

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

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Certiorari to Laurens County

Honorable S. Bryan Doby, Circuit Court Judge
—————

HAKEEM EVANS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001620
—————

APPENDIX
—————

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State of South Carolina)
) Court of General Sessions
County of Laurens)

2021-GS-30-497
2021-GS-30-499

State of South Carolina)
 vs.) Transcript of Record
)
)
Hakeem Qudell Evans)
 Defendant)

August 4, 2021
Greenwood, South Carolina
(Laurens County Case)

B E F O R E:

Honorable Frank R. Addy, Jr., Judge

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

David Stumbo, Solicitor
Attorney for the State

Mike Gambrell, Esq.
Attorney for the Defendant

Joy E. Holston
Official Court Reporter

1 (There were no exhibits introduced.)

2 MR. STUMBO: Judge, I think we have got everything
3 finally.

4 THE COURT: Very good.

5 MR. STUMBO: This is State versus Hakeem Evans,
6 Judge. This is a Laurens County murder case. He is
7 pleading to an incident today that involved the homicide
8 of Rasham Eugene Walker. And, Judge, this case was first
9 on the trial docket or became first and second on the
10 trial docket with his codefendant this week. It is a
11 murder case, armed robbery and possession of a weapon
12 during the commission of a violent crime. The numbers,
13 Judge, are 2021-GS-30-497, on the murder which he is
14 pleading to voluntary manslaughter today on that
15 indictment. And then 2021-GS-30-499, and that one is the
16 armed robbery. The 498 is a possession of a weapon charge
17 that we are dismissing as a part of the plea today. This
18 will resolve all of his pending Laurens charges, Judge. I
19 will tell you a little bit more in a few minutes about
20 other charges in other counties. We were going to try to
21 get those lined up for this week but that didn't quite
22 work out. But I can give you that history here shortly,
23 Judge. He is pleading straight-up, not in opposition to
24 concurrent time on the two indictments.

25 THE COURT: Mr. Gambrell, you are representing Mr.

1 Evans on these charges. The sentencing sheets indicate
2 that he wants to tender a plea of guilty to the charges of
3 armed robbery which would carry a minimum of 10 years and
4 a maximum of 30 years. Voluntary manslaughter carries a
5 maximum of 30 years, I think a minimum of one or two
6 years. Am I correct?

7 MR. STUMBO: Correct, two, Judge.

8 THE COURT: Two. You have reviewed then with Mr.
9 Evans the penalties involved with these offenses, all of
10 his constitutional rights and the elements of these
11 crimes?

12 MR. GAMBRELL: I have, Your Honor.

13 THE COURT: And it is, of course, a straight-up plea.
14 The State is not opposing concurrent time though on both
15 of the charges. Mr. Gambrell, from your investigation of
16 the facts and circumstances surrounding this incident do
17 you believe that the State possesses a sufficient credible
18 evidence to prove his guilt beyond a reasonable doubt and
19 if he went to trial his conviction would be likely?

20 MR. GAMBRELL: I do, Your Honor.

21 THE COURT: Mr. Evans, if you could just raise your
22 right hand, please.

23 Hakeem Evans, being
24 first duly sworn, testified as follows:

25 THE COURT: Sir, are you Hakeem Evans?

1 MR. EVANS: Yes, sir.

2 THE COURT: Mr. Evans, I am being told by your
3 attorney that you want to plead guilty to two charges. Do
4 you understand that both voluntary manslaughter and armed
5 robbery carry a maximum of 30 years. The voluntary
6 manslaughter charge carries a minimum of two years; the
7 armed robbery a minimum of 10 years. Do you understand
8 that, sir?

9 MR. EVANS: Yes, sir.

10 THE COURT: Now, the State is not opposing concurrent
11 time on those charges. You understand that at the very
12 least, on the armed robbery, the Court has to impose a 10
13 year sentence and that whatever sentence you receive on
14 everything is entirely up to me. So you are facing, we
15 are looking at 10 to 30 years, somewhere in that range.
16 Do you understand that?

17 MR. EVANS: Yes, sir.

18 THE COURT: Mr. Evans, additionally, these are both
19 classified as most serious offenses. What that means is,
20 that after you get done serving whatever time the Court
21 imposes, if you again are convicted of a most serious
22 offense, the second time around the State can seek life
23 without the possibility of parole. Do you understand
24 that?

