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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Darlington County

Honorable S. B. Doby, Circuit Court Judge

SINATRA L. HUNTER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002476

APPENDIX

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STATE OF SOUTH CAROLINA)	Court of General Sessions
)	Fourth Judicial Circuit
COUNTY OF DARLINGTON)	2023-GS-16-1085

STATE OF SOUTH CAROLINA)
)
Plaintiff,)
vs.)
)
SINATRA L. HUNTER,)
)
Defendant.)
_____)

Darlington, South Carolina
 March 26, 2024

B E F O R E:

The Honorable R. Kirk Griffin

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

Mr. Monty Bell, Esquire
 Attorney for the Plaintiff

Ms. Marianna White, Esquire
 Mr. Jacob Godwin, Esquire
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<u>NO.</u>	<u>DESCRIPTION</u>	<u>EV.</u>
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1

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

2

THE COURT: Are you gonna have the defendant brought in?

3

4

MR. BELL: Can we get Mr. Sinatra Hunter from the back.

5

6

THE COURT: Mr. Bell?

7

MR. BELL: Yes, Your Honor, May it please, the Court?

8

9

THE COURT: Yes, sir.

10

MR. BELL: The State would like to proceed by having a Blair hearing to establish competency of the defendant. Mr. Sinatra Hunter.

11

12

13

THE COURT: All right. You can call your first witness.

14

15

MR. BELL: Thank you, Your Honor. The State calls Dr. Colbie Sutton to the stand.

16

17

THE CLERK: If you'd place your left hand on the Bible and raise your right. Do you swear the testimony you give this Court will be the truth, the whole truth, and nothing but the truth so help you God?

18

19

20

21

22

DR. SUTTON: I do.

23

THE CLERK: If you'll have a seat.

24

DR. COLBI SUTTON, first being

S. Hunter- Direct Examination by Mr. Bell

5

1 duly sworn, testified as follows:

2 **Direct Examination by Mr. Bell:**

3 Q. Good morning, Ms. Sutton.

4 A. Good morning.

5 Q. Could you please state your full name for the
6 record?

7 A. Sure it's Dr. Colbi, C-o-l-b-I, Sutton, S-u-t-t-
8 o-n.

9 Q. And Ms. Sutton, where do you work?

10 A. I'm in private practice where I exclusively do
11 forensic evaluations. So as part of that practice I
12 primarily do State contracts. So State contracts
13 with the Department of Juvenile Justice, with the
14 Department of Disability Special Needs and the
15 Department of Mental Health.

16 Q. And could you tell the Court your educational
17 background?

18 A. Sure. I received my undergrad from the College
19 of Charleston with a major in Psychology. That was
20 in 2007. I then went on to get my Master's and
21 Doctorate in Clinical Psychology with an emphasis of
22 forensics. That's from Spaulding University in
23 Louisville, Kentucky. And then I went to Emory
24 University where I completed a one year Post Doctoral
25 Fellowship.

1 Q. And how -- so how many forensic evaluations do
2 you think you've conducted in your life time?

3 A. Well over 2000.

4 Q. And have you ever been qualified as an expert in
5 the field of forensic psychology?

6 A. I have 28 times.

7 Q. Now, have you've been asked to testify in court?

8 A. Twenty-eight times, yes.

9 Q. Your Honor, at this time I move to have Dr. Colbi
10 Sutton qualify as a expert in the field of forensic
11 psychology?

12 MS. WHITE: No objection.

13 THE COURT: All right. She will be so qualified.

14 Q. Dr. Sutton, how did you become appointed in this
15 case?

16 A. One of my largest contracts is with the
17 Department of Mental Health and so there's a list of
18 evaluators where they randomly assign evaluations to.
19 So Mr. Hunter's case was randomly assigned to me.

20 Q. And did you -- did you perform an evaluation in
21 this case?

22 A. I did. I've evaluated him twice, actually, once
23 in 2023 and again in 2024.

24 Q. All right. And were you paid to conduct these
25 evaluations?

S. Hunter- Direct Examination by Mr. Bell

7

1 A. I am. So I'm paid by the Department of Mental
2 Health. I get a flat rate per evaluation that I
3 conduct. So we're not -- I'm not being hired by the
4 defense or the prosecution, they call us a friend of
5 the Court. So we're really just here to educate the
6 Court any way we can in psychological concepts.

7 Q. Were you -- when you were ordered to do this
8 evaluation, what did the Court ask you to do?

9 A. I was asked conduct a competency to stand trial
10 evaluation. So more specifically I was asked to
11 determine if Mr. Hunter suffered from a mental
12 disease or abnormality, and if he did if there were
13 symptoms that were impacting his ability to
14 understand the legal concepts factually and
15 rationally and if he could assist adequately in his
16 defense.

17 Q. And can you describe the method by which you
18 conduct these evaluations?

19 A. Sure. So when the Department of Mental Health
20 first gets these cases they collect all the legal
21 documents that we need to have an idea of what
22 happened at the time of the alleged crimes. They
23 then give it to a second examiner which is a social
24 worker. The social worker obtains all of the medical
25 and mental health records that we're aware of and

1 then they contact a next of kin informant to get more
2 collateral information on the individual. That
3 information is then given to me. I review the
4 information. And then I conduct an interview with
5 the defendant, sometimes once, sometimes twice. We
6 then gather any extra information that we're aware of
7 or that we gain knowledge of like extra mental health
8 records and then I write a report explaining my
9 findings.

10 Q. And did you do a report in this case?

11 A. I did. I did two.

12 MR. BELL: Your Honor, May approach the witness?

13 THE COURT: Yes, sir.

14 Q. Dr. Sutton, I'm showing you what's been marked as
15 Court's Exhibit 1. Do you recognize what I just
16 showed you?

17 A. I do.

18 Q. Where do you recognize it from?

19 A. This is my report from whenever I interview Mr.
20 Hunter of February 27, 2024.

21 Q. And is that a true accurate depiction of the
22 report that you produced from, from your most recent
23 evaluation of Mr. Hunter?

24 A. Yes, it is.

25 MR. BELL: Your Honor, at this time I move Court's

1 Exhibit 1 into evidence.

2 MS. WHITE: No objection.

3 THE COURT: Court's one is admitted.

4 (Whereupon, the Competency Evaluation Report has been
5 marked and entered into evidence as Court's Exhibit
6 No. 1)

7 Q. And what information did you use to make your
8 decision in this case?

9 A. So we had various mental health and medical
10 records. The social worker had contacted his mother.

11 I had met with Mr. Hunter for a total of 4 hours and
12 30 minutes over two interviews, one conducted in 2023
13 and the other in 2024. And then we had the legal
14 documents that were provided to us.

15 Q. And -- and what was your final conclusion as to,
16 as it pertains to competency as it deals with Mr.
17 Hunter?

18 A. It was, in my opinion that Mr. Hunter has the
19 capacity to stand trial.

20 Q. Was there anything that stood out to you that was
21 abnormal or different when it came to your
22 evaluations of Mr. Hunter?

23 A. Well, I think I was told that one of the concerns
24 about his competency were suicidal gestures that he
25 was making during his incarceration and then more

1 specifically in December it was my understanding that
2 he made comments about wanting to kill himself. So
3 one thing that we discovered in the records is that
4 once he went back to the detention center after the
5 hearing in December, 2023, he openly admitted that he
6 wasn't suicidal. That he made the statement to delay
7 the court proceedings. And he told the staff that he
8 wasn't going to do anything stupid.

9 Q. And in your expert opinion why would someone try
10 to show themselves being suicidal?

11 A. Well, it's not uncommon. We see this a lot in
12 the prison atmosphere as well. Sometimes individuals
13 will claim suicidal ideation for secondary gain. So
14 sometimes it can be to be moved to a different pod.
15 It can be to get the, you know, the attention of
16 medical or mental health professionals or in this
17 case it could be to try to delay court proceedings.

18 Q. And again, in your expert opinion Mr. Sinatra
19 Hunter is competent to stand trial?

20 A. Yes. In my opinion he is competent to stand
21 trial.

22 MR. BELL: Please answer any questions the
23 defense may have.

24 **Cross-Examination by Ms. White:**

25 Q. Good morning, Dr. Sutton ---

S. Hunter- Cross-Examination by Ms. White

11

1 A. Good morning.

2 Q. --- how are you?

3 A. I'm good. Thank you.

4 Q. Good. So I'll be very brief here. You've
5 conducted over 2000 forensic interviews, correct?

6 A. That's correct.

7 Q. Okay. So you've done this a time or two, you're
8 familiar with how it all works?

9 A. That's right.

10 Q. And you've evaluated Mr. Hunter twice now?

11 A. That's correct.

12 Q. And for a total of -- how much time did you spend
13 with him?

14 A. My notes say 4 hours and 30 minutes.

15 Q. Okay. And you talked about records that you
16 received, did you receive all the records that you
17 felt were pertinent to your evaluation?

18 A. Yes, I did.

19 Q. Were there any missing that you felt you could
20 have benefited from?

21 A. Not that I can recall.

22 Q. And you're aware that he was incarcerated for
23 over 20 years and you received all the 20 years worth
24 of SCDC?

25 A. No. I did not.

1 Q. Okay.

2 A. And I put that in the report that we, we
3 requested all of those records but they only sent - I
4 can't remember the exact dates. They sent records
5 only from March to May of 2019.

6 Q. Do you feel that the rest of those records maybe
7 could have - I'm not certainly ---

8 A. Right.

9 Q. --- you know, saying that you didn't do a thorough
10 job, but maybe just to gain a clear picture of his
11 mental state from all periods of time. Do you feel
12 that the rest of those records could have helped you?

13 A. We didn't feel like the records were necessary.
14 So competency is a here and now concept so we're not
15 trying to look at his functioning, for example, back
16 in 2019. We're looking at his comp or his ability to
17 understand these concepts in working with his lawyer
18 at this moment in time. So remote records are
19 typically not as prevalent as the ones that we are
20 here, that we need it now. Now, in the first
21 evaluation I did have a hard time getting jail
22 records. We called. We faxed. We begged. Couldn't
23 get them. But we were able to get -- we were able to
24 talk to one of the officers from the jail and then we
25 were able to obtain those records the second

1 evaluation and those were very helpful.

2 Q. Okay. And you -- he is competent in your opinion
3 to stand trial, correct?

4 A. Correct.

5 Q. Did you find that he had any mental illnesses ---

6 A. Yes.

7 Q. --- that while they weren't affecting his ability
8 to stand trial they were still present?

9 A. Yes, I did.

10 Q. Can you tell us a little bit about that?

11 A. Sure. So I diagnosed him with unspecified
12 depressive disorder. It was very evident that Mr.
13 Hunter has a history of depression but there were
14 some concerns about the etiology, I guess is a good
15 way of saying it, of that depression. So he has a
16 long history of substance abuse which can mimic
17 symptoms of depression. Also it's not uncommon for
18 individuals who are incarcerated to be depressed
19 because of the situation. So before you can really
20 diagnose, for example, a major depressive disorder
21 the question would be if he wasn't using drugs and he
22 wasn't incarcerated would he still have a chemical
23 imbalance where he was suffering from severe
24 depression, and that's why I offered the unspecified
25 diagnosis. I also diagnosed him with Post Traumatic

1 Stress Disorder. Mr. Hunter reported extreme trauma
2 throughout his life starting in childhood and some of
3 that was collaborated. So he was stabbed while he
4 was in prison, stabbed pretty badly. And he still
5 had a lot of symptoms that I think were genuine that
6 resulted from that trauma. And again, that's not
7 uncommon either with individuals who have been
8 incarcerated for most of their lives. They're under
9 high stress situations where their fight or flight is
10 always activated and so it can become their norm for
11 that fight and flight to always be elevated and
12 that's what I found with Mr. Hunter. I mean, I think
13 that he was still suffering from quite a few symptoms
14 of post traumatic stress disorder but I think the
15 medication likely helped him. I also diagnosed him
16 with anti social personality disorder. That is a
17 behavioral disorder. And what that means is that,
18 essentially, he started with some behaviors in
19 childhood that were indicative of conduct disorder
20 like physical aggression, aggression towards animals,
21 things like that that actually persisted throughout
22 his adulthood. So in his adulthood he's had a
23 history of illegal activities, impulsivity,
24 manipulation, and so forth. And then lastly, I gave
25 him several substance use disorder. He has struggled

1 with substance use for a long time including alcohol,
2 cannabis, and stimulants like cocaine, crack cocaine.

3 Q. Is it your opinion that mental health counseling
4 would maybe help alleviate some of these symptoms and
5 cause these mental health disorders that he's been
6 diagnosed with?

7 A. Absolutely. I mean, mental health -- we have a
8 lot of evident based therapy for PTSD. It's very
9 effective and I think it would absolutely be helpful.

10 Q. Okay.

11 MS. WHITE: I don't have any further questions
12 for you, Dr. Sutton. Thank you so much.

13 DR. SUTTON: Thank you.

14 THE COURT: Thank you, ma'am. Any redirect?

15 MR. BELL: No, Your Honor.

16 THE COURT: All right. Thank you, ma'am. You may
17 step down.

18 DR. SUTTON: Thank you.

19 MR. BELL: Your Honor, may Dr. Sutton be excused?

20 THE COURT: She may. Anything further, Mr. Bell?

21 MR. BELL: Nothing further from the State, Your
22 Honor. Based on the testimony of Dr. Colbi Sutton,
23 expert testimony, we feel we've more than shown that
24 Mr. Sinatra Hunter is competent to stand trial. We
25 would ask for a finding that reflects that.

