

RECEIVED

May 27 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

CERTIORARI TO MARION COUNTY

Court of Common Pleas

Honorable B. Alex Hyman, Circuit Court Judge

Appellate Case No.: 2026-000238

Christopher E. Bennett., SCDC No.: 00392357..... Appellant

v.

State of South Carolina ..... Respondent

APPENDIX

The Appellant proposes the following be included in the Record on Appeal:

1. Application for Post Conviction Relief of Appellant
2. Response of State of South Carolina
3. Transcripts of Hearings of August 7, 2023
4. Transcripts of Hearings of October 27, 2023
5. Transcripts of Hearings of February 5, 2025
6. Order of B. Alex Hyman, dated January 6, 2026

I certify that this designation contains no matter which is irrelevant to this appeal.

/s/ Charles T. Brooks, III  
Charles T. Brooks, III  
Attorney for Appellant  
attorneyctb@outlook.com

May 27, 2026

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STATE OF SOUTH CAROLINA

COUNTY OF MARION

Christopher E. Bennett #00392357

Plaintiff(s)

vs.

The State of South Carolina

Defendant(s)

Submitted By: Charles T Brooks, III  
Address: 309 Broad St., Sumter, SC 29150

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2024 -CP - ~~83~~ - 00189

SC Bar #: 11762  
Telephone #: 803-418-5708  
Fax #: 803-934-9618  
Other: \_\_\_\_\_  
E-mail: cbrooks@ctbrooks.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- |  |   |   |  |
|--|---|---|--|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Construction (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Fraud/Bad Faith (150)</li> <li><input type="checkbox"/> Failure to Deliver/Warranty (160)</li> <li><input type="checkbox"/> Employment Discrim (170)</li> <li><input type="checkbox"/> Employment (180)</li> <li><input type="checkbox"/> Other (199)</li> </ul> <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul> | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case #<br/>20 <u>-NI-</u></li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul> <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Drv. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture-Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Assault/Battery (370)</li> <li><input type="checkbox"/> Slander/ Libel (380)</li> <li><input type="checkbox"/> Other (399)</li> </ul> <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Incapacitated Adult Settlement (790)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499)</li> </ul> <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Comm. (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
|--|---|---|--|
- Special/Complex /Other**
- Environmental (600)
  - Automobile Arb. (610)
  - Medical (620)
  - Other (699)
  - Sexual Predator (510)
  - Permanent Restraining Order (680)
  - Interpleader (690)
  - Pharmaceuticals (630)
  - Unfair Trade Practices (640)
  - Out-of State Depositions (650)
  - Motion to Quash Subpoena in an Out-of-County Action (660)
  - Pre-Suit Discovery (670)

Submitting Party Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

**Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.**

**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

**Pursuant to the ADR Rules, you are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals;
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

**Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

2024 FEB 11 AM 1:27

FILED

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF MARION )  
 )  
 Christopher E. Bennett, #00392357 )  
 )  
 Applicant )  
 )  
 )  
 The State of South Carolina, )  
 )  
 Respondent, )  
 \_\_\_\_\_ )

IN THE COMMON PLEAS COURT

APPLICATION FOR POST  
 CONVICTION RELIEF

The Applicant, by and through his undersigned Counsel submits his Application for Post Conviction Relief as it relates to the following:

1. That the Applicant is an incarcerated individual, located at Turbeville Correctional Institution in Clarendon County, State of South Carolina.
2. That the Applicant entered a Guilty Plea, and was sentenced in the General Sessions Court of Marion County, State of South Carolina under case/indictment number(s): 2021A3320100396.
3. That the Applicant's sentence was determined for a period of time of Twenty (20) years, and was imposed by the Honorable H. Steven DeBerry, IV, on October 27, 2023.
4. That the Applicant did not file an Appeal of his conviction but has submitted this Application.
5. That the Applicant is informed and believes that he has been held in custody unlawfully based on the ineffective assistance of trial counsel of the Applicant during his General Sessions plea in Marion County on October 27, 2023.

2024 OCT 11 AM 1:27

FILED

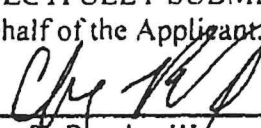
6. That the Applicant is informed and believes that his Guilty Plea of October 27, 2023, was not made voluntarily.
7. That the Applicant has not filed any other petitions in South Carolina in the State Court, Federal Court or the United States Supreme Court.
8. The applicant was represented in the Marion County General Sessions case 2021A3320100396 by Attorney Jeffery T. Lucas, II.
9. The Applicant is seeking the relief to have the Guilty Plea vacated and granted a new trial in this matter.
10. The Applicant is not under a sentence from another Court.
11. That the Applicant also reserves the right to amend this Application for Post Conviction Relief if necessary.

2024 MAR 11 AM 1:27  
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**CONCLUSION**

For the legal reasons and principles cited in this Post-Conviction Application, the conviction and sentence issued in Marion County Court of General Sessions on October 27, 2023, should be vacated, reversed for a new trial, or a judgment of acquittal entered.

RESPECTFULLY SUBMITTED  
 on Behalf of the Applicant, Christopher E. Bennett #00392357

  
 \_\_\_\_\_

Charles T. Brooks, III  
 Attorney for Applicant  
 309 Broad Street  
 Post office Box 3512  
 Sumter, South Carolina, 29150  
 (803) 418-5708

Dated: March 6, 2024

STATE OF SOUTH CAROLINA  
COUNTY OF MARION

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

) CERTIFICATE OF EXEMPTION FROM ADR

Christopher E. Bennett  
Plaintiff,  
vs.

) Docket No. 2024-CP-33-00189

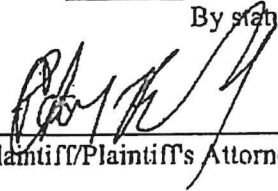
The State of South Carolina  
Defendant.

PURSUANT to the South Carolina Alternative Dispute Resolution Rules (SCADR), we certify that this case is exempt from mediation for one of the following reason and the parties wish to exercise that exemption.

Under SCADR Rule 3(b), this action is a(n)

- special proceeding or action seeking extraordinary relief
- request for temporary relief
- appeal
- post-conviction relief (PCR) matter
- contempt of court proceeding
- forfeiture proceeding brought by a governmental entity
- mortgage foreclosure
- case that has been previously subjected to ADR and ADR is not otherwise By statute or rule

2024 MAR 11 AM 1:27  
FILED

  
\_\_\_\_\_  
Plaintiff/Plaintiff's Attorney

\_\_\_\_\_  
Defendant/Defendant's Attorney

Charles T Brooks, III  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

803-418-5708  
\_\_\_\_\_  
Phone/Fax

\_\_\_\_\_  
Phone/Fax

Date: 3/6/24

**WITNESSES**

Marilyn E Rogers Marion Police Department

David A Richardson

**ARREST WARRANT NUMBER**

2021A3320100396

**ACTION OF GRAND JURY**

*Ellen J. Smoak*  
Foreperson of Grand Jury  
Date:

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2022-GS-33-00380

The State of South Carolina

County of

MARION

**COURT OF GENERAL SESSIONS**

AUGUST TERM 2022

THE STATE

vs.

