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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Newberry County

Honorable S. B. Doby, Circuit Court Judge

JEFFREY GLENN MCCOY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001779

APPENDIX

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(2): Counsel failed to object on all possible grounds to inflammatory and prejudice evidence to states exhibit No. 10 (A-R) as well as any statement made by the states witness Harold Malloy in regards to said exhibits. See Trial Transcript's Page 110 Line 22 - Page 116 Line 24 Also see State V. Collins 398 S.C. 197, State V. Gray 759 S.E.2d 160 and United States V. Easley 994 F.2d 1241

10 (T): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

11 (T): Supporting facts: Trial counsels performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See Strickland V. Washington 466 U.S. 668 (1984). Counsels acts or omissions included but are not limited to the following:

(1): Trial Counsel failed to object to the identification of the applicant Jeffrey McCoy by states witness Harold Malloy to the court in the presence of the jury under S.C.E. Rules 403 and 404(B) see State V. Timmons 488 S.E.2d 323, State V. Lyle 125 S.C. 406 and State V. McKee 408 S.C. 278. Also see Trial Transcript Page 118 Line 15 - Line 25.

(2): Counsel failed to object on all possible grounds to inflammatory and prejudice testimony by states witness Harold Malloy in regards to the identification in open court to the identification of the applicant Jeffrey McCoy as the person in question when states witness Harold Malloy investigated the untold charge of attempted Burglary. See Trial Transcript Page 118 Line 15 - Line 25.

12 (U): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

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11(U): Supporting facts: Trial Counsel's performance during the guilt or-innocence phase was both unreasonable and prejudicial. See Strickland V. Washington 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

1): Counsel failed to object to States witness Desiree Busko's testimony showing the jury on the aerial photo of The Bear Village Shops after it had been erroneously introduced into evidence as States exhibit No. 1 when States exhibit No. 1 had already been admitted into evidence as an aerial photo of the shops on Wilson. Two completely different locations under SCRE Rules 403 and 404(B). See Riddle V. Ozmit 369 S.C. 39, United States V. Easley 994 F.2d 1241, State V. Collins 398 S.C. 197, State V. Lyle 125 S.C. 406 and State V. McGee 408 S.C. 278. Also see Trial Transcript Page 120 Line 3 - page 123 Line 12.

2): Counsel failed to ask the court for a curative or corrective instruction to the testimony of States witness Desiree Busko in regards to States exhibit No. 1 being erroneously/falsely presented as the Bear Village Shops when it had already been admitted as the shops on Wilson. Two completely different locations. See Riddle V. Ozmit 369 S.C. 39, United States V. Easley 994 F.2d 1241, State V. Collins 398 S.C. 197. Also see Trial Transcript Page 120 Line 3 - page 123 Line 12.

3): Counsel failed to object on all possible grounds to inflammatory and prejudice evidence and statements presented by the state and the States witness Desiree Busko in regards to States exhibit No. 1. See Trial transcript Page 120 Line 3 - page 123 Line 12.

0(V): Applicant was denied the right to effective assistance of Counsel-guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §53 and 14 of the South Carolina Constitution-during the guilt-or-innocence phase of his trial.

1(U): Supporting facts: Trial counsel's performance during the guilt or-innocence phase was both unreasonable and prejudice. See Strickland V. Washington 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

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- (1): Trial counsel failed to object to the introduction into evidence the states exhibit No. 11 after being changed from states exhibit No. 1 and any testimony by State witness Desiree Busko pertaining to states exhibit No. 11 under SCRF Rule 403 and 404(B). See Riddle V. 02mit 369 S.C. 39, State V. Collins 398 S.C. 197 State V. Gray 759 S.E.2d 160, United States V. Easley 994 F.2d. 1241, State V. Timmons 488 S.E.2d 323, State V. Lyle 125 S.C. 406, State V. McGee 408 S.C. 278 and State V. Cutro 504 S.E.2d 324. Also see Trial Transcript page 120 Line 3 - Page 125 Line 10.
- 2): Counsel failed to ask the court for a curative or corrective instruction to the testimony of the states witness Harld Malloy when he was ask by Solicitor ~~James Dean~~ to explained to the jury that state Exhibit No. 1 was an aerial photo graph of the Bearvillage shops after it had been introduced as an aerial photo of the shops on Wilson. Two compleatly different locations. See State V. Timmons 488 S.E.2d 323, State V. Cutro 504 S.E.2d 324, State V. Collins 398 S.C. 197, State V. Gray 759 S.E.2d 160 and United States V. Easley 994 F.2d. 1241. Also see Trial Transcript page 72 Line 9 - Page 74 Line 2. Then see Trial transcript page 102 Line 19 - Page 104 Line 23.
- 3): Trial Counsel failed to object on all possible grounds to inflammatory and prejudicial to state exhibit No. 11 after it had be Presented by the State and testified to by the states witness Harld Malloy as the Bear Village shops as states exhibit No. 1 when states exhibit No. 1 had already been admitted as the shops on Wilson. Two compleatly different location and two compleatly different crimes. See Trial transcript page 72 Line 9 - page 74 Line 2. Then see Trial transcript Page 102 Line 19 - Page 104 Line 23. Next look at Trial transcript Page 123 Line 5 - Page 124 Line 9.
- 4): Trial counsel failed to ask the court for a mistrial after erroneous testimony to states exhibit No. 1 being presented to the jury twice as two separate location and to separate crime confusing the jury of the issue of the crime charged. See State V. McGee 408 S.C. 278, State V. Alexander 401 S.E.2d 146 and State V. McGee 408 S.C. 278. Also see Trial transcript Page 72 Line 9 - Page 74 Line 2. Next see trial transcript page 102 Line 19 - Page 104 Line 23 and then look at trial transcript page 123 Line 5 - page 124 Line 9. Lastly look at Suppression hearing Page 43 Line 24 - page 44 Line 9. Then see suppression hearing transcript page 63 Line 24 - Page 64 Line 2.

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10(W): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the guilt-or-innocence phase of his trial.

11(W): Supporting facts: Trial counsels performance during the guilt or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsels acts or omissions included but are not limited to the following:

(1): Counsel failed to object to the Court reporter stating in front of the Jury that states exhibit No. 11 while being corrected and change from states exhibit No. 1 that this aerial photo of the Bear Village shops was from the suppression hearing that was held the day before outside the presence of the Jury. When in fact state exhibit No. 1 from the suppression hearing is not an aerial photo of the Bear Village shops but is a diagram or drawing of the Bear Village shops. See *Sosebee v. Leeke* 293 S.C. 531. Also see Trial transcript Page 122 Line 23 - Page 123 Line 20.

2): Trial counsels failure to object on all possible grounds to inflammatory and prejudicial statements made by the Court reporter at trial makes the applicants conviction and sentence unreliable.

D(X): Applicant was denied the right to due process of the law under the Fifth and Fourteenth Amendments of the United States Constitution (and to the South Carolina Constitution which is unknown to the applicant at this time because he does not have access to the law library while at Kieldland R+E being classified. These constitutional guarantees were violated during the guilt-or-innocence phase of his trial.

(X): Supporting facts: Prosecution for the state during the guilt-or-innocence phase phase of knowing use of perjured testimony that was unreasonable and prejudicial. See *Miller v. Pate* 386 U.S. 1 (1967). Prosecutions acts included but are not limited to the following:

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Prosecution knowingly and meticulously showed the Jury two separate photo's of two separate locations and crimes as states exhibit No. 1 See Riddle V. Ozmit 364 S.C. 39 and Giglio V. United States 405 U.S. 150. Also see Trial transcript page 49 Lines 23-25. Next see Trial transcript page 72 Line 9 - Page 73 Line 6. Then see page 123 Line 1 - page 124 Line 9 and lastly See trial Transcript page 102 Line 19 - page 104 Line 21.

1): Prosecution for the State was obligated to request for the Court to give the jury a curative instruction to correct any confusion the jury may have had concerning any of the witnesses testimony in regards to the two separate aerial photo's of two separate locations and alleged crimes shown to be state exhibit No. 1. See Riddle V. Ozmit 364 S.C. 39 (2006) see Trial transcript page 72 Line 9 - page 73 Line 6. Then see page 123 Line 1 - page 124 Line 9 and lastly see page 102 Line 19 - page 104 Line 21.

1): Prosecution's failure to correct any and all misleading and confusing evidence and testimony presented to the Jury concerning the two separate photo's of the two separate locations and alleged crimes as states exhibit No. 1 makes the applicants conviction and sentence unreliable. See Riddle V. Ozmit 364 S.C. 39 (2006) and Giglio V. United States 405 U.S. 150. Also see Trial transcript page 72 Line 9 - page 73 Line 6. Then see page 123 Line 1 - page 124 Line 9 and last see page 102 Line 19 - page 104 Line 21.

2(Y): Applicant was denied the right to effective assistance of appellate counsel - guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by article I §§ 3 and 14 of the South Carolina Constitution on the direct appeal of his conviction and sentence.

1(Y): Supporting facts: Appellate counsels performance during the direct appeal was both unreasonable and prejudicial. See Evitt V. Lucey 469 U.S. 387 (1985). Appellate counsels acts or omissions included but are not limited to the following:

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(1): Appellate Counsel failed to argue the issue of error by the court when it failed to correct the states witness Harold Malloy testimony that the state exhibit No. 1 was an aerial photo of the Bear Village shops after it had been introduced as the shops on Wilson. Two separate locations and two separate alleged crimes. See Trial Transcript Page 72 Line 9 - Page 73 Line 6. Then see page 123 Line 1 - Page 124 Line 9 and lastly see page 102 Line 19 - page 104 Line 21. Also see Suppression hearing Transcript page 43 Line 24 - Page 44 Line 9 Then see page 63 Line 24 - page 64 Line 2 and lastly see page 117 Line 3 - page 118 Line 12.

(2): Appellate counsels failure to argue on appeal the courts error concerning all statements and presentation of states exhibit No. 1 being presented to the jury as two separate locations, photos, and alleged crimes makes the applicants direct appeal unreliable.

(3): Applicant was denied the right to effective assistance of Appellate Counsel - guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the direct appeal of the applicants conviction and sentence.

(4): Supporting facts: Appellate Counsels performance during the direct appeal was both unreasonable and prejudicial. See *Evitt v. Lucey* 469 U.S. 387 (1985). Appellate counsels acts or omissions include but are not limited to the following:

(1): Appellate counsel failed to argue the issue of the courts abuse of discretion when the court allowed the prosecution to stipulate on which exhibits would be marked in advance to the applicants trial at the end of or after the applicants Suppression Hearing that was heard on April 22, 2013 the day before applicants trial. See Suppression hearing page 117 Line 3 - page 118 Line 12. Also see Trial Transcript Page 123 Line 11 - Line 20.

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(2): Appellate Counsel failed to argue the issue on direct appeal of the courts abuse of discretion and plain or obvious error when the court at the end or after the applicants suppression hearing that was held on April 22, 2013 the day before applicants trial when the court instructed RENA K. Gantt Thomas whom was the court reporter at the applicants suppression hearing to take into her possession the pre marked exhibits that the prosecution and my lawyer agreed would be used at my trial and then turn them over to Mary Ann Douglas whom was the Court reporter at applicants trial. See suppression hearing page 117 Line 3 - Page 118 Line 12. Also see Trial transcript Page 120 Line 18 - Page 124 Line 9. Also see Trial transcript page 102 Line 19 - Page 104 Line 23. Then look at Page 72 Line 9 - Page 74 Line 2.

1: Appellate Counsel failed to adequately investigate, develop, and argue the facts surrounding the testimony of State witness and the handling of States exhibits when the State introduced in to evidence States exhibit No. 1 when this exhibit was clearly used to describe to separate location and alleged crimes. See suppression hearing Page 117 Line 3 - Page 118 Line 12. Also see transcript Page 120 Line 18 - Page 124 Line 9. Next see trial transcript page 102 Line 19 - Page 104 Line 23. And last look at Page 72 Line 9 - Page 74 Line 2. Causing the applicants direct appeal to be unreliable.

2(A1): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and 14 amendments to the United States Constitution and by Article I, §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

(A1): Supporting facts: Trial counsels performance during the guilt or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington*, 466 U.S. 668 (1984). Counsels acts or omissions included but are not limited to the following:

(1): Counsel failed to object to the testimony of the testimony of States witness Desiree Busko Under SCRE Rules 403 and 404(B) to the items that she observed behind Bearvillage Shops, See Trial Transcript Page 125 Line 4 - Page 126 Line 2. Also see *State v. Timmons* 488 S.E.2d 323, *State v. Lyle* 125 S.C. 406 and *State v. McGehee* 408 S.C. 278 and *State v. Cutro* 504 S.E.2d 324.

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Counsel failed to object to the testimony of states witness Desiree Busko Under SCRE Rule 403 and 404 (B) pertaining to the photo's of States exhibit No, 9C and 9D. See Trial Transcript page 125 Line 4 - Page 126 Line 2. Also see State V. Timmons 488 S.E.2d 323, State V. Alexander 401 S.E.2d 146, State V. Lyle 125 S.C. 406, State V. Cutro 504 S.E.2d 324 State V. Collins 398 S.C. 197, State V. Gray 759 S.E.2d 160, State V. McGee 408 S.C. 278 and United States V. Easley 994 F.2d 1241.

3): Counsels failure to object to the testimony of states witness Desiree Busko in regards to states exhibits No, 9C and 9D on all possible grounds to inflammatory and prejudice evidence at trial makes the applicants conviction and sentence unreliable.

0(B1): Applicant was denied the right to effective assistance of Counsel - guaranteed by the Sixth and Fourteenth Amendment to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

11(B1): Supporting facts: Trial Counsels performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See Strickland V. Washington 466 U.S. 668 (1984). Counsel failed acts or omissions included but are not limited to the following:

(1): Counsel failed to object to the testimony of states witness Desiree BUSKO when she stated that she was instructed by Sgt. Malloy to start checking local hotels to see if the applicant Jeff McCoy was staying at any of the local hotels after the applicant had been taken to the Jail Under SCRE Rules 403 and 404 (B). See Trial transcript page 126 Line 3 - Line 8. Also see State V. Alexander 401 S.E.2d 146, State V. Hess 301 S.E.2d 147, 104 S.C. 100, 78 L.Ed.2d 105, State V. Gregory 98, 16 S.E.2d 532, State V. Masters 622 F.2d 83, 86, State V. Timmons 488 S.E.2d 323, State V. Stokes 304 S.E.2d 814, and State V. McGee 408 S.C. 278.

(2): Counsel failed to object to the testimony of the states witness Desiree Busko when she testified to going on a fishing expedition to find out if the Applicant was staying in any of the local hotels under SCRE Rules 403 and 404(B). See trial Transcript page 126 Line 9 - Line 21. Also see State v. Alexander 401 S.E.2d 146, State v. Masters 622 F.2d 83, 86, State v. Timmons 488 S.E.2d 323, State v. Stokes 304 S.E.2d 814 and State v. McGee 468 S.C. 278.

(3): Counsel failed to object on all possible grounds to inflammatory and prejudice statements made by states witness Desiree Busko in regards to when and how she found the applicants hotel room at the Budget Inn makes the applicants conviction and sentence unreliable.

10(C1): Applicant was denied the right to effective assistance of Counsel - guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I § 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

11(C1): Supporting facts: Trial Counsels performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See Strickland v. Washington 466 U.S. 668 (1984). Counsels acts or omissions included but are not limited to the following:

(1): Counsel failed to properly object to the search warrant that was executed on the applicants Motel room 125 at the Budget Inn. See Suppression hearing Page 65 Line 11 - Page 72 Line 20. Next see Suppression hearing Page 78 Line 2 - Page 81 Line 10. Then see page 83 Line 2 - 7. Then see page 84 Line 24. Lastly look at Trial Transcript page 126 Line 22 - Page 128 Line 12.

- 2). Trial counsel failed to object on all possible grounds to inflammatory and prejudice statements made by states witness Desiree Basko in regards to states exhibit 12(A-m) making the applicants conviction and sentence unreliable. See Trial Transcript Page 128 Line 13 - Page 132 Line 25.
- 3). Trial counsel failed to properly object on all possible grounds to inflammatory and prejudice evidence when the state moved to have state exhibit No. 12(A-m) entered in to evidence. See Trial transcript Page 128 Line 13 - Page 134 Line 3.
- 4). Trial counsel failed to object on all possible grounds to inflammatory and prejudice to the fact that the officer (Jason Vincent) whom was the officer who filled out the return on the search warrant that was executed on the applicants motel room 125 at the Budget Inn and was present during the search but was not at trial to testify. See Trial Transcript Page 127 Line 8 - Line 14. Also see suppression hearing transcript page 70 Line 18 - Page 72 Line 16.
- 5). Counsel failed to adequately investigate the facts and circumstances surrounding the facts to the reason Jason Vincent the officer whom participated and filled out the return on the search of the applicants motel room 125 at the Budge Inn. Was not present at the court proceedings to be questioned by the defence to the facts of the search and return. Counsel's failure to conduct such an investigation deprived the jury of relevant information to an accurate assessment of applicant's guilt or innocence. See Trial Transcript page 127 Line 8 - Line 14, also see suppression hearing transcript Page 70 Line 18 - Page 72 - line 16.
- 10(D2): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt - or - innocence phase of his trial.
- 1(D2): Supporting facts: Trial Counsels performance during the guilt - or - innocence phase was both Unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following;

- 1): Counsel failed to object to the introduction of States exhibit No. 13 and any statements made by the States witness ELA Patel pertaining to States exhibit No. 13 Under SCRE Rule 403, 1002, and 1003. See trial transcript page 135 Line 11 - Page 144 Line 6.
- 2): Counsel failed to investigate develop and present all the facts surrounding exactly whom it was that rented the motel room 125 at the Budget inn. As a result to Counsels failures the applicants conviction and sentence is unreliable. See trial transcript page 135 Line 11 - Page 144 Line 6.
- 3): Trial Counsel failed to object on all possible grounds to inflammatory and prejudice evidence presented by the state pertaining to the identity of the person who rented Room 125 at the Budget inn. See Trial transcript page 135 Line 11 - Page 144 Line 6.
- 0(EI): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.
- 11(EI): Supporting facts: Trial Counsels performance during the guilt-or-innocence phase was both Unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsels acts or omissions included but are not limited to the following:
 - 1): Counsel failed to object to the testimony of the States witness Kevin Goodman to the arrest of the applicant for the Untried Charge of attempted burglary as well as any testimony by Kevin Goodman in regards to the Bear village shops Under SCRE Rules 403 and 404(B). See Trial Transcript page 153 Line 3 - Page 154 Line 3. Also see Suppression hearing transcript page 75 Line 4 - Page 79 Line 3. Then see *State v. Timmons* 488 S.E. 2d 323, *State v. Alexander* 401 S.E. 2d 146, *State v. Lyle* 125 S.C. 406, *State v. McGee* 408 S.C. 278, and *State v. Cutro* 504, S.E. 2d 324.

2): Counsel ⁵¹² failed to adequately investigate the facts and circumstances surrounding the arrest of the applicant. Counsel also failed to object on all possible grounds to inflammatory and irrelevant evidence and testimony presented at trial by the state. Counsel's failures makes the applicant's conviction and sentence unreliable. See Trial Transcript page Page 152 Line 8 - Page 154 Line 3. Next See Suppression hearing Page 75 Line 4 - Page 77 Line 3. Then See Trial Transcript Page 120 Line 3 - Page 126 Line 2. After that See Suppression hearing Page 63 Line 10 - Page 65 Line 18. Then See Trial transcript. Page 101 Line 5 - Page 102 10. Next See Suppression hearing transcript page 42 Line 11 - Page 43 Line 17. Next see Trial Transcript page 78 Line 24 - Page 97 Line 5 and lastly see Suppression hearing Page 21 Line 10 - Page 26 Line 9.