1 THE COURT: Ms. White, anything to add?

2 MS. WHITE: Nothing to add to that, Your Honor.

3 THE COURT: All right. I think based upon the
4 doctor's testimony, based upon her evaluation of this
5 defendant on two separate occasions, and based upon
6 her review of the records, and her expert opinion, I
7 do find that he is competent to stand trial in this
8 matter so I'd make that finding. And, of course, her
9 report is a part of the record as Court's Exhibit
10 Number 1.

11 MR. BELL: Your Honor, the State calls Sinatra
12 Hunter to the stand, Mr. Sinatra Hunter.

13 THE CLERK: If you'll raise your right hand. You
14 swear the testimony you give to the Court will be the
15 truth, the whole truth, and nothing but the truth so
16 help you God?

17 MR. HUNTER: Yes, ma'am.

18 MR. GODWIN: We'd beg the Court's indulgence just
19 a second.

20 THE COURT: Yes, sir.

21 MR. GODWIN: We're ready to proceed, judge. Thank
22 you.

23 THE COURT: All right. Yes, sir, Mr. Bell?

24 MR. BELL: Yes, Your Honor. May it please, the
25 Court?

1 THE COURT: Yes, sir.

2 MR. BELL: Before you is Sinatra LaShawn Hunter.
3 He's before you to plead guilty on four indictments.
4 First indictment, 2023-GS-16-1085, attempted murder.
5 He's pleading guilty as indicted. This is a
6 negotiated sentence for 25 years. He's represented
7 by Ms. Marianna White and Mr. Jacob Godwin with
8 public defender's office.

9 Second indictment, indictment 2022-GS-16 --
10 that's indictment 2022-GS-16-0598, burglary in the
11 first degree. Mr. Hunter is pleading guilty as
12 indicted. Negotiated sentence. 25 years.

13 Third indictment, 2022-GS-16-0500, indicted for
14 armed robbery. Pleading guilty as indicted.
15 Negotiated sentence of 25 years.

16 And lastly, Your Honor, indictment 2022-GS-16-
17 1363, throwing bodily fluids. Pleading guilty as
18 indicted. Negotiated sentence, a consecutive 12
19 months.

20 THE COURT: Ms. White, Mr. Godwiw, you both
21 represent Sinatra LaShawn Hunter?

22 MS. WHITE: Yes, Your Honor.

23 THE COURT: Explain to him the nature of these
24 charges, possible penalties he could receive and his
25 constitutional rights with regard to a jury trial?

1 MS. WHITE: We have.

2 THE COURT: All right. Mr. Hunter, today are you
3 under the influence of drug or alcohol, sir?

4 MR. HUNTER: No, sir.

5 THE COURT: All right. And we've already
6 discussed in the Blair hearing his mental health
7 issues and his finding of competency so we'll go
8 forward with the charges. Mr. Hunter, you understand
9 that attempted murder carries up to 30 years in
10 prison as a maximum penalty?

11 MR. HUNTER: Yes, sir.

12 THE COURT: You understand that it is considered
13 a violent and a most serious offense under South
14 Carolina law?

15 MR. HUNTER: Yes, sir.

16 THE COURT: Burglary in the first degree carries a
17 mandatory minimum of 15 years to life in prison and
18 that is also a violent and a most serious offense.
19 You understand that's the maximum penalty?

20 MR. HUNTER: Yes, sir.

21 THE COURT: You understand that armed robbery
22 carries a mandatory minimum of 10 years up to 30
23 years and it is also a violent and a most serious
24 crime?

25 MR. HUNTER: Yes, sir.

1 THE COURT: And the throwing bodily fluids by a
2 prisoner -- that's 15, Mr. Bell?

3 MR. BELL: Zero to 15. Yes, sir.

4 THE COURT: All right. That carries a maximum
5 penalty of 15 years, you understand that?

6 MR. HUNTER: Yes, sir.

7 THE COURT: All right. You understand that the
8 attempted murder, the burglary first, and the armed
9 robbery, those are all 85% crimes. You'll have to
10 assume that you'll serve at least 85% of the sentence
11 on those offenses, you understand that?

12 MR. HUNTER: Yes, sir.

13 THE COURT: Okay. And Mr. Hunter, when you plead
14 guilty you give up constitutional rights. First you
15 give up your right to remain silent because you're
16 admitting your guilt. Next, you give up your right
17 to a jury trial. And in that jury trial the State
18 would have the burden of proving you guilty beyond a
19 reason to all 12 jurors. In that jury trial you
20 could question the State's witnesses against you.
21 You could call witnesses to testify for you. And you
22 could present a defense. But when you plead you give
23 up those jury trial rights, you waive your defenses,
24 and there will not be a jury trial. You understand
25 all of that?

1 MR. HUNTER: Yes, sir.

2 THE COURT: Okay. Looking at these indictments,
3 the indictment for attempted murder reads that you
4 did here in Darlington County on or about March 21,
5 2022, with specific intent to kill, attempt to kill
6 the malice aforethought either expressed or implied
7 the victim, Gloria Hawkins, by pushing her to the
8 ground and causing her to strike her head on a blunt
9 object and then choke the victim while, ah, during
10 the commission of an attempted robbery or a robbery
11 in violation of Section 16-329 of the South Carolina
12 Code of Laws. How do you plead to that charge, sir?

13 MR. HUNTER: Guilty.

14 THE COURT: Burglary in the first degree states
15 that on March 21, 2022 here in Darlington that you
16 did in a dwelling of Lori Hawkins here in Darlington
17 County without consent with intent to commit a crime
18 there in and this occurred in the night time and or
19 while you were armed with a deadly weapon in
20 violation of Section 16-11-311 of the South Carolina
21 Code. How do you plead to that charge?

22 MR. HUNTER: Guilty.

23 THE COURT: Armed robbery states that here in
24 Darlington County on or about March 21, 2022, you
25 were armed with a deadly weapon and did take and

1 carry away the personal property of Gloria Hawkins by
2 use of force, threats, or intimidation specifically
3 that you robbed her a while armed with a box cutter
4 in violation of Section 16-11-330 of the South
5 Carolina Code of Laws. How you plead to that charge,
6 sir?

7 MR. HUNTER: Guilty.

8 THE COURT: And finally throwing bodily fluids,
9 it states that you did on or about May 24, 2022 while
10 in, in the Darlington County Detention Center throw
11 or attempt to throw bodily fluids on CO Kevin Doyle
12 in the booking area of the W. Glen Campbell Detention
13 Center in violation of Section 24-13-470 of the South
14 Carolina Code. How do you plead to that charge?

15 MR. HUNTER: Guilty.

16 THE COURT: All right. The negotiated sentence
17 is 25 years on the armed robbery, attempted murder,
18 and the burglary first. And then 12 months
19 consecutive on the throwing bodily fluids charge.
20 That's the negotiation as you understand it, is that
21 correct?

22 MR. HUNTER: Yes, sir.

23 THE COURT: All right. You understand that I can
24 either accept the negotiations or reject the
25 negotiations, but I don't have any discretion since

1 it's being presented as a negotiated plea? Either
2 you get the negotiation or, you know ---

3 MR. HUNTER: Yes, sir.

4 THE COURT: --- the plea doesn't go forward. All
5 right. Has anybody promised you anything other than
6 the negotiation to get you to plead guilty?

7 MR. HUNTER: No, sir.

8 THE COURT: Anybody forced or threatened you?

9 MR. HUNTER: No, sir.

10 THE COURT: You doing this freely and voluntarily?

11 MR. HUNTER: Yes, sir.

12 THE COURT: Satisfy the services of both your
13 lawyers?

14 MR. HUNTER: Yes, sir.

15 THE COURT: And you're pleading guilty to these
16 four charges because you are, in fact, guilty?

17 MR. HUNTER: Yes, sir.

18 THE COURT: All right. you have 10 days from
19 today's date to appeal the plea or the sentence. If
20 you wanted to appeal that appeal would have to be
21 filed in writing with this Court. The State is going
22 to give me the facts then I'll come back to you.
23 Mr. Bell?

24 MR. BELL: Yes, Your Honor. March 21, 2022 in
25 the City Limits of Darlington located in Darlington

1 County, Sinatra Hunter did approach Ms. Gloria
2 Hawkins. She was out in her yard. She was working
3 doing some gardening. He came -- he came up behind
4 her, startled her, and she has a fenced in yard. He
5 approached her. He started asking for someone that
6 she was not familiar with, and at which point then he
7 then accosted her, started asking for money. She was
8 asking him to leave. At some point, I struggled
9 ensued. He pushed her down. She struck her head
10 upon a brick. At that point, he started choking her
11 saying, I'm gonna kill you if you don't give me some
12 money. At which point -- at which point, she then
13 played dead, layed lifeless. He then -- and I'll
14 show you -- I'll try to make it make a little bit
15 more sense, Your Honor, this whole parcel here is
16 her, is her property. She was gardening in this
17 location. The assault took place here and this is
18 where she fell. Mr. Hunter then entered the garage.
19 And that's when he's going through her car. After
20 she didn't see him anymore. She then goes into her
21 home, starts calling 911. When he can hear her
22 calling 911 he then kicks in the door to the home
23 thus the burglary first, and takes her phone and
24 flees the scene. He doesn't -- he doesn't -- he
25 doesn't assault her anymore. But he does take her

1 phone and then flee. He was armed with a box cutter
2 which Mr. -- which he did pull out on Ms. Hawkins
3 while, while they were in the garden area and that's
4 what also gave rise to armed robbery. It was within
5 the next hour Mr. Sinatra Hunter was apprehended by
6 the Darlington City Police Department. They
7 immediately placed him under arrest. He was searched
8 incident to arrest. He had two box cutters on him,
9 screwdriver. They took him down to the precinct. He
10 did -- he gave a confession after being Mirandized
11 that he, that did put him in the location, that did
12 put him pushing down Ms. Hawkins, and that's what
13 gave rise to the charge, Your Honor. And that's the
14 charges in regards to Ms Hawkins as the victim.

15 In regards to the throwing part of the fluids,
16 Your Honor, on May 24, 2022 at the Darlington County
17 Detention Center while in holding cell number three
18 Mr. Sinatra hunter did take a white Styrofoam from
19 cup filled with his feces and did throw it upon
20 Correctional Officer, Kevin Doyle, giving rise to the
21 charge.

22 Your Honor, as far as prior record, Mr. Sinatra
23 Hunter does have a voluntary manslaughter, burglary
24 second violent, and grand larceny from 1998. Your
25 Honor, this was originally life without parole case.

1 The State has opted to allow Mr. Hunter to plea to a
2 negotiate 25 in lieu of us going to trial.

3 That's all from the State.

4 THE COURT: All right. Mr. Hunter, are those
5 facts that the State recited, do you agree that they
6 are substantially correct?

7 MR. HUNTER: Yes, sir.

8 THE COURT: All right. I find there's
9 substantial factual basis for the plea. I find the
10 defense's decision to plea guilty is freely,
11 voluntarily, and intelligently made. He's had the
12 advice of counsel of an attorney with whom he's
13 satisfied. I will accept the plea. We'll just do it
14 -- let me hear all from the State and then we'll give
15 the defense mitigation.

16 MR. BELL: I beg the Court's indulgence?

17 THE COURT: Yes, sir.

18 MR. BELL: Your Honor, I think Ms. Hawkins is very
19 satisfied with the way everything is transpiring. If
20 you're accepting the plea we're ready to move
21 forward.

22 THE COURT: All right. All right. Yep, I --
23 ma'am I just want to say I appreciate you being here
24 and I am going to accept the plea. And since this is
25 negotiated, I mean, I think it's clear that this deal

1 has been struck given, you know, the outcome if this
2 case had gone to trial. I'll be happy to hear from
3 the defense.

4 MS. WHITE: Your Honor, I'm gonna tell you a
5 little bit about Mr. Hunter. He has been in
6 continued incarceration but for 18 months of his life
7 since he was 18-years-old. I mean, he was,
8 essentially, a child when he was incarcerated for
9 that voluntary manslaughter charge. He took a plea
10 to it. Did his time. Got out. And in that short
11 period of time when he was out his sister was
12 murdered and he lost his girlfriend. I believe she
13 contracted covid and she passed away. Since her
14 passing, he had been on the streets, living on the
15 streets. He had succumbed to
16 drug use, drug addiction and he was a different
17 person at that time. I'm not sure that he ever
18 really gained the skills that he needed to even live
19 on the outside. I mean, how can you when you've been
20 incarcerated since you're 18. That's not an excuse.
21 that's not just -- that's not a justification.
22 That's just the fact of it. Your Honor, in the time
23 that I've known him and I've had this case now since,
24 since it occurred so two years now. I've gotten to
25 know Mr. Hunter and he is a different person than

1 when I first met him. He's in a much different
2 headspace. You know, I would go so far as to say
3 it's almost pleasant when I get to meet with him
4 which is not something I say about most or any of my
5 clients. So you know I think that given the fact
6 that he is owned up from this, I mean, from the
7 start. As soon as he was picked up and interviewed
8 by investigator Melton he came right out with it. It
9 took Investigator Melton longer to read his rights
10 than it did for him to confess. He has never shied
11 away from this. He's always accepted his role in
12 this. And he has expressed extreme remorse and
13 regret for what he did. There's no amount of remorse
14 and regret that he could display or even say out loud
15 that would undo what he's done. But what he can do
16 is come here today and take responsibility for his
17 actions. He is taking responsibility and going to
18 spend another significant period of his life in
19 detention. And, Your Honor, I'd ask that he'd be
20 given some of, a bit of credit for that. In
21 addition, he has spent 737 days in the detention
22 center. I would ask that he be given credit for that
23 time served as well. I'll turn it over to Mr. Godwin
24 now and he has a few things he would like to say the
25 Court.