25 MR. EVANS: Yes, sir.

1 THE COURT: These are also eighty-five percent
2 offenses. That means that whatever time you receive you
3 will have to do eighty-five percent of that time before
4 you can hope to be released from prison. Do you
5 understand that?

6 MR. EVANS: Yes, sir.

7 THE COURT: Additionally, these are both classified
8 as violent offenses. Being classified as a violent
9 offense means that you are going to be more limited in
10 terms of the rehabilitative programs in the Department of
11 Corrections and of course you will be prohibited from
12 possessing a firearm at any point in the future; carries a
13 separate five year statutory penalty. Do you understand
14 all of that?

15 MR. EVANS: Yes, sir.

16 THE COURT: In the last twenty-four hours, Mr. Evans,
17 have you taken any medication or any substances that
18 affects your thinking today?

19 MR. EVANS: No, sir.

20 THE COURT: Have you ever been treated for any mental
21 illness type issues?

22 MR. EVANS: Yes, sir.

23 THE COURT: What have you been treated for?

24 MR. EVANS: This, bipolar disorder.

25 THE COURT: Bipolar disorder?

1 MR. EVANS: Yes, sir.

2 THE COURT: Okay. But nothing like schizophrenia
3 where you hear voices or anything?

4 MR. EVANS: Yes, sir.

5 THE COURT: You are lucid today, you are not
6 suffering from any, have you ever suffered from any
7 delusions?

8 MR. EVANS: Yes, sir.

9 THE COURT: Delusions?

10 MR. EVANS: No, no. No, sir.

11 THE COURT: Okay. But you are not taking any
12 medications for the bipolar disorder, correct?

13 MR. EVANS: No, sir.

14 THE COURT: All right. And were you in any kind of
15 special education classes when you were in school?

16 MR. EVANS: Yes, sir.

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

18 MR. EVANS: Twelfth grade.

19 THE COURT: Did you earn a certificate or a diploma?

20 MR. EVANS: Certificate.

21 THE COURT: A certificate, okay. Mr. Gambrell, were
22 there any intellectual disability issues or concerns that
23 you have?

24 MR. GAMBRELL: Judge, there were. Initially when I
25 first met with Mr. Evans and we actually talked about, you

1 know, what the Court and the law requires with regard to
2 him being competent enough to stand trial or to enter a
3 plea. We discussed those. He has always been able to
4 discuss his case with me. He has always been able to
5 understand the questions that I have asked him. Always
6 responded in an appropriate manner. So there is, without
7 a doubt, mental health issues with Mr. Evans going all the
8 way back into his childhood. However, I don't believe
9 they would meet the State's standard for a competency
10 hearing. And I certainly don't believe that he would be
11 ruled incompetent.

12 THE COURT: That is something that you have explored
13 and investigated?

14 MR. EVANS: Yes, sir.

15 THE COURT: All right. Now, Mr. Evans, again you
16 understand that whatever sentence you receive on these
17 charges, it is entirely up to me.

18 MR. EVANS: Yes, sir.

19 THE COURT: Are you guilty of these offenses?

20 MR. EVANS: Yes, sir.

21 THE COURT: Mr. Stumbo is going to give me the facts.
22 I need you to pay close attention to what he alleges
23 happened. After he is done speaking I will then ask you
24 if that is what you did wrong, if that is the crime you
25 committed. Okay, sir?

1 MR. EVANS: Yes, sir.

2 THE COURT: Solicitor.

3 MR. STUMBO: Thank you, Judge, if it please the
4 Court. This is a terrible incident that occurred January
5 23rd of 2020, early morning hours, Judge. The victim in
6 this case, as I mentioned before, is Rasham Walker, lives,
7 grew up, I guess, after he moved from Brooklyn with his
8 parents down to South Carolina. They have been in the
9 Clinton area for some time. He worked at Renfro where his
10 father works. And, Judge, to be honest with you, I think
11 this is something we are going to discuss on the trial and
12 we will discuss it when we try the case next week. On the
13 side, he did sell some marijuana, that was part of his, I
14 guess, side hustle, Judge, for lack of a better term, with
15 his work. Judge, he had a Facebook exchange with a lady
16 by the name of Brandy Standridge who is from Anderson.
17 Brandy Standridge, Judge, is the codefendant in this case.
18 She is part-time prostitute, Judge, and peddled out on
19 Facebook. She also was a, clearly someone who was
20 involved with drug use. Ultimately she sets up a meeting
21 with Rasham late, around midnight. She was coming from
22 Anderson and he was coming home. She was actually in the
23 driveway in a golden colored Cherokee when he gets there.
24 He goes inside, she goes inside with him. Our
25 understanding from Ms. Standridge in a statement she has