10(FI): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

11(FI) Supporting facts: Trial Counsel's performance during the guilt or innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to The following:

1): Counsel failed to object to the state's witness Kevin Goodman of the search of applicant's car under SCRE Rules 403 and 404(B). See Trial transcript Page 152 Line 8 - Page 156 Line 6. Also see Suppression hearing page 77 Line 4 - Page 89 Line 5. Then See *State v. Lyle* 125 S.C. 406 (1923), *State v. McGee* 408 S.C. 278 (2014), *State v. Cutro* 504 S.E.2d 324, *State v. Timmons* 488 S.E.2d 323, *State v. Alexander* 401 S.E.2d 146 and *State v. Hless* 301 S.E.2d 547.

2): Counsel failed to object on all possible grounds to inflammatory and irrelevant evidence or testimony presented by the state concerning the search of the applicant's car. As a result of Counsel's failure to make such objections the applicant's conviction and sentence is unreliable.

10(GI): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and fourteenth Amendment to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

1(GI): Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

1): Trial Counsel failed to object to the state's witness Kevin Goodman's testimony under SCRE Rules 403 and 404(B) when he referred to state exhibits No. 12E and 12F being consistent with items found during the investigation of the untried charge of attempted burglary. See Trial Transcript page 157 Line 10 - page 158 Line 14. See *State v. Timmons* 488 S.E.2d 323, *State v. Alexander* 401 S.E.2d 146, *State v. Hess* 301 S.E.2d 549, *State v. Lyle* 125 S.C. 406, *State v. McGee* 408 S.C. 278 and *State v. Cutro* 504 S.E.2d 324.

2): Counsel's failure to object on all possible grounds to inflammatory and irrelevant testimony and evidence presented by the state and their witness Kevin Goodman in reference to state exhibits No. 12E and 12F makes applicant's conviction and sentence unreliable.

10(HI): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and fourteenth Amendments to the Constitution of the United States and by article I §§ 3 and 14 of the South Carolina Constitution during the guilt or innocence phase of his trial.

11(HI): Supporting facts: Trial counsel's performance during the guilt or innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

1): Counsel failed to object to the leading question asked by solicitor Dale Scott and answered by state's witness Kevin Goodman under SCRE Rules 403 and 404(B) when the two of them spoke of the four locations involved in two completely different alleged crimes confusing the jury of the crimes charged. See trial transcript page 160 Line 16 - page 161 Line 10. Also see *State v. Alexander* 401 S.E.2d 146, *State v. Munn* 357 S.E.2d 461, *State v. Timmons* 488 S.E.2d 323, *State v. Stokes* 304 S.E.2d 814, *State v. Cutro* 504 S.E.2d 324, *State v. Lyle* 125 S.C. 406 and *State v. McGee* 408 S.C. 278 (2014).

(2): Counsel's Failure to object on all possible grounds to inflammatory and irrelevant testimony and evidence pertaining to the four locations involved in two completely different alleged crimes, AS a result of counsel's failure to make all appropriate objections applicants conviction and sentence is unreliable.

10 (II) Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

1 (II): Supporting facts: Trial counsel's performance during the guilt or-innocence phase was both unreasonable and prejudicial. See Strickland v. Washington 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

1): Counsel failed to object to the testimony of states witness Kevin Goodman Under SCRE Rules 403 and 404(B) when he testified that State Exhibit No. 12 gloves found in motel room and states exhibit NO. 96 gloves found on applicant when arrested at Bear Village which is two separate location and two separate exhibits of two separate alleged crimes. See trial transcript page 165 Line 14 - page 166 Line 4. Also see State v. Cutro 504 S.E.2d 324, State v. Timmons 488 S.E.2d 323, State v. Stokes 304 S.E.2d 814, State v. McGee 408 S.C. 278, and State v. Lyle 125 S.C. 406.

2): Counsel's failure to object on all possible grounds to inflammatory and irrelevant testimony and evidence pertaining to states exhibits NO. 12E and NO. 96 that were involved in two completely different alleged crime AS a result of Counsel's failure to make all appropriate objections applicants conviction and sentence is unreliable.

o (II): Applicant was denied the right to effective assistance of counsel - guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial

11(JI): Supporting facts: Trial Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

- 1): Counsel failed to object to the Solicitor Dale Scott's use of the drawing and/or diagram of the shop's at Bear Village that had never been placed into evidence at trial but was introduced and marked as states exhibit No. 1 at applicant's suppression hearing. Solicitor Dale Scott then showed it to the jury as the shop on witness Allison Hawkins direct examination.
- 2): Counsel's failure to object on all possible grounds to inflammatory and confusing evidence presented by the prosecution in regards to the diagram of the shops at Bear Village. As a result of counsel's failure to make all appropriate objections, applicant's conviction and sentence is unreliable. See trial Transcript page 169 Line 15 - page 170 Line 17. Also see suppression hearing transcript page 43 Line 23 - page 44 Line 20. Then see suppression hearing page 63 Line 24 - page 64 Line 4. Also see *State v. Lyle* 125 S.C. 406 (1923), *State v. McGee* 408 S.C. 278 (2014), *State v. Gray* 750 S.E.2d 160, *State v. Collins* 398 S.C. 197, *United States v. Easley* 994 F.2d 1241, *State v. Timmons* 488 S.E.2d 323, *State v. Hess* 301 S.E.2d 547 and *State v. Alexander* 401 S.E.2d 146.
 → Also see Trial transcript - page 122 Line 22 - page 124 Line 9

10(KI): Applicant was denied the right to due process guaranteed under the Fifth and Fourteenth Amendment to the United States Constitution and by Article — 33 — and — of the South Carolina Constitution during the guilt-or-innocence phase of his trial,

11(KI): Supporting facts: Prosecution for the State during the guilt-or-innocence phase of applicant's trial fail below prosecution's responsibility to do justice under professional ethics. See appellate Court Rule 407 Professional Conduct Rules 3.3 Rule 1.2(d) and 8.4(b). Also see *Riddle v. Ozmint* 369 S.C. 39.

- (1): Prosecution for the state solicitor Dale Scott knowingly used a diagram of the Bear Village shops that was introduced at the applicant's suppression hearing as state exhibit NO. 1 in order to intentionally confuse the jury by having states witness Allison Hawkins testify that this diagram was in fact the shops on Wilson and not the Bear Village shops. See trial transcript page 169 line 15 - page 170 line 17. Then see Trial transcript page 122 line 22 - page 124 line 9. Next see suppression hearing page 63 line 24 - page 64 line 4. Also see SCRE Rule 404(b), State v. Garner 403 S.E.2d 631, State v. Lyle 125 S.C. 406 (1923), State v. McGee 408 S.C. 278 (2014), and United States v. Easley 994 F.2d 1241.
- (2): Prosecutions calculated and deliberate violation of the Rules of professional conduct when they intentionally confused the jury by Allison Hawkins testimony of the diagram of the Bear Village shops being the shops on Wilson. These are two completely different places, locations, and alleged crime scenes. This resulted in an unreliable conviction sentence and the applicant should receive a new trial.
- (3)(L1): Applicant was denied the right to effective assistance of counsel - guaranteed by the Sixth and Fourteenth amendment to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the guilt-or-innocence phase of his trial.
- (L1): Supporting facts: Trial Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See Strickland v. Washington 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:
- (1): Counsel failed to adequately investigate the facts and circumstances concerning the criminal record of the states witness Sherwin Jessie. Counsel's failure to conduct this investigation deprived the applicant critical impeaching information relevant to the honesty of the witness under SCRE Rule 609. See Trial Transcript Page 173 line 5 - Page 186 line 22.
- (2): Counsel failed to investigate develop and present all available relevant and admissible mitigating evidence in regards to states witness Sherwin Jessie. As a result of Counsel's failure to uncover and present this evidence applicant's conviction and sentence is unreliable.

10(M1): Applicant was denied the right to due process under the Fifth and Fourteenth Amendments to the United States Constitution during the guilt-or-innocence phase of his trial.

11(M1): Supporting facts: Prosecution for the state during the guilt-or-innocence phase of the applicants trial fail below prosecutions responsibility to do Justice under professional ethics. See appellate court Rule 8.4 misconduct. Also see *Riddle v. Ozmit* 369 S.C. 39.

(1): Prosecution for the state was obligated to correct false testimony that was made by the states witness Sherwin Jessie stating he had not spoken to anyone other than the prosecutions Attorney Dale Scott whom he had given initial statement, when the solicitor knew the witness had given a prior statement to a sheriffs deputy whom was the boyfriend of his boss and manager of Regional Finance a Ms. Alison Hawkins. See Trial Transcript Page 173 Line 23 - Page 201 Line 8. Also see *Riddle v. Ozmit* 369 S.C. 39, and *Giglio v. U.S.* 405 U.S. 150.

(2): Prosecution failure to disclose the information given to Newberry County sheriffs deputy by Sherwin Jessie was in direct violation of SCRCRP Rule 5 Disclosure in Criminal cases as well as Brady violation. As a result of prosecutions failure to disclose this information makes the applicants conviction and sentence unreliable.

12(M1): Applicant was denied the right to effective assistance of appellate counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the direct appeal of his conviction and sentence.

13(M1): Supporting facts: Appellate Counsels performance during the direct appeal was both unreasonable and prejudicial. See *Evitt v. Lucey* 469 U.S. 387 (1985). Also see *Strickland v. Washington* 466 U.S. 668 (1984). Appellate Counsels acts or omissions included but are not limited to the following:

1): Appellate Counsel failed to argue the Courts neglect to question the states witness Sherwin Jessie about any past Criminal convictions that he may have had that could have been used to impeach his credibility and honesty while he testified on the stand. See Trial Transcript Page 180 Line 4 - Page 181 Line 9. Also see SCRE Rule 609.

- 2): Appellate Counsel's failure to argue the error by the court when it ruled State's witness Sherwin Jessie was not a government agent at the time he was allegedly in Jail with the appellant.
- 3): Appellate Counsel's failure to argue all errors made by the court on all possible grounds concerning the Testimony of State's witness Sherwin Jessie resulted in the appellants conviction and sentence to be unreliable.
- 10(01): Applicant was denied the right to effective assistance of Counsel - guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his Trial.
- 11(01): Supporting facts: Trial Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions include but are not limited to the following:
- (1): Counsel failed to uphold and follow through with his objection to the withdrawal of the States exhibits that was I.D. as No. 14. Counsel never should have withdrawn his objection to the Bin that was marked as States I.D. No. 14 and all the items that was stored in it. This included the metal plate with the shoe print on it that was photographed and photo marked and introduced into evidence as States exhibit No. 2 as well as all the tools that was found next to the safe at the crime scene of Check-N-To-Cash. See Trial transcript Page 202 Line 24 - Page 205 Line 7. Also see Trial Transcript Page 150 Line 16 - Page 151 Line 18. Then see Page 159 Line 24 - Page 160 Line 15.
- 2): Trial counsel failure to ask the court to preserve, disallow, and to object on all possible grounds to the withdrawal of States exhibit for I.D. purposes No. 14. As a result of counsel's failure to make all appropriate objections applicants conviction and sentence is unreliable. See Trial transcript Page 150 Line 16 - Page 151 Line 18. Also see Page 202 Line 24 - Page 205 Line 10.

10(P1): Applicant was denied the right to due process under the Fifth and Fourteenth Amendments to the United States Constitution - during the guilt-or-innocence phase of his trial.

11(P1): Supporting facts: Prosecution for the state during the guilt-or-innocence phase fail below prosecution's responsibilities to do Justice under Professional ethics, See appellate Court Rule 407, Rules of Prof. Conduct, and Rule 408 3.8 and 8.4

(1): Prosecution was in violation of rules of Professional Conduct when asking the court to withdraw States I.D. Exhibit No. 14 with metal plate from the safe that had the shoe print on it. Photo of shoe print was entered as States exhibit No. C2. The States intention was to destroy the plate so that no other examinations could be performed on it that could prove that the shoe at the motel room was not the shoe that left the print on the metal plate. See copied photos marked P.C.R. exhibit No. 1 and 2. Also see Trial Transcript page 202 Line 24 - page 205 Line 10. Then see Trial Transcript page 150 Line 16 - page 151 Line 25 and last see page 244 Line 16 - 19.

(2): Prosecution was in violation of rules of Professional Conduct Rule 407, 3.8 and 8.4 when the prosecutor Dail Scott ask the Court to withdraw States exhibit for I.D. purposes No. 14 bin with tools in it that DNA was found on with the intention of the tools to be thrown away or destroyed so that no other examinations for DNA could be performed on them that would prove that the applicants DNA was not on any of the items found at the crime scene of check-N-to-cash.

(3): Prosecutions calculated and deliberate violation of the Rules and applicants Constitutional Rights resulted in an unreliable conviction and sentence.

10(Q1): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the guilt-or-innocence phase of his trial.

11(Q1): Supporting facts: Trial Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1): Counsel failed to object to the introduction of states exhibits NO. 17, 18, and 19 under SCRE Rule 403.

(2): Counsel failed to object on all possible grounds to inflammatory and irrelevant evidence as well as false evidence pertaining to states exhibits NO. 17, 18, and 19 presented by the prosecution. As a result of Counsel's failure to make all appropriate objections makes applicant's conviction and sentence unreliable. See Trial transcript Page 242 Line 24 - Page 259 Line 4.

10(R1): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his Trial.

11(R1): Supporting facts: Trial Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1): Counsel failed to ask the states witness Charles Counts the date and time at which he placed the metal plate from the safe that had the shoe print on it in to the heat sealed evidence bag. As a result of Counsel's failure to ask the states witness Charles Counts all appropriate defense questions concerning the chain of custody of the metal plate with the shoe print on it. Resulted in applicant's conviction and sentence to be unreliable. See Trial Transcript page 244 Line 16 - Page 245 Line 3. Next see Trial transcript Page 260 Line 18 - page 263 Line 17. Also see *State v. Gatewood* 786 F.2d 821, *State v. Cheeseboro* 346, S.C. 526, and *State v. Lanie* 591 F.2d 961. Last see Incident Report Supplemental Entered by officer Charles Counts On 5-30-2012 Case Number 2012-04529

(2): Trial counsel failed to adequately investigate the facts and circumstances surrounding the dates and times that Charles Counts possessed and photographed the metal plate with the shoe print on it.

(3): Counsel failed to object on all possible grounds to inflammatory and falsified statements and evidence presented by the prosecution in regards to the metal plate with the shoe print on it. As a result of counsel's failure to make all appropriate objections applicant's conviction and sentence is unreliable.

10(51): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

11(51): Supporting Facts: Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1): Counsel failed to object to states exhibit No. 18 photo of Footwear Impression being photographed and used for evidence on Feb. 20, 2013. Nine months after applicant's arrest. See Trial Transcript page 250 line 18 - page 251 line 5

(2): Counsel's failure to adequately investigate facts and circumstances surrounding the photographing and processing of states exhibit No. 18 photo of shoe print on metal plate. Counsel's failure to conduct such an investigation deprived the jury, court, and applicant of critical information relevant to an accurate assessment of applicant's guilt or innocence. See *Wiggins v. Smith* 539 U.S. 510 (2013).

(3): Counsel's failure to object on all possible grounds to inflammatory and falsified evidence presented by the prosecutor resulted in making the applicant's conviction and sentence unreliable.

10(51): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

11(T1): Supporting Facts: Trial counsel's performance during the guilt - or - innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington*, 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1): Counsel failed to object on all possible grounds to inflammatory and fabricated evidence presented by the prosecution pertaining to any identifying characteristics of the photograph of the footwear impression on the steel plate that was introduced into evidence as States exhibit No. 18. The result of Counsel's failure to make all appropriate objections makes applicant's conviction and sentence unreliable. See Trial Transcript - page 251 Line 10 - page 252 Line 8. Also see S.C.R.E. Rule 901(b), 1003 and 1008.

10(V1): Applicant was denied the right to effective assistance of Counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§3 and 14 of the South Carolina Constitution - during the guilt - or - innocence phase of his trial.

11(V1): Supporting facts: Counsel's performance during the guilt - or - innocence phase phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1): Counsel failed to object to the introduction of the acetate sheet that was prepared and created by States witness Charles Counts and introduced into evidence as States exhibit No. 17 Under S.C.R.E. Rules 403 and 901(b) (3) (4) as well as any testimony by the States witness Charles Counts pertaining to States exhibit No. 17. See Trial Transcript page 253 Line 19 - page 255 Line 3. Then look at page 256 Line 1b - page 258 Line 13.

(2): Counsel failed to object on all possible grounds to inflammatory fabricated and irrelevant evidence presented by the prosecution pertaining to the acetate sheet introduced into evidence as States exhibit No. 17. As a result of Counsel's failure to make all appropriate objections, applicant's conviction and sentence is unreliable.

(3): Counsel failed to object on all possible grounds to inflammatory and irrelevant evidence pertaining to States exhibit No. 20 size 10 Fila shoes. As a result of Counsel's failure to make all appropriate objections to States exhibit No. 20 applicant's conviction and sentence is unreliable. See page 255 Line 8 - page 256 Line 15. Then see page 256 Line 23 - page 257 Line 18.

10(VI) : Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§3 and 14 of the South Carolina Constitution during the guilt-or-innocence phase of his trial.

11(VI) : Supporting facts: Counsel's performance during the guilt or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1) : Counsel failed to object to the introduction of States exhibit No. 19 a photograph of the shoe that was said at trial by States witness Charles Counts to be the shoe that left the foot wear impression on the steel plate from the safe under SCRE Rule 403. See page 258 Line 14 - page 259 Line 4.

(2) : Counsel failed to adequately investigate the facts and circumstances surrounding how the shoe that was introduced into evidence as States exhibit NO. 20 left an impression on the steel plate. Counsel's failure to conduct such an investigation deprived the jury, court, and applicant critical information relevant to an accurate assessment of applicant's guilt-or-innocence. See *Wiggins v. Smith*, 539 U.S. 510 (2003). Also see Trial Transcript page 254 Line 3 - Line 13 Then see Page 258 Line 14 - Page 259 Line 4.

(3) : Counsel failed to object on all possible grounds to inflammatory and fabricated evidence presented by the prosecution. As a result of counsel's failure to make all appropriate objections, applicant's conviction and sentence is unreliable.

10(W) : Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

11(W) : Supporting facts: Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1) : Counsel failed to object to the introduction of a chart containing three Combined photographs of states exhibits No. 17, 18, and 19 after States exhibits No 17, 18, and 19 had already been introduced into evidence as three separate photographs at three separate times during the trial Under SCRE Rules 403 and 1003. See Trial Transcript Page 259 Line 5 - Page 260 Line 12.

(2) : Counsel failed to object on all possible grounds to inflammatory, irrelevant, and Fabricated evidence presented by the prosecution pertaining to the chart that was used at trial with the Combined photos of states exhibits 17, 18, and 19. As a result to make all appropriate objections

Applicants Conviction and Sentence is unreliable.

10(XI): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt-or-innocence phase of his trial.

11(XI): Supporting facts: Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466, U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1): Counsel failed to adequately investigate, develop and present all available mitigating evidence concerning the shoe print that was found on the steel plate from the safe. See Photo's marked P.C.R. Exhibits 1 and 2. Also see Incident Report supplement by Charles Counts Date entered 5-30-2012. Detailed statement indicating that the silver plate from the safe was processed for fingerprints and that photographs were taken of the lifts that were made of the impression evidence on the silver plate from the safe. Then see Trial Transcript page 250 Line 22 - Page 251 Line 3. Next see Page 253 Line 16 - Page 256 Line 9. Now see Page 260 Line 18 - Page 263 Line 17 and last see Page 254 Line 3 - Line 19.

(2): Counsel failed to investigate develop and present all available relevant and admissable mitigating evidence. Counsel's failure to conduct a proper investigation deprived the jury, Court, and applicant of critical information concerning the processing of the silver plate from the safe that was critical to an accurate assessment of applicants guilt or innocence. See *Wiggins V. Smith* 539 U.S. 510 (2003).