1 THE COURT: All right. Mr. Godwin?

2 MR. GODWIN: Thank you, judge. May it please,
3 the Court?

4 Judge, unlike Ms. White, I came in on the very
5 end of this case to prepare for trial and so I have
6 not had a long time to get to know Mr. Hunter. But
7 in the short time that I have known him I have spent
8 extensive time talking with him about this. I have
9 talked with his family about this and I have been
10 privy to conversations between him, Mr. Hunter, and
11 his family. An judge, quite frankly, the person that
12 I have seen and gotten to know in this short time, it
13 is hard for me to comprehend that he did something
14 like this. And I'll echo what Ms. White said, we do
15 not offer that as an excuse. He does not want me to
16 offer that as an excuse. We acknowledge that this
17 happened. That's what he's taking responsibility
18 for. But I tell that to you, judge, because that
19 tells me there's someone in there that can be
20 rehabilitated. Someone that can do good both inside
21 the the Department of Corrections and out. And it's
22 my hope and prayer that he will do that. And he's
23 gonna have the opportunity to do that with this
24 resolution which takes life without parole off the
25 table, judge, and that, for that reason I think we're

1 all satisfied with this.

2 Judge, he has specifically asked me to ask you
3 that you provide - that he received mental health
4 counseling while he's in the Department of
5 Corrections. I think the testimony from the doctor
6 here today supports that that would be extremely
7 beneficial to him and I have told him that when you
8 check that box that I think he better -- he will
9 receive that at the Department of Corrections.

10 Judge, he has also asked me, and I've explained
11 him that you really have no control over what SCDC
12 does, but he has asked me if you will make a
13 recommendation that he be housed close to Darlington
14 County so that his family might be able to visit him.
15 He understands that that may not happen. But if
16 you're willing to make that recommendation, he would
17 greatly appreciate that, judge. And with that I
18 think we have said what needs to be said. Beg of
19 Court's indulgence one moment?

20 THE COURT: All right.

21 MR. GODWIN: Judge, I think he just has a brief
22 statement he'd like to say.

23 THE COURT: Yes, sir. I'd be happy to hear from
24 you, Mr. Hunter.

25 MR. HUNTER: How you doing? I just wanted to

1 apologize for what I did. There's no -- remorse --
2 like what I did was just wrong. I apologize. And I
3 have no -- I wasn't my right self at the time. I
4 truly apologize for what I did.

5 THE COURT: All right. I appreciate that.

6 All right. Folks, obviously, this was a
7 situation that had a lot of factors that went into
8 this, ah, his situation. You know, obviously, when
9 people are desperate they do things that perhaps they
10 wouldn't ordinarily do. And, you know, I'm not
11 finding or excusing his conduct by any means but
12 there is at least some, um, there's a reason behind
13 it even if it's not necessarily a really good reason.
14 I think the resolution that's been reached in this
15 case is appropriate. I think, I certainly think that
16 Ms. Hawkins has shown this defendant some mercy and
17 grace and I want to commend her for that. At the
18 outset, I said I could either accept or reject the
19 plea, I've accepted it. So I'm going to sentence him
20 pursuant to the negotiations. On the attempted
21 murder, the burglary first, and the armed robbery the
22 sentence is 25 years. Those will all run concurrent
23 with each other. He gets credit for 737 days. And
24 the throwing body fluids is 12 months consecutive and
25 that would be the sentence of the Court. He gets,

1 gets the credit for what he's, for when he's been
2 locked up. I've written on the sentencing sheet that
3 he can receive mental health counseling while in
4 SCDC. I will add about the housing. But Mr. Hunter,
5 I just want you to understand they may look at what I
6 write on this and say, well he can ask for it but we,
7 we're gonna -- you know, I don't have any control
8 over whether they, where they house people. You
9 know, it -- a lot of it is determined by the type of
10 crime you're convicted of and, you know, other
11 factors that I really don't, don't know what they do.
12 But I will -- I'll put it on the sentence sheet just
13 -- and, you know, if they'll, if they can send you to
14 a, to an appropriate facility based upon your
15 classification that's close to Darlington County, you
16 know, that'll be up to them.

17 All right?

18 MR. BELL: Thank you, Your Honor.

19 MR. GODWIN: Thank you, judge.

20 MS. WHITE: Thank you, Your Honor.

21 (CONCLUSION OF HEARING HELD ON MARCH 26, 2024)
22
23
24
25

CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fifth Circuit for Darlington County, South Carolina, on the 26th day of March, 2024.

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

Lisa S. Carter

Lisa Carter

Circuit Court Reporter

October 4, 2024

FORM 5

STATE OF SOUTH CAROLINA)
County of Darlington)
Sinatra Lashawn Hunter #249892)
Full name and prison number (if any) of Applicant)

IN THE COURT OF COMMON PLEAS

24CP160949

v.

State of South Carolina ET and all.

APPLICATION FOR
POST-CONVICTION RELIEF

FILED
2024 OCT - 1 P 4:03
SCOTT B. SUGGS
CLERK OF COURT/REG. CLERK
DARLINGTON COUNTY, SC

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention EVANS CORR. INST.

2. Name and location of Court which imposed sentence Darlington South Carolina.

3. Name(s) of co-defendant(s) (if any) N/A

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2023, GS. 16. 1085 / 2022, GS -16-0050
 - (b) 2022, GS. 16. 0498 / 2022, GS -16-0501

(c) _____

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

(a) MARCH 26 2024

(b) TERM OF 26 YEARS

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

NO

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. N/A

ii. N/A

iii. N/A

(b) the result in each such Court to which you appealed:

i. N/A

ii. N/A

iii. N/A

(c) the date of each such result:

i. N/A

ii. N/A

iii. N/A

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. N/A

ii. N/A

iii. N/A

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) SHE DID NOT GIVE NOTIFICATIONS TO THE COURTS FOR MY APPEAL.

(b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) In effective Asst, of Counsel / NEVER Appeal
- (b) Conviction AFTER informing me that He/ she
- (c) would.
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) N/A
- (b) N/A
- (c) N/A
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(c) the disposition thereof:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(d) the date of each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

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

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

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

- N/A
- N/A

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

(a) which grounds have been presented:

- i. N/A
- ii. N/A
- iii. N/A

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

- i. N/A
- ii. N/A
- iii. N/A

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) N/A
- (b) N/A
- (c) N/A

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

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

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

- (a) the name and address of each attorney who represented you:
 - i. MES. MARIANNA STEPHANSON WHITE.
300 RUSSELL ST. STE 113
 - ii. DARLINGTON S.C 29532
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. ARRANGEMENT
TRAIL
 - ii. SENTENCING
 - iii. _____

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

Release from Custody, or Trial, or Overturn
Conviction

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

NO

STATE OF SOUTH CAROLINA)
)
County of Darlington)

VERIFICATION

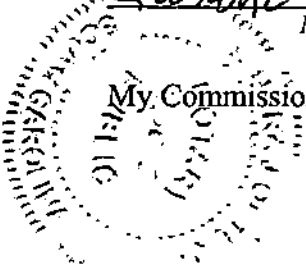
I, Sineta Lashawn Hunter, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application;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

Sineta Hunter

SWORN to and subscribed before me this 24
day of September, 2024

Sarah C. Outlan (L.S.)
Notary Public

My Commission Expires: 2/24/38



SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

2024 OCT -1 P 4: 03

FILED

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

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

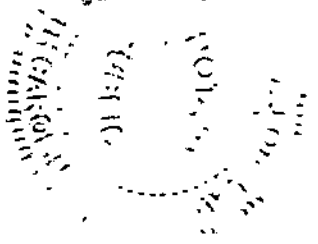
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Singtea Hunter
Applicant

SWORN or affirmed to and subscribed before me this
21 day of September, 2024

Saxton Oulla
Notary Public

My Commission Expires: 2/28/34



2024 OCT - 1 P 4: 03
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

FILED

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF DARLINGTON)	FOR THE FOURTH JUDICIAL CIRCUIT
)	
Sinatra L. Hunter, #249892,)	CASE NO. 2024-CP-16-00949
)	
Applicant,)	
)	
v.)	RETURN
)	(Counsel Appointed) ¹
State of South Carolina,)	
)	
Respondent.)	

In response to Sinatra L. Hunter's (Applicant) application for post-conviction relief (PCR), commenced on October 1, 2024, Respondent, the State of South Carolina, makes the following return:²

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (SCDC) pursuant to orders of commitment of the Darlington County Clerk of Court. During its May 2022 term, the Darlington County Grand Jury indicted Applicant for throwing of bodily fluids by prisoner, detainee on state corrections or local law enforcement officer, corrections employee, or

FILED
 2025 FEB 12 AM 11:17
 SCOTT B. SUGGS
 CLERK OF COURT/RD.
 DARLINGTON COUNTY, S.C.

¹ On October 15, 2024, Steven Willard Fowler, Esquire, was appointed to represent Applicant in this action.

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

visitor (2022-GS-16-01363), burglary in the third degree (2022-GS-16-00497), burglary in the first degree (2022-GS-16-00498), petit or simple larceny (2022-GS-16-00499), armed robbery (2022-GS-16-00500), possession of a weapon during the commission of a violent crime (2022-GS-16-00501), and attempted murder (2023-GS-16-01085). Applicant was represented by Marianna Leigh White and Jacob Lynn Godwin of the Fourth Circuit Public Defender's Office. Assistant Solicitor Glenn Mondrae Bell of the Fourth Circuit Solicitor's Office prosecuted the case.

On March 26, 2024, Applicant appeared before the Honorable R. Kirk Griffin, circuit court judge, and pled guilty as indicted to attempted murder, burglary in the first degree, armed robbery, and throwing bodily fluids. The burglary in the third degree, petit or simple larceny, and possession of a weapon during the commission of a violent crime were *nolle prossed*. Judge Griffin sentenced Applicant as negotiated to twenty-five (25) years imprisonment for attempted murder, twenty-five (25) years imprisonment for burglary in the first degree, and twenty-five (25) years imprisonment for armed robbery, to be served concurrently with credit for 737 days, and twelve (12) months imprisonment for throwing bodily fluids to be served consecutively.

Applicant did not appeal his convictions or sentences.

FACTS GIVING RISE TO THE CONVICTION

The facts are outlined as read into the record by the State at Applicant's guilty plea hearing:

Yes, Your Honor. March 21, 2022 in the City Limits of Darlington located in Darlington County, Sinatra Hunter did approach Ms. Gloria Hawkins. She was out in her yard. She was working doing some gardening. He came – he came up behind her, startled her, and she has a fenced in yard. He approached her. He started asking for someone that she was not familiar with, and at which point then he then accosted her, started asking for money. She was asking him to leave. At some point, I struggled ensued. He pushed her down. She struck her head upon a brick. At that point, he started choking her saying, I'm gonna kill you if you don't give me some money. At which point – at which point, she then played dead, layed lifeless. He then – and I'll show you – I'll try to make it

make a little bit more sense, Your Honor, this whole parcel here is her, is her property. She was gardening in this location. The assault took place here and this is where she fell. Mr. Hunter then entered the garage. And that's when he's going through her car. After she didn't see him anymore. She then goes into her home, starts calling 911. When he can hear her calling 911 he then kicks in the door to the home thus the burglary first, and takes her phone and flees the scene. He doesn't – he doesn't – he doesn't assault her anymore. But he does take her phone and then flee. He was armed with a box cutter which Mr. – which he did pull out on Ms. Hawkins while, while they were in the garden area and that's what also gave rise to armed robbery. It was within the next hour Mr. Sinatra Hunter was apprehended by the Darlington City Police Department. They immediately placed him under arrest. He was searched incident to arrest. He had two box cutters on him, screwdriver. They took him down to the precinct. He did – he gave a confession after being Mirandized that he, that did put him in the location, that did put him pushing down Ms. Hawkins, and that's what gave rise to the charge, Your Honor. And that's the charges in regards to Ms. Hawkins as the victim.

In regards to the throwing part of the fluids, Your Honor, on May 24, 2022 at the Darlington County Detention Center while in holding cell number three Mr. Sinatra hunter did take a white Styrofoam from cup filled with his feces and did throw it upon Correctional Officer, Kevin Doyle, giving rise to the charge.

Your Honor, as far as prior record, Mr. Sinatra Hunter does have a voluntary manslaughter, burglary second violent, and grand larceny from 1998. Your Honor, this was originally life without parole case. The State has opted to allow Mr. Hunter to plea to a negotiate 25 in lieu of us going to trial.

(Plea Tr. pp. 22–25).

CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is entitled to relief based on the following:

1. Ineffective Assistance of Counsel
 - a. "Never appeal conviction after informing me that he/she would."

Applicant requested relief in the form of "[r]elease from custody, or trial, or overturn conviction."

Attached herewith and incorporated herein are the records of the Darlington County Clerk of Court regarding the subject convictions, the transcript from Applicant's plea proceeding, Applicant's records from SCDC, and the records of the current PCR action. Respondent reserves the right to amend this return upon receipt of any relevant materials.

RESPONSE TO ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF PLEA COUNSEL

Applicant alleges Plea Counsel was constitutionally ineffective but does not provide any specific instances other than 6th and 14th Amendment. The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a prima facie violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so defective as to require reversal" of the applicant's conviction or sentence. 466 U.S. at 687. First, the applicant must show that counsel's performance was deficient; and second, that the deficient performance prejudiced the applicant. Id. at 668; Butler, 286 S.C. at 442, 334 S.E.2d at 814.

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

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

Accordingly, "[j]udicial scrutiny of counsel's performance must be highly deferential[, as] [i]t is all too tempting for a defendant to second-guess counsel's assistance after conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at 689; see also Yarborough v. Gentry, 540 U.S. 1, 8 (2003) ("The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight."). Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge.

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

Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. Id. Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a "strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance[.]" Butler, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

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

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

interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney's representation amounted to incompetence under "prevailing professional norms," not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690) (emphasis added).