CHRISTOPHER ERIC BENNETT

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A  
MINOR SECOND DEGREE**

TRUE BILL



ARREST WARRANT  
2021A3320100396

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
MARION

THE STATE  
against

CHRISTOPHER ERIC BENNETT  
Address: MARION SC 29571  
Phone: [redacted] SSN: [redacted]  
Sex: M Race: B Height: 6-2 Weight: 240  
DL State: SC DL#: [redacted]  
DCB: [redacted] Agency CRIM. SC0340100  
Prosecuting Agency: CITY OF MARION POLICE  
Prosecuting Officer: CAPT. MARILYNN ROGERS  
Offense: CRIMINAL SEXUAL CONDUCT WITH  
MINOR 2ND DEGREE Offense Code: 0396  
Code/Ordinance Sec: 16-03-0655(B)(1), 0396

This warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of  
MARION The accused  
is to be arrested and brought before me to be  
dealt with according to law.

Signature of Judge \_\_\_\_\_ (L.S.)  
Date: \_\_\_\_\_  
Time \_\_\_\_\_

RETURN  
A copy of this arrest warrant was delivered to  
defendant CHRISTOPHER ERIC BENNETT  
on 2/15/22  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
MARION

AFFIDAVIT

Form Approved by  
S.C. Judicial System  
April 21, 2009  
SC14416

Personally appeared before me the affiant CAPT. MARILYNN ROGERS who  
being duly sworn deposes and says that defendant CHRISTOPHER ERIC BENNETT  
did within this county and state on 06/01/2021 to 07/01/2021 violate the criminal laws of the  
State of South Carolina (or ordinance of  County/  Municipality of MARION )  
In the following particulars:  
DESCRIPTION OF OFFENSE: 16-03-0655(B)(1), 0656 / CRIMINAL SEXUAL CONDUCT WITH MINOR  
2ND DEGREE

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:  
A PERSON IS GUILTY OF CRIMINAL SEXUAL CONDUCT IN THE 2ND DEGREE IF THE ACTOR ENGAGES IN SEXUAL BATTERY WITH A VICTIM  
WHO IS LESS THAN FOURTEEN YEARS OF AGE BUT WHO IS AT LEAST ELEVEN YEARS OF AGE, ON OR ABOUT JUNE 01, 2021 OR JULY 01, 2021  
ONE CHRISTOPHER ERIC BENNETT WHO WAS 51 YEARS OF AGE AT THE TIME, DID ENGAGE IN SEXUAL INTERCOURSE WITH AN ELEVEN  
YEAR OLD JUVENILE VICTIM RESULTING IN THE VICTIM GETTING PREGNANT. THIS INCIDENT TAKING PLACE AT 116 PEE DEE CIRCLE WHICH  
IS LOCATED WITHIN THE CITY LIMITS OF MARION AND CONSTITUTING THE CRIME OF CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND  
DEGREE. CASE # 21-2555

Signature of Affiant *Capt. Marilyn Rogers*  
Affiant's Address 1024 SOUTH MAIN STREET  
MARION SC 29571  
Affiant's Telephone: (843) 423-8616

STATE OF SOUTH CAROLINA  
 County/  Municipality of  
MARION

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:  
It appearing from the above affidavit that there are reasonable grounds to believe that  
on 06/01/2021 defendant CHRISTOPHER ERIC BENNETT  
did violate the criminal laws of the State of South Carolina (or ordinance of  
 County/  Municipality of MARION ) as set forth below:  
DESCRIPTION OF OFFENSE: SEX / CRIMINAL SEXUAL CONDUCT WITH MINOR, OR ATTEMPT -  
VICTIM 11 TO 14 YRS OF AGE INCLUSIVE - SECOND DEG.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said  
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered  
to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me )  
on 02/09/2022 10:08 AM )  
Date Time (L.S.) )  
HEATHER NICOLE EVANS )  
Judge's Address 1024 SOUTH MAIN ST / PO BOX 1190  
MARION SC 29571  
Judge's Telephone 8434238616  
Issuing Court:  Magistrate  Municipal  Circuit

Judge Code: 8117

ORIGINAL

Case: 21-2555

100

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marion

STATE

INDICTMENT/CASE#: 2022-GS-33-00380

VS.

Christopher Eric Bennett

AW#: 2021A3320100396

AKA: \_\_\_\_\_

Date of Offense: 6/1/2021

Race: Black Sex: M Age: 53

S.C. Code §: 16-03-0655(B)(1)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 0396

Address: \_\_\_\_\_

City, State, Zip: Marion, SC 29571

DL# \_\_\_\_\_ SID# \_\_\_\_\_

SENTENCE SHEET

*Alford*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg. 0-20

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

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

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:

*[Signature]* 74242 *[Signature]* *[Signature]* 101549  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

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

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

and/or to pay a fine of \$\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment of \$\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

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

16:1 10 12 100 300

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

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

Other: GPS FOR LIFE

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

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

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____			
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <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>5.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$
<b>TOTAL</b>			<b>\$ <u>128.75</u></b>

Clerk of Court/Deputy Clerk: U. K. Sullivan (Florence)  
 Court Reporter: R. Smith

Presiding Judge: N. B. [Signature]  
 Judge Code: 2-7711  
 Sentence Date: 10-27-2023

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF <sup>Martin</sup> FLORENCE )

IN THE COURT OF GENERAL SESSIONS  
WARRANT NO(S):: 2022A33260217

STATE OF SOUTH CAROLINA, )  
 )  
vs. )  
 )  
Christopher Bennett, )  
Defendant. )  
\_\_\_\_\_ )

ORDER TO LIFT BENCH WARRANT

The Deputy/Assistant Solicitor, representing the State, appears before the Court upon motion to lift the Bench Warrant on the above named defendant. The Defendant ~~is charged~~ to the charges in the indictment. Therefore, I request that the Bench Warrant be lifted.

After hearing from the State, I find that good cause has been shown to lift the Bench Warrant, and at the request of the Twelfth Circuit Solicitor's Office, the Bench Warrant is therefore lifted.

AND IT IS SO ORDERED.