10(VI): Applicant was denied the right to due process guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution - during the guilt or innocence phase of his trial

11(VI): Supporting facts: Prosecution for the state during the guilt or innocence phase was of knowing use of perjured testimony that was unreasonable and prejudicial. Depriving applicant of a fair trial. See *Miller V. Pate* 386 U.S. 1 (1967). Prosecutions acts: included but are not limited to the following:

(1): Prosecutions witness Charles Counts knowingly made false testimony when he explained to the jury that there was a two-dimensional shoe print found on the metal plate from the safe that positively matched the shoe that was introduced into evidence as states exhibit No. 20. See Trial Transcript Page 250 Line 7 - Page 260 Line 10.

- (2) : States witness Charles Counts knowingly made false testimony when he explained to the jury that States exhibit No. 18 a two-dimensional shoe print was the same shoe print that was found at the crime scene on the steel plate from the safe. See Trial Transcript page 250 Line 22 - Page 260 Line 10.
- (3) : States witness Charles Counts knowingly made false testimony when he explained to the jury how he photographed the shoe print from the steel plate and that it was the same shoe print found on the metal plate by Kevin Goodman at the crime scene. See Trial Transcript Page 251 Line 10 - Page 253 Line 18. Also see page 260 Line 1-10.
- (4) : Prosecution knowingly allowed states witness Charles Counts to make false testimony explaining to the jury that States exhibit No. 18 was the shoe print found at the crime scene on the steel plate.
- (5) : Prosecution knowingly introduced into evidence a false and or fabricated photograph of the shoe print that was said to be found on the metal plate from the safe as States exhibit No. 18. See Trial Transcript Page 250 Line 22 - Page 251 Line 9, Also see page 260 Line 1 - Line 10.
- (6) : Prosecution's failure to present accurate and honest evidence pertaining to the shoe print that was said to be found on the steel plate from the safe make the applicant's conviction and sentence Unreliable. See Rule 407 Professional Conduct Rule 3.3 and 3.4.

10(21): Applicant was denied the right to due process guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article I §§3 and 14 of the South Carolina Constitution - during the guilt or innocence phase of his trial.

11(21): Supporting facts: Prosecution for the state during the guilt or - innocence phase fail below the prosecution's responsibility to prosecute fairly and insure that justice shall be done according to the rules and laws of this great State and Nation. See Miller V. Pate 386 U.S. 1 (1967). Prosecutions acts or Omissions included but are not limited to the following:

(1): States witness Charles Counts knowingly made false testimony when he explained to the jury that States exhibit No. 12, an acetate sheet with a print from States exhibit No. 20 the actual shoe its self that was made in the lab by States witness Charles Counts stating that it was consistent with the shoe print that was found and photographed at the crime scene by Kevin Goodman on the metal plate from the Safe. See Trial Transcript Page 253 Line 19 - Page 257 Line 22.

(2): Prosecutions deliberate deception of the Court and jurors by the presentation of known false evidence of the shoe print that was found on the metal plate from the Safe is incompatible with rudimentary demands of justice. Prosecutions deliberate deception makes applicants conviction and sentence unreliable. See Trial transcript page 253 Line 19 - Page 257 Line 22. Also see Rule 407 Professional Conduct Rule 3.3 and 3.4.

10(A2): Applicant was denied the right to due process guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the guilt-or-innocence phase of his trial.

11(A2): Supporting facts: Prosecution for the State during the guilt-or-innocence phase knowingly used perjured testimony that was unreasonable and prejudicial. See *Miller v. Pate* 386 U.S. 1 (1967). Prosecution's acts included but are not limited to the following:

(1): State witness Charles Counts knowingly made false testimony when he explained to the jury that the shoe print found on the metal plate from the safe came from States exhibit NO. 20 a pair of Fila shoes. See Trial Transcript Page 254 Line 24 - page 256 Line 15.

(2): Prosecution's deliberate deception when unfairly presented false evidence at trial make the applicant's conviction and sentence unreliable.

10(B2): Applicant was denied the right to due process guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the guilt or innocence phase of his trial.

1(B): Supporting facts: Prosecution for the State during the guilt or innocence phase knowingly used perjured testimony that was unreasonable and prejudicial. See *Miller v. Pate* 386 U.S. 1 (1967). Prosecutions acts included but are not limited to the following:

(1): States Witness Charles Counts knowingly made false testimony when he explained to the jury that the photograph of the shoe sole itself, States exhibit No. 19 was the same shoe sole that left the shoe print that was found at the crime scene on the steel plate from the safe. See Trial Transcript Page 258 Line 14 - Page 260 Line 10.

(2): The State knowingly introduced false evidence as States exhibit No. 19 when saying that it was the same shoe sole that left the shoe print on the steel plate from the safe. As a result of prosecutions deliberate deception of the court and jurors by the presentation of known false evidence makes applicants conviction and sentence unreliable.

10(C2): Applicant was denied the right to effective assistance of Counsel - guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt or -innocence phase of his trial.

11(C2): Supporting Facts: Counsel's performance during the guilt or innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

- (1): Counsel failed to investigate develop and present all available mitigating evidence concerning the fingerprint that was found on the steel plate from the Safe. See Trial transcript page 161 Line 15 - Page 163 Line 21. Then see Page 250 Line 18 - Line 25. Next see Incident report that was prepared by States witness Charles Counts dated May 30, 2012. Also see Page 262 Line 2 - Page 263 Line 17 and lastly see Page 267 Line 3 - Page 269 Line 4.
- (2): Counsel failed to investigate develop and present all available mitigating and relevant evidence concerning the DNA that was found at the crime scene on the tools that were found at the Check-N-to-Cash. See Trial Transcript page 150 Line 16 - Page 152 Line 7. Next see Page 270 Line 11 - Page 272 Line 10 and lastly see Incident report by States witness Charles Counts dated May 30, 2012.
- (3): Counsel failed to adequately investigate the processing of the shoe print, tools, fingerprints and DNA that was found at the crime scene of the crimes charged that was processed by the states witness Charles Counts in the Newberry Police Department's Crime lab.

(4) : Counsel failed to ask for disclosure Under SCRPC Rule 5(c)(1) for all documents and or police reports as well as the proper chain of Custody of all the evidence that was found and processed by the Newberry Police department.

10(2) : Applicant was denied the right to effective assistance of Counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution - during the guilt - or - innocence phase of his trial.

11(2) : Supporting facts : Counsel's performance during the guilt or innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following :

(1) : Counsel failed to seek an instruction asking the court to insure the prosecution's witnesses made specific, and limited testimony concerning any evidence of other crimes, wrongs or acts that was repeatedly used by every one of the state's witnesses that worked for the Newberry Police department whom testified at trial.

(2) : Counsel failed to object on all possible grounds to inflammatory and irrelevant evidence presented by the prosecution of evidence of other crimes, wrongs or acts. As a result of Counsel's failure to make all appropriate objections, Applicant's conviction and sentence is unreliable.

10(E): Applicant was denied the right to effective assistance of Counsel-guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the guilt-or-innocence phase of his trial.

11(E): Supporting facts: Counsel's performance during the guilt-or-innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington*, 466 U.S. 668 (1984). Counsel's acts or omissions included but are not limited to the following:

(1): Counsel failed to object to Solicitor Dale Scott's personal opinion during closing arguments when he said the applicant was careless. See Trial Transcript Page 310 Line 23 - Page 311 Line 12.

(2): Counsel failed to object to closing arguments by Dale Scott when he suggested to the jury that the applicant was guilty of the crimes charged because evidence of other crimes, wrongs, or acts was used to prove the character of the applicant in order to show action in conformity therewith. See Trial Transcript Page 303 Line 1 - Line 20. Then see Page 311 Line 4 - Line 12.

(3): Counsel failed to object to closing arguments by Dale Scott concerning evidence of other crimes, wrongs, or acts under SCRE Rule 404(b). See Trial Transcript Page 303 Line 1 - Line 20. Then see Page 311 Line 4 - Line 12.

- (4): Counsel failed to object to closing arguments by Dale Scott when he suggested to the jury that the crimes charged were linked to other crimes, wrongs, or bad acts. Under SCRE Rule 404(b) See trial transcript Page 302 Line 24 - Page 305 Line 20. Then see Page 311 Line 4-12.
- (5): Counsel failed to object on all possible grounds to inflammatory and irrelevant evidence presented by the prosecution during closing arguments pertaining to other, crimes, wrongs, or acts. As a result of counsels failure to make all appropriate objections concerning the other crimes, wrongs, or acts that was used at trial making applicants conviction and sentence unreliable.
- 10(F2): Applicant was denied the right to effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I §§ 3 and 14 of the South Carolina Constitution during the guilt-or-innocence phase of his trial.
- 11(F2): Supporting Facts: Counsels performance during the guilt or innocence phase was both unreasonable and prejudicial. See *Strickland v. Washington* 466 U.S. 668 (1984). Counsels acts or omissions included but are not limited to the following:

- (1): Counsel failed to adequately investigate, develop and present all available relevant and admissible mitigating evidence surrounding the charge of Safe cracking.
- (2): Counsel failed to object to the safe cracking charge on all possible grounds to inflammatory and irrelevant evidence presented by the prosecution at trial. As a result of Counsel's failure to make all appropriate objections concerning the charge of Safe Cracking makes applicant's conviction and sentence unreliable.

Applicant believes he has additional claims for post-conviction relief, but does not yet have collateral Counsel, access to discovery process, or funds for expert services to investigate these claims.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF NEWBERRY)
)
 Jeffrey Glenn McCoy,)
 S.C.D.C. No. 359097,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 OF THE EIGHTH JUDICIAL CIRCUIT

2017-CP-36-587

RETURN

FILED
 NEWBERRY COUNTY
 2018 FEB 23 AM 9:48
 CLERK OF COURT

Respondent, making its Return to the application for post-conviction relief (PCR) filed November 3, 2017, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Newberry County Clerk of Court. Applicant was indicted at the August 2012 term of the Newberry County Grand Jury for safecracking (2012-GS-36-872); five counts of second degree burglary (violent) (2012-GS-36-874, -877, -878, -882, -883); grand larceny (2012-GS-36-884); two counts of petit larceny (2012-GS-36-879, -880); and possession of burglary tools (2012-GS-36-881). Applicant was represented by Charles Verner, Esquire. On April 22, 2013, Applicant underwent a trial before the Honorable Frank Addy, Jr., and a jury and was subsequently found guilty on all counts. Judge Addy sentenced Applicant to fifteen years imprisonment for safecracking, ten years consecutive for one count of second degree burglary (violent), ten years concurrent for each of the remaining four counts of second degree burglary (violent), five years concurrent for grand larceny, five years concurrent for possession of burglary tools, and thirty days concurrent for each count of petit larceny.

Applicant filed a notice of appeal was an appeal was perfected by Appellate Defender Laura Caudy. In an unpublished opinion, the South Carolina Supreme Court affirmed Applicant's convictions. State v. Jeffrey McCoy, 2015-UP-136 (filed March 11, 2015). The Remittitur was sent April 10, 2015.

Prior PCR Application

Applicant filed his first PCR application on November 2, 2015. A hearing was held on Wednesday, June 7, 2017, before the Honorable G. Thomas Cooper, Jr at the Laurens County Courthouse. Applicant was not present but was represented by Carson Henderson, Esquire. At the time of the hearing, Applicant was incarcerated in the Tennessee Department of Corrections. Counsel for Applicant and Respondent informed the Court that they agreed to dismiss the application without prejudice while Applicant completes his sentence in Tennessee. An Order of Dismissal Without Prejudice was signed on June 26, 2017 and filed July 3, 2017.

II.

In his current application for post-conviction relief, Applicant alleges he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel (see Application for the specific grounds of ineffective assistance)

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at evidentiary hearing. All amendments should be made well in advance of hearing and should be filed as required by Rule 11, SCRCP(a).

Attached herewith and incorporated herein are the Newberry County Clerk of Court records regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, prior PCR records, appellate records, and the trial transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

Respondent contends that Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. In a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Id. 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668, 104 S. Ct. 2052. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Second, counsel's deficient performance must have 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. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Respondent denies each allegation that is not expressly admitted, qualified or explained.

V.

WHEREFORE, Respondent requests an evidentiary hearing for the purpose of determining whether the Applicant's counsel was ineffective.

Respectfully submitted,

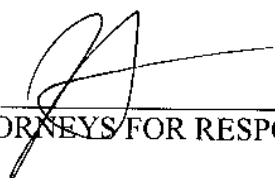
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By: 

ATTORNEYS FOR RESPONDENT

April 20, 2018.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THE EIGHTH JUDICIAL CIRCUIT
COUNTY OF NEWBERRY	)	Case No. 2017-CP-36-00587
	)	
JEFFREY G. McCOY, #355188	)	MOTION TO AMEND POST-CONVICTION
	)	RELIEF APPLICATION
Applicant,	)	
vs.	)	
STATE OF SOUTH CAROLINA	)	
Defendant.	)	

FILED
 NEWBERRY COUNTY
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 ELIZABETH A. FULTON
 CLERK OF COURT

Applicant hereby requests to amend the PCR application to include the following supplemental grounds for post-conviction relief.

AMENDMENTS

Applicant asserts that he may amend the pleadings pursuant to Rule 15, SCRCP. *See Harvey v. Strickland*, 350 S.C. 303, 313, 566 S.E.2d 529, 535 (2002) (holding Rule 15(b) “[a]mendments to conform to the proof should be liberally allowed when no prejudice to the opposing party will result.”). Applicant submits that the following grounds shall be added to this PCR Application:

1. **Applicant was denied his Sixth Amendment right to effective assistance of Counsel when Trial Counsel failed to object to the Opening and Closing Statements of the Solicitor.**

2. **Applicant was denied his Sixth Amendment right to effective assistance of Counsel when Trial Counsel failed to request a Batson Charge.**

3. Applicant was denied his Sixth Amendment right to effective assistance of Counsel when Trial Counsel failed to object to the testimonies of State witnesses Desiree Busko, Kevin Goodman, Charles Count and Harid Mally, and to impeach their trial testimony.
4. Applicant was denied his Sixth Amendment right to effective assistance of Counsel when Trial Counsel failed to object to the introduction of state's exhibits #1, #7, #8, #9, #10 (A-R), #11, #13, #14, #17, #18, #19 and #20.
5. Applicant was denied his right to due process under Article I, Section 3 of the South Carolina Constitution elicited false testimony concerning the change of the Identification of the location of the Aerial Photo of the Shops at Bearville.

s/Charlie Jay Johnson, Jr
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November 1, 2024

FILED
 NEWBERRY COUNTY
 2024 NOV -6 AM 10:23
 ELIZABETH A. POLY
 CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

IN THE COURT OF COMMON PLEAS

Jeffrey Glenn McCoy,
Applicant,

V

State of South Carolina,
Respondent.

2017-CP-36-00587

TRANSCRIPT OF RECORD

March 31, 2025
Held in Greenwood, South Carolina

BEFORE:

The Honorable S. Bryan Doby, Judge

APPEARANCES:

ATTORNEY FOR APPLICANT:
Charlie J. Johnson, Jr. Esquire

ATTORNEY FOR RESPONDENT:
Zachary W. Jones, Assistant Attorney General

Tara T. Scott, CVR
Official Court Reporter

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(NO EXHIBITS INTRODUCED DURING THIS HEARING)

1 THE COURT: Mr. Jones, you may call the case.

2 MR. JONES: Your Honor, this is Jeffrey McCoy v State of
3 South Carolina, case number 2017-CP-36-587. My name is
4 Zachary Jones for the State of South Carolina. Mr. McCoy is
5 present with his attorney, Charlie Johnson. Your Honor,
6 this is a post-conviction relief matter that was filed on
7 November 3, 2017.

8 During the August 2012 term, the Newberry County Grand
9 Jury indicted Mr. McCoy for safe cracking. That indictment
10 number is 2012-GS-36-872, five counts of second degree
11 burglary, 2012-GS-36-874, -877, -878, -882, and 883. Grand
12 larceny, -884, two counts of petit larceny, -879 and -880,
13 and possession of burglary tools, -881. He was represented
14 by Charles Verner, and on April 22, 2013, Mr. McCoy went to
15 trial before the Honorable Frank Addy, Jr., and a jury, and
16 was found guilty on all counts. Judge Addy sentenced him to
17 15 years imprisonment for safe cracking, 10 years
18 consecutive for one count of second degree burglary, 10
19 years concurrent for each of the remaining four counts of
20 second degree burglary, and five years concurrent for grand
21 larceny for possession of burglary tools, and 30 days
22 concurrent for each count of petit larceny.

23 Mr. McCoy filed a notice of appeal, and his convictions
24 and sentences were affirmed in an unpublished opinion. With
25 that, I think I'll turn it over to Mr. Johnson here.

1 THE COURT: Good morning, Mr. Johnson.

2 MR. JOHNSON: Good morning, your Honor.

3 THE COURT: Are you ready to go forward, Mr. Johnson?

4 MR. JOHNSON: Yes, I am, Your Honor.

5 THE COURT: You just have the one witness, Mr. McCoy?

6 MR. JOHNSON: That's correct, Your Honor.

7 THE COURT: Good morning, Mr. McCoy. How are you today?

8 THE APPLICANT: I'm good, sir.

9 THE COURT: Very good. Mr. Johnson, if you would like,
10 I'll give you an opportunity to make an opening statement if
11 you wish. And Mr. Jones, I'll be glad to do the same. Or
12 if you want to just tell me at the end, make a closing at
13 the end. I'd be glad to hear that as well. I'll do either
14 one, whichever you prefer.

15 MR. JOHNSON: I think what I would do, Your Honor, is I
16 would call my client up, and I think the way I question him
17 would explain a lot of this to you, and then I'll just do a
18 brief closing if that's okay with the Court.

19 THE COURT: Very good. Mr. Jones, do you want any kind
20 of opening?

21 MR. JONES: No, Your Honor. I'll follow Mr. Johnson's
22 lead on that.

23 THE COURT: Mr. Johnson, I would be glad to call your
24 first witness.

25 MR. JOHNSON: At this time, Your Honor, I'd call Jeffrey

1 McCoy to the stand.

2 THE COURT: Mr. McCoy, if you will keep your voice good
3 and loud. You're going to need to speak into that
4 microphone. If you need to move any closer. I want to make
5 sure our court reporter can hear everything that you say,
6 alright?

7 THE APPLICANT: Okay.

8 THE COURT: Mr. Johnson?

9 MR. JOHNSON: Thank you, Your Honor. May it please the
10 Court?

11 THE COURT: Yes, sir.

12 WHEREUPON, Jeffrey McCoy, having
13 first been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. JOHNSON:

16 Q Mr. McCoy, will you please state your full name?

17 A Jeffrey Glenn McCoy.

18 Q Are you presently incarcerated here in South Carolina?

19 A Yes, sir. I am.

20 Q What are you charged with?

21 A Safe cracking and burglary.

22 Q And a number of charges related to that?

23 A Yes.

24 Q And what type of sentence are you serving at the
25 present time?

1 A I'm serving 15 and 10 consecutive. One is 85 and one
2 is a 60.

3 Q Eighty-five? And when were you first arrested here in
4 South Carolina?

5 A In May of 2012.

6 Q May of 2012?

7 A Yes.

8 Q And you been incarcerated here since that time?

9 A I went back to Tennessee for a few years.

10 Q And when did you get back to South Carolina? Do you
11 remember?

12 A In 2017. June of 2017.

13 Q Okay, so you've been back here since June of 2017?

14 A Yes, sir.

15 Q Now, you are aware of why we're here today? Is that
16 correct?

17 A Yes, I am.

18 Q And the PCR was explained to you by me as well as Mr.
19 Gibbs; correct?

20 A Yes, sir.

21 Q Now, I want to make some things clear to the Court
22 related to this case. Mr. Gibbs, Christopher Gibbs,
23 Attorney Gibbs, was appointed to you, correct?

