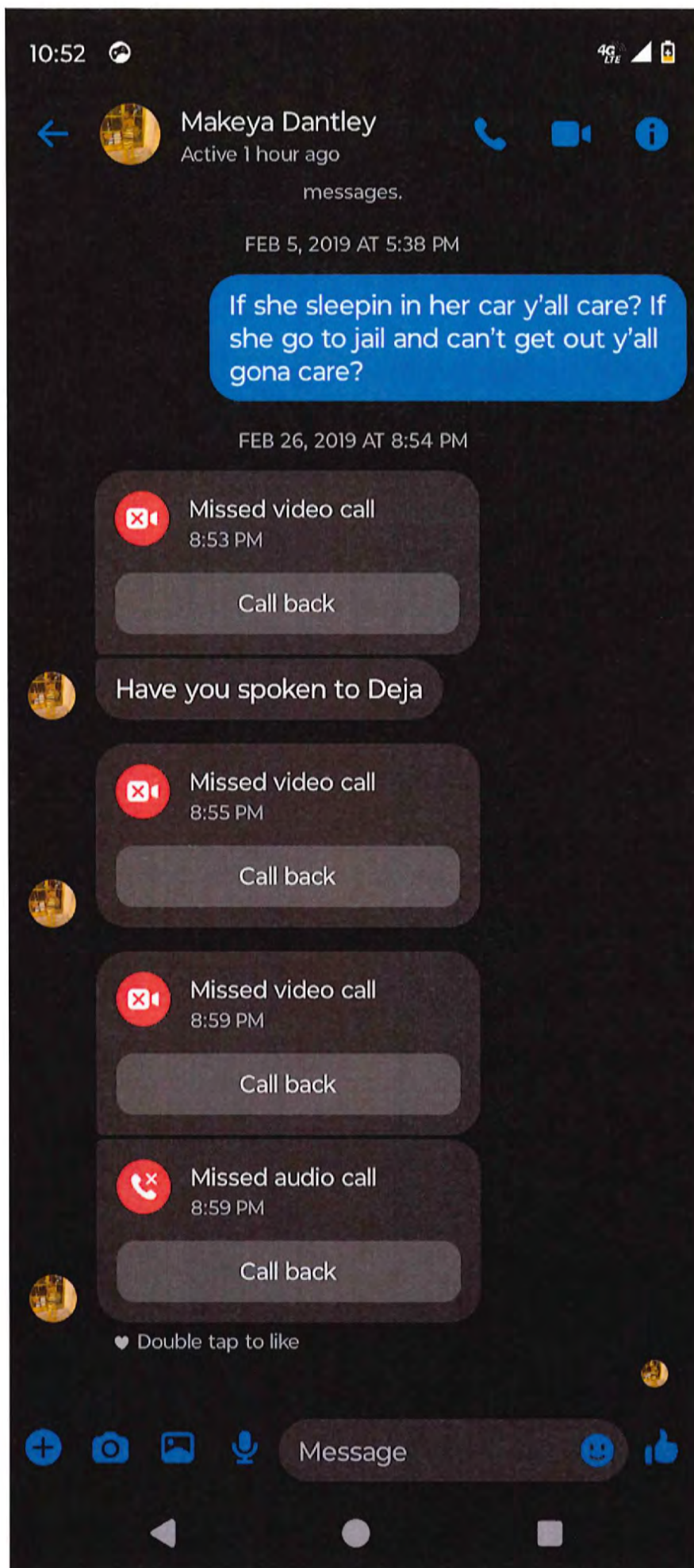


Message









STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
Cary Stephens, #389267,	)	CASE NO. 2023-CP-10-04981
	)	
Applicant,	)	
v.	)	ORDER OF DISMISSAL
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

This matter comes before the Court by way of Cary Stephen's (Applicant's) application for post-conviction relief (PCR) filed on October 10, 2023. 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 Christopher Murphy, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the allegations in his application.

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 in the South Carolina Department of Corrections serving a thirty-year sentence. In its September 2019 term, the Charleston County Grand Jury indicted Applicant for Murder (2019-GS-10-04645) and Possession of a Weapon during the Commission of a Violent Crime (2019-GS-10-04647). These charges arose from the fatal shooting of Deja Dantley on February 26, 2019. On October 11, 2022, Applicant entered into a negotiated guilty plea before the Honorable R. Lawton McIntosh. Applicant was represented by Peter McCoy, Jr.,

Esquire (Counsel). Solicitor Scarlett Wilson prosecuted the case. Pursuant to the negotiations, Judge McIntosh sentenced Applicant to forty (40) years for murder, with a concurrent term of five (5) years for the possession charge. Applicant, through Counsel, filed a motion to reconsider the sentence on October 19, 2022. Judge McIntosh issued an order denying the motion on October 31, 2022. Applicant did not appeal his conviction.