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

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

The analysis of counsel's performance under the first prong of Strickland remains unchanged—the applicant must show counsel's representation fell below the objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58–59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging his plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56.

The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." Id. at 58–59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59. This inquiry "focuses on a defendant's decisionmaking" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

Surmounting Strickland's high bar is never an easy task, and the strong societal interest in finality has "special force with respect to convictions based on guilty pleas." Lee, 582 U.S. at 368–369 (internal citations and quotation marks omitted); cf. Hill, 474 U.S. at 58 ("[R]equiring a

showing of 'prejudice' from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel 'will serve the fundamental interest in the finality of guilty pleas.'). Reviewing "[c]ourts should not upset a plea solely because of post hoc assertions from a defendant about how he would have pleaded but for his attorney's deficiencies. Lee, 582 U.S. at 369. Rather, judges should "look to contemporaneous evidence to substantiate a defendant's expressed preferences. Id. In determining whether a guilty plea was taken in accordance with constitutional standards, the reviewing judge must analyze and consider the entire record, including the transcript of the plea and the evidence presented at the PCR hearing. Harres, 282 S.C. at 134, 318 S.E.2d at 361.

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

In the present case, Applicant has asserted that Plea Counsel was ineffective for never appealing his conviction after informing him that they would. Because these allegations likely raises questions of fact not conclusively refuted by the record, the State requests an evidentiary hearing to fully resolve the issues. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific

instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

FAILURE TO FILE APPEAL

Applicant alleges that he was denied the right to a direct appeal of his plea and sentence. Though counsel is required to make certain that a defendant is made fully aware of his or her right to appeal after a *trial*, a different standard applies to a guilty plea:

Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea.

Turner v. State, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008) (citations omitted); see also Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000) (imposing the duty to consult when there is reason to think either that a rational defendant would want to appeal or that the particular defendant reasonably demonstrated interest in doing so); contra Frazer v. South Carolina, 430 F.3d 696 (4th Cir. 2005) (reading Flores-Ortega to mean counsel generally has a duty to consult with his client regarding whether to pursue an appeal). Therefore, in a collateral action attacking a guilty plea, the “bare assertion that a defendant was not advised of appellate rights is insufficient to grant relief.” Jones v. State, 382 S.C. 589, 596, 677 S.E.2d 20, 23-24 (2009) (quoting Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)).

Where an Applicant reasonably demonstrates an interest in appealing, or where there is a reason to think a rational defendant would want to appeal, and where Counsel fails to either initiate that appeal or comply with Anders procedure, “White permits consideration of the full trial record on [an] issue in conjunction with appellate review of the PCR proceeding under an exception to the prohibition against appellate courts considering appeals in the absence of notice of direct appeal

given and timely served.” Smith v. State, 309 S.C. 413, 415, 424 S.E.2d 480, 481 (1992) (citing Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)).

Respondent lacks sufficient information to admit or deny this allegation at this time. Respondent requests an evidentiary hearing on this ground for relief. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has retained an attorney, the attorney, not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. *Pro se* filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to Love v. State, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. Id., 428 S.C. at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

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

CONCLUSION

WHEREFORE, having made its return, Respondent requests an evidentiary hearing be held on the allegations as set forth in the application.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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Senior Assistant Deputy Attorney General

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Esq.

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February 6, 2025

STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS
COUNTY OF DARLINGTON)	2024-CP-16-00949
)	
)	
)	
SINATRA L. HUNTER,)	
APPLICANT,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
STATE OF SOUTH CAROLINA,)	
RESPONDENT.)	
_____)	

September 3, 2025
Darlington, South Carolina

B E F O R E:

THE HONORABLE S. BRYAN DOBY, JUDGE.

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

STEVEN W. FOWLER, ESQ.
Attorney for the Applicant

SYDNEY WILLINGHAM, ESQ.
Attorney for the Respondent

Brenda Jones, Court Reporter
Transcribed by Penny M. Johnson

I N D E X

(AW) - Denotes Plaintiff's Witness

(RW) - Denotes Defense Witness

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E X H I B I T S

(There were no exhibits submitted.)

P R O C E E D I N G S

1
2 THE COURT: We're back on the record. This is Sinatra
3 L. Hunter, 2024-CP-16-00949. This is a Darlington County
4 case.

5 Is the State ready to go forward?

6 MS. WILLINGHAM: Yes, Your Honor.

7 THE COURT: Mr. Fowler, are you ready to go forward?

8 MR. FOWLER: Your Honor, can I speak with my client for
9 just a second, please?

10 THE COURT: Yes, sir.

11 (Pause.)

12 MR. FOWLER: Your Honor, I've spoken with my client.
13 With these PCR actions, it's important that they understand,
14 you know, that they would be going back to day one, square
15 one with their time served, perhaps. So I'd just like to be
16 clear that he understands that he could be facing
17 potentially more time even though I've explained that to him
18 by telephone conversation and in person.

19 THE COURT: Thank you, Mr. Fowler. And I will talk to
20 Mr. Hunter in just a minute. I'm going to get a brief
21 procedural history, the nature of the charges that Mr.
22 Hunter was initially charged with, what he pled to, what the
23 potential sentence he could have received and what his
24 actual sentence was.

25 Ms. Willingham.

1 MS. WILLINGHAM: May it please the Court. This is the
2 PCR matter of Sinatra Hunter vs. The State. The Applicant
3 is presently confined in the South Carolina Department of
4 Corrections. During its May 2022 term, the Darlington
5 County Grand Jury indicted Applicant for throwing bodily
6 fluids by a prisoner detainee on State Corrections or local
7 law enforcement officer, corrections employee or visitor.
8 That's indictment 2022-GS-16-01363, burglary third degree,
9 indictment 2022-GS-16-00497, burglary first degree,
10 2022-GS-16-00498, petit or simple larceny, indictment
11 2022-GS-16-00499, armed robbery, indictment
12 2022-GS-16-00500, possession of a weapon during the
13 commission of a violent crime, indictment 2022-GS-16-00501
14 and attempted murder, that's indictment 2023-GS-16-01085.

15 The Applicant entered into a guilty plea before the
16 Honorable R. Kirk Griffin on March 26, 2024 as to the
17 attempted murder, burglary in the first, armed robbery and
18 throwing bodily fluids. The burglary third degree, petit or
19 simple larceny and possession of a weapon during the
20 commission of a violent crime were nol prossed.

21 The Applicant was represented by Marianna White and
22 Jacob Godwin, Assistant Monty Bell of the Fourth Circuit
23 prosecuted the case. Judge Griffin sentenced Applicant as
24 negotiated to 25 years for the attempted murder, 25 years
25 for burglary first degree and 25 years imprisonment for the

1 armed robbery, all concurrently with credit for time served,
2 and then 12 months for the throwing bodily fluid
3 consecutively.

4 The Applicant did not appeal his convictions or
5 sentences. Then on October 1st, 2024, he filed his PCA
6 application alleging ineffective assistance of counsel
7 saying that his attorney never appealed his conviction after
8 informing him that they would.

9 THE COURT: Thank you. Has the State added up the
10 number of years he could have received if he had been given
11 the maximum on each of the sentences that -- or each of the
12 offenses for which he was indicted?

13 MS. WILLINGHAM: Your Honor, I have not done so.

14 THE COURT: Many more years than 25, though?

15 MS. WILLINGHAM: Yes, Your Honor. And -- well, I will
16 let it come out through testimony later.

17 THE COURT: Mr. Fowler, anything you want to add to
18 that procedural history?

19 MR. FOWLER: No, sir, just want him to be clear that he
20 would be facing much more than what he's serving now if he
21 were to face those charges again.

22 THE COURT: Mr. Hunter, if you'll stand, please.

23 (Applicant stood.)

24 THE COURT: Good afternoon, sir.

25 THE APPLICANT: Good afternoon, sir.

1 THE COURT: Mr. Hunter, you understand that -- this is
2 a post-conviction relief application. Do you understand
3 what that is?

4 THE APPLICANT: Yes, sir.

5 THE COURT: And in that post-conviction relief
6 application, if you are successful, if you prove what needs
7 to be proven in order to prevail on that post-conviction
8 relief application, the only thing that I could give you
9 would be a new trial.

10 Do you understand that?

11 THE APPLICANT: Yes, sir.

12 THE COURT: I can't cut your sentence. I can't give
13 you a lesser sentence. I can't run these charges
14 concurrently instead of consecutively. I can't send you to
15 another prison. I can't do any of those things. The only
16 thing that I could do would be to grant a new trial for you.

17 Do you understand that?

18 THE APPLICANT: Yes, sir.

19 THE COURT: And so in this case, if you were to be
20 successful on this application and I granted you a new
21 trial, you would be facing the original charges that you
22 were indicted for, which included the attempted murder,
23 armed robbery and those things that the State listed.

24 Do you understand that?

25 THE APPLICANT: Yes, sir.

1 THE COURT: So you got a sentence of 25 years on -- in
2 this case for attempted murder, 25 years for burglary, 25
3 years for armed robbery, those were all concurrent
4 sentences.

5 Do you understand that?

6 THE APPLICANT: Yes, sir.

7 THE COURT: And you got a sentence of 12 months for
8 throwing bodily fluids, which was to be served
9 consecutively.

10 Do you understand that?

11 THE APPLICANT: Yes, sir.

12 THE COURT: So if you were to go back and I granted
13 your petition for relief, then you would go back and you
14 would face many more years than just 25 years and the 12
15 months that you received on those particular sentences.

16 Do you understand that?

17 THE APPLICANT: Yes, sir.

18 THE COURT: I mean, just looking, you've got an
19 attempted murder for which you can get up to 30 years.
20 You've got burglary in the first degree for which you could
21 get up to life incarceration, a minimum of 15 years. I
22 mean, just looking at those two things, you could get life
23 if I grant your petition.

24 Do you understand that?

25 THE APPLICANT: Yes, sir.

1 THE COURT: All right. Now, knowing all of that, do
2 you still want to go forward?

3 THE APPLICANT: Yes, sir.

4 THE COURT: All right. Thank you, sir.
5 Anything in followup to that, Mr. Fowler?

6 MR. FOWLER: No, sir.

7 THE COURT: Thank you.

8 Mr. Fowler, are you ready to proceed?

9 MR. FOWLER: Yes, sir. I'd like to call Mr. Hunter to
10 the witness stand, please.

11 THE COURT: Mr. Hunter, if you'll come around and be
12 sworn, please.

13 THE CLERK: If you'll place your left hand on the Bible
14 and raise your right for me.

15 SINATRA HUNTER,

16 after being duly sworn, testified as follows:

17 THE APPLICANT: Yes, ma'am.

18 THE COURT: Thank you, Mr. Hunter. If you'll do me a
19 favor. If you'll speak loudly and clearly into that
20 microphone, I would appreciate it.

21 THE APPLICANT: Yes, sir.

22 THE COURT: Thank you.

23 DIRECT EXAMINATION

24 BY MR. FOWLER:

25 Q Mr. Hunter, please say and spell your name for the

1 court reporter.

2 A Sinatra Hunter, S-I-N-A-T-R-A, H-U-N-T-E-R.

3 Q Now, Mr. Hunter, you filled out an application for
4 post-conviction relief, correct?

5 A Yes, sir.

6 Q And you signed it on September 24th, 2024; is that
7 correct?

8 A Yes, sir.

9 MR. FOWLER: Your Honor, if I may approach the witness?

10 THE COURT: Yes, sir.

11 BY MR. FOWLER:

12 Q And this is your application, correct, and your
13 signature, right?

14 A Yes, sir.

15 Q And it's a notarized signature, right?

16 A Yes, sir.

17 Q Clocked with the Court on October 1st, 2024, right?

18 A Yes, sir.

19 Q And you still stand by this, correct?

20 A Yes, sir.

21 Q So that's what we're going to be proceeding on today.

22 Number 19 on the application says, State clearly the relief
23 you seek in filing this application. It says, Release from
24 custody or trial or overturn conviction. You understand
25 that this is not a time cut or time served process as the

1 Judge explained earlier, correct?

2 A Yes, sir.

3 Q But you still wish to go forward with it?

4 A Yes, sir. Yes, sir.

5 Q Number nine, it says, and I believe you're referring to
6 your attorney, She did not give notifications to the Courts
7 for my appeal. Who are you referring to there?

8 A Ms. Marianna.

9 Q Do you know her last name?

10 A It's White.

11 Q And she's in the courtroom today, correct?

12 A Yes, sir.

13 Q What do you mean that she did not give notifications to
14 the courts for my appeal?

15 A I was supposed to had come back or something like that.

16 Q Excuse me, say that again.

17 A I was supposed to had come back. She was supposed to
18 have filed some papers for me to come back, but I had to do
19 it myself.

20 Q When you say come back, what do you mean, for an
21 appeal?

22 A Come back for an appeal, yes, sir.

23 Q So when did you want to appeal this?

24 A As soon as possible.

25 Q Now, did you plead or have a trial in this case?

1 A I plead.

2 Q So how soon after that did you indicate to her that you
3 wished to appeal this?

4 A Immediately.

5 Q So why did you plea if you wanted to appeal it?

6 A Because I was told I could probably get a life
7 sentence. So I pled so I wouldn't get a life sentence.

8 Q Okay. But you wanted to appeal that?

9 A Yes, sir.

10 Q What were your conversations with her about appealing
11 it?

12 A That I would be notified when I go back to prison.

13 Q Okay. And number ten, it says ineffective assistance
14 of counsel, okay? You know, usually, that's a fairly broad
15 statement, but we want to be specific here. What do you
16 mean by ineffective assistance of counsel?

17 A I felt like she could have looked more into on my part,
18 like, the incident and stuff like that to plead my case and
19 whatnot.