24 A Yes, he was.

25 Q And at some point, I guess about June, August of last

1 year, I was retained by Mr. Gibbs, correct?

2 A Yes.

3 Q And you didn't retain me, but Mr. Gibbs brought me on
4 and explained to you that he felt that he needed somebody
5 with more knowledge about PCRs to help him with this case.
6 Is that correct?

7 A Yes, that's correct.

8 Q And since that time, I met with you a number of times,
9 webcams and in person, and we went over this case, correct?

10 A Correct.

11 Q Now, at the time that I took this case, your initial
12 pleading, or PCR application, you listed about -- what was
13 it, about 35 issues?

14 A I think it was over 50.

15 Q Over 50. And after meeting with me, and we have enough
16 time to go over it, we basically got it down to about four,
17 right?

18 A Yes.

19 Q And you're in agreement with that, correct?

20 A Yes, I am.

21 Q And we did this because we figured this would be the
22 best chance of you being successful at a PCR, correct?

23 A Yes.

24 Q But I still informed you that you still have an uphill
25 battle, correct?

1 A Yes.

2 Q Okay. Now, do you have any problems with me
3 representing you, or the representation I've done for you?

4 A No. Not at all.

5 Q Do you have any problems you want to make aware to the
6 Court about Mr. Gibbs or anything that he did?

7 A No. Not at all.

8 Q So you're fully satisfied with everything that we've
9 done up to this point, correct?

10 A Yes, sir.

11 Q Okay. Well, let's start with the case. How about tell
12 the Court about your case and what happened that resulted in
13 you being arrested? Let's start with the date. This
14 happened, what, May -- was it May the 27th, or 28th?

15 A The 26th and 27th.

16 Q The 26th and 27th, right?

17 A Yes.

18 Q Well, let's start with the 26th. The 26th is alleged
19 that you participated in a robbery. Is that correct?

20 A Yes.

21 Q And where was it? Where was that robbery located at?

22 A The Shops on Wilson

23 Q On Wilson in Newberry?

24 A Yes.

25 Q And it was alleged that you broke into what, like, a

1 strip mall area?

2 A Yes.

3 Q And what? Robbed a number of stores there?

4 A Yes.

5 Q Now, how about explain to the Court, what happened?

6 A I'm not exactly sure what...

7 Q Oh, I mean, what they allege that you did.

8 A It was five counts of burglary and one safe cracking.

9 Plus burglary tools and theft over ten thousand.

10 Q And a safe was broken into?

11 A Attempted to be broken into.

12 Q At what location?

13 A It was a -- I think it was a Check Into Cash. I'm not
14 sure what the name of it was, but it might have been Check
15 Into Cash.

16 Q Now, that location -- let me make sure we get it right.
17 The first location was Wilson's shopping center. Is that
18 correct?

19 A Yes.

20 Q And that happened on the 26th?

21 A I want to say the 26th, yes.

22 Q I had the 27th or 28th. Would that that sound about
23 right to you?

24 A I'm not exactly ---

25 Q But about that time?

1 A About that time.

2 Q Okay. Now, when that incident happened, about the five
3 stores that were broke into at Wilson shopping center, you
4 were not detained at that location, correct?

5 A No, I was not.

6 Q But the next night, where were you found, or where were
7 you arrested?

8 A Bear Village Shopping Center.

9 Q Bear Village Shopping Center?

10 A Yes. A little less than a mile away.

11 Q How about explain to the Court where you were located
12 and what happened that caused you to be arrested.

13 A Well, technically I was arrested because I had a hold
14 on me out of another state and when they ran my name, they
15 arrested me for the hold.

16 Q But you were found at ---

17 A I was found at Bear Village.

18 Q And where? Behind the building?

19 A Behind the building. I was just back there.

20 Q So a police officer walked in and found you behind the
21 building, correct?

22 A Yes.

23 Q And as a result of finding you behind the building,
24 what happened next?

25 A He started questioning me about my name. He ran my name

1 and then arrested me for the hold out of the other state.

2 And then he patted down and found a screwdriver in my
3 pocket, and then the other officer showed up found some
4 tools laying beside the building.

5 Q And in that building, wasn't there a hole or something
6 located in that building?

7 A No, there wasn't.

8 Q Or it was an open door, or something that the officer
9 said ---

10 A There was some electrical wiring that they claimed that
11 I had ---

12 Q That you had cut.

13 A Yes.

14 Q But they did not find you inside the building, correct?

15 A Yes.

16 Q Now, as a result of you being detained there, somehow
17 they located your car?

18 A Yes. It was two parking lots away in the BI-LO parking
19 lot.

20 Q And that was a main issue of your whole case was that
21 they went inside your car, because what did they find inside
22 your car?

23 A They found tools inside the car and some money that
24 they thought was linked to the crimes the night before.

25 Q And they also found your hotel key, correct?

1 A Yes. And they went to the motel and searched it.

2 Q And they found evidence related to ---

3 A The burglary.

4 Q -- to the robbery the night before?

5 A Yes.

6 Q So as a result of the robbery the night before, you
7 standing outside the building on the second, they're finding
8 your car, tools and stuff like that, that was evidence used
9 against you in this trial, correct?

10 A Yes.

11 Q Now, you retained an attorney, or you was appointed an
12 attorney?

13 A Yeah. I was appointed Charles Verner.

14 Q Do you see him here today?

15 A He's right behind you.

16 Q Okay. And did you meet with him?

17 A Yes, I did.

18 Q And you went over your case with him?

19 A Yes, I did.

20 Q And as a result, you decide to go to trial, correct?

21 A That's correct.

22 Q Okay. Now, how long did your trial last?

23 A Three days

24 Q And you were present every day?

25 A Yes.

1 Q Did you put up any type of defense?

2 A I didn't personally get on the stand and testify.

3 Q So, at the end of the State's case, the defense rested?

4 Is that correct?

5 A Pretty much, yes.

6 Q But your attorney questioned the State about the
7 evidence that they put up?

8 A Yes.

9 Q And you assisted him in that, correct?

10 A Yes.

11 Q Now, as a result of that, there was a number of things
12 that you had some questions about. Is that correct?

13 A Yes.

14 Q So let's start off with one of the issues you had, was
15 there was a footprint found on a chair at the location,
16 which would be Wilson Shopping Center. The location you
17 wasn't found at, correct?

18 A No, it was -- yeah, it was at the actual crime scene,
19 but it was a footprint on a metal plate that came off the
20 safe.

21 Q Okay.

22 A It wasn't on a chair.

23 Q Was your attorney aware of that footprint?

24 A Yes, he was.

25 Q What issue do you have with that?

1 A Well, after I was given photographs from my attorney,
2 after the trial I was going through them, you know, after
3 learning about how the shoe print -- how they got the shoe
4 print to use in trial. After learning that, looking at the
5 photographs that he had given me, they tried to -- the shoe
6 print they used at trial was a two-dimensional shoe print.
7 The shoe print on the photos on the metal plate was a three-
8 dimensional. How it went from a three-dimensional crime
9 scene photo print to a two-dimensional, I don't know. But
10 somehow it did.

11 Q So you're alleging that it was enhanced in some way?

12 A I don't know what they -- what happened to it, and how
13 it got the way it is, but I can prove it.

14 Q And that's because the initial print had had something
15 on it, right?

16 A Yes.

17 Q What was it?

18 A They talked about it in the trial when you're grinding
19 on something metal, you get debris from it, like, dust. And
20 the debris powder on the plate, whoever stepped on the
21 plate, left a print.

22 Q Left a print?

23 A That's a three dimensional shoe.

24 Q But they had some problems getting a clear print. Is
25 that correct?

1 A In my opinion, yes. I can't say how it went from a
2 three dimensional to a two dimensional. I can't explain
3 that.

4 Q I think you mentioned to me before that you believe
5 that they did something to it, like wiped the dust off or
6 something?

7 A Yeah. In some kind of way it went from a three to a .
8 And they put the oblique lighting on it, and did whatever it
9 was, put the fingerprint dust on, or whatever it was they
10 did. There was no dust on it from the crime scene.

11 Q Now, did your attorney -- and that shoe print was
12 connected to you?

13 A Yes, it's connected to the shoe that was found in the
14 motel room.

15 Q At the motel room?

16 A Yes.

17 Q So you consider that to be a significant piece of
18 evidence that connected you to the crime?

19 A Well, it puts the person at crime scene for the safe
20 cracking charge. It puts the person at that scene. It ties
21 the person to it.

22 Q And you're alleging that your attorney didn't object to
23 it or he allowed it to come in?

24 A You know, as far as the shoe print, I don't think he
25 objected to anything about that.

1 Q He didn't object to it?

2 A I don't think he did.

3 Q Are you aware of anything that he could have done to
4 keep that print out?

5 A I think people observed the photographs like I did
6 after the trial. I only had them for, like, 24 hours before
7 the trial, so I didn't have enough time. He might have
8 noticed the actual three-dimensional shoe print that I saw,
9 and he might have questioned how did it go from this to
10 this. I mean, they may have an answer. I don't know.

11 Q But you feel that if ---

12 A If that three dimensional print did not did not match
13 the shoe they found in the motel room. That two-dimensional
14 print did. That's what I'm saying.

15 Q So you figure that something was done?

16 A It didn't match. They made it match.

17 Q Were you able to discuss that with your lawyer?

18 A No.

19 Q And you just found this out ---

20 A The trial was over before I discovered this.

21 Q It was after the trial?

22 A Yes. It was after the trial.

23 Q Is anything else related to that footprint and that
24 picture that you want to make the Court aware of?

25 A Not other than the fact that the pictures that Verner

1 gave me aren't the pictures that were used at trial. And I
2 have copies of them. I don't have them with me.

3 Q Okay, but the pictures that was given to you was not
4 the same picture that was used at trial?

5 A No.

6 Q Your attorney didn't notice it?

7 A Well, there were so many shoe prints throughout the
8 whole crime scene. It was hard to keep up with all of it. I
9 mean, I can understand where the mishap could be. I've been
10 looking at this for many years now.

11 Q Right.

12 A So, I noticed it.

13 Q Okay. And you do have copies of the prints that you're
14 talking about.

15 A Yes. I have them and they're back at the prison in my
16 property.

17 Q Okay. All right. Let's move on to the second issue you
18 have in this case. There was some DNA found at the scene,
19 correct?

20 A Yes.

21 Q What you -- why don't you explain to the Court your
22 disagreement with that.

23 A Well, they didn't use the DNA at the trial. There were
24 tools that were left at the crime scene that they pulled DNA
25 off of and they didn't use. I'm saying that the DNA on

1 those tools aren't mine.

2 Q Okay. Do you know for a fact that they're not?

3 A I can't -- I can't get the DNA.

4 Q The DNA was never processed?

5 A I don't know if it was or not, but if it was I never
6 got. And I have a case against SLED trying to get it. They
7 said it was a PCR issue.

8 Q Did you ever ask your attorney about the DNA?

9 A Yes. He knew about it.

10 Q And what did he explain to you?

11 A The State didn't bring it in. It just wasn't there. He
12 asked about it at trial. They say it takes three to five
13 years, something like that, to get it processed.

14 Q And you're sure that if they processed that DNA, that
15 it would not have matched yours.

16 A No, it would not have. That's why they didn't use it.

17 Q But for whatever reason, that evidence was never
18 brought forward, correct?

19 A No, it wasn't.

20 Q Is there anything else about the DNA that I forgot to
21 ask you or anything else that you want to bring up about the
22 DNA?

23 A No. That's about it.

24 Q The third issue is, I guess it was a misidentification
25 of some photograph, as far as the location of the two

1 robberies?

2 A Yes.

3 Q How about explain that to the Court.

4 A Well, I was arrested at one location and the crime
5 started -- happened at another. They basically used the --
6 they basically tried me for a crime that I wasn't on trial
7 for and convicted me for one I was on trial for.

8 Q Okay, let's clear that up. You were arrested the second
9 night at Bear Village, correct?

10 A Yes.

11 Q The first night where the robbery that you was being
12 tried for was at -- was it -- is it Greenwood?

13 A The Shops on Wilson.

14 Q Wilson Shopping Center?

15 A Yes.

16 Q Okay. And there was aerial photographs, correct?

17 A Yes. There was aerial photographs, there were crime
18 scene photographs, and there were photographs of where I was
19 arrested at.

20 Q And what? You -- the photographs got mixed up. Is that
21 correct?

22 A Yes. I think they -- I don't want to say
23 intentionally, but I say it definitely confused the jury.
24 It confused everybody in the room, in my opinion, because I
25 was confused.

1 Q Do you know where that is located in your transcript?

2 A Yes. I'm trying to find it now.

3 Q Would that be page 123?

4 A They brought in aerial photograph number one, they
5 started a suppression hearing. They used a diagram in the
6 suppression hearing.

7 Q Would that be on page 123 of your transcript? Would
8 that help you out?

9 A I'm on page 180 with Exhibit Number 7.

10 Q Oh, well I think it was first mentioned or identified
11 at ---

12 A On page 49 of the trial transcript.

13 Q Forty-nine? I'm confused. Which number are you using?
14 The actual page number?

15 A Page 49 of the trial transcript.

16 Q Twenty-nine?

17 A It was marked for identification on page 49.

18 Q Oh, that was when it was first marked for
19 identification? Hold one second and let me make sure I'm
20 with you on it. Which number on page 49? Exhibit one?

21 A They've got the address, 1335 Wilson Road.

22 Q Now that they identified that it being on Wilson Road,
23 correct?

24 A Yes.

25 Q Do you have that page?

1 A 1335 Wilson Road.

2 Q And that picture was actually a picture of what
3 location?

4 A That was the correct location.

5 Q That was the correct location?

6 A At that point it was.

7 Q And they use that same identification to identify Bear
8 Village? That's what you're talking about?

9 A Yes. Then when they get into -- just as we've
10 explained the crime scene, where everything at, they go
11 through all the details of what they've got. On page ---

12 Q Now -- well, let's put this on the record. Officer
13 Justin Weaver. That was the first officer to discover the
14 robbery that happened ---

15 A Yes.

16 Q --- at Wilson Shopping Center, right?

17 A Yes, that's true.

18 Q That was the scene where you were not found?

19 A No, I wasn't found there.

20 Q The night before you was arrested.

21 A They used an aerial photograph of that spot.

22 Q And that's also the same scene where the footprint came
23 from, correct?

24 A Yes.

25 Q And the DNA, correct?

1 A Yes.

2 Q And that evidence was used against you in your trial
3 because they said that you committed that crime the night
4 before?

5 A Yes.

6 Q So how did it get mixed up? What happened to cause
7 that photo to become mixed up later?

8 A Well, like I was saying, they put Justin Weaver in and
9 he explained the whole situation about the DNA, and the
10 tools, and the safe, and all that. He explained all that.
11 They went through all the photographs that went throughout
12 all five of the burglaries. And then when they get into
13 Alvarado, he talks about Exhibit 7. It's the Bear Village
14 Shops. It's an aerial photo of the Bear Village Shops.

15 Q On which number?

16 A 81. Page 81.

17 Q 81, okay.

18 A Line 6 and 7.

19 Q And that was officer who?

20 A Boyce Alvarado.

21 Q Okay. He was the one that found you behind the
22 building?

23 A Yes.

24 Q The second night?

25 A He was the arresting officer.

1 Q And he looked at that same picture and identified ---

2 A At this point he's explaining where I got arrested at -

3 --

4 Q Right.

5 A --- where the crime scene was.

6 Q Which was Bear Shopping Center.

7 A Yeah. And Boyce Alvarado explained where I got arrested
8 at.

9 Q Okay.

10 A Both of them looking at aerial photographs, two
11 separate aerial photographs. They both explained their
12 situation, where they came into the situation. They're
13 explaining their situation, and how they got into it.

14 Q Okay.

15 A Now, if you go on to ---

16 Q Would that be page 123?

17 A No. I'm at page 88 right now.

18 Q 88.

19 A They're bringing in Exhibit Number 9.

20 Q Let me go to 88. What was Exhibit Number 9?

21 A It was a location where I got at it. It wasn't an
22 aerial photograph. It was just pictures of the ---

23 Q Okay. Behind the building at Bear Shopping Center?

24 A On page 89, line 15, it says they incorrectly marked.

25 Mr. Verner -- it says they incorrectly marked number 7 on

1 the back. Instead of 9 it was 7. There's where your
2 confusion starts right there.

3 Q So there was some confusion about the pictures.

4 A They incorrectly marked it 7 instead of 9, so they
5 changed it from a 7 to a 9. And then on page 90, line 11,
6 they're still referring to 7 and 8 instead of 9 and 8. It's
7 7 and 8. The jury is hearing this.

8 Q And you feel that that confused the jury?

9 A That started. That started right there. That's where
10 the game plan was coming in, in my opinion. That's what they
11 were working for.

12 Q What do you feel they were working for?

13 A They were trying to confuse the jury about the location
14 of where the crime happened and where I got arrested. They
15 tried to make it look like I got arrested at the crime
16 scene, where the crimes happened. And I think they were
17 successful.

18 Q So, go forward to the part that you're talking about
19 that they ---

20 A Mr. Verner objected under 403.

21 Q So your attorney did object to that?

22 A Under 403. He objected to photographs of the box with
23 the wires in it and the money that they found.

24 Q Now the box and the money was found at your hotel room?

25 A There was money in my pocket ---

1 Q Right.

2 A And the box was an electrical box behind the building.

3 Q Behind the building?

4 A They claimed that I had cut the wires on it.

5 Q And that was at Bear Shopping Center?

6 A Yes. Where I got arrested. Mr. Verner objected under
7 403 and it was overruled, but he didn't object on all the
8 others.

9 Q And you feel that he should have ---

10 A This is ---

11 Q --- and it's your belief that he should have objected
12 to all of them?

13 A This is a prior -- this is not something that I'm was
14 on trial for.

15 Q Okay. So where do we go from there?

16 A Then Harold Malloy, this is where they switched the one
17 and the seven.

18 Q On what page?

19 A 102 and 103.

20 Q 102 and 103?

21 A Yes.

22 Q Which line?

23 A 19 and 20, where they bring in Exhibit Number 1.

24 Q Okay. I see that. Now, Exhibit Number 1 was ---

25 A That's an aerial ---

1 Q --- a picture of Wilson Shopping Center?

2 A Yes. That's an aerial photograph of Wilson Shopping
3 Center.

4 Q All right. So what happened?

5 A On page 103, line 3. (READING) "You can show me where
6 the Bear Village pawn shops are? Yes, sir." That's not Bear
7 Village. That's Wilson.

8 Q So, page 103, which line?

9 A Line 3.

10 Q Okay, I see. So, the Solicitor asks ---

11 A They just turned one -- seven into one.

12 Q Harold Malloy, can he show you where Bear Village
13 Shopping Center was?

14 A Yes.

15 Q And he pointed at Exhibit 1, which was Green -- I mean
16 ---

17 A A mile and a half, well, a little less than a mile
18 away.

19 Q Which was Wilson Shopping Center.

20 A Yes. Where the crimes happened.

21 Q And he identified that picture as being the same place
22 that you was found?

23 A Where I got arrested at.

24 Q And you feel that that's where they used that to
25 confuse the jury, to make them believe that you was found at

1 the scene of that -- of the actual crime?

2 A Yes.

3 Q Did you attorney object to that, or did he clarify it?

4 A No, he did not. Later on after Malloy went through his
5 statements about how he got involved into it, where I was
6 located at and the vehicle and everything, and they put up
7 Desiree Busco (PHONETIC) on the stand.