CURRENT APPLICATION

On October 10, 2023, Applicant timely filed this PCR application alleging he is being held in custody unlawfully on the following grounds:

- I. Ineffective assistance of counsel
 - a. Failed to adequately prepare;
 - b. Failed to discuss trial strategies, defenses, potential witnesses, and sentencing expectations;
 - c. Failed to adequately meet;
 - d. Failed to explain charges;
 - e. Failed to review warrants;
 - f. Failed to inform of right to jury trial.
- II. Involuntary Guilty Plea
 - a. Applicant was coerced;
 - b. Only had ten to fifteen minutes to make up his mind;
 - c. Applicant did not understand the terms of the plea.

Applicant requests relief from his guilty plea and sentences.

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.

Failure to Prepare for Guilty Plea and Communicate with Client¹

Applicant alleged counsel failed to adequately prepare; failed to discuss trial strategies; defenses; potential witnesses; sentencing expectations; failed to adequately meet; failed to explain the charges; and failed to inform Applicant of the right to a jury trial. This Court finds this allegation is without merit.

Counsel testified that he met with Applicant between 5 and 9 times and further his paralegal also met with Applicant. Counsel testified that he had adequate time to meet with Applicant. Counsel testified that he reviewed all the evidence with the solicitor and her investigator. Counsel testified he went to the jail to discuss the evidence with Applicant after meeting with the solicitor. Counsel testified that he discussed the constitutional rights Applicant was waiving by pleading, the sentencing range, and the terms of the plea. Counsel testified that Applicant never provided evidence of a defense. This Court finds counsel's testimony *credible*. Based on Counsel's testimony, this Court finds Counsel's advice and preparation were reasonable within prevailing professional norms. Further, Applicant told the plea court that he was satisfied with the services of Counsel, Counsel had reasonably done what Applicant had asked him to do, he had no complaints whatsoever about any aspect of his legal representation, and he was totally and completely satisfied. (Tr. 10,11). See *Hinson v. State*, 297 S.C. 456, 458, 377 S.E.2d 338, 339 (1989) (finding a defendant's testimony several years after a guilty plea, that his plea was induced by erroneous advice of counsel is not persuasive). This Court finds Applicant failed to prove Counsel was deficient.

Applicant failed to present what he wished Counsel would have further prepared for. Applicant has failed to show he would not have pled guilty had he met more frequently with

¹ This section addresses allegations I(a), I(b), I(c), and I(d) and I(f).

Counsel and thus failed to prove prejudice. See Hill v. Lockhart, 474 U.S. 52, 59, 106 S. Ct. 366, 370, 88 L. Ed. 2d 203 (1985). Further, Applicant told the plea court that he understood the constitutional rights he was giving up by pleading guilty, including specifically the right to a jury trial. (Tr. 7-10). This Court finds Applicant has failed to prove deficiency and prejudice and thus, this claim is denied.

Failed to Review Warrants

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

Involuntary Guilty Plea²

Applicant alleged he was coerced into pleading guilty, only had ten to fifteen minutes to make up his mind, and did not understand the terms of the plea. This Court finds this allegation is without merit.

As discussed above, Counsel credibly testified that he discussed the terms of the plea with Applicant. Further Applicant told the plea court no one had forced, threatened, or promised him anything in order for him to plead guilty and that he was doing so of his own free will. (Tr. 7). Applicant told the plea court he understood the sentencing range of the negotiated plea. (Tr. 6,7). Finally, Applicant told the plea court he understood the constitutional rights he was waiving and the sentence he faced. (Tr. 6, 9, 10).

² This section addresses allegations II(a), II(b) and II(c).

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.”). 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

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**.

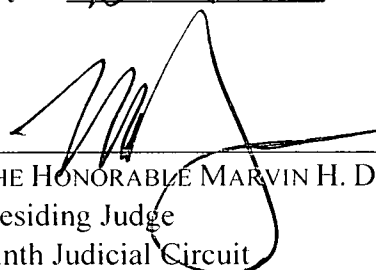
Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRPC, 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.