20 Q Say that again, please.

21 A If she had looked into my case more, I would have had a
22 better chance.

23 Q What do you mean looked into your case more?

24 A As far as the crimes and mental health and things like
25 that.

1 Q Did you have a mental health problem?

2 A Yes, sir.

3 Q Do you take medication for it?

4 A Yes, sir.

5 Q Did you take medication for it at the time of your
6 plea?

7 A Yes, sir.

8 Q So how did that relate to your plea? Why did you plead
9 and tell the Court that you were -- strike that. So how did
10 your mental health relate to your plea? Do you think that
11 you understood everything or not?

12 A No, sir.

13 Q Why not?

14 A I was on a lot of medication.

15 Q What medication were you on at the time?

16 A Seroquel, Remeron -- it was like three medications I
17 was on at the time.

18 Q What were those for?

19 A My schizophrenic and hearing voices.

20 Q Schizophrenic and hearing voices?

21 A Yes, sir.

22 Q Did you bring to her attention that she should have
23 looked into your case more when you pled?

24 A Yes, sir.

25 Q What did she say?

1 A That she would. She had sent me to an evaluation
2 center, something like that. Something happened, but I
3 don't know what happened.

4 Q So to repeat what you just said, you thought you were
5 going to an evaluation center?

6 A Yes, sir.

7 Q Were you ever sent to an evaluation center?

8 A Yes, sir.

9 Q What did they determine?

10 A I don't know. They sent me back.

11 Q Okay. So you were never informed of what results there
12 were?

13 A No, sir.

14 Q Did you have a competency test?

15 A Yes, sir.

16 Q Did you find out what the results of that were?

17 A I think they said it was good. I don't know what that
18 means.

19 Q Are you saying that you had a competency hearing -- an
20 evaluation, rather, and you never got the results of it?

21 A Yeah. They sent me to some place in Columbia. I
22 stayed there for about two weeks and I came back. They sent
23 me to some other place and I went and talked to some people.

24 Q Did you ever get -- did she ever go over the results of
25 those visits with you?

1 A No.

2 Q Did she indicate what that meant to you pleading?

3 A No, sir.

4 Q Did she indicate how that related to your case?

5 A I guess if, like, I went to the evaluation center and
6 they found something wrong, it would help me.

7 Q But you don't know what the results were, do you?

8 A No, sir.

9 Q Anything else with the ineffective assistance of
10 counsel? You indicated that you had some mental health
11 issues. You indicated that you thought she might look into
12 your case more, do more research. Did she go over discovery
13 with you?

14 A What is that?

15 Q Do you know what discovery is?

16 A No, sir.

17 Q Okay. Did she explain to you what discovery was?

18 A As far as, like, my crime?

19 Q For your case. Are you familiar with the term
20 discovery?

21 A No, sir.

22 Q Okay. And you're, also, saying she didn't go over
23 anything termed discovery with you, did she?

24 A No, sir, I don't recall.

25 Q Did she go over any kind of statements or any evidence

1 with you about your case?

2 A Yes, sir.

3 Q What did she do?

4 A A police report.

5 Q A what?

6 A A police report. A police report about what happened
7 in the crime and stuff.

8 Q Did she go over any witness statements with you?

9 A No, sir, I don't know about witness statements.

10 Q Did she show any video, videotape or video?

11 A No, sir. I was told about the video with the police
12 when I was arrested, but I hadn't seen it.

13 Q So you never saw any body cam video?

14 A No, sir.

15 Q Anything else about ineffective assistance of counsel
16 that you think needs to be brought to the Court's attention?
17 Anything else that you felt like she was deficient in her
18 performance representing you?

19 A No, sir.

20 Q And once again, I think we've kind of gone over this,
21 but I want to make sure there's nothing else. You said
22 never appealed conviction after informing me that he or she
23 would. What was your discussion about appealing it?

24 A As far as I might be able to appeal. I might get an
25 appeal if I plea to it.

1 Q But you pled, so --

2 A Thinking I would get an appeal, yes, sir. Thinking
3 that I would get an appeal.

4 Q That you would get an appeal after you pled?

5 A After I pled, yes, sir.

6 Q Did she explain to you what the appellate process was,
7 what appeals were?

8 A No, sir.

9 Q But you thought it might help you, right?

10 A Yes, sir.

11 Q Mr. Hunter, we've gone over question ten and several
12 other issues that you raised in your application. Is there
13 anything else about this ineffective assistance of counsel
14 allegation that you wish to bring to the Court's attention?

15 A I didn't really want to plead, I wanted to go to trial.

16 Q Well, then, how did -- why did you plea if you did want
17 to go to trial?

18 A Thinking I would get lesser time and if I plea, they
19 would do the appeal and I would come back to court.

20 Q So you're saying that the plea was based on her filing
21 an appeal for you?

22 A Yes, sir.

23 Q And she didn't do that, did she?

24 A No, sir.

25 Q Why did you think an appeal would be helpful if you

1 pled? You said that she was going to appeal for you. Why
2 do you think an appeal would be better off for you after you
3 pled?

4 A New evidence, there could be new evidence or something
5 I could use.

6 Q Anything else about this application you wish to bring
7 to the Court's attention?

8 A I wish I had went to trial in the beginning.

9 Q Excuse me?

10 A I wish I would have went to trial in the beginning.

11 Q Why is that?

12 A I don't think it was right.

13 Q So why do you feel like it wasn't right, in your words?

14 A Because if more research was done on my behalf, I might
15 could have had a better outcome.

16 Q Anything else, Mr. Hunter?

17 A No, sir.

18 MR. FOWLER: That's all our questions, Your Honor.

19 THE COURT: Thank you.

20 Ms. Willingham.

21 MS. WILLINGHAM: No questions for this witness, Your
22 Honor.

23 THE COURT: Thank you.

24 You may step down, sir. Thank you.

25 MR. FOWLER: Your Honor, may I have a moment to speak

1 to Mr. Hunter?

2 THE COURT: Yes, sir.

3 (Pause.)

4 MR. FOWLER: Your Honor, after consultation with Mr.
5 Hunter, we would rest.

6 THE COURT: Thank you.

7 The State?

8 MS. WILLINGHAM: Your Honor, we would call Ms. Marianna
9 White to the stand.

10 THE COURT: Ms. White, if you'll come forward and be
11 sworn, please.

12 MARIANNA WHITE,

13 after being duly sworn, testified as follows:

14 THE WITNESS: Yes.

15 DIRECT EXAMINATION

16 BY MS. WILLINGHAM:

17 Q Good afternoon, Ms. White.

18 A Hey, how are you?

19 Q Good, how are you? How long have you been practicing
20 law?

21 A A little over four years.

22 Q And how much of that has been criminal law?

23 A A hundred percent.

24 Q And do you recall representing Mr. Hunter?

25 A Yes.

1 Q Were you appointed or retained to represent him?

2 A I was appointed. I was the Darlington County Public
3 Defender at the time.

4 Q And, roughly, how long before his plea hearing were you
5 appointed, do you recall?

6 A It was over a year. It was a long time.

7 Q And during that time, did you receive discovery
8 pursuant to Rule 5 and Brady from the State?

9 A Yes.

10 Q And did you review that discovery with the Applicant,
11 Mr. Hunter?

12 A Several times.

13 Q Can you give a brief overview of what you remember the
14 evidence that you received for discovery to be?

15 A I received paper materials, police reports, incident
16 reports, photographs, lots of photographs. I, also,
17 received a video statement that was given by Mr. Hunter.
18 Also, I believe it was body cam footage of the victim in the
19 case giving a statement as well. I believe that sums up
20 what was included in discovery.

21 Q And you were present for Mr. Hunter's testimony,
22 correct?

23 A Um --

24 Q Today?

25 A Oh, yes, yes.

1 Q And are you aware of the allegations he's made?

2 A Yes.

3 Q Did you review the potential sentences with him before
4 the plea hearing?

5 A I did. In fact, he was served with life without
6 parole, so he had been LWOPed, so he was looking at life.

7 Q And did you, also, discuss with him the options of
8 pleading or proceeding to trial?

9 A Yes. In fact, the day that he pled, we actually picked
10 a jury. We were fully prepared to go forward with trial on
11 the day that he decided to change his plea to guilty.

12 Q Do you recall what led to his decision to plead?

13 A Rather than going for life, you know, he has a
14 determinant sentence of 25 years. He will be able to leave
15 SCDC eventually. I believe that was, ultimately, the
16 deciding factor.

17 Q Okay. And one of the allegations is regarding the
18 appeal. Do you have any memory of discussing an appeal with
19 the Applicant?

20 A No, we never discussed an appeal, just the guilty plea.

21 Q Okay. And have you had a chance to review the
22 transcript?

23 A Of the guilty plea?

24 Q Yes.

25 A I haven't.

1 Q Well, I will let the record speak for itself, but the
2 Judge does address his right to an appeal. If he would have
3 asked you to file an appeal, would you have done so?

4 A Absolutely.

5 Q And I believe there were some discussions of his mental
6 health. Do you recall the doctor --

7 Beg the Court's indulgence.

8 THE COURT: Yes, ma'am.

9 BY MS. WILLINGHAM:

10 Q I believe her name was Dr. Sutton. She spoke at that
11 plea hearing regarding his evaluation. Do you recall that?

12 A I don't specifically recall it, but that sounds right.
13 I believe he had, at least, two DMH evaluations and then an
14 additional private evaluation as well.

15 MS. WILLINGHAM: Nothing further, Your Honor.

16 THE COURT: Thank you.

17 Mr. Fowler, anything on cross?

18 CROSS-EXAMINATION

19 BY MR. FOWLER:

20 Q So you were here while he was on the witness stand,
21 correct?

22 A Yes.

23 Q And you heard him say that he thought that you would be
24 looking into the case more; is that correct?

25 A I heard it.

1 Q You understand what he meant by that?

2 A I suppose he meant that I would look into the case.

3 Q Right, but, I mean, was there any discussions that this
4 plea was just, basically, a beginning to an appellate
5 process?

6 A There was never any discussion about that. That is
7 never the goal for a guilty plea. I'm sure you know that.

8 Q But did you talk to him about what his appellate rights
9 were if he pled?

10 A I didn't. He never asked.

11 Q But he had the right to an appeal, correct?

12 A And the Judge informed him of that.

13 Q So that's a yes, right?

14 A That's correct.

15 Q So he had ten days from the day of the plea to appeal;
16 is that correct?

17 A That's correct.

18 Q Did you ever send him any kind of communication saying
19 look, you have ten days from the date of the plea to appeal
20 this process?

21 A No.

22 Q Why not?

23 A Because that's not something that we ever do. He heard
24 the Judge say it. He never reached out to me after he heard
25 the Judge say it, that he wanted to appeal. So I didn't

1 send him any kind of followup reminding him of that right to
2 appeal that the Judge already informed him of.

3 Q So with that being said, you feel him saying this plea
4 was part of the larger ability to appeal the case, you feel
5 like that's incorrect?

6 A That's incorrect.

7 Q In terms of his mental health, what was your
8 discussions with him about his mental health?

9 A We had a lot of discussions about his mental health and
10 how his prior diagnoses could affect things. To that end, I
11 got -- I believe he was evaluated one time pretty early on
12 for competency. Because anytime a client tells me they've
13 been diagnosed with serious mental illness like Mr. Hunter
14 had, just to be safe, I petition the Court and the Court
15 orders a competency evaluation. So he was evaluated for
16 competency. He came back competent.

17 And really, in our discussions, there was never a time
18 I was concerned that he couldn't assist me in his own
19 defense. But just to be safe, I wanted a professional to
20 check that. So he had one competency evaluation.

21 Then there was an incident where I believe he engaged
22 in an attempt to end his life while incarcerated --

23 Q Let me just rephrase that. So you said there was one
24 competency evaluation, correct?

25 A Initially.

1 Q But he, also, said in his testimony that he went to
2 another facility for another competency evaluation. What
3 was the distinction between the initial competency
4 evaluation and whatever else he was discussing?

5 A Well, I was about to tell you there was an incident
6 where he tried to end his life. So, ultimately -- and I
7 believe that was right before we were about to start trial
8 or plead guilty. I can't remember exactly, but it was at a
9 very critical part in the process.

10 So we stopped everything, wanted to get him evaluated
11 again just to be sure that, you know, everything mentally is
12 okay because we're not trying to put a not competent man on
13 trial here. So he had another evaluation and he was found
14 to be competent after that as well.

15 Q What was the time difference between the first
16 evaluation and the second?

17 A It was several months. It was maybe even -- I can't
18 say with any kind of specificity, but sometime between six
19 months and a year. Also, within that timeframe, we hired an
20 expert, our own expert to evaluate him as well as provide
21 potentially some kind of mitigation for a guilty plea if it
22 came to it.

23 Q So was a guilty plea mitigated due to his mental
24 illness?

25 A Well, the report came back and it was not favorable to

1 his cause, so I did not introduce that at the guilty plea
2 mitigation. Specifically, the expert said that she thought
3 he was malingering.

4 Q Well, that --

5 MR. FOWLER: Your Honor, I would move to strike that as
6 hearsay.

7 THE COURT: Well, Mr. Fowler, I think you asked the
8 question.

9 MR. FOWLER: I did, but I didn't ask -- I just asked
10 what the status was, I didn't ask what somebody else said.

11 THE COURT: Well, I think she was trying to explain
12 what the status of that evaluation was. I'm going to
13 overrule your objection.

14 MR. FOWLER: Thank you.

15 BY MR. FOWLER:

16 Q So he had three competency evaluations?

17 A He did.

18 Q When he pled, did he plead guilty with mental illness
19 or any kind of qualifier so that he could get any kind of
20 special treatment with SCDC?