8 Q And who was that?

9 A She was the second officer on the scene when I got
10 arrested.

11 Q And what did she -- what did she -- what was her input
12 into your case?

13 A They -- they -- she was the one that took me to the
14 jail and got me booked in. They showed her Exhibit Number 1,
15 which was actually Exhibit Number 7. They had just went
16 through Malloy. But at this time I don't know how, in my
17 opinion, the Judge know. And he didn't just -- he didn't
18 just blurt it out. He just -- he kind of stopped the trial
19 and we had a break. And when we came back from the break ---

20 Q Do you know what page that was that you went on break?

21 A 123.

22 Q 123?

23 A Yes. Desiree Busco.

24 Q One second. Let me get to that page. Now there, I
25 guess, Mr. Scott said, let me show you Exhibit 1?

1 A Yes.

2 Q That's on line 5?

3 A Yes. Mr. Verner -- yeah. It's on line 5. And then
4 (READING) He said, what is that? She said, Bear Village
5 Court.

6 Q And then Mr. Scott moved to let Exhibit 1 come into
7 evidence, but it was already into evidence, correct?

8 A Yes, and Verner spoke up.

9 Q But Exhibit 1 is also Exhibit 7?

10 A It's not -- they're different. They're different, but
11 they're making it look like -- this is where they correct
12 it. This is where they catch it.

13 Q Okay, so now they go back to Exhibit 1 and call it
14 Wilson?

15 A Yeah, they said let's re-label it.

16 Q And that's where it was re-labeled?

17 A Well, they turned a 1 into an 11.

18 Q Now, was any instruction given to the jury or did the
19 attorney ask for any instruction to be given to the jury?

20 A No.

21 Q To clarify the photographs?

22 A No.

23 Q And that's an issue that you object -- that do you feel
24 that your attorney -- that's one of the reasons you brought
25 up the PCR, correct?

1 A Yes. I feel like that they made it look like I got
2 arrested where the crimes occurred at, and they used all
3 that testimony and all that evidence to say I got arrested
4 during the commission of the crime. The crime happened 24
5 hours earlier.

6 Q Okay. Is anything else related to those photographs
7 you want to make the Court aware of?

8 A Yes. They talk about that's when the -- they talked
9 about Exhibit Number 1 at the suppression hearing. They had
10 a drawing of where I got arrested at, Bear Village.

11 Q Okay, during the suppression hearing?

12 A Yeah.

13 Q Because there was a suppression hearing before the
14 trial started, right?

15 A Yes.

16 Q To try to suppress the evidence that -- the evidence in
17 your room as a result of going through your car and looking
18 into your car without a search warrant?

19 A And the only Exhibit they used was Exhibit Number 1,
20 which was drawing of Bear Village.

21 Q Which was a drawing of Bear Village?

22 A Yes.

23 Q Well, why would that be a problem?

24 A They mixed it in with the trial. That's how the numbers
25 started getting mixed up.

1 Q Okay, so one officer identified Exhibit 1 correctly,
2 being Wilson Shopping Center? Exhibit 1, correct?

3 A Yeah.

4 Q That was the first officer?

5 A Yeah, that was the first officer. I can't remember his
6 name.

7 Q Weaver?

8 A Yeah, Justin.

9 Q Justin Weaver, right?

10 A Yes.

11 Q But then the second officer that testified looked at
12 the same picture and said that it was Bear ---

13 A No.

14 Q It was the third officer.

15 A The third officer looked at the same picture and said
16 it was Bear Village.

17 Q And it was not corrected.

18 A No, not until they turned -- they changed one to 11.

19 Q And you feel that as a result of that, that you was
20 prejudiced by ---

21 A I feel like they confused the jury enough to make them
22 think that I got arrested where the crimes were committed.

23 Q And you feel that if your attorney had objected to that
24 issue, that that's one of the things that you felt -- that
25 the outcome of the trial might have been different?

1 A If he would have objected and asked the judge to give
2 the jury a corrective (SIC) instruction on how to look at it
3 and, you know, explain it to them how -- you know, this got
4 mixed up with this, so you need to look at it this way
5 instead of -- you know, there was no direction. I was
6 confused. And they almost had me convinced that I got
7 arrested at the crime scene.

8 Q I understand. And that's related to the photographs,
9 correct?

10 A Yes.

11 Q Is there anything else related to the photographs that
12 you want to make the Court aware of?

13 A Other than that they used what I wasn't on trial for
14 throughout the entire trial. Not just the aerial
15 photographs, but the photographs behind where I got arrested
16 at, and the money I had in my pocket, the wires that weren't
17 cut that they said were cut. I mean...

18 Q So, they used -- as you said. They found money in your
19 pocket, correct?

20 A They talked more about the crime that I wasn't on trial
21 for.

22 Q The night before?

23 A The night I got arrested. They talked more about when I
24 got arrested than when the crime was that allegedly
25 happened.

1 Q So you was on trial for the crime that happened the
2 night before?

3 A Yes. And they used when they arrested me more than they
4 used what I was on trial for. And they got me convicted.
5 They switched it all around and made me look guilty. I
6 mean, they did their job.

7 Q And you feel that your attorney was, I guess, negligent
8 in not doing more to prevent that from happening?

9 A And not correcting that and making sure that they
10 didn't bend the rules to the point where they were confusing
11 the jury as much as they did.

12 Q And then it also your feeling that, if not for what he
13 did, the outcome of the trial would have been different?

14 A Yes.

15 Q And that's why you filed a PCR?

16 A Yes.

17 Q Okay. Now there was a fourth issue that we brought up
18 that you say you wanted to mention. I guess it was a
19 statutory claim or something you want to mention about
20 something?

21 A I guess if we're talking about the Fourth Amendment?

22 Q Right. Well, as I said, you waited all these years to
23 have your PCR here, and I want to make sure you get all your
24 complaints seen. So, do you still want to bring that up.

25 A I wouldn't mind preserving for the record, but I think

1 Mr. Verner handled that very well, and my Appellate lawyer
2 handled it very well. I just don't think that there's an
3 argument.

4 Q Well, let's put that on the record so you can preserve
5 it. So, please explain to the Court what you're referring
6 to.

7 A I just feel like that the way that they, I mean, they
8 got my name, and then they started looking through the car.
9 They started running everybody's tag until they finally --
10 until they got to it. I feel like that was -- you know what
11 I mean? I don't know if I'd been in the car, maybe yeah.

12 Q But your issue was that they didn't take the time to
13 get a search warrant?

14 A No, they didn't get it. They went right in it. But as
15 it was explained to me during the suppression hearing, their
16 investigation led them to it.

17 Q And you heard the ruling that the judge made, correct?

18 A Yes.

19 Q And then you saw that the South Carolina Supreme Court
20 came back and basically upheld the ruling, right?

21 A I didn't take it that far.

22 Q Okay.

23 A I just went to the Appellate Court.

24 Q Okay. But you still feel that that was a mis-rule --
25 that that ruling ---

1 A Yes, but after all my studying on the Fourth Amendment
2 and vehicles, it's nearly impossible.

3 Q Okay. Is there any other issues you want to bring up
4 before the Court that I haven't asked you about?

5 A I guess that right there pretty much covers what I
6 think would interest the Court.

7 Q And after all the years, you finally got the chance to
8 prepare before the judge and be in court. Is there anything
9 else you want to bring up?

10 A Not that I can think of.

11 Q All right. But your whole case is based on the issues
12 we just brought up, and you feel that, if not for your
13 attorney's effort, or lack of effort, that the outcome of
14 the trial would have been different?

15 A Yes.

16 Q And that's why you filed a PCR?

17 A Yes.

18 MR. JOHNSON: I have no other questions, Your Honor.

19 THE COURT: Thank you. Mr. Jones?

20 MR. JONES: Just very briefly, Mr. McCoy.

21 CROSS-EXAMINATION

22 BY MR. JONES:

23 Q The shoes that were compared to the photograph that was
24 used at trial, where did those shoes come from?

25 A They were found in the motel room.

1 Q All right, and that was the motel room with the key
2 that was found in your truck?

3 A Yes.

4 MR. JONES: All right. I think that's the only question
5 I have for you. Just wanted to make that clear. Thank you.

6 THE COURT: Mr. Johnson, anything?

7 MR. JOHNSON: Yes. I did just have one follow up, Your
8 Honor.

9 REDIRECT EXAMINATION

10 BY MR. JOHNSON:

11 Q The keys and stuff that were found in your car, it's
12 your belief that the keys and stuff that were found in your
13 car should not have been allowed to come -- that was --
14 which your car was searched without a search warrant,
15 correct?

16 A Yes.

17 Q And you feel that -- that that was a violation of your
18 constitutional right?

19 A Yes.

20 Q And as a result of that, that evidence should have been
21 suppressed, correct?

22 A Yes.

23 MR. JOHNSON: I have no other questions, Your Honor.

24 THE COURT: Thank you. Mr. McCoy, you may step down.

25 THE APPELLATE: Thank you, sir.

1 MR. JOHNSON: Your Honor, at this time we rest.

2 THE COURT: Mr. Jones, are you ready?

3 MR. JONES: Yes, Your Honor. The State would call
4 Charles Verner.

5 THE COURT: Mr. Verner.

6 MR. VERNER: Your Honor, I do want to apologize for
7 running late today.

8 THE COURT: Not a problem.

9 DIRECT EXAMINATION

10 BY MR. JONES:

11 WHEREUPON, Charles Verner, having first
12 been duly sworn, testified as follows:

13 MR. VERNER: My name is Charles Verner, V-e-r-n-e-r.

14 Q Thank you, Mr. Verner. Could you -- were you
15 represented -- sorry. Were you appointed to represent Mr.
16 McCoy?

17 A I was the Newberry County Public Defender at the time
18 he was charged and went to trial, yes.

19 Q And his trial was in 2013, correct?

20 A Has it been that long ago? Yeah. This has been going
21 on, the PCR, for a while, but the record speaks for itself.

22 Q All right. And can you just discuss, in general terms,
23 the nature of your preparation with Mr. McCoy through --
24 from the beginning of your representation up until you
25 ultimately represented him at trial?

1 A Sure. I've been a public defender for about 25 years,
2 and Jeffrey is probably one of my top ten memorable cases,
3 so I still have a pretty clear recollection. On the Wilson
4 Road Bypass Newberry County has got a bypass which has now
5 become, kind of, the heart of commercial Newberry County.
6 There are two strip malls that are almost identical, built
7 by the same company, West Company. There they are five
8 storefront unit strip malls. They are about a half a mile
9 down the bypass from each other, but they are fairly
10 fungible that they're the same design.

11 On the evening -- on one evening, I guess whatever the
12 original date was, five strip malls had been broken into.
13 Somebody had broken in through the back, cut the security
14 system wires, and then used a Sawzall to cut holes through
15 each wall from the end of the building, and then just
16 tunneled all the way to the last building. There were some
17 cell phone buildings, and I think the last one ended up
18 being a payday loan type company, where there was a safe
19 that had been extensively damaged in an attempt to cut it
20 open. That was unsuccessful. That would have been the safe
21 cracking.

22 That crime was reported. Those five burglaries were
23 reported. The following night, Newberry City police had
24 stepped up their patrol because of that burglary, and an
25 officer Alvarado identified Mr. McCoy behind the second

1 strip mall on the same road about a half mile away. He rode
2 up to him to investigate. Mr. McCoy had what could be
3 fairly characterized as burglary tools and the location of
4 the back door of the second strip mall. And so, that is the
5 incident that they actually arrested him on the following
6 night.

7 As a result, he didn't have -- he's not from Newberry.
8 They weren't able to identify, or clearly identify him.
9 They didn't know how he got to the strip mall. He obviously
10 had to get there from some location, so they started looking
11 for cars that were in the area. BI-LO parking lot, about
12 quarter of a mile down the street, they found a car in the
13 parking lot. This was probably the late, early evening
14 hours. Within two hours or so the stores closing. They
15 found a car. Looking in the window, from plain view outside,
16 you could see, you know, tools and that type and nobody
17 around it.

18 I think they had to key that they had taken off of him
19 at the time where he was arrested, and they went on in the
20 car and then found the hotel key to where it was down the
21 street, to where they would have identified more of the
22 burglary from the previous night, proceeds. And other
23 incriminating, such as the shoes that Mr. McCoy was talking
24 about. So, the burglary tools, money, all the phones were
25 laid out in the hotel room.

1 But the car was searched, clearly without a warrant.
2 We did have a suppression hearing prior to trial on that
3 issue, which is really his only plausible defense in this
4 case where we raised illegal search. The Court of Appeals
5 affirmed the conviction basically on the automobile
6 exception of the Fourth amendment. And so, we raised that
7 on direct appeal, and that was turned down.

8 I told Jeff that I was pretty sure that he was going to
9 be convicted, and of a series of -- the most devastating
10 would be the safe cracking. Would be a violent, 85 percent
11 offense, whereas the burglary II's would be all violent, but
12 traditionally, burglary II violent. He had five burglaries
13 and then the safe cracking. The safe cracking is what we
14 were trying to avoid, which is the mandatory 85 percent
15 offense.

16 He had a plea offer to one count of burglary, straight
17 up. At that time, it was really before the Solicitor had
18 deeply invested time into calling the case for trial. We
19 tried to get him to plea to one count of burglary second
20 violent, but not on the 85 percent. He probably would have
21 gotten a seven-year sentence. Long since been out. At the
22 last moment, he decided to do not want to plea. I still
23 remember to this day, I told him, you've got to take the
24 plea offer. You're going to get killed at trial. And Jeff
25 said, I'm not doing this to myself. If I'm going to prison,

1 I ain't doing it to myself. And I remember telling him,
2 listen, you know, they pay judges to come to this county and
3 put people in prison. You're not doing it to yourself.
4 They're going to pay somebody to do it to you. Take the
5 plea. But he just stubbornly said, No, I don't feel like
6 this is right. I don't -- I'm not doing it. But his basic
7 defense was, I'm just not doing it to myself. I'm not
8 putting myself in person by pleading guilty. That was
9 against my advice, but it was his wish and I didn't second
10 guess it after he said no, so we prepared for trial.

11 We were on board that -- you know, he was not from
12 Newberry. We didn't have alibi and he was obviously
13 arrested the night after at another similar-type burglary
14 scene. We basically told him that, you know, you have to
15 win your suppression. You're in trouble. There was some
16 other little issues, but we lost the suppression motion.
17 Still went trial. Lost.

18 And he got 25 years. Part of that was because of some
19 other evidence that was not admitted in at trial. The judge
20 was able to, at sentencing. There were notebooks with --
21 watching people in their houses, and making notes of what
22 time they came back home, whether they had dogs in their
23 house, what time they left for work. Notebooks, just
24 incriminating notebooks, that didn't come out at trial. And
25 I think the judge punished him because it appeared that he

1 had planned other -- so, I don't think the judge punished
2 him for losing at trial. I think it was the other including
3 the trial. I think it was the other house, the incidents
4 where he looked predatory that the judge. But he had a plea
5 offer of zero to 15, one count of burglary, that I strongly
6 encouraged him to take.

7 Q All right. And so, I think you already got into this,
8 but it's fair to say that the key to the defense strategy
9 was to making the suppression motion and try to win that.

10 A Well, not -- not at trial. You know, that can't be ---

11 Q Yes.

12 A --- re-litigated at trial, but there was -- he was
13 caught at the scene of a shopping center with burglary
14 tools, half a mile down from something that happened the
15 night before, and the proceeds, or the goods from the prior
16 nights burglary were in his hotel room. So...

17 Q I guess the point I was trying to ---

18 A --- spend a lifetime trying to challenge the safe
19 cracking. Ultimately, I think I spent as much time just
20 trying to get the jury to set aside the safe cracking count.
21 The safe was never broken into. There was some Sawzall
22 damage to the front of it, but it had never actually been
23 intruded upon. So we spent probably a lot of effort trying
24 to avoid that conviction.

25 Q All right. And do you recall the shoe print issue at

1 this case?

2 A Vaguely, I did, and I've been reminded of them here.

3 That would not have been a major issue at trial. I think it

4 was a shoe print in a chair. At that time, Newberry City

5 police had a city officer who was probably had the highest

6 shoe print identification credentials in the state. Chuck

7 Counts was a Captain of the City Police, and he teaches all

8 over the country shoe print identifications. So he probably

9 did have a elaborate presentation at trial for when he

10 talked about the shoe prints. In my opinion, the design

11 matched the shoes that they found in Jeff's hotel room.

12 So I don't recall any three-dimensional mock-ups, but

13 I mean, I wouldn't be surprised. Chuck Counts probably did

14 have computer generations of the prints. But the two-

15 dimensional design was used, matched the shoes. Pressed on a

16 piece of paper, the shoe prints themselves would identify.

17 How much you weigh into about the three-dimensional model of

18 the shoes, I don't recall.

19 Q All right.

20 A I don't know that that would have changed the...

21 Q Do you recall anything about the DNA in this case?

22 A The -- no. I don't remember DNA being presented. It

23 is possible that they did say that they took DNA, just like

24 Jeff testified to, and didn't test it. It didn't come in at

25 trial. There is a PCR. If they said, consider it at PCR.

1 There is now. When Jeff was convicted, it was not the law,
2 but there is now. If there is DNA evidence that can prove
3 he's not guilty, you can raise it in a separate DNA PCR
4 case. The -- but I don't recall them offering DNA evidence.
5 The -- we certainly couldn't use it to get -- he was on the
6 scene of a similar burglary where the proceeds of the -- or
7 the stolen merchandise was found in his hotel unit with
8 burglary tools. And so, I don't know that -- unless the DNA
9 shows up for somebody different. And we didn't test it
10 ourselves, so. But there is a procedure to do that now. But
11 again, the DNA, and I don't see how the DNA evidence would
12 have hurt. It would have helped him.

13 Q All right.

14 A It was basically, they caught him on, basically on
15 scene. I know it's a different unit, but very close in
16 proximity with almost a res gestae similar incident, and
17 they just traced it back to the night beforehand where he
18 had the burglary tools and the proceeds from the prior
19 night's burglary.

20 Q All right. And you heard Mr. McCoy's testimony about
21 the photographs and the discussion about where the two
22 different incidents came up. Did you get the impression that
23 the Solicitor was trying to confuse the jury as to where Mr.
24 McCoy was found?

25 A No. Intentionally, no. Could there have been goof ups?

1 Yes. There were two similar strip mall locations, built by
2 the same company, run by the same company, close in
3 proximity. If they mismarked evidence. I thought that the
4 State probably, and I certainly thought that we were going
5 to work it out by plea. So I think they felt kind of short,
6 getting it ready fairly quickly. But it had been sitting
7 for a while. The -- I heard Jeff say that I gave him a
8 photograph that was not introduced at trial. The only thing
9 is I can think of is, if I get discovery evidence and there
10 are 30 pictures of shoe prints, I might give an inmate in
11 jail a gist of them, three or four or five, to get the gist
12 of what shoe print evidence is. In 2013 I would have had to
13 manually print up every picture. And if there were 150
14 pictures in a case, I'm not printing out 150. I might do --
15 if there are 10 pictures of the house, I might do two or
16 three to kind of give him a idea of what the State's going
17 to introduce. But the -- so that is entirely possible that
18 I gave him pictures that weren't introduced at trial. He
19 didn't see the ones. We would have reviewed all the
20 pictures, even if it was just as quick as putting on the
21 table, they flip them over beforehand.

22 The -- there was some -- I remember Jeff having an
23 issue. There was some discovery that wasn't disclosed until
24 the week of trial, but it was really cumulative to what
25 everything else. It didn't add anything really.

1 Q I see.

2 A You know, for us or for them. But I think there was
3 some police reports that were kind of supplementals. But
4 they had already been cumulative to what was in.

5 Q And that's arising out of the nature of the fact that
6 this was basically a spree of burglaries from one building
7 to the next?