H Steven DeB...  
PRESIDING JUDGE  
TWELFTH JUDICIAL CIRCUIT

I SO MOVE:

ASR  
DEPUTY/ASSISTANT SOLICITOR  
TWELFTH JUDICIAL CIRCUIT

FLORENCE, SC

Oct 27, 2023

OCT 27 PM 1:37



P.O. Box 9298 Myrtle Beach, SC 29578 | 803-374-0389 | LucasLawSC.com

FILED  
2023 JUN 14 AM 9:43  
MARION COUNTY SC  
CHRISTY M. GRAY  
CLERK OF COURT  
June 2023

Marion County Public Defender's Office  
221 North Main Street  
Marion, South Carolina 29571

RE: State v. Christopher Eric Bennett  
Case No.: 2021A3320100396; 2022A3320100217

Dear Sir/Madam,

Please be advised that I have been retained to represent Christopher Eric Bennett ("Client") in the above-referenced matters in place of Public Defender Franklin Chandler. We appreciate your services thus far and your assistance in this matter.

Best regards,

Jeffrey T. Lucas II, Esq.  
Lucas Law, LLC  
P.O. Box 9299  
Myrtle Beach, South Carolina 29577

Public Defender Franklin Chandler

Date: 6/8/23

Preiding Judge  
Marion County, SC

Date: 6-14-2023



5. Cif (Def. Initials) In all general session cases, in all domestic violence cases, and in all magistrate or municipal cases in which the defendant is subject to a prison sentence, defendant was informed of the following:

- a. Charges against defendant and nature of the charges.
- b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
- c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court-appointed counsel if indigent (must meet guidelines set forth in Rule 602(b), SCACR) and instructions on how to obtain court-appointed counsel. In order to apply for court-appointed counsel, defendant is required to appear before **Marion County Clerk of Court** located at **100 Court Street, Marion, SC 29571** for indigency screening. Defendant is responsible for a statutory fee of **\$40.00** for indigency screening unless that fee is waived or reduced pursuant to §17-3-30(B).

6.            (Def. Initials) In all domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.

7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

8. Defendant is required to keep court notified of any change of address until final disposition of charge(s).

Appearance or Hearing Date: February 15, 2022

X *Chris Bennett*

Defendant's Signature

*Dea... [Signature]*

Judge's Signature

Defendant Refused to Sign

*[Faint circular stamp]*  
2022 FEB 15 9:11 AM



# Pre-Trial Interview Affidavit of Indigent Application for Counsel

WARRANT /TICKET NUMBER(S) : OFFENSES

2021A3320100396:CRIMINAL  
SEXUAL CONDUCT WITH  
MINOR 2ND DEGREE

**Personal Data:**

NAME OF APPLICANT: CHRISTOPHER ERIC BENNETT		[REDACTED] [REDACTED] st
CURRENT ADDRESS: [REDACTED], MARION SC 29571		Marion
RENT <input type="checkbox"/>	OWN <input type="checkbox"/>	BOARD <input type="checkbox"/> HOW LONG IN MARION?
TELEPHONE NUMBER(S): 848 - [REDACTED]		
DATE OF BIRTH: [REDACTED]	SOCIAL SECURITY NO: [REDACTED]	
MARRIED: YES <input type="checkbox"/> / NO <input checked="" type="checkbox"/>	LIVING WITH SPOUSE: YES <input type="checkbox"/> / NO <input type="checkbox"/>	
CHILDREN: YES <input checked="" type="checkbox"/> / NO <input type="checkbox"/>		
NUMBER OF CHILDREN IN YOUR LEGAL CUSTODY UNDER THE AGE OF 18:		

**Employment Data:**

CURRENTLY WORKING: YES <input type="checkbox"/> / NO <input type="checkbox"/>	FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/>	HOW LONG:
CURRENT EMPLOYER:		
EMPLOYER ADDRESS:		
SPOUSE'S EMPLOYER:		
EMPLOYER ADDRESS:		

**Prior Record Data:**

PRIOR ARREST: YES <input type="checkbox"/> / NO <input type="checkbox"/> <small>(If "yes" see NCIC report)</small>	ADULT: <input type="checkbox"/> JUVENILE: <input type="checkbox"/>
CURRENTLY ON BOND: YES <input type="checkbox"/> / NO <input type="checkbox"/>	CURRENTLY ON PROBATION: YES <input type="checkbox"/> / NO <input type="checkbox"/>
CURRENTLY ON PAROLE: YES <input type="checkbox"/> / NO <input type="checkbox"/>	OUTSTANDING WARRANTS: YES <input type="checkbox"/> / NO <input type="checkbox"/>

Remarks: \_\_\_\_\_

[Faint, illegible stamp or text]



**AFFIDAVIT OF DEFENDANT:**

I, **CHRISTOPHER ERIC BENNETT**, do solemnly swear that the account by me delivered into this court with my application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was, in any respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

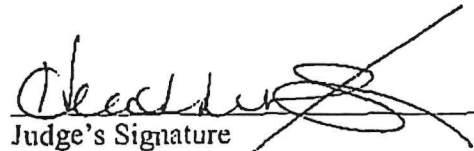
I, **CHRISTOPHER ERIC BENNETT**, understand the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the cost of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand that such claim shall be filed in the office of the Clerk of Court in the county where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the court, part of all of such claim is reduced to judgment by appropriate order of the court after serving me with at least thirty (30) days' notice that judgment will be entered.

I, **CHRISTOPHER ERIC BENNETT**, understand that, pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Clerk of Court for public defender services or other appointed counsel.

I, **CHRISTOPHER ERIC BENNETT**, am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

X  
\_\_\_\_\_  
Defendant's Signature

2-15-2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Judge's Signature

2-15-2022  
\_\_\_\_\_  
Date

.....  
The applicant's request for court-appointed counsel is hereby  granted /  denied.  
*waived*

Dated: 2-15-2022

  
\_\_\_\_\_  
Judge/Clerk of Court

2022 FEB 15 11:17 AM  
CLERK OF COURT



NOTICE OF RIGHT TO PRELIMINARY HEARING

STATE OF SOUTH CAROLINA COUNTY/  
CITY OF MARION

) IN THE COURT OF GENERAL SESSIONS  
)

v.

CHRISTOPHER ERIC BENNETT  
(Name of Defendant)

)  
)  
)

WARRANT/TICKET NUMBER(S): OFFENSES

2021A3320100396:CRIMINAL  
SEXUAL CONDUCT WITH  
MINOR 2ND DEGREE

MR. / MS. CHRISTOPHER ERIC BENNETT, you are charged with the above-named offense(s) and you are entitled to a Preliminary Hearing. You must request a Preliminary Hearing in writing on or within ten (10) of this Notice or lose your right to such a Hearing. You may request such hearing by completing the lower left section of this notice and returning it either in person or by mail to the following address:

12TH CIRCUIT SOLICITOR'S OFFICE  
180 NORTH IRBY STREET, MSC-Q  
FLORENCE, SOUTH CAROLINA 29501

CR

INITIAL-DEFENDANT DID  
RECEIVE A COPY

I request a Preliminary Hearing.