1 given, she went in by herself. So the codefendant, Mr.
2 Evans, was in the backseat of the car according to the
3 codefendant. After some time, Judge, he was apparently
4 looking at a crime scene in the middle of some sort of
5 sexual encounter involving Ms. Standridge. This Defendant
6 comes in the front-door and unloads a gun, hitting Mr.
7 Walker five times, four in the torso and legs; what
8 appears to be a kill shot to his head, Judge, which was
9 the, consistent with the shell casings. There were a
10 couple of bullets that were pulled out of the wall that
11 don't look like struck him. So he essentially ended up
12 emptying the pistol. Judge, after this he steals Mr.
13 Walker's book-bag. In that book-bag, according to a
14 friend of Mr. Walker's, would have been within that night,
15 was full of money and marijuana which is the basis for the
16 armed robbery charge, Judge. We believe that was the
17 motive for this Defendant and Ms. Standridge to be there
18 in the first place. They return back towards the upstate,
19 Judge, and they end up in a Walmart not too far off of 85
20 in Anderson County. They are together. Ms. Standridge
21 ends up buying some hair dye and getting a new phone, she
22 throws her phone out. She deactivates her Facebook page
23 and we have been able to see all of this from getting the
24 Facebook records in this case. Ultimately, Judge, law
25 enforcement did a great job, Laurens County Sheriffs

1 Office is here. Investigator Pittman, Investigator
2 Hunnicutt who is now an Investigator in our office, the
3 Solicitor's office; and Investigator Knight, among others
4 solved this case in about a week. And they started out,
5 Judge, basically with a homicide with absolutely no leads
6 and they turned that case very quickly into one that was
7 solved. Ms. Standridge ultimately, they tracked her down
8 via Facebook records and after denying everything for the
9 majority of the time of the interview, they confront her
10 with Facebook records and other evidence and she
11 ultimately confesses to her part of the crime, minimizes
12 it, does identify Little C, who is Mr. Evans nickname as
13 the shooter in this case. And that is how he was
14 ultimately charged. Judge, it took a few weeks for Mr.
15 Evans to be caught. He was actually caught after, and
16 these are charges that aren't being handled here today but
17 they are relevant to how he was put into custody. He
18 stole a car out of Greenville County, goes on a basically
19 high speed chase with law enforcement sometime that same
20 day; wrecks the car off the road somewhere and takes it
21 off-road, gets out of the car, still has a gun in his
22 hand. A gun was seized that did not match the gun in this
23 case but this was several weeks later. And then
24 ultimately he, Judge, threatened to kill himself at the
25 time. Law enforcement, Spartanburg County deputies

1 watched the body cam, they did a phenomenal job in this
2 case of deescalating the situation and getting Mr. Evans
3 into custody. Eventually he puts the gun down and lays
4 down and is compliant with the arrest. So, Judge, the
5 Spartanburg and Greenville pending charges, he was
6 actually in Spartanburg for most of last year. We brought
7 him to Laurens within, I guess, the last four or five
8 months and he was appointed Mr. Gambrell to represent him.
9 And we would anticipate, we have discussed with the
10 Solicitor, but I don't think they have gotten far enough
11 along in the case to resolve those charges today. But I
12 would anticipate they will be resolved shortly after we
13 resolve this case. They were waiting for this one to be
14 either tried or plead first. That is the facts of the
15 case, Judge. He has an extensive prior record and I have
16 victim impact.

17 THE COURT: All right. Mr. Evans, you heard what the
18 State alleges took place on or about, or sometime in
19 January of 2020. Is what they say accurate, you are
20 responsible for this armed robbery and this homicide?

21 MR. EVANS: Yes, sir.

22 MR. GAMBRELL: Judge, if I could, just briefly on the
23 record.

24 THE COURT: Sure.

25 MR. GAMBRELL: He had asked, talked to me during the

1 Solicitor's presentation of the facts, he did say that Ms.
2 Standridge was the one who brought the bag out of the
3 home. And so I don't think that it changes the factual
4 foundation for this plea but he did tell me that. And so
5 I would just present that to the Court.