8 A I wouldn't call it a spree, or to the extent that he
9 got caught the following night. So ---

10 Q But a series in ---

11 A It would have been a series. The start of a series. The
12 -- there were five done in one night, but I don't call that
13 a spree. I just felt that was one basic operation. The --
14 but it was -- it would be a spree, or a serial, to the
15 extent that he was caught the next night in a different,
16 almost identical scene.

17 MR. JONES: All right. Mr. Verner, I think that's all
18 the questions I have for you. Thank you.

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. JOHNSON:

23 Q Charles, good morning.

24 A Mr. Johnson was for years and years, a scene in
25 Newberry county representing criminal defendants. So I

1 appreciate seeing you. It's been a couple of years, but I
2 appreciate seeing you.

3 Q I always say, it's better be seen than viewed. So I
4 appreciate it. Thank you. One question. You listened to
5 what Mr. McCoy testified was his major complaint.

6 A Four of them. Yes, sir.

7 Q And basically his major complaint is this. Is that the
8 evidence that they had, stuff that was found in the room,
9 with the ---

10 A The hotel room

11 Q Right, the hotel room, as well as everything else.
12 Without them being able to physically put him inside Wilson
13 Shopping Center the night before ---

14 A Well, the shops of -- they're both Wilson, basically
15 strip malls.

16 Q Right, but one was Wilson and one was Bear.

17 A The Shops of Newberry would be the five that he was
18 tried on. And then Bear Village is a separate strip. And
19 that's the one that he was actually arrested ---

20 Q --- That he was arrested.

21 A -- the following night.

22 Q Correct. But without evidence showing that he was
23 physically inside, even using evidence that were found in
24 the room. Wouldn't you agree that that proved that he was
25 in possession of stolen goods, a lesser included?

1 A Theoretically, yes. If you can't prove the guy is
2 committing the principle crime, then you have -- it's
3 possession of stolen goods, or receiving stolen goods. But
4 yeah, if you can't prove the principal crimes, then ---

5 Q Right.

6 A --- that would be the only -- that's a much less
7 serious.

8 Q So as a result, the evidence that placed him inside the
9 building would have been the footprint of the shoe?

10 A Yes, sir.

11 Q DNA evidence, especially showing that somebody else's
12 DNA evidence was inside and not his?

13 A If it was tested. Yes.

14 Q And explaining to the jury that where he was found was
15 not the location of where the crime occurred?

16 A Correct.

17 Q So looking at it in that light, wouldn't you agree that
18 those three issues are significant issues, because that was
19 the only evidence they had that proved that he was inside
20 that building?

21 A That he himself. Now, they could clearly prove
22 somebody.

23 Q Correct.

24 A Was inside. He was convicted because he was on scene
25 the following night, at a very similar location. That his

1 car had burglary tools and money and such, and then that his
2 hotel room, where there was a search warrant, had the actual
3 merchandise inside of it, and the shoe inside of it. But
4 that connects Jeff to the burglary, it's circumstantial
5 other than the shoe. Well, I guess it would be all
6 circumstantial, because even the shoe print would be
7 circumstantial evidence of guilt.

8 Q Well, the shoe print would be most significant,
9 because, as you say, they found shoes that belonged to him
10 that was inside the scene. You know, was located inside one
11 of the one of the places that were robbed.

12 A My recollection is the shoe prints were found inside
13 the stores, but the shoes themselves were found in the hotel
14 room.

15 Q Right. And that's how they connected to him.

16 A Right.

17 Q And that's what I'm saying. That was the importance of
18 that, of that footprint picture. Because if you could prove
19 that -- if those things wasn't allowed in, you still would
20 have a defense of asking the Court to give you a lesser
21 included, which would have been possession of stolen goods
22 and possession of burglary items. Because they had no other
23 proof that he actually took that. And that could have been
24 an argument you could have made to the jury.

25 A Not lesser included, because they were separately

1 indicted counts, but a possible defense outright would be
2 what you're raising. I think -- I tend to doubt that the
3 shoe prints themselves were critical to his conviction. I
4 think the fact that he was there the following night with
5 burglary tools and had merchandise on him is kind of the
6 heart of the conviction. That the shoe prints might add on
7 a little bit to it, but I think the jury would have reached
8 the same determination with or without shoe prints. But
9 yes, they do tend to point directly to Jeff.

10 Q I understand. But as you know, we've been doing this
11 for a while. You only got -- you only work with what you
12 got. And what you have, and what the State has, was the
13 footprint that put him inside the building. They had DNA
14 evidence that they say they didn't process or didn't get
15 back in time?

16 A Right. So I discounted that as evidence.

17 Q Which could have been. We don't know the result of
18 that, even to this day. However, it was significant enough
19 that if it's showing that it was other DNA found on -- I
20 think the DNA evidence was actually found on tools that was
21 found there at the scene of the crime.

22 A There were some tools, such as Sawzall blades and
23 things, that were left at the scene inside the burglary
24 units.

25 Q Right. So if other DNA evidence would have been found,

1 that would have been evidence that could have shown that he
2 was not the person that went inside to steal the items. So
3 I'm just saying that that's why that's important for his
4 defense, and I think that's why the reason that he brought
5 this PCR.

6 A Theoretically, yes.

7 Q So, those items, in our theory in representing Mr.
8 McCoy, his theory is that those items that you said are not
9 significant, to him, they are significant. And we submit
10 that to the Court as being significant.

11 A I understand. He's serving a 25-year prison. He's
12 absolutely right that they are worth being looked at or
13 presented, but I don't believe the shoe prints were material
14 to his conviction. The -- and the DNA is kind of a "would-
15 a, could-a, should-a." It was not introduced as evidence
16 against him. The -- if anything, we probably raised it as
17 "Why didn't you test the DNA at trial?" But Jeff's problem
18 is just there is a mountain of circumstantial evidence,
19 including him being at the scene the following night in the
20 same.

21 Q But once again, as I said, actually the location where
22 he's found, where he was found, was not actually the scene
23 of the crime he was being held accountable for.

24 A That's correct.

25 Q So he wasn't found at the scene?

1 A That's correct.

2 Q But because of your -- because of what you explained
3 just now, you didn't feel that it was significant enough for
4 you to object to those things at that time. Correct?

5 A Object to the shoe prints and DNA?

6 Q Correct.

7 A I don't recall objecting to the shoe prints. I'm sure
8 they had Chuck Counts, who was offered as an expert witness
9 in latent print or shoe print identifications. I've been in
10 Newberry 25 years. He's been a established as a shoe print
11 expert witness multiple times, teaches at the FBI in
12 Quantico and other places on shoe prints. So he was
13 qualified, and it will be hard to -- so I don't think I
14 would have consented, but I don't -- I doubt I objected to
15 the shoe prints coming in. And as to DNA, it was not
16 offered as evidence in the case-in-chief. If anything, it
17 was only raised by us as, why didn't you test the DNA. So I
18 did not object to it and I did not move for a directed
19 verdict on the fact that the DNA was not.

20 Q Okay. And you did not ask for any additional charges,
21 such as I mentioned about the possession of stolen goods, be
22 added to, at the end of prosecution's case?

23 A I did not. Receiving stolen goods is not a lesser
24 included offense of burglary, so I would not have the
25 ability to force the State to offer that. I may have -- I

1 don't recall, but it is possible I argued to the jury that
2 mere possession of this merchandise, without proof of
3 actually committing the crime in chief, is not evidence of
4 the burglary. I'd be amazed if I didn't argue that, because
5 I usually do. But I don't think I would have had a legal
6 grounds to ask the judge to include receiving stolen goods.
7 It is clearly not a lesser included offense, and it's not an
8 indicted offense.

9 Q Okay. And just to clarify something. Mr. McCoy
10 mentioned me while we were sitting there. The plea offer
11 that was offered to him. I think you said it was 10 and
12 then another time was, like, 15 years or something.

13 A My best recollection is they offered him one count of
14 burglary second degree, straight up. So recommendation on
15 time. If there were multiple counts, they would have been a
16 concurrent type situation. But on the plea, he was offered,
17 and I advised him to take. It was a zero to 15 plea. I
18 told him I thought he would probably get -- I told him,
19 you'd be happy to get 15, but seven to eight is where I
20 thought he would end up. That's got nothing to do with my
21 PCR issues, but I was of the opinion he needed to work this
22 case out and not take it to trial.

23 Q He also mentioned to me that the judge apparently told
24 him something like, you could get, like, 100 years, or
25 threatened him with 100 years if he didn't take the plea or

1 something.

2 A That's -- it's possible the judge told him the total
3 amount of time he was technically facing with all of the
4 consecutive.

5 MR. JOHNSON: Okay. I have no other questions.

6 THE COURT: Mr. Jones, anything in follow up?

7 MR. JONES: Just briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. JONES:

10 Q Mr. Verner, just to clarify. Do you recall whether
11 there was, at one point, a plea offer, and then that was
12 rejected. And then there was the possibility of another
13 plea straight up to all the charges?

14 A I vividly recall a plea offer offered, and I vividly
15 recall telling him, you've got to take the plea.

16 Q And when would that ---

17 A And him saying, I'm not doing that to myself. I'm not
18 putting myself in prison. And I remember telling him that
19 they pay judges to put guys in prison. If you plead guilty,
20 you're not putting yourself in prison. Somebody else is
21 going to go ahead and do that. But he would have gotten an
22 active prison sentence, possibly up to 15, on burglary
23 second for these charges.

24 Q And do you recall the timeline of when that would have
25 occurred?

1 A Well, I think it's in the transcript where we tried to
2 plead, maybe before the week of trial. But that would have
3 been, I guess, one last attempt to try to work out some kind
4 of plea deal.

5 Q I see.

6 A Jeff was in pre-trial custody for probably 7, 8, 9,
7 months before he went to trial.

8 Q I see.

9 MR. JONES: All right. Thank you, Mr. Verner. I think
10 that's all I have for you.

11 THE COURT: Thank you. Anything further from the State?

12 MR. JONES: If there's no recross, then there's nothing
13 else from the State.

14 MR. JOHNSON: One moment, Your Honor.

15 THE COURT: Yes, sir.

16 MR. JOHNSON: Your Honor, we have nothing else.

17 THE COURT: Thank you. Anything further from the State?

18 MR. JONES: No further evidence from the State, Your
19 Honor.

20 THE COURT: Anything in reply, Mr. Johnson.

21 MR. JOHNSON: Nothing in reply, Your Honor.

22 THE COURT: You may step down, Mr. Verner.

23 MR. JOHNSON: Just that I be allowed to do a closing for
24 you.

25 THE COURT: Mr. Johnson, are you ready to do that?

1 MR. JOHNSON: I'm ready to do that, Your Honor.

2 THE COURT: I'll be glad to hear from you.

3 MR. JOHNSON: Your Honor, as stated, the night before my
4 client was -- when he went on trial, the evidence that was
5 used at trial was evidence that came from a robbery that
6 occurred the night before he was arrested. That evidence --
7 and he was found guilty of robbing a location he was not
8 found at. The things that connected him to that robbery was
9 the money and things found at his hotel room. Money in his
10 pocket, tools that could have been used for that operation.
11 But the only thing that actually put him at the scene was
12 the footprint, DNA evidence that, to this day, we still
13 don't know what that result would have been found. That DNA
14 was actually found on tools that was found at the scene of
15 the first night, which would have been significant,
16 especially had DNA evidence that didn't belong to my client.

17 It is his belief that his attorney was negligent in
18 this case because there was a lot of evidence in this case,
19 but as I explained a minute ago, it's our belief that that
20 evidence only proved that he was in possession of stolen
21 goods. Without them being physically able to put him inside
22 that building, a very, very strong argument could be made to
23 the Court that the State has failed in proving that he was
24 guilty of robbery. But because -- it's our belief, because
25 his defense attorney, with the strong evidence that did

1 exist, and his experience, made up his mind that there was
2 no need to fight that because of the State's witness that
3 was so strong. Because of the other evidence.

4 As the Court is aware, we can only fight what we got.
5 But that don't mean we don't fight. And as a result of that,
6 we feel that the attorney did not meet his requirement, and
7 as a result of that, if he had done those things that
8 outcome would have been different. And I think we showed
9 before the Court today that there is some question to those
10 items that placed him at that scene.

11 THE COURT: Mr. Johnson, the suppression motion that was
12 filed by Mr. Verner. I haven't looked at all of that yet.
13 Did that suppression motion cover both the items that were
14 found in Mr. McCoy's car and in the motel room, or was it
15 just in the car?

16 MR. JOHNSON: It was both. Because the things found in
17 the hotel room was the fruit of the poisonous tree from
18 going into the car. Because they found a hotel key, and they
19 found thing that related back to the hotel. Without the
20 stuff from, what they found in the car, they would have
21 found nothing connecting him to that hotel.

22 THE COURT: The search of the car was a warrantless
23 search from what I understand. Is that correct?

24 MR. JOHNSON: Correct.

25 THE COURT: And then as a result of what was found in

1 the car, they then went and asked for a search warrant,
2 which was granted apparently?

3 MR. JOHNSON: Correct.

4 THE COURT: But Mr. Verner's motion, his suppression
5 motion, would have covered items from both of those
6 locations?

7 MR. JOHNSON: Correct. Because if he was successful with
8 that, with that suppression motion about the car, the
9 evidence found in the hotel room could not be used.

10 THE COURT: Yes, sir. All right. Thank you, Mr.
11 Johnson.

12 Mr. Jones?

13 MR. JONES: Thank you, Your Honor. To begin with the
14 shoe print issue, I think the confusion might have stemmed
15 from the use of the language about two-dimensional and
16 three-dimensional impressions.

17 If you look at page -- beg the Court's pardon. 249 at
18 the beginning of Charles Counts' testimony. Charles Counts
19 was the State's footwear analysis expert. He launches right
20 into explaining the difference between two-dimensional and
21 three-dimensional impressions. And he says that a two-
22 dimensional impression is where the hard sole of the foot
23 picks up residue, such as dirt and dust, and leaves an
24 impression on the ground of the outsole of that footwear. As
25 opposed to a three-dimensional impression, where the hard

1 sole of the foot goes into a soft substrate and leaves a
2 foot track.

3 This was not a three-dimensional impression. It's not
4 like somebody leaving a print in mud. It was about leaving
5 a print on the hard plate that had come off of the safe. So
6 to the extent -- I think there was just some confusion about
7 what Mr. Counts meant by that. But it's clear from his
8 testimony, if you read it carefully, that this was not a
9 three-dimensional print masquerading as a two-dimensional
10 print in any sense. And Mr. Verner testified that he saw
11 the pictures. He was able to compare them to the shoe, and
12 in his opinion, they were a match.

13 So without that, I'm not aware of any meritorious
14 objection that could have been raised to that evidence. And
15 as Mr. Johnson has conceded, that evidence was critical to
16 tying Mr. McCoy to the scene. However, even without that
17 evidence, there would have been plenty of circumstantial
18 evidence from the fact that he was in possession of the
19 stolen cell phones and the tools and other evidence of
20 burglary, was caught at a similar location the next night.

21 And to get to the issue of the locations. Your Honor,
22 there's just no possibility that the State was trying to
23 confuse anybody about where these locations, where these
24 events happened, to the extent that there was any problems
25 with the numbering of the State's Exhibits. It was clearly

1 just the kind of Scriveners error that crops up during trial
2 and was quickly addressed by the Court, as even Mr. McCoy
3 testified. And I would like to direct the Court's attention
4 to page 43 of the transcript, which is the Solicitor's
5 opening statement to the jury, in which he describes -- he's
6 finished describing the nature of the break-ins at the Shops
7 at Wilson, and then goes in and says, "Now shift your focus
8 to another location about eight tenths of a mile down the
9 road. It's called Stores at Bear Village." And then he
10 makes clear that that's where Jeffrey McCoy was caught.

11 So it's clear, even in the State's own opening
12 statement, that these were two separate incidents. Again,
13 the relevance of him being caught at Bear Village is because
14 it's a similar kind of shopping complex. He was caught
15 there with tools and in circumstances indicating that he was
16 trying to disrupt the security apparatus at that location,
17 which matched generally the MO of the previous location.
18 And that, again, was evidence tying him to the previous
19 location, even without consulting the shoe print. So for
20 that reason, the State's position is that there wasn't any
21 possible objection that Mr. Verner could have made, either
22 to the shoe print or to the location exhibits that would
23 have had an outcome more favorable to Mr. McCoy in this
24 case.

25 There was an additional issue that we kind of got into

1 at the end about the plea proceedings. I don't know if Mr.
2 Johnson would make an issue out of that, but I would just
3 say that the transcript reflects that prior to the beginning
4 of the trial, there was an abortive attempt to take a guilty
5 plea from Mr. McCoy that got about halfway through the
6 colloquy and then Mr. McCoy dropped out of it. Now, that
7 one, it does not say that there was a deal. It looks like a
8 pure straight-up plea to all the charges, so I was a little
9 bit confused as to whether there was an earlier deal or not.
10 I just wanted to make the record clear on that point.
11 Regardless, he received a trial, so his right to a fair
12 trial was protected.

13 And one final thing as to the DNA. Of course, in the
14 context of a PCR application, it is the burden on the
15 Applicant to establish the proof that he alleges would have
16 been discovered if his attorney had done a more thorough
17 investigation. That was not presented. There is a Post-
18 conviction DNA Act, which is different from the Post-
19 conviction Relief Act, and certainly whatever Your Honor's
20 decision is here today, I don't think, would prejudice Mr.
21 McCoy in seeking relief under that act. But under the Act as
22 it stands today, the Act that we're here on, I don't believe
23 he's met his burden.

24 And with that, thank you, Your Honor.

25 THE COURT: Thank you, Mr. Jones. Mr. Johnson, since

1 you bear the burden of proof in this case, I'll let you have
2 the last word of you have the last word.

3 MR. JOHNSON: Your Honor, I don't believe I have
4 anything else to put forth. Just restating that it's still
5 our position that evidence that was substantial only proved
6 that he was in possession of it. That there was very little
7 evidence that proved that he actually was inside that first
8 building the night before. There were no witnesses. There
9 was no fingerprints found. The only thing that actually put
10 him inside a building, physically inside a building, was the
11 DNA and the footprint. And that alone, which was never
12 argued to the jury, is our belief that that should have been
13 a significant part of the defense, especially when you're
14 not putting up any other defense. And as a result, his
15 attorney did not meet the -- was performance was substandard
16 of a reasonable attorney under those circumstances. As a
17 result of his performance, it led to my client being found
18 guilty. It is our belief that if those things had been
19 done, that the outcome of the case would have been
20 different.

21 THE COURT: Thank you, Mr. Johnson. Mr. McCoy, I've
22 got a lot of material that I have to look at in this case.
23 I'm going to take this matter under advisement. I will make
24 a decision as quickly as I can, having considered all of the
25 evidence, transcripts, and everything that have been given

1 to me, and I will get a decision to your lawyer as quickly
2 as I possibly can. Okay, Mr. McCoy?

3 THE APPLICANT: Okay. Thank you.

4 ***END OF REQUESTED TRANSCRIPT OF RECORD)***

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Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of Common Pleas for Newberry County, South Carolina, on the 31st day of March, 2025.

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

Tara T. Scott, CVR
Official Court Reporter
January 5, 2026

NEWBERRY CP/GS COURT
JUL 29 '25 AM 10:06

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF NEWBERRY	)	FOR THE EIGHTH JUDICIAL CIRCUIT
	)	
Jeffrey Glenn McCoy, #359097,	)	Case No.: 2017-CP-36-00587
	)	
Applicant,	)	
	)	
v.	)	
	)	ORDER OF DISMISSAL
State of South Carolina,	)	
	)	
Respondent.	)	
	)	
	)	
	)	

COPY

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by Jeffrey Glenn McCoy ("Applicant") on November 3, 2017, and amended on November 6, 2024. The Court convened an evidentiary hearing into the matter on March 31, 2025, at the Greenwood County Courthouse. Applicant was present at the hearing and represented by Charlie J. Johnson, Esquire. Zachary W. Jones, of the South Carolina Attorney General's Office, represented Respondent.