NOTICE GIVEN BY: MARION CITY BOND COURT

Defendant: \_\_\_\_\_

[Signature]

2-15-2022

Address: \_\_\_\_\_

Judge

Date

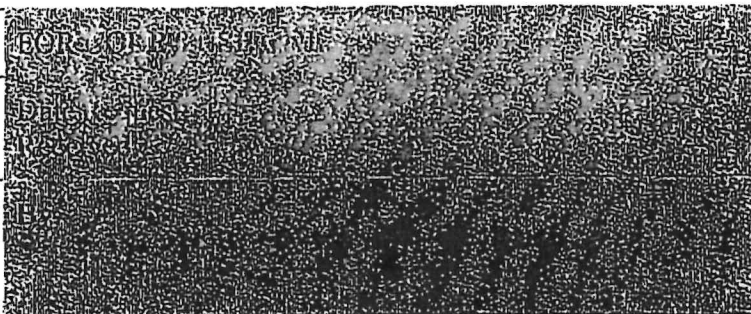
My Attorney  
is:

Thurmond Brooker

APPLIED FOR PUBLIC DEFENDER YES

or

NO



2022 FEB 15 11:51 AM  
MARION COUNTY CLERK  
8

STATE OF SOUTH CAROLINA )  
COUNTY OF MARION )

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA )  
)  
)  
)

VS. )  
)  
)

CHRISTOPHER ERIC BENNETT )

A representative of the, **MARION COUNTY DETENTION CENTER** (the facility having custody of the defendant), \* acknowledges that a reasonable attempt was made to notify the victim(s) sufficiently in advance of the bond hearing.


Name of victim(s):

A representative of the, **MARION COUNTY DETENTION CENTER** (the facility having custody of the defendant), \* indicates the victim(s) did not wish to be notified of the bond hearing.

Name of victim(s)

\_\_\_\_\_  
(Representative's Signature)

x \_\_\_\_\_  
Victim did appear

  
(Judge's Signature)

x \_\_\_\_\_  
Victim did appear

Dated: February 15, 2022

x \_\_\_\_\_  
Victim did appear

*[Faint, illegible stamp or text]*

**BAIL PROCEEDING  
FORM II**

STATE OF SOUTH CAROLINA

IN THE MUNICIPAL COURT OF MARION

COUNTY OF MARION

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.

CHRISTOPHER ERIC BENNETT  
NAME OF DEFENDANT

Offense Charged: CRIMINAL SEXUAL CONDUCT WITH MINOR 2ND DEGREE, .....

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

*Based on Seriousness of the Charge*

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

**THEREFORE, IT IS HEREBY ORDERED:**

1. That the above-named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above-named defendant be released from custody provided as follows (check all that apply):

**CASH IN LIEU OF BOND**

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

**CASH PERCENTAGE IN LIEU OF BOND**

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ % (not to exceed 10%) of the full amount of the bond, deposits \_\_\_\_\_ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

**APPEARANCE RECOGNIZANCE WITH SURETY**

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$20,000.00

3. That the defendant shall appear at (check one):

- the term of \_\_\_\_\_ COURT OF GENERAL SESSIONS \_\_\_\_\_ beginning on \_\_\_\_\_ Tuesday, May 03, 2022 \_\_\_\_\_ at 9:00 AM o'clock, \_\_\_\_\_ AM, at 103 N MAIN ST. MARION SC 29571 and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
- the session of \_\_\_\_\_ MUNICIPAL COURT OF \_\_\_\_\_ beginning on \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ PM, at \_\_\_\_\_ If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT *C.E.B.*

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

*Deashen Evans*  
SIGNATURE OF JUDGE

February 15, 2022  
DATE

FILED

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

DEFENDANT: [Redacted] St. ADDRESS: MARION SC 29571 CITY/STATE/ZIP: MARION SC 29571 TELEPHONE: DATE: February 15, 2022 SIGNATURE OF DEFENDANT: [Signature] ATTORNEY REPRESENTING ACCUSED (IF KNOWN):

SPECIAL CONDITIONS OF RELEASE

a. [ ] Placement in custody. The defendant is placed in the custody of: \_\_\_\_\_ NAME OF PERSON OR ORGANIZATION

ADDRESS: \_\_\_\_\_ CITY/STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_ who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED): \_\_\_\_\_ DATE: \_\_\_\_\_

b. [ ] Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. [ ] Part-time Release. The defendant will be released from custody from \_\_\_\_\_ o'clock, \_\_\_\_\_ to \_\_\_\_\_ o'clock, \_\_\_\_\_ on \_\_\_\_\_ on condition that he return to the custody of \_\_\_\_\_ as designated. DATE(S) LOCATION

d. [X] Other Conditions. The defendant will comply with the following other conditions of release: CANNOT GET ARRESTED WHILE OUT ON BOND. CANNOT LEAVE THE STATE. MUST KEEP ADDRESS CURRENT. CANNOT CONTACT THE VICTIM IN ANYWAY FOR ANY REASON WHAT SO EVER.

APPEARANCE RECOGNIZANCE WITH SURETY

On the 15 day of February, 2022 personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of 20,000.00, such sum to be levied on his real and personal property for the use of the State, should name defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

SURETY BONDSMAN COMPANY: Woods Bondsmen Co. TELEPHONE: 843-422-2825 SIGNATURE OF SURETY BONDSMAN: [Signature] ADDRESS OF SURETY BONDSMAN: 510 S. Main City/State/Zip: Marion SC 29572 SIGNATURE OF JUDGE: [Signature] DATE: 2-15-2022 NAME OF INSURANCE COMPANY: ADDRESS OF INSURANCE COMPANY: CITY/STATE/ZIP:

CLERK OF COURT CHRISTY M. GRAY JUDICIAL COUNTY SO FEB 16 AM 9:22

FILED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
 RECORD SUMMARY REPORT DATED 03/13/24

C066394

BENNETT, CHRISTOPHE ERIC FBI # RR6TDW9TF SID# SC00944248 SCDC # 00392357  
 OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE  
 INSTITUTION ..: TURBEVILLE CORR INST DORM.....: EB0275T  
 SECURITY/CUST.: ME GENERAL POPULATION RACE....:B SEX...:M  
 CURR INCARC SENT...: 20 YRS 0 MOS 0 DYS PROJ MAXOUT DATE: 05/06/2040  
 CENTRAL MONITORING.: NO PROJ PAROLE DATE: 00/00/0000  
 SOCIAL SECURITY #...:XXXX ██████████ EWC JOB...: WARDKEEPER ASSISTANT  
 EDUC PGM.: NO CURR EDUC PROGRAM  
 EWC LEVEL: 2F5 EEC LEVEL:  
 ASSIGNMENT...: BLDG DETAIL  
 CURRENT PROGRAM...: NO CURRENT PROGRAM  
 AGE...: 53 DATE OF BIRTH...: ██████████