21 A No, I don't believe he did.

22 Q Why not?

23 A Well, you know, at the risk of going into something you
24 just objected to --

25 Q I'm speaking generally. I'm not saying what somebody

1 specifically said. I'm just saying -- let me rephrase it.

2 So you had three reports on his competency, right?

3 A Uh-huh.

4 Q Did he ever receive any of those reports?

5 A I received them, I know and I know I went over them
6 with him.

7 Q Did you forward a copy of it to him?

8 A I can't recall specifically if he requested a copy of
9 it, but I know that we discussed the results.

10 Q Okay. Once again, you did not -- when he pled, he did
11 not plea with any kind of mental illness qualifier?

12 A I don't believe he did, no.

13 MR. FOWLER: Your Honor, may I have just a moment?

14 THE COURT: Yes, sir.

15 (Pause.)

16 BY MR. FOWLER:

17 Q So he had three competency evaluations. One from a
18 private person, privately retained person, and two from the
19 State?

20 A Uh-huh.

21 Q Is that correct?

22 A I believe it was three, yeah.

23 Q And he never received any reports, any tangible
24 reports, did he?

25 A He never requested them, no.

1 MR. FOWLER: May I have one moment, Your Honor?

2 THE COURT: Yes, sir.

3 (Pause.)

4 MR. FOWLER: After consulting with my client, no
5 further questions, Your Honor.

6 THE COURT: Thank you.

7 Anything on redirect?

8 MS. WILLINGHAM: Nothing further, Your Honor.

9 THE COURT: Thank you.

10 You may step down, Ms. White. Thank you.

11 Anything further on behalf of the State?

12 MS. WILLINGHAM: The State rest, Your Honor.

13 THE COURT: Anything in reply, Mr. Fowler?

14 MR. FOWLER: No, Your Honor.

15 THE COURT: Mr. Hunter, I will consider the testimony
16 today, the material that I have been provided, the evidence
17 in this case and I will get a decision to you and your
18 attorney as quickly as possible. Okay, sir?

19 THE APPLICANT: Yes, sir.

20 THE COURT: Thank you, sir.

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CERTIFICATE OF TRANSCRIBER

I, PENNY M. JOHNSON, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

November 12, 2025

Penny M. Johnson
Penny M. Johnson
Transcriber

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (SCDC) pursuant to orders of commitment of the Darlington County Clerk of Court. During its May 2022 term, the Darlington County Grand Jury indicted Applicant for throwing of bodily fluids by prisoner, detainee on state corrections or local law enforcement officer, corrections employee, or visitor (2022-GS-16-01363), burglary in the third degree (2022-GS-16-00497), burglary in the first degree (2022-GS-16-00498), petit or simple larceny (2022-GS-16-00499), armed robbery (2022-GS-16-00500), possession of a weapon during the commission of a violent crime (2022-GS-16-00501), and attempted murder (2023-GS-16-01085). Applicant was represented by Marianna Leigh White and Jacob Lynn Godwin of the Fourth Circuit Public Defender's Office. Assistant Solicitor Glenn Mondrae Bell of the Fourth Circuit Solicitor's Office prosecuted the case.

On March 26, 2024, Applicant appeared before the Honorable R. Kirk Griffin, circuit court judge, and pled guilty as indicted to attempted murder, burglary in the first degree, armed robbery, and throwing bodily fluids. The burglary in the third degree, petit or simple larceny, and possession of a weapon during the commission of a violent crime were *nolle prossed*. Judge Griffin sentenced Applicant as negotiated to twenty-five (25) years imprisonment for attempted murder, twenty-five (25) years imprisonment for burglary in the first degree, and twenty-five (25) years imprisonment for armed robbery, to be served concurrently with credit for 737 days, and twelve (12) months imprisonment for throwing bodily fluids to be served consecutively.

Applicant did not appeal his convictions or sentences.

FACTS GIVING RISE TO THE CONVICTION

The facts are outlined as read into the record by the State at Applicant's guilty plea hearing:

Yes, Your Honor. March 21, 2022, in the City Limits of Darlington located in Darlington County, Sinatra Hunter did approach Ms. Gloria Hawkins. She was out

in her yard. She was working doing some gardening. He came – he came up behind her, startled her, and she has a fenced in yard. He approached her. He started asking for someone that she was not familiar with, and at which point then he then accosted her, started asking for money. She was asking him to leave. At some point, I struggled ensued. He pushed her down. She struck her head upon a brick. At that point, he started choking her saying, I'm gonna kill you if you don't give me some money. At which point – at which point, she then played dead, layed lifeless. He then – and I'll show you – I'll try to make it make a little bit more sense, Your Honor, this whole parcel here is her, is her property. She was gardening in this location. The assault took place here and this is where she fell. Mr. Hunter then entered the garage. And that's when he's going through her car. After she didn't see him anymore. She then goes into her home, starts calling 911. When he can hear her calling 911 he then kicks in the door to the home thus the burglary first, and takes her phone and flees the scene. He doesn't – he doesn't – he doesn't assault her anymore. But he does take her phone and then flee. He was armed with a box cutter which Mr. – which he did pull out on Ms. Hawkins while, while they were in the garden area and that's what also gave rise to armed robbery. It was within the next hour Mr. Sinatra Hunter was apprehended by the Darlington City Police Department. They immediately placed him under arrest. He was searched incident to arrest. He had two box cutters on him, screwdriver. They took him down to the precinct. He did – he gave a confession after being Mirandized that he, that did put him in the location, that did put him pushing down Ms. Hawkins, and that's what gave rise to the charge, Your Honor. And that's the charges in regards to Ms. Hawkins as the victim.

In regards to the throwing part of the fluids, Your Honor, on May 24, 2022 at the Darlington County Detention Center while in holding cell number three Mr. Sinatra hunter did take a white Styrofoam from cup filled with his feces and did throw it upon Correctional Officer, Kevin Doyle, giving rise to the charge.

Your Honor, as far as prior record, Mr. Sinatra Hunter does have a voluntary manslaughter, burglary second violent, and grand larceny from 1998. Your Honor, this was originally life without parole case. The State has opted to allow Mr. Hunter to plea to a negotiate 25 in lieu of us going to trial.

(Plea Tr. pp. 22–25).

CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is entitled to relief based on the following:

1. Ineffective Assistance of Counsel
 - a. "Never appeal conviction after informing me that he/she would."

Applicant raised the following additional allegations at the evidentiary hearing:

1. Counsel failed to investigate Applicant's mental health and/or competency.
2. Counsel failed to adequately review discovery with Applicant.

Applicant requested relief in the form of "[r]elease from custody, or trial, or overturn conviction."

Attached herewith and incorporated herein are the records of the Darlington County Clerk of Court regarding the subject convictions, the transcript from Applicant's plea proceeding, Applicant's records from SCDC, and the records of the current PCR action. Respondent reserves the right to amend this return upon receipt of any relevant materials.

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act¹ (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based on the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of

¹ S.C. Code Ann. §§ 17-27-10 to -160.

denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRPC; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so [ineffective] as to require reversal" of the applicant's conviction. Strickland v. Washington, 466 U.S. 668 at 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. Id. at 687-88; Cherry v. State, 300 S.C. 115, 117-18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Cone, 535 U.S. 685, 695 (2002) (explaining that "[without proof of both deficient performance and prejudice to the defense... it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea. Hill v. Lockhart, 474 U.S. 52 (1985), extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel. See Padilla v. Kentucky, 559 U.S. 356, 373 (2010) (recognizing that the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). The analysis of counsel's performance under the first prong of Strickland remains unchanged, the applicant must show that counsel's

representation fell below an objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58-59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000).

An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the range of competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56. The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process." Id. at 58-59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59.

This inquiry "focuses on a defendant's decision-making" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. 357, 367 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999) (emphasis added).

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue various claims of ineffective assistance of counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the

record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the witnesses, which allowed the Court to evaluate and scrutinize their credibility.

Upon conducting and completing its analysis, this Court finds that Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. See Rule 71.1(e), SCRCP (stating that in a post-conviction relief action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."); Lucero v. State, 414 S.C. 238, 244, 777 S.E.2d 409, 412 (Ct. App. 2015) ("In a PCR proceeding, the applicant bears the burden of establishing that he or she is entitled to relief."); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) ("The burden of proof is on the Applicant in post-conviction proceedings to prove the allegations in his application.").

Accordingly, set forth below are the relevant findings of fact and conclusions of law as required by § 17-27-80 of the South Carolina Code:

INITIAL FINDINGS

This Court finds applicable the strong presumption that at all stages of Plea Counsel's representation of Applicant, he rendered adequate assistance and exercised reasonable professional judgment in his representation. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, *supra*). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689; see Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF PLEA COUNSEL

Allegation 1: Failure to appeal conviction after informing Applicant that he/she would.

Applicant alleges Plea Counsel's representation was constitutionally ineffective for failing to appeal his conviction after informing him that they would. This Court finds this allegation is without merit.

Though counsel is required to make certain that a defendant is made fully aware of his or her right to appeal after a *trial*, a different standard applies to a guilty plea:

Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea.

Turner v. State, 380 S.C. 223, 224-25, 670 S.E.2d 373, 374 (2008) (citations omitted); see also Roe v. Flores-Ortega, 528 U.S. 470, 480 (2000) (imposing the duty to consult when there is reason to think either that a rational defendant would want to appeal or that the particular defendant reasonably demonstrated interest in doing so); contra Frazer v. South Carolina, 430 F.3d 696 (4th Cir. 2005) (reading Flores-Ortega to mean counsel generally has a duty to consult with his client regarding whether to pursue an appeal). Therefore, in a collateral action attacking a guilty plea, the “bare assertion that a defendant was not advised of appellate rights is insufficient to grant relief.” Jones v. State, 382 S.C. 589, 598, 677 S.E.2d 20, 23-24 (2009) (quoting Weathers v. State, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995)).

Where an Applicant reasonably demonstrates an interest in appealing, or where there is a reason to think a rational defendant would want to appeal, and where Counsel fails to either initiate that appeal or comply with Anders procedure, “White permits consideration of the full trial record on [an] issue in conjunction with appellate review of the PCR proceeding under an exception to

the prohibition against appellate courts considering appeals in the absence of notice of direct appeal given and timely served.” Smith v. State, 309 S.C. 413, 415, 424 S.E.2d 480, 481 (1992) (citing Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986)).

PCR Evidentiary Hearing

Applicant alleges that Plea Counsel failed to appeal his conviction after informing him that she would. (PCR Tr. pp. 10-11). Applicant pled guilty to the charges against him, and at the evidentiary hearing, Applicant did not allege that he had a viable issue for a direct appeal, or that there were other extraordinary circumstances which would require him to be advised of his right to a direct appeal from his guilty plea. Moreover, Applicant testified at the evidentiary hearing that he pleaded so he would not get a life sentence. (PCR Tr. p. 11).

Plea counsel testified that she did not discuss an appeal with Applicant. (PCR Tr. p. 20).

Findings

This Court finds from the record that the plea court did advise Applicant of his right to appeal his guilty plea. (Plea Tr. p. 22). Further, the plea court questioned Applicant’s understanding of the proceeding and considered the circumstances of Applicant’s crime. This Court further finds no extraordinary circumstances objectively warranted counsel to inform Applicant about appealing his conviction. See Roe v. Flores–Ortega, 528 U.S. 470 (2000) (holding that counsel has a constitutional duty to inform a defendant of his right to appeal a guilty plea if there is reason to think that a rational defendant would want to appeal or that the defendant demonstrated an interest in appealing). Furthermore, this Court finds Plea Counsel’s testimony *credible* that she would have filed a notice of appeal if Applicant had asked her to. (PCR Tr. p. 21).

As such, Applicant has failed in his burden of presenting any *credible* evidence to this Court that he was not advised of the right to appeal his guilty plea, nor did Applicant present any *credible* evidence that he requested Plea Counsel file an appeal. Moreover, to whatever extent Applicant was not entirely satisfied with the plea, he was presented an opportunity to express his dissatisfaction with the plea court, knowingly opted not to do so, and instead chose to proceed with his guilty plea so that he would not face a potential life without parole sentence.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED and DISMISSED with PREJUDICE.**

Allegation 2: Counsel failed to investigate Applicant's mental health and/or competency.

Applicant alleged Plea Counsel's representation was constitutionally ineffective for failing to further investigate his mental health. This Court finds this allegation to be without merit.

Due process prohibits the conviction of a person who is mentally incompetent, and that right cannot be waived by a guilty plea. Jeter v. State, 308 S.C. 230, 232, 417 S.E.2d 594, 595 (1992) (citing Bishop v. U.S., 350 U.S. 961 (1956); Pate v. Robinson, 383 U.S. 375 (1966)). The test of competency to enter a plea is the same as required to stand trial: the accused must have sufficient capability to consult with his lawyer with a reasonable degree of rational understanding and have a rational as well as factual understanding of the proceedings against him. Id., 417 S.E.2d at 596 (citing State v. Lambert, 266 S.C. 574, 225 S.E.2d 340 (1976); Carnes v. State, 275 S.C. 353, 271 S.E.2d 121 (1980)). An applicant alleging incompetence in fact must show by a preponderance of the evidence that he was incompetent at the time of his plea. Id.