6 THE COURT: Okay. But factually the plan is still
7 the same, the plan was still there to essentially rob this
8 person between her and him. Is that correct, Mr.
9 Gambrell?

10 MR. GAMBRELL: That is my understanding.

11 THE COURT: Okay. Now, Mr. Evans, I need to review
12 with you rights that you are giving up by pleading guilty.
13 If you don't understand something I say just stop me.
14 Okay?

15 MR. EVANS: Yes, sir.

16 THE COURT: Stop me and you can talk to your lawyer
17 as long as you want to. All right, sir?

18 MR. EVANS: Yes, sir.

19 THE COURT: Mr. Evans, you understand that you do not
20 have to plead guilty. You can have a jury trial on this
21 case. Do you understand?

22 MR. EVANS: Yes, sir.

23 THE COURT: And you can have the trial as early as
24 Monday. In a trial you and your lawyer would help pick
25 11, I am sorry, 12 people from Laurens County and they

1 would be the jury. And the State would have to prove your
2 guilt beyond a reasonable doubt to all of their
3 satisfaction. Do you understand?

4 MR. EVANS: Yes, sir.

5 THE COURT: So all 12 of those jurors would have to
6 agree that you are guilty of this crime before you could
7 be punished in any way. Do you understand that?

8 MR. EVANS: Yes, sir.

9 THE COURT: And the State has to prove your guilt
10 beyond a reasonable doubt. It is the highest burden of
11 the law, hardest one for the State to meet. Do you
12 understand that?

13 MR. EVANS: Yes, sir.

14 THE COURT: The way they try to meet that burden is
15 that they call witnesses. You and Mr. Gambrell could
16 question those witnesses. You could ask them anything you
17 wanted to. Do you understand?

18 MR. EVANS: Yes, sir.

19 THE COURT: You can confront them and obviously if
20 you plead guilty they don't have to bring those witnesses
21 to court. You don't get a jury trial. Do you understand
22 that?

23 MR. EVANS: Yes, sir.

24 THE COURT: You don't have any burden of proof at
25 trial, Mr. Evans, but if you wanted you could call your

1 own witnesses to testify. If you have witnesses that
2 refuse to come to court you could subpoena them, you could
3 force them to come to court. You could use the power of
4 the Court to make them come, they would not have a choice.
5 Do you understand?

6 MR. EVANS: Yes, sir.

7 THE COURT: And, of course, at trial you could take
8 the stand in your own defense. You could tell the jury in
9 your own words what happened; you could tell them whether
10 you were involved with this or not; you can tell them
11 about your codefendant's involvement. If you chose not to
12 testify, though, I would tell the jury they couldn't use
13 your failure to testify as evidence of guilt. They
14 couldn't even talk about it. Do you understand that?

15 MR. EVANS: Yes, sir.

16 THE COURT: That is your Fifth Amendment right
17 against self-incrimination. If you plead guilty, though,
18 you waive that, you admit that you did commit this crime.
19 Do you understand that?

20 MR. EVANS: Yes, sir.

21 THE COURT: Mr. Evans, at trial you would also be
22 presumed innocent. You can challenge all the State's
23 evidence. I have heard a little bit about the evidence
24 that they have against you. And I assume, have you gone
25 over the evidence with Mr. Gambrell?

1 MR. EVANS: Yes, sir.

2 THE COURT: Okay. So if you gave statements to the
3 police and they didn't read you Miranda you could
4 challenge that. If they searched your person or they
5 found any evidence on you, in your house or on your person
6 you could challenge all of that at trial. Do you
7 understand?

8 MR. EVANS: Yes, sir.

9 THE COURT: If you plead guilty, though, you don't
10 get to do that and you don't get to challenge the
11 evidence. Do you understand?

12 MR. EVANS: Yes, sir.

13 THE COURT: Finally, Mr. Evans, at trial you could
14 present any defense to this charge. I don't know if you
15 have any defense or not. Have you discussed with Mr.
16 Gambrell any possible defenses?