PREVIOUS NUMBERS:

\*\* NO PREVIOUS NUMBERS \*\*

CURRENT OFFENSES	SENTENCE	SENTENCE
CRIM SEX COND.W/MINOR(2N	YRS MOS DYS COUNTY	START V/NV CATEGORY
CRIM SEX COND.W/MINOR(2N	20 0 0 MARION	5/11/2023 V 4
PRIOR COMMITMENTS OVER 90 DAYS:		
*INMATE HAS NO PRIORS*		
DETAINERS (HOLD,WANTED,NOTIFY):		
CODE NOT IN TABLE	HOLD	MARION CO GS CATEG: 4
CRIM SEX COND.W/MINOR(2N	NOTIFY	MARION CO SO CATEG: 4
*NO DETAINERS*		

ESCAPES:

\*NO ESCAPE HISTORY\*

CRIMINAL CHARGES:

\*NO CRIMINAL CHARGES HISTORY\*

ASSAULTIVE DISCIPLINARIES:

\*NO ASSAULTIVE DISCIPLINARY HISTORY\*

NON-ASSAULTIVE DISCIPLINARIES:

\*NO NON-ASSAULTIVE DISCIPLINARY HISTORY\*

HISTORY OF MOVEMENTS:

2/20/24	TURBEVILLE	INCARCERATED	ADMINISTRATIVE
11/ 1/23	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB	START	END	TERMINATION	JOB
DESCRIPTION	DATE	DATE	REASON	LVL
WARDKEEPER ASSISTANT	02/21/24	0/ 0/ 0		2F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC	START	END	TERMINATION
DESCRIPTION	DATE	DATE	REASON
*NO SCHOOL ASSIGNMENTS*			

\*\*\*\*\* END OF REPORT \*\*\*\*\*

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marion

STATE

INDICTMENT/CASE#: 2022-GS-33-00380

VS.

Christopher Eric Bennett

AW#: 2021A3320100396

AKA: \_\_\_\_\_

Date of Offense: 6/1/2021

Race: Black Sex: M Age: 53

S.C. Code §: 16-03-0655(B)(1)

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

CDR Code #: 0398

Address: \_\_\_\_\_

City, State, Zip: Marion, SC 29571

DL# \_\_\_\_\_ SID# \_\_\_\_\_

SENTENCE SHEET

*Alford*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

TO: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg. 0-20

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0398

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

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:

*[Signature]* Solicitor SC Bar # \_\_\_\_\_ *Christopher E. Bennett* Defendant *[Signature]* Attorney for Defendant SC Bar # 101549

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

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

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable; the balance is suspended with probation for \_\_\_\_\_

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

The sentence shall run  CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

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

A CERTIFIED COPY OF THE ORIGINAL FILED IN THIS OFFICE

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

*Christy M. Gray*  
CLERK OF COURT, MARION COUNTY  
SOUTH CAROLINA

2023 OCT 27 PM 1:37

0311

STATE VS. Christopher Eric Bennett INDICTMENT/CASE#: 2022-GS-33-00380

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

And Other Terms Listed Below:

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

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>5.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$	_____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	_____
<b>TOTAL</b>		\$	<u>128.75</u>

Clerk of Court/Deputy Clerk: Christy M. Gray Presiding Judge: N. S. ...  
 Court Reporter: ... Judge Code: 2-271  
 Sentence Date: 10-27-2023

A CERTIFIED COPY OF THE ORIGINAL FILED IN THIS OFFICE  
 SCCA217 (07/2021)  
 BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
Christy M. Gray  
 CLERK OF COURT, MARION COUNTY  
 SOUTH CAROLINA

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF MARION	)	FOR THE TWELFTH JUDICIAL CIRCUIT
	)	
Christopher E. Bennett, #392357,	)	CASE NO. 2024-CP-33-00189
	)	
Applicant,	)	
	)	
v.	)	<b>RETURN AND MOTION FOR MORE</b>
	)	<b>DEFINITE STATEMENT</b>
	)	(Counsel Retained)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

In response to Applicant Christopher E. Bennett's application for post-conviction relief ("PCR") filed on March 11, 2024<sup>1</sup>, Respondent, the State of South Carolina, makes this Return and Motion for More Definite Statement. Applicant has retained Charles T. Brooks, Esquire, as representation in this action. Respondent respectfully offers the following in support of its Return:

**PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to the Marion County Clerk of Court's orders of commitment. During its August 2022 term, the Marion County Grand Jury indicted Applicant for two counts of Criminal Sexual Conduct with a Minor, 2<sup>nd</sup> Degree (2022-GS-33-00380; -00520).

---

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

On October 27, 2023, Applicant appeared before the Honorable H. Steven DeBerry, IV, to plead pursuant to North Carolina v. Alford<sup>2</sup>. Applicant was represented by Jeffrey T. Lucas, II, Esquire. Assistant Attorney General David Richardson, of the South Carolina Attorney General's Office, represented the State. In exchange for his plea, one of the charges (-00520) was dismissed. Judge DeBerry sentenced Applicant to twenty (20) years imprisonment for the remaining charge (-00380). Applicant did not appeal his sentence or conviction.

#### FACTS PRESENTED AT PLEA HEARING

The facts giving rise to Applicant's conviction were articulated by the State at Applicant's plea hearing as follows:

MR. RICHARDSON: This occurred between June and July of 2021 in Marion County at 116 Pee Dee Circle. The defendant, who was approximately 51 years of age, was involved in a relationship with the mother of the child in this case. That's how he had access to the child. The child at the time was 11 years of age. And during this time, he had engaged in sexual intercourse with the child that resulted in pregnancy. The report was made to law enforcement, and DNA samples were obtained. The child was born actually of the victim. The DNA results are as follows: it's approximately a 180 billion times more likely that Christopher Bennett is the true biological father than if a random man is the father. So the DNA affirmed what the minor child stated happened.

(Plea Tr. p. 8, ll. 9–22).

#### CURRENT APPLICATION

In his application for post-conviction relief, filed March 11, 2024, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Plea Counsel.
2. Involuntary Guilty Plea.

Applicant is seeking relief in the form of his guilty plea vacated and a new trial.

---

<sup>2</sup> North Carolina v. Alford, 400 U.S. 25 (1970).