After reviewing all records and evidence before the Court, this Court finds Applicant has not met his burden of proof in this matter. Therefore, the Court finds Applicant is not entitled to post-conviction relief and denies and dismisses this application with prejudice. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is currently incarcerated in the South Carolina Department of Corrections ("SCDC"). Applicant was indicted at the August 2012 term of the Newberry County Grand Jury for safecracking (2012-GS-36-872); five counts of second degree burglary (violent) (2012-GS-36-874, -877, -878, -882, -883); grand larceny (2012-GS-36-884); two counts of petit larceny (2012-

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GS-36-879, -880); and possession of burglary tools (2012-GS-36-881). Applicant was represented by Charles Verner, Esquire. On April 22, 2013, Applicant underwent a trial before the Honorable Frank Addy, Jr., and a jury and was subsequently found guilty on all counts. Judge Addy sentenced Applicant to fifteen years imprisonment for safecracking, ten years consecutive for one count of second degree burglary (violent), ten years concurrent for each of the remaining four counts of second degree burglary (violent), five years concurrent for grand larceny, five years concurrent for possession of burglary tools, and thirty days concurrent for each count of petit larceny.

Applicant filed a notice of appeal, and an appeal was perfected by Appellate Defender Laura Caudy. In an unpublished opinion, the South Carolina Supreme Court affirmed Applicant's convictions and sentences. *State v. Jeffrey McCoy*, 2015-UP-136 (S.C. Sup. Ct. filed March 11, 2015). The remittitur was sent April 10, 2015.

Applicant filed his first PCR application on November 2, 2015. A hearing was held on Wednesday, June 7, 2017, before the Honorable G. Thomas Cooper, Jr., at the Laurens County Courthouse. Applicant was not present but was represented by Carson Henderson, Esquire. At the time of the hearing, Applicant was incarcerated in the Tennessee Department of Corrections. Counsel for Applicant and Respondent informed the Court that they agreed to dismiss the application without prejudice while Applicant completes his sentence in Tennessee. An Order of Dismissal Without Prejudice was signed on June 26, 2017, and filed July 3, 2017.

Factual Summary

On the morning of May 27, 2012, Officer Justin Weaver of the City of Newberry Police Department began checking property at Wilson Shopping Center in Newberry. (R. p.114, line 19-R. p.115, line 8.) He discovered a hole in the cinder block on the back of the Check Into Cash store, found the door unsecure, and called for backup. (R.p.115, lines 9-17.) He and his backup

officer entered the building, smelled burning metal, and noticed the safe had several cut marks on it. (R.p.115, lines 18-24.) Weaver saw two grinders on the floor next to the safe and a couple of pry bars nearby. (R.p.116, lines 1-3.) After checking the other four businesses in the center, he realized their doors were unsecure and that holes had been knocked in the walls between the stores. (R.p.116, lines 7-20.) Weaver also observed that electrical wiring at the rear of each business had been cut, apparently in an attempt to disable alarms and camera systems. (R.p.120, lines 17-21; p.125, lines 12-17; p.126, lines 24-25; p.127, lines 14-20; p.128, lines 22-24; p.129, lines 7-15; p.130, lines 8-21; p.134, lines 14-17). Officer Weaver contacted key holders from each of the businesses and ascertained that numerous cell phones were missing from Boost Mobile and multiple gold dollar coins and rolls of stamps had been stolen from Regional Finance. (R.p.209, lines 3-20).

The following night, Officer Boris Alvarado was patrolling the nearby Bear Village shopping center in response to the burglaries from the previous night. (R.p.142, line 1-R.p.143, line 3; R. p.147, lines 3-8.) He began checking doors of the businesses and noticed an open storage unit. (R.p.143, lines 6-18.) As he walked toward it to investigate, he saw Applicant kneeling behind an air conditioning unit. (R.p.143, line 18-R.p.144, line 2; R.p.146, lines 13-20.) He asked him to identify himself, radioed in Applicant's name and date of birth, and found out he was from Tennessee. (R.p.146, line 21-R.p.147, line 25.) Officer Desiree Busko arrived to assist Alvarado as backup. (R.p.147, lines 18-21). When Busko arrived, she noticed tools on the ground by the air conditioning unit where Applicant had been kneeling. (R.p.148, lines 3-7). Officer Alvarado observed that multiple telephone boxes on the back side of the Bear Village shops appeared to have been opened and some of the wires inside appeared to have been cut. (R.p.154, line 11-p.155, line 3; p.156, line 17-p.157, line 13; p.213, lines 17-21). Officer Randy Malloy discovered

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a vehicle with a Tennessee tag in a nearby parking lot and determined it belonged to Applicant (R.p.29, lines 18-22.) Through the windows of the car, Officer Malloy could see a bag with tools including grinders, saw blades, and extension cords. (R.p.166, lines 3-9). He also observed a "large amount" of coins, including gold dollars, in the vehicle's center console. (R.p.166, lines 12-15). A hotel key was also visible in plain view in the console of the vehicle. (R.p.45, line 22-p.46, line 4; p.47, lines 12-25.) The room number on the hotel key was 125. (R.p.171, lines 12-13).

At that time, Officer Busko began checking local hotels to see if Applicant was registered as a guest and discovered he had checked in to room 125 of the Budget Inn. (R.p.51, line 17-p.52, line 20.) She watched the hotel room until a search warrant was obtained, at which time officers searched the room. (R.p.52, line 21-p.53, line 12.) Inside, officers discovered approximately 70 cell phones, multiple tools including grinders, and a pair of Fila tennis shoes. (R.pp.188-92). The sole of the left shoe matched a footwear impression found on a metal plate that had come off the safe at the Check Into Cash. (R.p.219, line 22-p.220, line 7; p.302, lines 1-10). The cell phones were still in boxes with "Boost Mobile" written on them. (R.p.216, line 22-p.217, line 9). Applicant was subsequently arrested and charged with safecracking, five counts of second-degree burglary (violent), grand larceny, two counts of petit larceny, and possession of burglary tools. (R.pp.371-94).

Present Application

Applicant commenced this PCR action on November 3, 2017. Applicant attached a 42-page handwritten "Appendix" raising allegations of ineffective assistance of counsel labeled A through Z, A-1 through Z-1, and A-2 through C-2, most of which were split into multiple numbered subparts.

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On November 6, 2024, Applicant filed an amended application raising the following issues:

1. Applicant was denied his Sixth Amendment right to effective assistance of Counsel when Trial Counsel failed to object to the Opening and Closing Statements of the Solicitor.
2. Applicant was denied his Sixth Amendment right to effective assistance of Counsel when Trial Counsel failed to request a Batson Charge.
3. Applicant was denied his Sixth Amendment right to effective assistance of Counsel when Trial Counsel failed to object to the testimonies of State witnesses Desiree Busko, Kevin Goodman, Charles Count and Harld Mally, and to impeach their trial testimony.
4. Applicant was denied his Sixth Amendment right to effective assistance of Counsel when Trial Counsel failed to object to the introduction of state's exhibits #1, #7, #8, #9, #10 (A-R), #11, #13, #14, #17, #18, #19 and #20.
5. Applicant was denied his right to due process under Article I, Section 3 of the South Carolina Constitution elicited false testimony concerning the change of the Identification of the location of the Aerial Photo of the Shops at Bearville.

An evidentiary hearing was held on April 1, 2025. At that hearing, Applicant proceeded on the following four allegations of ineffective assistance of counsel:

1. For failing to challenge the testimony of the State's expert in footwear examination and comparison;
2. For failing to adequately address the fact that DNA evidence found at the crime scene was not used at trial;
3. For failing to adequately challenge the State's misidentification of aerial photographs;
4. For failing to challenge the warrantless search of Applicant's automobile.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, and weighed the testimony accordingly. Before the Court are Applicant's records from the South Carolina Department of Corrections, the transcript of Applicant's trial, the records of the Newberry County Clerk of Court regarding the subject convictions, Applicant's appellate records, and the original and amended applications for post-conviction relief. This Court has reviewed the records submitted to it by the parties, the legal

arguments made by the attorneys, and the pleadings. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented:

Ineffective Assistance of Counsel, Generally

Applicant has raised four allegations of ineffective assistance of counsel during his trial. The Court finds each of these allegations to be meritless.

Because this is a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRCP.

Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel’s performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). “The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.” *Yarborough v. Gentry*, 540 U.S. 1, 6 (2003); see also *Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) (“[C]ounsel’s performance need not be optimal to be reasonable.”).

Rather, Counsel's performance, even if "far from exemplary," will only be found deficient if "no competent lawyer" would have acted the same way. *Dunn v. Reeves*, 594 U.S. 731, 739 (2021).

Second, counsel's deficient performance must have so prejudiced the applicant 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. "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington*, 562 U.S. at 111–12 (quoting *Strickland*, 466 U.S. at 697). "The likelihood of a different result must be substantial, not just conceivable." *Id.* at 112. "The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury." *United States v. Basham*, 789 F.3d 358, 371–72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

In some cases, overwhelming evidence of guilt will preclude a finding of prejudice. "A reasonable probability of a different result does not exist when there is overwhelming evidence of guilt." *Hillerby v. State*, 431 S.C. 323, 333, 847 S.E.2d 500, 505 (Ct. App. 2020) (citing *Geter v. State*, 305 S.C. 365, 367, 409 S.E.2d 344, 346 (1991)). For evidence to be "overwhelming," such that it categorically precludes a finding of prejudice, the evidence must include something conclusive, such as a confession, DNA evidence demonstrating guilt, or a combination of physical and corroborating evidence so strong that the *Strickland* standard of "a reasonable probability . . . the factfinder would have had a reasonable doubt" cannot possibly be met. *Smalls v. State*, 422 S.C. 174, 191, 810 S.E.2d 836, 845 (2018).

The Court finds the evidence in this case meets the standard articulated in *Smalls*. Here, Applicant was essentially caught red-handed in the act of perpetrating a burglary behind the Bear

Village shopping center; he was found kneeling behind an air conditioning unit with a number of tools in his possession, near electrical boxes that had been forced open. These circumstances matched the circumstances of the multiple burglaries committed the previous night, at another shopping center less than a mile away, where the culprit had sabotaged electrical boxes at the rear of the businesses before stealing valuables, including every phone in the Boost Mobile store, and attempting to break into a safe with multiple pry bars and grinding tools. Law enforcement tracked down the hotel room rented by Applicant and found dozens of the stolen cell phones inside, still in the Boost Mobile packaging, as well as additional tools, including grinders like those used in the attempted safecracking.

This evidence was extremely damning; the Court finds there was "a combination of physical and corroborating evidence so strong that the *Strickland* standard . . . cannot possibly be met." *Smalls*, 422 S.C. at 191, 810 S.E.2d at 845. The evidence Applicant challenges in his PCR application—the shoe print from the crime scene matching the tennis shoe found in his hotel room, and the stolen property and additional tools found in Applicant's truck—was also strong, but was merely cumulative to the other substantial evidence that conclusively established Applicant's guilt. Even if Counsel had performed deficiently in every way Applicant alleges, there can be no "reasonable probability" of a different result in light of this overwhelming evidence.

Because a showing of prejudice is required to succeed on an ineffective assistance claim, Applicant's failure to prove prejudice is dispositive of this PCR action, and there is no need to evaluate the deficiency prong of the ineffective assistance analysis. See *Strickland*, 466 U.S. at 697 ("If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice . . . that course should be followed."). Nevertheless, for the sake of completeness, the Court will address Applicant's specific allegations of ineffectiveness:

SPD

Footwear Impression Testimony

Applicant alleges Counsel was ineffective for failing to challenge the State's expert as to whether the sole of the Fila tennis shoe matched the impression found on the metal plate that came off the safe at the crime scene. This allegation is meritless.

A metal plate was found at the scene of the attempted safecracking at the Check Into Cash business; it was determined to be a part of the safe that had been broken off during the burglary. Law enforcement noticed a shoe print on the metal plate when they examined the crime scene.

At trial, the State called Captain Charles Counts as an expert in, among other things, footwear examination and comparison. Counts testified that he compared the sole of the Fila tennis shoes found in Applicant's hotel room to the footwear impression found on the metal plate, and he determined that the shoe print on the plate matched the sole of the left Fila tennis shoe.

Applicant complains Counsel should have objected to this testimony because the shoe print on the plate did not match the shoe found at the hotel. In support of this argument, Applicant refers to the testimony of Captain Counts regarding the difference between two-dimensional and three-dimensional footwear impressions. (R.pp.291-92). Applicant claims the shoe print at the crime scene was a three-dimensional impression, while the shoe print presented at trial was two-dimensional.

This claim is not supported by the trial transcript. Counts clearly testified that a two-dimensional impression is "where the hard sole of the foot picks up residue such as dirt and dust and leaves an impression on the ground of the outsole of that footwear," while a three-dimensional impression is "where the hard sole of the foot goes into a soft substrate and leaves a foot track." (R.p.291). Counts then explained that stepping on a sheet of metal, like the one in this case, would leave a two-dimensional impression. (R.p.292, lines 7-10). Clearly, the shoe print on the metal

500

plate found at the crime scene was a two-dimensional impression. Applicant is simply mistaken in claiming that the shoe print at the crime scene was three-dimensional. While Counts used multiple different methods to visualize the comparison between the shoe print found at the scene and the soles of the shoes found at the hotel, the Court finds that Applicant has not identified any material discrepancy that was not adequately explained at trial. Therefore, the Court finds counsel was not deficient for failing to object on this ground, and there is no reasonable likelihood that the result of the trial would have been different if Counsel had objected.

DNA Evidence

Applicant alleges Counsel was ineffective for not challenging the State's failure to introduce evidence of the DNA found at the crime scene. This allegation is meritless.

Applicant claims there was DNA found by law enforcement at the crime scene, but the State did not attempt to introduce any DNA evidence at his trial. Applicant speculates that the DNA evidence could have exonerated him by proving that somebody else committed the crime; however, Applicant has not presented this purportedly exculpatory DNA evidence to the Court. In addition, Applicant admitted he discussed this issue with Counsel, and Counsel told him the DNA evidence probably would not be processed for three to five years.

The burden is on Applicant to introduce evidence at the PCR hearing to substantiate his allegations. Without evidence, there is no reason to believe that the DNA collected the scene would have exonerated Applicant; it is just as likely to have further inculpated Applicant, and the fact that the State did not introduce it at trial is easily explained by the desire to avoid unnecessary delay in prosecuting this otherwise open-and-shut case. For these reasons, the Court finds Applicant has not met his burden of proving either deficiency or prejudice as to this allegation.

Aerial Photographs

Applicant alleges Counsel was ineffective for failing to object when the State incorrectly referred to the exhibit number for an aerial photograph of the Wilson Shopping Center when discussing a photograph of the Bear Village shopping center. Applicant claims this was a deliberate attempt by the solicitor to confuse the jury, so that the jury would think the shopping center where Applicant was arrested was the same shopping center that had been burglarized the night before. This allegation is meritless.

Applicant refers to an exchange reflected in the record where the solicitor referred to certain exhibits with the incorrect exhibit numbers. (R.p.153, lines 7-17; p.154, lines 11-12; p.163, line 19-p.164, line 8; p.183, lines 5-10). However, the record reflects that Counsel pointed out these errors, and the solicitor agreed to correct the exhibit numbers. (R.p.153, lines 7-17; p.183, line 14-p.185, line 10). The Court finds Counsel responded appropriately under the circumstances.

In addition, the Court notes that, during closing argument, the solicitor carefully explained to the jury the fact that the burglary and safecracking had happened at the Wilson Shopping Center, while Applicant was apprehended at the nearby Bear Village the following night: "I hope that wasn't too confusing that we were dealing with these *two different* incident locations. . . . Shops on Wilson are these that we've talked about so exhaustively. That happens on *the night of the 26th*. Mr. Alvarado is patrolling Bear Village *the next night*. I hope all this was clear to y'all." (R.pp.325-26) (emphasis added). This refutes Applicant's claim that the solicitor was deliberately attempting to mislead the jury into conflating Bear Village with the Shops at Wilson. Rather, the Court finds the incorrect exhibit numbers were simply minor clerical errors, which were not likely to confuse the jury and which Counsel swiftly noticed and corrected on the record.

For these reasons, the Court finds Counsel was not deficient as to this allegation, nor was Applicant prejudiced.

Lack of Search Warrant

Finally, Applicant challenged the warrantless search of his truck. However, Applicant testified that Counsel attempted to suppress the evidence obtained pursuant to that search, and the issue was preserved for appeal and ruled on by the court of appeals. Applicant even acknowledged that Counsel and Applicant's appellate lawyer handled the issue as well as they could. Applicant clarified that he was challenging the court of appeals' decision on this issue, rather than the performance of Counsel.

S.C. Code Ann. section 17-27-20(B) expressly states PCR "is not a substitute for . . . direct review of the sentence or conviction." A PCR application cannot assert any issues that were raised, or could have been raised, at trial or on direct appeal. *Drayton v. Evatt*, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Therefore, the Court finds this claim is not cognizable in a PCR action.

In addition, this Court lacks the authority to overrule the court of appeals on a point that has already been decided against Applicant. For these reasons, this Court finds this allegation meritless.

[conclusion and signature on following page]



III. CONCLUSION

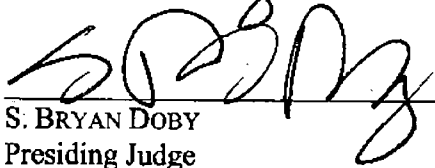
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant's attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 23 day of July, 2025.


S. BRYAN DOBY
Presiding Judge
Eighth Judicial Circuit

Bishopville, South Carolina

✓
WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795800

TRUE BILL

Maie M. Hickman

Foreman of the Grand Jury

Date: 8-27-12

VERDICT

Guilty

Barbara J. Hill

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0872

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

SAFECRACKING

16-11-0390

THE STATE OF SOUTH CAROLINA

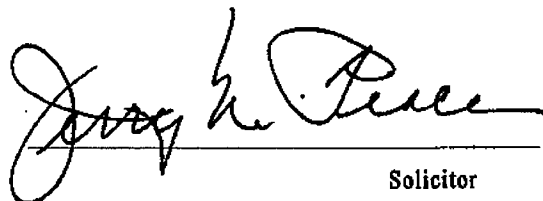
COUNTY OF NEWBERRY

INDICTMENT FOR**SAFE CRACKING****16-11-0390**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 willfully and unlawfully use explosives, tools, or any other implement in or about a safe used for keeping money or other valuables with intent to commit larceny, or any other crime, in violation of Section 16-11-390 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 cases made and provided.

A handwritten signature in black ink, appearing to read "Joseph H. Pierce", written over a horizontal line.

Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795801

TRUE BILL

Marie M. Heekeren

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0873

THE STATE

vs.

Jeffrey Glenn McCoy

4/24/13
Nolle Pross
A. H. Satt
Deputy Solicitor

INDICTMENT FOR

ATTEMPTED BURGLARY

THE STATE OF SOUTH CAROLINA

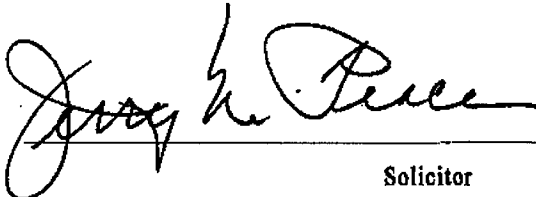
COUNTY OF NEWBERRY

**INDICTMENT FOR
ATTEMPTED BURGLARY**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 27th day of May, 2012 willfully and unlawfully attempt to enter a building without consent and with intent to commit a crime therein, in violation of the laws of South Carolina.