17 MR. EVANS: No, sir.

18 THE COURT: Okay. Mr. Gambrell, have y'all been
19 able, or is it a situation where it was pretty apparent?

20 MR. GAMBRELL: We have. I mean we have discussed
21 every aspect of it, to be quite honest, Judge. Typically,
22 you know, my process is to go over each bit of the State's
23 evidence that I believe would be introduced at trial. And
24 at any time, you know, with regard to evidence that we may
25 potentially have an objection to or if there was any time

1 where, at certain points where we get to, during that
2 presentation or process of going through the evidence that
3 it would be an appropriate time to discuss a potential
4 defense. And so I didn't really sit down with him and
5 say, okay, these are your possible defenses. But going
6 through all of the evidence, that is how I would typically
7 do it and discuss if there were any possible defenses.

8 THE COURT: Okay. I think I saw you nodding your
9 head, Mr. Evans, do you agree with what Mr. Gambrell said?

10 MR. EVANS: Yes, sir.

11 THE COURT: So y'all did review everything together?

12 MR. EVANS: Yes, sir.

13 THE COURT: All right. So you understand you are
14 waiving your right to present any defense or to have a
15 jury decide whether you are guilty or not and do all of
16 that other stuff I talked about. Do you understand that?

17 MR. EVANS: Yes, sir.

18 THE COURT: Do you want to plead guilty or do you
19 want to have a jury trial?

20 MR. EVANS: Plead guilty.

21 THE COURT: And as you indicated a few moments ago,
22 Mr. Gambrell, you have reviewed fully the discovery packet
23 with Mr. Evans?

24 MR. EVANS: Yes sir, Your Honor.

25 THE COURT: Mr. Evans, are you happy with the way Mr.

1 Gambrell has represented you?

2 MR. EVANS: Yes, sir.

3 THE COURT: Have you talked to him enough?

4 MR. EVANS: Yes, sir.

5 THE COURT: Do you need any more time to talk to him?

6 MR. EVANS: No, sir.

7 THE COURT: And is there anything that you need him
8 to do?

9 MR. EVANS: No, sir.

10 THE COURT: Are you totally happy with his help?

11 MR. EVANS: Yes, sir.

12 THE COURT: Do you have any complaints to make
13 against him, the Solicitor's office, law enforcement;
14 court officials; anybody involved in this?

15 MR. EVANS: No, sir.

16 THE COURT: Now, aside from the reduction of the
17 charges and the concurrent sentencing, has anyone promised
18 you anything else?

19 MR. EVANS: No, sir.

20 THE COURT: Has anyone tried to threaten you, forced
21 you or coerced you to get you to plead guilty?

22 MR. EVANS: No, sir.

23 THE COURT: Mr. Evans, are you pleading guilty to
24 this charge because you are, in fact, guilty?

25 MR. EVANS: Yes, sir.

1 THE COURT: So you did commit these crimes, is that
2 right?

3 MR. EVANS: Yes, sir.

4 THE COURT: Have you ever, have you understood
5 everything that we have gone over, sir?

6 MR. EVANS: Yes, sir.

7 THE COURT: Is there anything that you need to ask
8 me?

9 MR. EVANS: No, but I would like to speak.

10 THE COURT: Yes. I always let you speak last after
11 your attorney goes and after the Solicitor gives a
12 presentation. So you always get last word. Is that fair?

13 MR. EVANS: Okay, yes sir.

14 THE COURT: Okay. And you are certain you want to do
15 this, you are certain you want to plead guilty instead of
16 having a jury trial?

17 MR. EVANS: Yes, sir.

18 THE COURT: Very good. I do find there is a basis
19 for this plea. It is freely, voluntarily, knowingly and
20 intelligently made. Mr. Evans is happy with Mr.
21 Gambrell's help. I will accept his plea. Solicitor, you
22 indicated that he did have a criminal history you need to
23 share with me. I am happy to hear from you on that and
24 certainly any member of the Walker family that wants to
25 address me.