Attached to this Return and incorporated by reference are the Marion County Clerk of Court records regarding Applicant's conviction and sentence, Applicant's guilty plea transcript, and the records of this PCR action. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

#### **MOTION FOR A MORE DEFINITE STATEMENT**

Respondent submits it is impossible to adequately respond to Applicant's vague claims of ineffective assistance of counsel and allegations rendering an involuntary guilty plea. Applicant has failed to set forth facts to "support each ground" or to explain with specificity the facts upon which his claims are based. See S.C. Code Ann. § 17-27-50 (requiring an applicant to "specifically set forth the grounds upon which the application is based"); see also Welch v. MacDougall, 246 S.C. 258, 260, 143 S.E.2d 455, 456 (1965) (stating it is incumbent evidentiary hearing will be scheduled and held); Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court"); Rule 8(a)(2), SCRCPP (requiring all civil pleadings to include "a short and plain statement of the facts showing that the pleader is entitled to relief"); Rule 71.1(d), SCRCPP ("Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary. ").

Accordingly, Respondent respectfully requests that Applicant, through Counsel, provide specific claims and facts to support these vague allegations pursuant to Rule 12(e), SCRCPP, and the Uniform Post Conviction Procedure Act.

**RESPONSE TO ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF PLEA COUNSEL**

Applicant alleges he is entitled to post-conviction relief based on allegations of ineffective assistance. Respondent asserts it is impossible to respond specifically to these vague allegations without more definite statements and circumstances to support Applicant's claims. Instead, Respondent generally responds and moves for Applicant through counsel to file an amended application with specific allegations.

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The Sixth and Fourteenth Amendments to the United States Constitution guarantees Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a prima facie violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction or sentence. Strickland, 466 U.S. at 687. First, the applicant must show that counsel's performance was deficient; and second, that the deficient performance prejudiced the applicant. Id. at 668; Butler, 286 S.C. at 442, 334 S.E.2d at 814. The first prong—constitutional deficiency—is

"necessarily linked to the practice and expectations of the legal community." Padilla v. Kentucky, 559 U.S. 356, 366 (2010). To prove deficient performance, the applicant must show counsel's representation fell below an objective standard of "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814.

Strickland, however, "does not guarantee perfect representation[—]only a 'reasonably competent attorney.'" Harrington v. Richter, 562 U.S. 86, 110 (2011) (quoting Strickland, 466 U.S. at 687). Representation is constitutionally ineffective only if counsel's conduct "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. Strickland, 466 U.S. at 686. Just as there is "no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities." Harrington, 562 U.S. at 110.

Accordingly, "[j]udicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at 689; see also Yarborough v. Gentry, 540 U.S. 1, 6 (2003) ("The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight."). Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney's representation amounted to incompetence under

"prevailing professional norms," not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690). Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. Id. Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a "strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance." Butler, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Reviewing courts "must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed at the time of counsel's conduct." Strickland, 466 U.S. at 690. An applicant making a claim of ineffective assistance "must identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment." Id. The reviewing court must then "determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance." Id.

The Strickland standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690; see also Harrington, 562 U.S. at 105 (cautioning that an ineffective assistance of counsel claim could potentially function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial). Even under *de novo* review, the standard for judging counsel's representation is a most deferential one. Harrington, 562 U.S. at 105. Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an

attorney's representation amounted to incompetence under "prevailing professional norms," not whether it deviated from best practices or most common custom. *Id.* (quoting *Strickland*, 466 U.S. at 690) (emphasis added).

The second, or "prejudice" prong of *Strickland* is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. *Id.* at 691–92. In order to prove prejudice, an applicant must demonstrate 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." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. Thus, it is not enough "to show the errors had some conceivable effect" on the outcome of the proceeding—counsel's errors must be "so serious as to deprive the defendant of a fair trial." *Id.* at 687 (emphasis added).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, *Hill v. Lockhart* extended the two-part *Strickland* test to challenge guilty pleas based on ineffective assistance of counsel." *Hill*, 474 U.S. 52; cf. *Padilla*, 559 U.S. at 373 (recognizing the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). A claim of ineffective assistance of guilty plea counsel requires the applicant present evidence satisfying two prongs: first, evidence that counsel's performance was deficient; and second, evidence that counsel's deficient performance prejudiced the defendant by causing him to plead guilty rather than go to trial. *Hill*, 474 U.S. 52.

The analysis of counsel's performance under the first prong of *Strickland* remains unchanged—the applicant must show counsel's representation fell below the objective standard of

reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58–59; accord. Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging his plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56.

The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." Id. at 58–59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59. This inquiry "focuses on a defendant's decision making" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

Surmounting Strickland's high bar is never an easy task, and the strong societal interest in finality has "special force with respect to convictions based on guilty pleas." Lee, 582 U.S. at 368–69 (internal citations and quotation marks omitted); cf. Hill, 474 U.S. at 58 ("[R]equiring a 'prejudice' showing from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel 'will serve the fundamental interest in the finality of guilty pleas.'"). Reviewing "[c]ourts should not upset a plea solely because of post hoc assertions from a defendant about how he would have pleaded but for his attorney's deficiencies. Lee, 582

U.S. at 369. Rather, judges should "look to contemporaneous evidence to substantiate a defendant's expressed preferences." Id. In determining whether a guilty plea was taken in accordance with constitutional standards, the reviewing judge must analyze and consider the entire record, including the transcript of the plea and the evidence presented at the PCR hearing. Harres v. Leeke, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

The performance and prejudice standards, however, "do not establish mechanical rules; [t]he ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." Strickland, 466 U.S. at 696. Moreover, "there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one." Id. at 697. The court "need not determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. Id. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, the court may evaluate the prejudice prong only. Id.

Respondent asserts it is impossible to respond specifically to these vague allegations without more definite statements and circumstances to support Applicant's claims. Nevertheless, Respondent submits Applicant will not be able to meet his burden of satisfying the tests established by Strickland and Hill. Respondent requests an evidentiary hearing to resolve this matter once Applicant files an amended application. See Sharper, 279 S.C. at 265, 305 S.E.2d at 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").

## RESPONSE TO ALLEGATIONS OF INVOLUNTARY GUILTY PLEA

Applicant alleges he is entitled to post-conviction relief because his plea was entered involuntarily. Respondent submits this allegation is without merit.

Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). Statements 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. See Crawford v. U.S., 519 F.2d 347, 350 (4th Cir. 1975) (overruled on other grounds by U.S. v. Whitley, 759 F.2d 327 (4th Cir.1985)).