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


Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795802

TRUE BILL

Maure M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Guilty

Bonnie R. Silman

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0874

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

BURGLARY

16-11-0312

THE STATE OF SOUTH CAROLINA

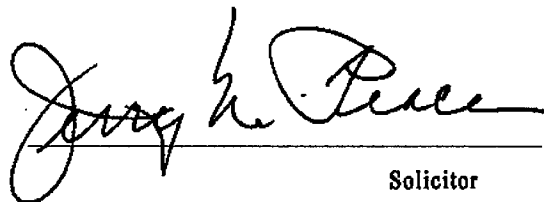
COUNTY OF NEWBERRY

INDICTMENT FOR**BURGLARY****16-11-0312**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 willfully and unlawfully enter a building without consent and with intent to commit a crime therein, when such entering or remaining occurred in the nighttime, the said building being owned and/or occupied by Check into Cash, in violation of Section 16-11-312 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 cases made and provided.

A handwritten signature in black ink, appearing to read "Joseph H. Peace", is written over a horizontal line. The signature is fluid and cursive.

Solicitor

✓

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795804

TRUE BILL

Marie M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0876

THE STATE

vs.

Jeffrey Glenn McCoy

Nolle Pros 4/24/13
[Signature]
Deputy Solicitor

INDICTMENT FOR

POSSESSION OF BURGLARY TOOLS

16-11-0020

THE STATE OF SOUTH CAROLINA

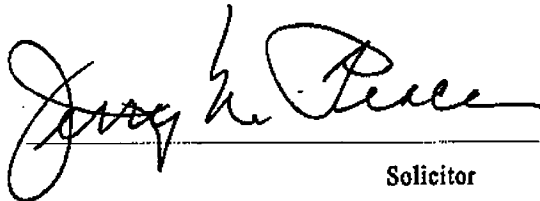
COUNTY OF NEWBERRY

INDICTMENT FOR**POSSESSION OF BURGLARY TOOLS
16-11-0020**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 27th day of May, 2012 did knowingly, willfully, and unlawfully make, or cause to be made, and/or possess any implement or thing adapted, designed, or commonly used for the commission of burglary, larceny, safecracking, or other crime in violation of Section 16-11-20 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 cases made and provided.


Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795805

TRUE BILL.

Maie M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Guilty

Barbara J. Simer

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0877

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

BURGLARY
16-11-0312

THE STATE OF SOUTH CAROLINA

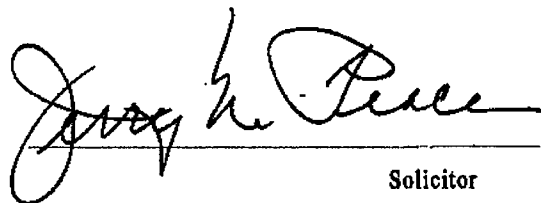
COUNTY OF NEWBERRY

INDICTMENT FOR**BURGLARY
16-11-0312**

At a Court of General Sessions, convened on the 24th day of August, 2012, the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 willfully and unlawfully enter a building without consent and with intent to commit a crime therein, when such entering or remaining occurred in the nighttime, the said building being owned and/or occupied by Jackson Hewitt Tax Service, in violation of Section 16-11-312 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 cases made and provided.


Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795806

TRUE BILL

Maime M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Guilty

Barbara J. S. De

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0878

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

BURGLARY
16-11-0312

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR**

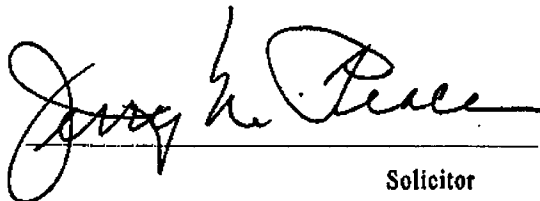
COUNTY OF NEWBERRY

**BURGLARY
16-11-0312**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 willfully and unlawfully enter a building without consent and with intent to commit a crime therein, when such entering or remaining occurred in the nighttime, the said building being owned and/or occupied by Regional Finance Corp., in violation of Section 16-11-312 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 cases made and provided.


Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795807

TRUE BILL

Marie M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Guilty

Barbara J. Ste

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0879

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

PETIT LARCENY

16-13-0030

THE STATE OF SOUTH CAROLINA

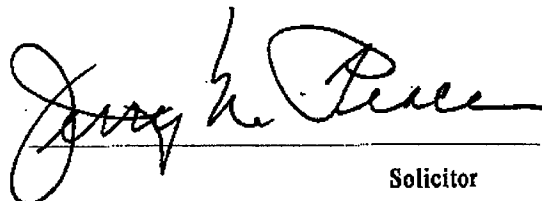
COUNTY OF NEWBERRY

INDICTMENT FOR**PETIT LARCENY
16-13-0030**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 feloniously take and carry away the personal goods of Regional Finance Corp. of the value of less than two thousand (\$2,000.00) dollars described as follows: various coins, with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30(A) 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 cases made and provided.


Solicitor

✓

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795808

TRUE BILL

Marie M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Guilty

Barbara J. Smith

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0880

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

PETIT LARCENY

16-13-0030

THE STATE OF SOUTH CAROLINA

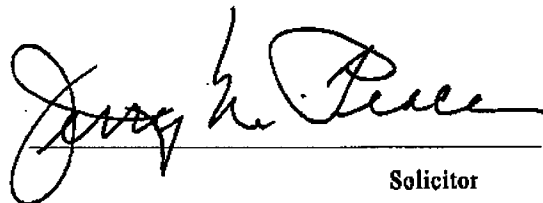
COUNTY OF NEWBERRY

INDICTMENT FOR**PETIT LARCENY
16-13-0030**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 feloniously take and carry away the personal goods of Check into Cash of the value of less than two thousand (\$2,000.00) dollars described as follows: food and beverages, with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30(A) 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 cases made and provided.



Handwritten signature of Joseph H. Preece, Solicitor.

Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795809

TRUE BILL

Maie M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Guilty

Barbara J. Siva

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0881

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

POSSESSION OF BURGLARY TOOLS

16-11-0020

THE STATE OF SOUTH CAROLINA

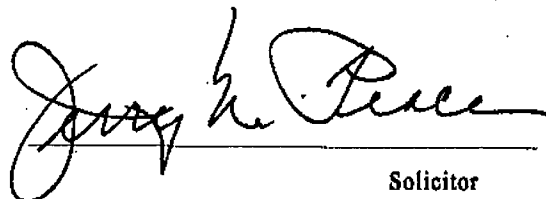
COUNTY OF NEWBERRY

INDICTMENT FOR**POSSESSION OF BURGLARY TOOLS
16-11-0020**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 did knowingly, willfully, and unlawfully make, or cause to be made, and/or possess any implement or thing adapted, designed, or commonly used for the commission of burglary, larceny, safecracking, or other crime in violation of Section 16-11-20 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 cases made and provided.

A handwritten signature in black ink, appearing to read "Joseph H. Preece", written over a horizontal line.

Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795810

TRUE BILL

Marie M. Hickman

Foreman of the Grand Jury

Date: *8-24-12*

VERDICT

Guilty

Barbara J. Ste

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0882

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

BURGLARY

16-11-0312

THE STATE OF SOUTH CAROLINA

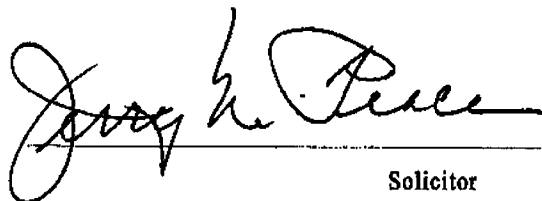
COUNTY OF NEWBERRY

INDICTMENT FOR**BURGLARY
16-11-0312**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 willfully and unlawfully enter a building without consent and with intent to commit a crime therein, when such entering or remaining occurred in the nighttime, the said building being owned and/or occupied by El-Amin Barber Shop, in violation of Section 16-11-312 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 cases made and provided.



Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795811

TRUE BILL

Maie M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Guilty

Barbara J. Silva

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0883

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

BURGLARY
16-11-0312

THE STATE OF SOUTH CAROLINA**INDICTMENT FOR**

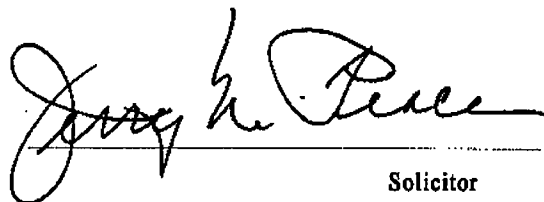
COUNTY OF NEWBERRY

BURGLARY**16-11-0312**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 willfully and unlawfully enter a building without consent and with intent to commit a crime therein, when such entering or remaining occurred in the nighttime, the said building being owned and/or occupied by Boost Mobile, in violation of Section 16-11-312 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 cases made and provided.

A handwritten signature in cursive script, appearing to read "Joseph H. Peace", written over a horizontal line.

Solicitor

WITNESSES

Kevin Goodman
Newberry Police Department

WARRANT NUMBER

M795812

TRUE BILL

Maive M. Hickman

Foreman of the Grand Jury

Date: 8-24-12

VERDICT

Guilty

Barbara J. Steen

Foreman

4-24-13

THE STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

COURT OF GENERAL SESSIONS

August Term, 2012

Indictment # 12GS36-0884

THE STATE

vs.

Jeffrey Glenn McCoy

INDICTMENT FOR

GRAND LARCENY

16-13-0030

THE STATE OF SOUTH CAROLINA

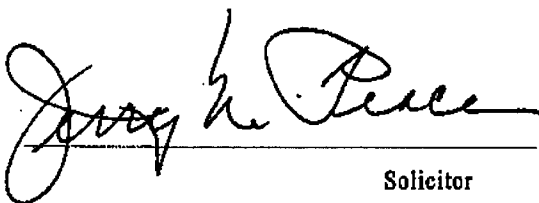
COUNTY OF NEWBERRY

INDICTMENT FOR**GRAND LARCENY
16-13-0030**

At a Court of General Sessions, convened on the 24th day of August, 2012 the Grand Jurors of Newberry County present upon their oath:

That Jeffrey Glenn McCoy, did in Newberry County, state aforesaid, on or about the 26th day of May, 2012 feloniously take and carry away the personal goods of Boost Mobile of the value of more than ten thousand and NO/100 (\$10,000.00) dollars described as follows: an assortment of cell phones, with intent to deprive the owner permanently of such goods, in violation of Section 16-13-30 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 cases made and provided.


Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY)
IN THE COURT OF GENERAL SESSIONS
FOR THE EIGHTH JUDICIAL CIRCUIT
Indictment Nos. 2012-GS-36-872, -874, -877 to -884

State of South Carolina,)
)

vs.)
)

Jeffrey G. McCoy)
)

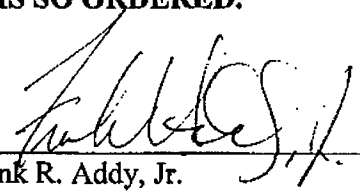
Defendant.)
)

ORDER

Defendant was tried before a jury during the April 22, 2013, term of General Sessions for Newberry County. A jury found defendant guilty of five counts of second degree burglary, two (2) counts of petit larceny, and one (1) count each of safecracking, grand larceny, and possession of burglary tools. Each of these charges arose from a string of break-ins at a Newberry County shopping complex during a single night in May 2012. Therefore, the crimes leading to these charges were "committed at times so closely connected in point of time that they may be considered as one offense." S.C. Code Ann. § 17-25-50.

WHEREFORE IT IS ORDERED THAT, for future sentencing purposes, each of these convictions shall constitute a single offense pursuant to section 17-25-50 of the South Carolina Code of Laws.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Eighth Judicial Circuit Court Judge

April 26, 2012
Newberry, South Carolina

FILED
2013 APR 29 A 9:28
JACQUELINE S. HARRIS
CLERK OF COURT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 643

COUNTY OF
STATE

Newberry

VS.

Jeffrey Glenn McCoy

AKA:

Race: CAU

Sex: M

Age: 39

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Safecracking

INDICTMENT/CASE#: 12GS36-0872

A/W#: M795800

Date of Offense: 5/26/2012

S.C. Code § : 16-11-0390

CDR Code #: 0141

SENTENCE SHEET

0-30 yrs

☒ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0390

of the S.C. Code of Laws, bearing CDR Code #

0141

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Scott, Dale

73081
SC Bar#

Defendant

Charley Danner

10033
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit time = jail time May 27, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	00
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5
3% to County (if paid in installments)	\$	\$399
TOTAL	\$	\$133.90

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other:

This will be the last indictment.
Other active sentences are consecutive
to this indictment.☐ Appointed PD or appointed other counsel,
47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2159

4/24/13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Newberry
STATE VS.
Jeffrey Glenn McCoy

INDICTMENT/CASE#: 12GS36-0874

A/W#: M795802

Date of Offense: 5/26/2012

S.C. Code § : 16-11-0312(B)

CDR Code #: 0086

AKA:

Race: CAU Sex: M Age: 39

DOB: SS#

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

SENTENCE SHEET

☒ CONVICTED OF or ☒ PLEADS

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: C. Dale Scott 73081 SC Bar# Defendant Charles Jerns 10033 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 60 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

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

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit time = jail since May 27, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2159

Sentence Date: 4/24/13

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 645

COUNTY OF Newberry
STATE VS.
Jeffrey Glenn McCoyAKA: _____
Race: CAU Sex: M Age: 39
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]
DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degreeINDICTMENT/CASE#: 12GS36-0877A/W#: M795805Date of Offense: 5/26/2012S.C. Code § : 16-11-0312(B)CDR Code #: 0086SENTENCE SHEET 0-15 years☒ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 73081 [Signature] Charles J. [Signature] 10033
Scott, Dale SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: Defecracy (Conviction of Burglary)
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Since May 27, 2012.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	<u>0.00</u>
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ <u>0.00</u>
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)	\$	\$ <u>3.75</u>
TOTAL	\$	\$ <u>123.75</u>

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
47.12 requires \$500 be paid to Clerk
during probation.Clerk of Court/ Deputy Clerk Elyahut P. [Signature]Court Reporter: May Ann [Signature]

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2157Sentence Date: 4/24/13

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Newberry

VS.

Jeffrey Glenn McCoy

AKA:

Race: CAU

Sex: M

Age: 39

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 12GS36-0878

A/W#: M795806

Date of Offense: 5/26/2012

S.C. Code § : 16-11-0312(B)

CDR Code #: 0086

SENTENCE SHEET

0-15 yrs



CONVICTED OF or



PLEADS

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Scott, Dale

73081
SC Bar#

Defendant

Attorney for Defendant

10033
SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,for a determinate term of 10 (ten) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: Subconvinced, but all burglaries are concurrent.☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit time since May 27, 2012.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$ 390
TOTAL	\$	\$ 132

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2159

Sentence Date: 4/24/13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Newberry
 STATE VS.
Jeffrey Glenn McCoy

AKA:

Race: CAU Sex: M Age: 39DOB: SS#

Address:

City, State, Zip:

DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Larceny / Petit or Simple Larceny \$2,000 or lessINDICTMENT/CASE#: 12GS36-0879A/W#: M795807Date of Offense: 5/26/2012S.C. Code §: 16-13-0030(A)CDR Code #: 3419

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3419
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Scott, Dale

SC Bar#

Jeffrey Glenn McCoy
DefendantCharles
Attorney for Defendant10033
SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit 30 Days served.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	<u>00</u>
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	<u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	<u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	<u>5</u>
3% to County (if paid in installments)		\$	<u>3.90</u>
TOTAL		\$	<u>133</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code: 2157Sentence Date: 4/24/13

STATE 648 SOUTH CAROLINA

COUNTY OF Newberry
STATE VS.

Jeffrey Glenn McCoy

AKA:

Race: CAU Sex: M Age: 39

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Larceny / Petit or Simple Larceny \$2,000 or less

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 12GS36-0880

A/W#: M795808

Date of Offense: 5/26/2012

S.C. Code § : 16-13-0030(A)

CDR Code #: 3419

SENTENCE SHEET

0-30 days

50 - \$1,000

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0030(A) of the S.C. Code of Laws, bearing CDR Code # 3419

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Brown, C. Yates
C. Dale Scott73081
SC Bar#

Defendant

Chaille
Attorney for Defendant10033
SC Bar#WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☒ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit 30 days : J. J.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 183.90

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2159

Sentence Date:

4/24/13

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 849

COUNTY OF Newberry
STATE VS.
Jeffrey Glenn McCoy

AKA:

Race: CAU Sex: M Age: 39DOB: SS#

Address:

City, State, Zip:

DL#: SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Tools / Possession, making implements capable of being used in crimeINDICTMENT/CASE#: 12GS36-0881A/W#: M795809Date of Offense: 5/26/2012S.C. Code §: 16-11-0020CDR Code #: 0124

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-0020 of the S.C. Code of Laws, bearing CDR Code # 0124☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Scott, Dale 73081 SC Bar# Defendant Charlylen 10033 SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: w/ 1st offense charge☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. credit time served since May 27, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 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	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-14 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL	\$	\$ <u>133.90</u>

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, 47.12 requires \$500 be paid to Clerk during probation.Presiding Judge Halley S. J.Judge Code: 2159Sentence Date: 4/24/13Clerk of Court/ Deputy Clerk Elyahut P. HallCourt Reporter: May Ann Turner

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Newberry
 STATE VS.
Jeffrey Glenn McCoy

INDICTMENT/CASE#: 12GS36-0882A/W#: M795810Date of Offense: 5/26/2012S.C. Code § : 16-11-0312(B)CDR Code #: 0086

AKA:

Race: CAU Sex: M Age: 39DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

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

In disposition of the said indictment comes now the Defendant who was

TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

SENTENCE SHEET

0-15 yrs

☒ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST: Scott, Dale 73081 Jeff McCoy Charles 10033
 SC Bar# Defendant Attorney for Defendant SC Bar#
WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 (ten) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: to sentencing, but commitment to burglary.☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Since May 27, 2012.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)	\$	\$ <u>39.00</u>
TOTAL	\$	\$ <u>133</u>

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code: 2159Sentence Date: 4/24/13

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 651

COUNTY OF Newberry
STATE VS.
Jeffrey Glenn McCoy

AKA:

Race: CAU Sex: M Age: 39

DOB: SS#: [REDACTED]

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (Violent) (After 06/20/85) - Second degree

INDICTMENT/CASE#: 12GS36-0883

A/W#: M795811

Date of Offense: 5/26/2012

S.C. Code §: 16-11-0312(B)

CDR Code #: 0086

SENTENCE SHEET

0-15 yrs



CONVICTED OF or

2M
PLEADS

in violation of § 16-11-0312(B) of the S.C. Code of Laws, bearing CDR Code # 0086

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Scott, Dale 73081 SC Bar# Defendant Charles J. [Signature] 10033 SC Bar#
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 (ten) days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: Indefinite, but all begins run concurrent w/
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied latter
by the State Department of Corrections. Since May 27, 2012.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$	5.00
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	39.00
3% to County (if paid in installments)		\$	
TOTAL		\$	133.90

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2157

Sentence Date: 4/24/13

Clerk of Court/ Deputy Clerk

Court Reporter: Mary Ann [Signature]

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

COUNTY OF Newberry

STATE VS.

Jeffrey Glenn McCoy

AKA:

Race: CAU Sex: M Age: 39

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Larceny / Grand Larceny, \$10,000 or more

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 12GS36-0884

A/W#: M795812

Date of Offense: 5/26/2012

S.C. Code § : 16-13-0030(B)(2)

CDR Code #: 3421

SENTENCE SHEET 0-10y

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0030(B)(2) of the S.C. Code of Laws, bearing CDR Code # 3421

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Scott, Dale 73081 SC Bar# Jeffrey Glenn McCoy Defendant Chad Attorney for Defendant 60533 SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Indefinite☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Credit time: 1 year 11 months 27 days, 2012.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)	\$	\$3.90
TOTAL	\$	\$133.90

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2157

Sentence Date: 4/24/13

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)