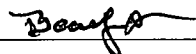
IT IS THEREFORE ORDERED:

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 6 day of Nov, 2025.



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

, South Carolina

120

SAW/0353710
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2019-02897

ARREST WARRANT NUMBER

K404228

DATE OF ARREST

03/03/2019

ACTION OF GRAND JURY

TRUE BILL

m. m. m.
Foreperson of Grand Jury

SEP 9 2019
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2019-GS-10-04645

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2019

THE STATE

VS.

CARY KEJUAN JANAI STEPHENS

A.K.A. Cary Stephens, Cary Kejunn Stephens, Cory
Stephens, Carey Stephens, Cary Kejuan Stephens

B/M DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

FILED

9/18/2019 9:14:12 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

INDICTMENT

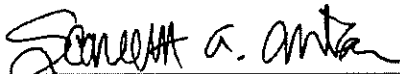
COUNTY OF CHARLESTON

At a Court of General Sessions, convened September 2019, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County, South Carolina on or about February 26, 2019, the defendant, Cary Kejuan Janai Stephens with malice aforethought did kill and murder Deja Katrice Dantley by means of shooting her, and Deja Katrice Dantley did die in Charleston County as a proximate result thereof on or about February 26, 2019, in violation of Section 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.



SCARLETT A. WILSON
SOLICITOR

122

SAW/0353710
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2019-02897

ARREST WARRANT NUMBER

K404229

DATE OF ARREST

03/05/2019

ACTION OF GRAND JURY

TRUE BILL

M. R. Smith
Foreperson of Grand Jury

SEP 9 2019
Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2019-GS-10-04647

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2019

THE STATE

VS.

CARY KEJUAN JANAI STEPHENS

A.K.A. Cary Stephens, Cary Kejunn Stephens, Cory
Stephens, Carey Stephens, Cary Kejuan Stephens

B/M DOB: [REDACTED]

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

SC Code: § 16-23-0490
CDR Code: 0549

FILED

9/18/2019 9:14:13 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

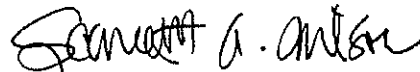
INDICTMENT

At a Court of General Sessions, convened September 2019, the Grand Jurors of Charleston County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That in Charleston County, South Carolina, on or about February 26, 2019, the Defendant, Cary Kejuan Janai Stephens, did possess a firearm or did visibly display what appeared to be a firearm during the commission of or attempted commission of a violent crime, to wit: Murder; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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



SCARLETT A. WILSON
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

VS.

INDICTMENT/CASE#: 2019-GS-10-04645CARY KEJUAN JANAI STEPHENSAKA: Cary Stephens, Cary Keiunn StephensRace: Black Sex: M Age: 31A/W#: K404228Date of Offense: 02/26/2019S.C. Code §: 16-03-0010

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0116

Address: [REDACTED]

City, State,

Zip: [REDACTED]

DL#* [REDACTED] SID# SC01864914

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ 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:

Scarlett A. Wilson, Solicitor

65315
SC Bar #

Defendant

Attorney for Defendant

73866
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 40 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.☐ days/months 6316☐ 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 CARY KEJUAN INDICTMENT/CASE#: 2019-GS-10-04645
 VS. JANAI STEPHENS

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

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

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§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
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

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

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE

VS.

CARY KEJUAN JANAI STEPHENSAKA: Cary Stephens, Cary Keiunn StephensRace: Black Sex: M Age: 31DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]

City, State,

Zip: [REDACTED]DL#* [REDACTED] SID# SC01864914*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

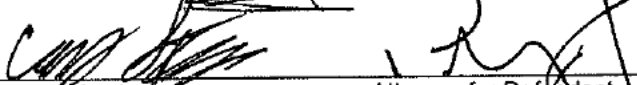
INDICTMENT/CASE#: 2019-GS-10-04647A/W#: K404229Date of Offense: 02/26/2019S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Possession Of A Weapon During The Commission Of A Violent CrimeIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☐ 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:

 65315
 Scarlett A. Wilson, Solicitor SC Bar # Defendant

 73866
 Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ 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 SCDOP.1,314 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 CARY KEJUAN INDICTMENT/CASE#: 2019-GS-10-04647
 VS. JANAI STEPHENS

☐ 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>37.50</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500			\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD			\$ _____

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

Presiding Judge: _____
 Judge Code: _____
 Sentence Date: 10-11-22