To find a guilty plea has been voluntarily and knowingly entered, the record must establish Applicant had a complete understanding of the consequences of the plea and the charges against him or her. Dover v. State, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991). Before a court can accept a guilty plea, the defendant must be advised of the constitutional rights he is waiving, the right to a jury trial, the right to confront one's accusers, and the privilege against self-incrimination. Boykin v. Alabama, 395 U.S. 238, 244 (1969). 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 v. State, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999). The defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993).

In determining guilty plea issues, it is proper to consider the guilty plea transcript as well

as evidence presented at the PCR hearing. See Harres v. Leeke, 282 S.C. 131, 133, 318 S.E.2d 360, 361 (1984) (finding the voluntariness of a guilty plea "is not determined by an examination of the specific inquiry made by the sentencing judge alone but is determined from both the record made at the time of the entry of the guilty plea and the record of the post-conviction hearing."). An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001); Richardson v. State, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993).

Respondent asserts it is impossible to respond adequately to this allegation, as Applicant has not detailed what specifically rendered his plea involuntary. Notwithstanding, the record reflects that this allegation is without merit. At his plea hearing, Applicant confirmed he was not under the influence of intoxicating substances or mentally impaired (Plea Tr. p. 5, lines 16–22). Judge DeBerry explained the privilege against self-incrimination, and Applicant indicated he understood and was willfully waiving his right to remain silent. (Plea Tr. p. 6, lines 9–15). Judge DeBerry explained Applicant's right to a jury trial and his right to confrontation, and Applicant indicated he understood those rights and that he was knowingly waiving them. (Plea Tr. p. 6, line 16 p. 7, line 12). Applicant confirmed he had not been threatened or coerced into entering his plea. (Plea Tr. p. 7 lines 13–16). Applicant's attorney confirmed that he and Applicant had discussed the charge and the possible penalties associated with it. (Plea Tr. p. 4, line 25–p. 5, line 4). Applicant indicated he understood that he was pleading guilty to a violent and most serious offense, and that he had discussed the legal ramifications of such an offense with

Counsel. (Plea Tr. p. 9, lines 13–22). Finally, Applicant confirmed that he was pleading freely and voluntarily, and Judge DeBerry accepted the plea as such. (Plea Tr. p. 7, lines 17–20; Plea Tr. p. 10, lines 4–9).

The record refutes the allegation that Applicant did not knowingly and voluntarily enter his guilty plea. Applicant has failed to present any facts suggesting that he was coerced into pleading guilty, was unaware of the constitutional rights he was waiving by pleading guilty, or that he did not understand the terms of the plea agreement he accepted. Judge DeBerry thoroughly explained to Applicant, on the record, the rights he was waiving by not going to trial and the terms of his guilty plea. Furthermore, Applicant voluntarily and intelligently chose to accept the plea agreement rather than pursue a course of action that could have subjected Applicant to a substantially longer sentence. See Alford, 400 U.S. at 31 (providing the test for determining the validity of a guilty plea is "whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant").

Accordingly, Respondent submits the record fully supports the knowing and voluntary nature of Applicant's plea. However, to the extent the record does not conclusively refute this allegation, Respondent requests an evidentiary hearing to resolve this matter. See Sharper, 279 S.C. at 265, 305 S.E.2d at 248 (1983).

#### **ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS**

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has retained an attorney, the attorney, not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be

stricken because of undue prejudice to the State pursuant to Love v. State, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. Id., 428 S.C. at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) ("If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.").

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. As noted above, the State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last-minute resulting in undue prejudice to the State. See Love, 428 S.C. 231, 834 S.E.2d 196.

**[CONCLUSION PAGE FOLLOWS]**

CONCLUSION AND ACTION REQUESTED

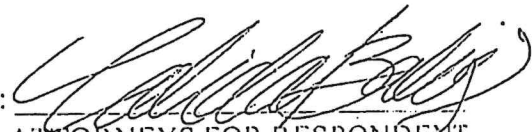
WHEREFORE, Respondent requests the Court grant its motion for a more definite statement and require Applicant to file an amended application, alleging his grounds for PCR with particularity and asserting specific facts in support of his claims, prior to the scheduling of any evidentiary hearing on this matter.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

TALIDA BALAJ  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT  
Office of the Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

September 9, 2024

STATE OF SOUTH CAROLINA )  
COUNTY OF MARION )  
CHRISTOPHER E. BENNETT, #392357 )  
Applicant, )  
v. )  
STATE OF SOUTH CAROLINA )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE TWELFTH JUDICIAL  
CIRCUIT

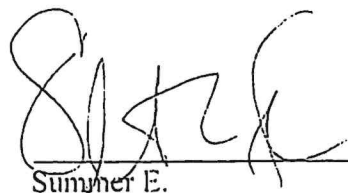
2024-CP-33-00189

**CERTIFICATE OF SERVICE BY MAIL**

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

Charles T. Brooks, III, Esquire  
Law Office of Charles T. Brooks, III  
309 Broad Street  
Sumter, SC 29150

DATED this 10<sup>th</sup> day of September, 2024



Summer E.  
Legal Assistant for Respondent

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STATE OF SOUTH CAROLINA ) COURT OF GENERAL SESSIONS  
COUNTY OF MARION ) 2022-GS-33-00380  
 ) 2022-GS-33-00520  
 )  
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 )  
State of South Carolina ) TRANSCRIPT OF RECORD  
vs. )  
Christopher Eric Bennett )  
 ) Marion, South Carolina  
 ) August 7, 2023  
DEFENDANT)

B E F O R E:

THE HONORABLE MICHAEL G. NETTLES.

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

DAVID RICHARDSON, ASSISTANT SOLICITOR  
Attorney for the State

JEFFREY LUCAS, ESQUIRE  
Attorney for the Defendant

KESHIA REED  
Official Court Reporter

I N D E X

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(WHEREUPON, no witnesses were called.)

1 MR. RICHARDSON: Please the Court, your Honor.

2 THE COURT: Yes.

3 MR. RICHARDSON: We're here on a status  
4 conference. Before you is Christopher Eric Bennett, he  
5 has two true bill of indictments. One is 2022-GS-33-380  
6 and the other is 2022-GS-33-520, both of these are for  
7 criminal sexual conduct with a minor in the second degree.  
8 He's represented by Jeffrey Lucas. Mr. Bennett was put on  
9 the trial list for this term. However, probably about a  
10 month ago, Mr. Lucas and I worked out a plea agreement and  
11 we scheduled this morning to come and do it. And it  
12 appears from -- Mr. Lucas spoke with Mr. Bennett this  
13 morning that he has changed his mind, so I wanted to put  
14 all of that on the record and revoke that offer. This as  
15 I mentioned is two counts of CSC with a minor second  
16 degree. Just in the way of background, Judge, he was  
17 arrested back on February 15th of 2022. The allegations  
18 are that the child in this case is 11 years old. She was  
19 impregnated by the defendant who's in his 50's. The  
20 defendant ---

21 THE COURT: She was how old?

22 MR. RICHARDSON: Eleven. The defendant was the  
23 boyfriend of the child's mother at the time. And I  
24 believe the child actually gave birth to the baby. After  
25 the arrest, buccal swabs were obtained from all parties as

1 well as amniotic fluid from the victim. The DNA came back  
2 180 billion times more likely that the defendant is the  
3 biological father than some random individual.