An applicant alleging ineffective assistance of counsel for failure to seek a mental health evaluation, however, must still satisfy the two prongs of Strickland, though considered in reverse

as a practical necessity: applicant must demonstrate (1) a ‘reasonable probability’ that he was not competent at the time of the crime or at the time of the plea, and (2) that counsel’s failure to seek an evaluation was unreasonable. *Id.* at 233, 417 S.E.2d at 596. Counsel may reasonably rely on his own perceptions in deciding if a client is competent to stand trial. *Id.*

Plea Hearing

The record shows that Applicant had a Blair² hearing prior to entering his guilty plea. (Plea Tr. pp. 4-16). Forensic psychologist, Dr. Colbi Sutton, testified at the hearing regarding the Applicant’s competency. (Plea Tr. pp. 4-16). Dr. Sutton testified that Applicant was competent to stand trial. (Plea Tr. p. 9). Further, Dr. Sutton testified that Applicant had made comments about wanting to harm himself. (Plea Tr. p. 9). However, Dr. Sutton later discovered in reviewing records that Applicant openly admitted that once he returned to the detention center, he was not suicidal and made the statements to delay court proceedings. (Plea Tr. pp. 9-10).

Applicant testified at the hearing he understood the charges, the sentencing parameters, and that he was waiving his constitutional rights by entering a plea. (Plea Tr. pp. 18-20). Further, Applicant did not contest the recitation of facts by the Solicitor. (Plea Tr. pp. 22-25).

PCR Evidentiary Hearing

At the evidentiary hearing, Applicant testified that he took medication for schizophrenia. (PCR Tr. p. 12). Applicant alleges that because of his mental health, he did not understand what was going on at the time of his plea. (PCR Tr. p. 12). Applicant testified he had an evaluation, but his counsel did not go over it with him. (PCR Tr. p. 14). However, Plea Counsel testified she recalled Applicant had at least two evaluations with the Department of Mental Health and an additional private evaluation. (PCR Tr. p. 21). Further, Plea Counsel testified that she and

² State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981)

Applicant had several discussions about his mental health and his evaluations. (PCR Tr. pp. 23, 25). Plea Counsel testified she was not concerned regarding Applicant's ability to assist in his own defense. (PCR Tr. p. 23). Plea Counsel testified she petitioned the court to order a competency evaluation for Applicant to get a professional opinion as a safeguard. (PCR Tr. p. 23).

Findings

As an initial matter, this Court finds Applicant has failed to meet his burden to present any competent evidence that he was incompetent at the time he entered his guilty plea. Further, this Court finds from the record that Applicant understood the charges, the weight of the evidence, and the proceedings against him. There was no indication or evidence presented at the PCR evidentiary hearing to dispute Applicant was competent at the time of plea. Further, the plea court had the opportunity to examine Applicant's fitness to stand trial at the Blair hearing, and the court found Applicant competent. (Plea Tr. p. 16). This Court finds Plea Counsel's testimony *credible* that she discussed Applicant's mental state and competency with him. (PCR Tr. pp. 23, 25).

As such, this Court finds Applicant has failed in his burden of proving any deficiency or prejudice flowing from the deficiency. Notably, the record before this Court wholly refutes Applicant's allegation. Accordingly, this allegation is **DENIED** and **DISMISSED with PREJUDICE**.

Allegation 3: Counsel failed to adequately review discovery with Applicant.

Applicant alleged Plea Counsel's representation was constitutionally ineffective for failing to adequately review discovery with Applicant. This Court finds this allegation to be without merit.

In order to prevail upon a claim that counsel did not adequately prepare, investigate, or review discovery in a case, an applicant must present evidence to show how additional time spent in consultation regarding discovery would have resulted in a different outcome or what other

defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75–76, 659 S.E.2d 140, 145–46 (2008) (citing Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998), abrogated on other grounds by Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018)). The applicant must further present evidence demonstrating how the discoverable matters or defenses would have resulted in a different outcome. Id. Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

PCR Evidentiary Hearing

At the evidentiary hearing, Applicant testified that Plea Counsel did not review witness statements or show him any videos produced through discovery. (PCR Tr. p. 15). Plea Counsel testified that she received discovery from the State and reviewed it with Applicant several times. (PCR Tr. p. 19). Plea Counsel testified to her recollection of the evidence, which included: paper materials, police reports, incident reports, photographs, a video statement given by Applicant, and body camera footage of the victim. (PCR Tr. p. 19).

Findings

As an initial matter, this Court finds Plea Counsel's testimony *credible* and Applicant's testimony on this topic *not credible*. Additionally, this Court concludes that Applicant did not provide any *credible* evidence that additional time reviewing discovery would have led him not to plead guilty, but instead to proceed to trial. Further, to whatever extent Applicant was not entirely satisfied with the amount of time or extent he and Plea Counsel reviewed discovery, he was presented an opportunity to express his dissatisfaction to the plea court and chose to proceed with his guilty plea.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Plea Counsel or any prejudice flowing therefrom. Thus, this allegation must be **DENIED and DISMISSED with PREJUDICE.**

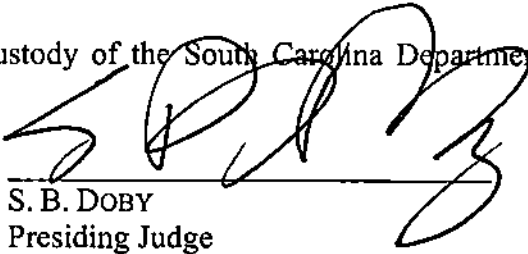
CONCLUSION

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), an 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 PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for the appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

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



S. B. DOBY
 Presiding Judge
 Fourth Judicial Circuit



Bob Quinn, South Carolina

FILED
 2025 DEC 10 P 12:45
 SCOTT B. SUGGS
 CLERK OF COURT/R.O.D.
 DANLON/COURT COUNTY, S.C.

WITNESSES

Michael L. Melton

Darlington Police Dept

Law Enforcement Case #: 2203-0497

652



WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

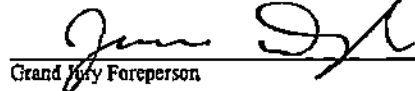
Defendant

ARREST WARRANT NUMBER
DAR-2023GS161085

ARRESTED ON: 2022-03-22

ACTION OF GRAND JURY

TRUE BILL



Grand Jury Foreperson

Date

JUL 27 2023

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2023-GS-16-1085

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
July 2023

THE STATE

vs.

Sinatra Lashawn Hunter

INDICTMENT FOR

Assault / Attempted Murder

§16-03-0029

CDR Code: 3410

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

INDICTMENT FOR
Assault / Attempted Murder

§16-03-0029

At a Court of General Sessions, convened on July 27, 2023, the Grand Jurors of Darlington County present upon their oath:

ATTEMPTED MURDER

CDR: 3410, 16-3-29

That Sinatra Lashawn Hunter did at [REDACTED] in the city of Darlington, on or about March 21, 2022, with specific intent to kill, attempt to kill with malice aforethought, either expressed or implied, to wit: Sinatra Lashawn Hunter, pushed the victim, Gloria Hawkins, to the ground, causing the victim to strike her head on a blunt object, the defendant then choked the victim while uttering that he was armed with a box cutter and made threats to kill her if she did not give him money, in violation of Section 16-3-29 of S.C. Code of Laws, 1976, as amended.

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


WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Michael L Melton

Darlington Police Dept

Law Enforcement Case #: 2203-0497
836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A1620100042

ARRESTED ON: 2022-03-22

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-16-0498

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
May 2022

THE STATE

vs.

Sinatra Lashawn Hunter

INDICTMENT FOR

Burglary / Burglary (After June 20, 1985) -
First degree

§16-11-0311

CDR Code: 0079

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

Burglary / Burglary (After June 20, 1985) - First
degree

§16-11-0311

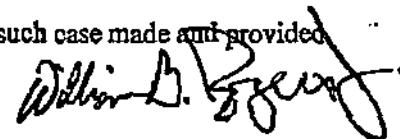
At a Court of General Sessions, convened on May 12, 2022, the Grand Jurors of Darlington County present upon their oath:

BURGLARY, 1ST DEGREE

CDR: 0079 16-11-0311

That Sinatra Lashawn Hunter did in Darlington County on or about March 21, 2022 enter the dwelling of Gloria Hawkins located at [REDACTED], Darlington, SC without consent and with the intent to commit a crime therein and the defendant did so in the nighttime, in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

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



WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Michael L Melton

Darlington Police Dept

Law Enforcement Case #: 2203-0497

836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A1620100044

ARRESTED ON: 2022-03-22

ACTION OF GRAND JURY

TRUE BILL

James D. D. A.
Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-16-0500

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
May 2022

THE STATE

vs.

Sinatra Lashawn Hunter

INDICTMENT FOR

Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

§16-11-0330(A)

CDR Code: 0139

William B. Rogers, Jr., Solicitor

WITNESSES

Michael L Melton

Darlington Police Dept

Law Enforcement Case #: 2203-0497

836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A1620100045

ARRESTED ON: 2022-03-22

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-16-0501

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
May 2022

THE STATE

vs.

Sinatra Lashawn Hunter

INDICTMENT FOR

Weapons / Poss. weapon during violent crime,
if not also sentenced to life without parole or
death

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DARLINGTON) Weapons / Poss. weapon during violent crime, if not
) also sentenced to life without parole or death

§16-23-0490

At a Court of General Sessions, convened on May 12, 2022, the Grand Jurors of Darlington County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Sinatra Lashawn Hunter did in Darlington County, on or about March 21, 2022 at [REDACTED] [REDACTED] Darlington, SC, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit: armed robbery, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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


 WILLIAM B. ROGERS, JR.
 SOLICITOR

WITNESSES

Michael L Melton

Darlington Police Dept

Law Enforcement Case #: 2203-0497
836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A1620100043

ARRESTED ON: 2022-03-22

ACTION OF GRAND JURY

TRUE BILL

Jan D. J.
Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-16-0499

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
May 2022

THE STATE

vs.

Sinatra Lashawn Hunter

INDICTMENT FOR

Larceny / Petit or Simple Larceny - \$2,000 or less

§16-13-0030(A)

CDR Code: 3419

3/26/24
N/P
pled to others
WMB

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DARLINGTON) INDICTMENT FOR
) Larceny / Petit or Simple Larceny - \$2,000 or less
) §16-13-0030(A)


At a Court of General Sessions, convened on May 12, 2022, the Grand Jurors of Darlington County present upon their oath:

PETIT LARCENY

CDR: 3419 16-13-0030(A)

That Sinatra Lashawn Hunter did in Darlington County on or about March 21, 2022, take and carry away the personal goods of Gloria Hawkins, valued at two thousand (\$2,000.00) dollars or less, described as follows: cell phone valued at \$100.00, with intent to deprive the owner permanently of such property, and to convert the goods to his/her own use, in violation of Section 16-13-0030(A), S. C. Code of Laws, 1976, as amended.

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


 WILLIAM B. ROGERS, JR.
 SOLICITOR



WITNESSES

Michael L Melton

Darlington Police Dept

Law Enforcement Case #: 2203-0497
836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A1620100045

ARRESTED ON: 2022-03-22

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

MAY 10 2023

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-16-0501

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:

~~May 2022~~

November 2023

THE STATE

vs.

Sinatra Lashawn Hunter

INDICTMENT FOR

Weapons / Poss. weapon during violent crime,
if not also sentenced to life without parole or
death

§16-23-0490

CDR Code: 0549

3/29/24
NIP
pled to other
[Signature]

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Weapons / Poss. weapon during violent crime, if not
also sentenced to life without parole or death

§16-23-0490

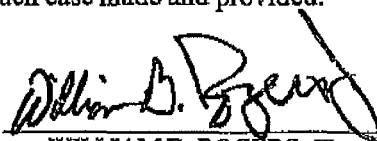
At a Court of General Sessions, convened on May 12, 2022, the Grand Jurors of Darlington County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Sinatra Lashawn Hunter did in Darlington County, on or about March 21, 2022 at [REDACTED], Darlington, SC, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit: armed robbery, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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


WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Mark A Hayes Jr

Darlington Police Dept

Law Enforcement Case #: 2203-0016
836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A1620100039

ARRESTED ON: 2022-03-04

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-16-0497

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
May 2022

THE STATE

vs.

Sinatra Lashawn Hunter

INDICTMENT FOR

Burglary / Burglary (After June 20, 1985) -
Third degree - 1st offense

§16-11-0313

CDR Code: 0427

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

Burglary / Burglary (After June 20, 1985) - Third
degree - 1st offense

§16-11-0313

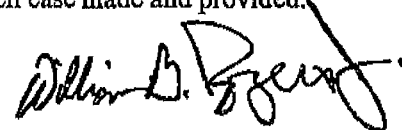
At a Court of General Sessions, convened on May 12, 2022, the Grand Jurors of Darlington County present upon their oath:

BURGLARY, THIRD DEGREE
(BUILDING)

CDR: 0427 16-11-0313

That Sinatra Lashawn Hunter did in Darlington County on or about February 11, 2022, enter without consent and with intent to commit a crime therein a building, Darlington Police Department located at [REDACTED], Darlington, SC, to wit: did take a Schwinn bicycle belonging to Lavonda Green, in violation of Section 16-11-0313, S. C. Code of Laws, 1976, as amended.

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



WILLIAM B. ROGERS, JR.
SOLICITOR

0-30

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Darlington

STATE

VS.

INDICTMENT/CASE#: 2023-GS-16-1085

Sinatra Lashawn Hunter

AW#: 2023GS160000

Date of Offense: 3/21/2022

S.C. Code §: 16-03-0029

CDR Code #: 3410

AKA: _____
Race: Black Sex: M Age: 45
DOB: _____
Address: _____
City, State: _____
DL#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Assault / Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws bearing CDR Code # 3410

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

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

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. ^{25 concurrent}

ATTEST:
[Signature] 76652 [Signature] [Signature] 104845
By, Glenn M SC Bar # Defendant SC Bar #

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

for a determinate term of 25 days/months/~~years~~ Time Served Youthful Offender Act not to exceed _____ years

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

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

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: 2022-GS-16-0498, 2022-GS-16-0500

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

137 days/months To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

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

STATE VS.