4           Based on the nature of the circumstances and  
5 trying to protect this child somewhat, I made an offer of  
6 a 15-year sentence on a CSC minor third degree. And that  
7 was going to be a negotiated 15, which would have involved  
8 sex offender registry and GPS monitor upon release, that  
9 would have been a violent serious offense and it appears  
10 that the defendant has now rejected that. And given that  
11 I been preparing this as a plea for weeks, I put another  
12 case on the trial list to be tried this term, so I don't  
13 have my witnesses available. So what I would ask that we  
14 do is try this case in the November term and go ahead and  
15 set that. I can e-mail the chief judge and get that all  
16 squared away, but that would be my thoughts. The parents  
17 of the child they are here. They were aware of the plea  
18 negotiations and we're here prepared for that to go  
19 forward. And they are standing here along the rail. I  
20 know there's a lot of emotion going through them right  
21 now, but I just wanted to place this all on the record and  
22 let the defense and defendant be heard.

23           THE COURT: All right. In order for the  
24 defendant to be fully aware of what the plea offer was and  
25 ramifications of his refusal to accept that, how much time

1 is he expose to?

2 MR. RICHARDSON: The two charges that he has  
3 pending are both up to 20 years, no parole. So he's got a  
4 total exposure of 40 years, no parole in the department of  
5 corrections. And those would also carry sex offender  
6 registry, which would essentially be a lifetime because  
7 even under that new law he wouldn't be able to apply to  
8 get removed from the registry for another 25 years.

9 THE COURT: Right. Yes, sir, your full name?

10 THE DEFENDANT: Christopher Eric Bennett.

11 THE COURT: Mr. Bennett, do you understand the  
12 amount of time that you're exposed to and what the plea  
13 offer was? Do you understand that?

14 THE DEFENDANT: Yes, sir, if I may speak?

15 THE COURT: Well, let me ask you some questions  
16 first.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you understand that the offer  
19 has been made that you -- it's a negotiated 15 years if  
20 you'd enter the plea, you get 15 years. You wouldn't get  
21 a day more or a day less. You understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: There also collateral consequences  
24 with GPS or the sex offender registry and a monitor. You  
25 understand that?

1 THE DEFENDANT: Well, that part I don't  
2 understand the monitor, the GPS. Could you go into a  
3 little bit more detail with that?

4 THE COURT: As I understand it, it's -- it would  
5 be what a lifetime.

6 MR. RICHARDSON: It goes right with sex offender  
7 registry. It's a component of that offense where upon  
8 release the defendant has a GPS monitor placed on them to  
9 where ---

10 THE COURT: They monitor his whereabouts?

11 MR. RICHARDSON: Right.

12 THE COURT: All right. Do you understand ---

13 MR. RICHARDSON: That's for the plea and for the  
14 ---

15 THE COURT: Yes.

16 THE DEFENDANT: You saying the plea would be up  
17 to 15 years on it?

18 THE COURT: Right. Is it a negotiated 15 years  
19 or is it up to 15 years?

20 MR. RICHARDSON: It's a negotiated 15 years on  
21 the plea. And I think he was asking about the monitor.  
22 The monitor doesn't come into play until after release  
23 from incarceration, and then that's just on there until a  
24 court sometime in the future would take him off, but that  
25 you have would be about 25 years after that.

1 THE COURT: Right. Do you understand all of  
2 that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you discussed these matters  
5 with your lawyer?

6 THE DEFENDANT: I have through being  
7 incarcerated. I haven't -- it's really hard to really  
8 discuss behind bars with my attorney and my family. And I  
9 was -- could go into when I was out on the bench warrant  
10 or can I speak on that as well?

11 THE COURT: Well, if your lawyer wants you to,  
12 general rule it's not a good idea for the defendant to be  
13 speaking on a matter such as this, but if your lawyer  
14 wants you to talk about it, you can.

15 MR. LUCAS: Yes, your Honor, I believe that he  
16 does want to speak on this, and I think that would be  
17 appropriate at this time.

18 THE COURT: All right. Yes, sir.

19 THE DEFENDANT: While I was out -- well, first  
20 time when I was on my bond, I got a bond to get out and I  
21 was on my bond. I been out for probably about a year and  
22 a half, a little over a year and a half. And I got -- I  
23 didn't get picked up on the bench warrant. The  
24 solicitor -- I'm not sure if he's here or not, but he had  
25 told me to call the number, so I kept calling the number.

1 My name never popped up. I didn't know I had a bench  
2 warrant on me because I had an attorney, which he's here  
3 now. I don't want to call any names because I don't want  
4 to stain his record. But somewhere the ball was dropped.  
5 And during all that time, I came to court in May that's  
6 when they had me on the roster. So I came to court and  
7 that's when one of the officers arrested me, so that's  
8 when they pick me up on a bench warrant. It wasn't  
9 because I fail to appear because it's the first time I  
10 ever been in trouble. So I didn't know that I was suppose  
11 to make an appearance on that second time because they had  
12 me down as a public defender.

13 And the first time on that first count, they had  
14 sent me letters. And the Solicitor told me -- they had  
15 told me just call that number, and then that would let me  
16 know if I'm suppose to come to court. So I was just  
17 asking if you would lift my bench warrant to give me time  
18 to discuss all this, so I get a better understanding of  
19 everything with my attorney and with my mother. She's --  
20 and all my family is here in Marion. And I just want to  
21 let you know that I don't want -- I'm not a flight risk or  
22 anything. I been out on bond for a whole -- almost two  
23 years and I worked and just went to school.

24 THE COURT: Well, I'm not incline to lift a  
25 bench warrant given all of the facts and circumstances.

1 And one of the things that you probably missing the boat  
2 on is that your status of incarceration right now is  
3 incidental compared to the charges pending against you.

4 THE DEFENDANT: I understand.

5 THE COURT: So you need to focus on that. You  
6 need to talk to your lawyer and take his advice. The jail  
7 will allow you to have visitors, and they will allow you  
8 to speak to your lawyer, so that's not a problem. I will  
9 -- as I understand it, the case is going to be scheduled  
10 in November. So you need to speak with your lawyer and  
11 get prepared for trial. Good luck to you.

12 MR. RICHARDSON: Thank you, Judge.

13 END OF REQUESTED TRANSCRIPT

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