Sinatra Lashawn Hunter

INDICTMENT/CASE#:

2023-GS-16-1085

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Completion of GED
- Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp
- No Contact with Victim
- Domestic Violence Intervention Program

Mental Health Counseling May serve W/E beginning: _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: Defendant to receive mental health counseling while in SDCS. Defendant requests to be housed close to Darlington Co.

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS.

Recipient: _____

*Fine: _____ \$ _____

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

§14-1-206 (Assessments: 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. \$500 \$

§ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Michelle Winburn
Court Reporter: Lisa Carter

Presiding Judge: B. K. [Signature]
Judge Code: 2005
Sentence Date: 3-26-2024

15 to Life

STATE OF SOUTH CAROLINA
COUNTY OF Darlington
STATE _____
VS.
Sinatra Lashawn Hunter

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022-GS-16-0498

A/W#: 2022A1620100042
Date of Offense: 3/21/2022
S.C. Code §: 16-11-0311
CDR Code #: 0079

AKA: _____
Race: Black Sex: M Age: 44
DOB: _____
Address: _____
City, S: _____
DL#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Burglary / Burglary (After June 20, 1985) - First degree

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

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

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

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

ATTEST: [Signature] 76652 [Signature] [Signature] 104845
Bel/Glenn M. SC Bar # Defendant Attorney for Defendant SC Bar#

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

for a determinate term of 25 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

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

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

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: 2023-65-16-1085, 2022-65-16-0500

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

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

The Defendant Shall be Released from County Detention Center.

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

STATE VS. Sinatra Lashawn Hunter INDICTMENT/CASE#: 2022-GS-16-0498

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment 0 days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

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

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

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Michelle Winslow
Court Reporter: USA Carter

Presiding Judge: B. [Signature]
Judge Code: 2165
Sentence Date: 3-26-2024

10-30

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Darlington

STATE

VS.

INDICTMENT/CASE#: 2022-GS-16-0500

Sinatra Lashawn Hunter

AW#: 2022A1620100044

Date of Offense: 3/21/2022

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

AKA: _____

Race: Black Sex: M Age: 44

DOB: _____

Address: _____

City, Sta: _____

DL#: _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

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

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

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. ²⁵

ATTEST: Glenn M. 76652 Sinatra Lashawn Hunter Mr. L. W. [Signature] 104845
SC Bar # Defendant Attorney for Defendant SC Bar#

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

for a determinate term of 25 days/months/0 years/Time Served Youthful Offender Act not to exceed _____ years

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

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

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: 2023-GS-16-1085, 2022-GS-16-0498

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 737 days/months
 To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

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

STATE VS. Sinatra Lashawn Hunter INDICTMENT/CASE#: 2022-GS-16-0500

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling
- Attend Voc. Rehab. or Job Corp
- Mental Health Counseling
- Sex Offender Registry pursuant to S.C. Code § 23-3-430
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____
- Completion of GED
- No Contact with Victim
- May serve W/E beginning: _____
- Public Service Employment 0 days/hours
- Random Drug/Alcohol Testing
- Domestic Violence Intervention Program

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
§14-1-206 (Assessments 107.5 %)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ <u>2.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation; and shall be collected before any other fees.	\$500 \$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
TOTAL	\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: Michelle Winburn
Court Reporter: Lisa Carter

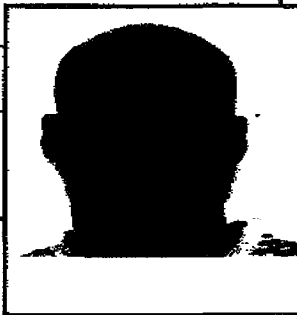
Presiding Judge: B. K. [Signature]
Judge Code: 2768
Sentence Date: 3-26-2024

ARREST WARRANT

2022A1620100043

STATE OF SOUTH CAROLINA
County/ Municipality of
DARLINGTON

THE STATE
against



STATE OF SOUTH CAROLINA
County/ Municipality of
DARLINGTON

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 818

Personally appeared before me the affiant INV. M. L. MELTON who
being duly sworn deposes and says that defendant SINATRA LA'SHAWN HUNTER
did within this county and state on 03/21/2022 to 03/21/2022 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of DARLINGTON)
in the following particulars:

DESCRIPTION OF OFFENSE: 16-13-0030(A) / PETIT LARCENY \$2,000 OR LESS

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THAT THE DEFENDANT DID COMMIT THE OFFENSE OF PETIT LARCENY \$2,000 OR LESS, TO WIT; WHILE AT 155 JEFFERSON STREET AND
WITHIN THE CITY LIMITS OF DARLINGTON, SOUTH CAROLINA TAKE THE VICTIM'S CELL PHONE (VALUED AT APPROXIMATELY \$100.00)
WITHOUT HER CONSENT DURING THE COMMISSION OF A BURGLARY. CS#2203-0497.

SINATRA LA'SHAWN HUNTER

Address:
Phone: SSN:
Sex: M Race: B Height: 5-9 Weight: 150
DL State: SC DL#:
DOB: Agency ORI#: SC0160100
Prosecuting Agency: DARLINGTON POLICE
Prosecuting Officer: INV. M.L. MELTON
Offense: PETIT LARCENY \$2,000 OR LESS
Offense Code: 3419
Code/Ordinance Sec. 16-13-0030(A)

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date: Date Time

RETURN

A copy of this arrest warrant was delivered to
defendant SINATRA LA'SHAWN HUNTER
on 3/22/22 @ 12:05 HRS.

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROBERT L. STUCKS
400 PEARL STREET
DARLINGTON, SC 29532

Signature of Affiant

Signature of Affiant: Inv. M.L. Melton

STATE OF SOUTH CAROLINA
County/ Municipality of
DARLINGTON

Affiant's Address 400 PEARL ST
DARLINGTON SC 29532
Affiant's Telephone (843) 398-4026

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 03/21/2022 defendant SINATRA LA'SHAWN HUNTER

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of DARLINGTON) as set forth below.

DESCRIPTION OF OFFENSE: LARCENY / PETIT OR SIMPLE LARCENY - \$2,000 OR LESS

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

Sworn to and subscribed before me

on 3/22/22 12:17pm
Date Time (L.S.)

R. MARK JAMES

Judge Code: 8437

Judge's Address 400 PEARL ST
DARLINGTON SC 29532

Judge's Telephone 843-398-4004

Issuing Court: Magistrate Municipal Circuit

Case: 2203-0497

ORIGINAL

RECEIVED

MAR 30 2022

Darlington County
Clerk of Court

BAIL set by

Judge: PM
on: March 22, 2022
Type and Amount: Denial to be set by
CCJ.
Name of Surety: _____

PRELIMINARY HEARING held by

Judge: _____
on: _____
Defense Attorney: _____
Declarer: _____

DISPOSITION before

Judge: _____
on: _____
by: _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

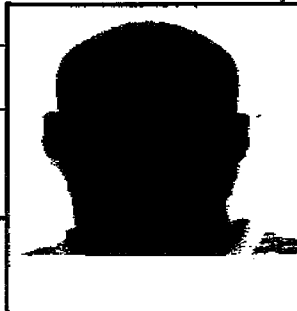
CODEFENDANTS

ARREST WARRANT

2022A162010045

STATE OF SOUTH CAROLINA
County/ Municipality of
DARLINGTON

THE STATE
against



STATE OF SOUTH CAROLINA
County/ Municipality of
DARLINGTON

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant INV. M. L. MELTON who
being duly sworn deposes and says that defendant SINATRA LA'SHAWN HUNTER
did within this county and state on 03/21/2022 to 03/21/2022 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of DARLINGTON)
in the following particulars:

DESCRIPTION OF OFFENSE: 16-23-0490 / POSSESSION OF A WEAPON DURING A VIOLENT CRIME

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THAT THE DEFENDANT DID COMMIT THE OFFENSE OF POSSESSION OF A WEAPON DURING A VIOLENT CRIME, TO WIT: WHILE AT 155
JEFFERSON STREET AND WITH THE CITY LIMITS OF DARLINGTON, SOUTH CAROLINA WHEN HE WAS IN POSSESSION OF A BOX CUTTER
DURING THE COMMISSION OF A BURGLARY 1ST DEGREE AND ARMED ROBBERY WHICH PLACED THE VICTIM IN IMMINENT PERIL CS#
2203-0497.

SINATRA LA'SHAWN HUNTER

Address:
Phone: SSN:
Sex: M Race: B Height: 5-9 Weight: 150
DL State: SC DL#:
DOB: Agency ORI#: SC0160100
Prosecuting Agency: DARLINGTON POLICE
Prosecuting Officer: INV. M.L. MELTON
Offense: POSSESSION OF A WEAPON DURING A
VIOLENT CRIME Offense Code: 0549
Code/Ordinance Sec. 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to law.

(L.S.)
Signature of Judge

Date: Date Time

RETURN

A copy of this arrest warrant was delivered to
defendant SINATRA LA'SHAWN HUNTER
on 3/22/22 @ 12:05 PM

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROBERT L. STUCKS
400 PEARL STREET
DARLINGTON, SC 29532

Signature of Affiant Inv. M.L. Melton Darlington County
Clerk of Court

STATE OF SOUTH CAROLINA
County/ Municipality of
DARLINGTON

Affiant's Address 400 PEARL ST
DARLINGTON SC 29532
Affiant's Telephone (843) 398-4026

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

it appearing from the above affidavit that there are reasonable grounds to believe that
on 03/21/2022 defendant SINATRA LA'SHAWN HUNTER

did violate the criminal laws of the State of South Carolina (or ordinance of
County/ Municipality of DARLINGTON) as set forth below:

DESCRIPTION OF OFFENSE: WEAPONS / POSS. WEAPON DURING VIOLENT CRIME, IF NOT ALSO
SENTENCED TO LIFE WITHOUT PAROLE OR DEATH

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

Sworn to and subscribed before me
on 3/22/22 12:17pm
Date Time (L.S.)
R. MARK JAMES

Judge Code: 8437

Judge's Address 400 PEARL ST
DARLINGTON SC 29532
Judge's Telephone 843-398-4004

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Case: 2203-0497

RECEIVED

MAR 30 2022

BAIL set by

Judge PM

on MARCH 22, 2022

Type and Amount: Denial to be set by CCJ

Name of Surety _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney _____

Decision _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition _____

Sentence _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

ARREST WARRANT

2022A1620100039

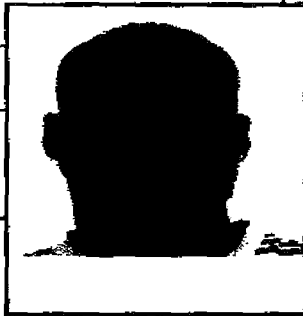
STATE OF SOUTH CAROLINA

County/ Municipality of

DARLINGTON

THE STATE

against



SINATRA LA'SHAWN HUNTER

Address

Phone: SSN:

Sex: M Race: B Height: 5-9 Weight: 150

DL State: SC DL#:

DOB: Agency ORI#: SC0160100

Prosecuting Agency: DARLINGTON POLICE

Prosecuting Officer: INV M. HAYES

Offense: BURGLARY 3RD DEGREE

Offense Code: 0427

Code/Ordinance Sec. 16-11-0313

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

Date: Date Time

RETURN

A copy of this arrest warrant was delivered to defendant SINATRA LA'SHAWN HUNTER on 3/4/2022

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

ROBERT L. STUCKS 400 PEARL STREET DARLINGTON, SC 29532

STATE OF SOUTH CAROLINA

County/ Municipality of

DARLINGTON

AFFIDAVIT

Form Approved by S.C. Attorney General April 21, 2003 SCCA 616

Personally appeared before me the affiant MARK HAYES who

being duly sworn deposes and says that defendant SINATRA LA'SHAWN HUNTER did within this county and state on 02/11/2022 to 02/11/2022 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of DARLINGTON) in the following particulars:

DESCRIPTION OF OFFENSE: 16-11-0313 / BURGLARY 3RD DEGREE

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON 02/11/2022 THE DEFENDANT (SINATRA HUNTER) DID COMMIT THE OFFENSE OF BURGLARY 3RD DEGREE WHILE AT 400 PEARL ST. LOCATED WITH IN THE CITY LIMITS OF DARLINGTON TO WIT: THE DEFENDANT DID UNLAWFULLY ENTER INTO THE DARLINGTON POLICE DEPT. IN THE DAY TIME HOURS. WITH THE INTENT TO COMMIT THE CRIME OF LARCENY. THE DEFENDANT DID TAKE A MAROON IN COLOR, SHWINN BICYCLE. VALUED AT APPROX 300 DOLLARS, WHILE INSIDE OF THE DARLINGTON POLICE DEPT. THE DEFENDANT EXITED THE INCIDENT LOCATION WITH THE STOLEN PROPERTY, WITH THE INTENT TO DEPRIVE THE VICTIM OF SAID GOODS. EVIDENCE GAINED FROM VIDEO SURVEILLANCE FOOTAGE. CS# 2203-0016

RECEIVED

MAR 11 2022

Signature of Affiant

Affiant's Address 400 PEARL ST Darlington County

DARLINGTON SC 29532 Clerk of Court

Affiant's Telephone (843) 398-4026

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 02/11/2022 defendant SINATRA LA'SHAWN HUNTER

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of DARLINGTON) as set forth below:

DESCRIPTION OF OFFENSE: BURGLARY / BURGLARY (AFTER JUNE 20, 1985) - THIRD DEGREE - 1ST OFFENSE

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

Sworn to and subscribed before me

on 03/03/2022 Date Time

R. MARK JAMES (L.S.)

Judge Code: 8437

Judge's Address 400 PEARL ST

DARLINGTON SC 29532

Judge's Telephone 843-398-4004

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Case: 2203-0016