1 MR. STUMBO: Yes, sir. It starts in 2007 with a
2 larceny; then in 2008, burg second, he got A YOA on that;
3 2011, failure to stop for a blue light, received time on
4 that; 2013 a driving under suspension and a reckless
5 driving; burglary third which was pled down from a burg
6 first in 2014, he got an active one-year sentence on that;
7 failed to appear for court and it was noted on the rap
8 sheet in '14; looks like a drug charge under the PWID,
9 crack or cocaine code on the rap sheet, reflects that in
10 2014 and also giving false information; failure to stop
11 for a blue light, second offense which he got active time
12 and he was revoked on his probation in looks like '17 as
13 well. Judge, also there are some pending, another pending
14 armed robbery case, less than, (phonetic) -- of the
15 Laurens County community, that's going to be dismissed as
16 part of this plea today too. But, Judge, the evidence in
17 that case was fairly compelling. The victims are not
18 interested in proceeding which is why we are going forward
19 with that today, just resolving it. Also, Judge, as I
20 mentioned before, there is another failure to stop for a
21 blue light, possession of a stolen vehicle in Spartanburg
22 and other pending charges in Greenville associated with
23 stealing the car. There is also some other charges
24 pending there. So, Judge, the record is fairly
25 substantial. Today we have Eugene and Kathleen Walker,

1 Judge. There were long time residents of New York City,
2 in Brooklyn. They moved here a number of years back.
3 Judge, they are here today, they are obviously heart
4 broken with the loss of Rasham and know how just senseless
5 it was. Judge, if I can have them to stand. The pictures
6 on their shirts, Judge, are a picture of their son when he
7 was living. I think I have seen that picture on a social
8 media account as well. It is superimposed here but they
9 were very proud of their son, they loved their son, he had
10 siblings. One of his siblings was Sharam Careem Walker,
11 he goes by Remo. And, Judge, I will pass a letter up to
12 you that he wrote. But just to, you know, his says my
13 parents deserve to know who took their son from them. I
14 think this helps with that today. He was suppose to bury
15 them, not have them bury him. And he says our family
16 would just beg to have and tell us on the record in front
17 of you today what happened. But he just wants peace, he
18 wants closure. And I think that is what this is about,
19 Judge, justice and closure. I can pass this letter up to
20 you, Your Honor. Do y'all want to say anything to the
21 Judge, Eugene?

22 MR. WALKER (FATHER): No.

23 MS. WALKER (MOTHER): I want God to have mercy on his
24 soul because he, this was my baby. This all shouldn't
25 have happened.

1 THE COURT: I am very sorry for your loss.

2 MR. STUMBO: Judge, if I can pass this letter up from
3 Rasham's brother.

4 THE COURT: Yes. All right. I have read the letter
5 and very well written.

6 MR. STUMBO: Thank you, Judge. Obviously, the
7 senselessness of this crime combined with Mr. Evans'
8 pretty extensive criminal history, you know, I obviously
9 trust your judgment in sentencing in this case, Judge. We
10 do believe we could have gone to trial on the murder and
11 had a pretty good shot of conviction. We did choose to
12 plead this case to voluntary for judicial economy, quite
13 honestly. I do believe that based on all of those factors
14 and the wishes of the family it is probably appropriate,
15 Judge, in that upper range of the sentencing that Your
16 Honor could impose. We trust that to your good judgment,
17 Judge, and we thank you for hearing from us today.

18 THE COURT: Thank you, Solicitor.

19 MR. STUMBO: Yes, sir.

20 THE COURT: Mr. Gambrell, I am happy to hear from you
21 if there is nothing further from the State.

22 MR. STUMBO: Nothing further.

23 THE COURT: The officers, I appreciate them being
24 here today and do they need to relate anything to me?

25 MR. STUMBO: No, sir.

1 THE COURT: Mr. Gambrell, I am happy to hear from
2 you, sir.

3 MR. GAMBRELL: Thank you, Your Honor, may it please
4 the Court.

5 THE COURT: Yes, sir.

6 MR. GAMBRELL: Mr. Evans is 32 years old. He is from
7 Laurens, South Carolina, was living in Simpsonville. He
8 has three children; ages 9, 4 and 3 who all live in
9 Simpsonville. As he informed the Court he was in an
10 individualized educational plan in school and attended
11 mostly special education classes. He was determined to be
12 disabled when he was a child and as such was able to
13 receive mental health counseling and treatment while he
14 was in school. He got his certificate in 2008 and then
15 shortly thereafter, you know, once you turn 18 you have to
16 go through a subsequent determination with the SSA to see
17 if you still meet the definition of being disabled under
18 the Act. And he was again, found to be disabled, all
19 based on his mental health afflictions. It is my
20 understanding he was diagnosed with bipolar disorder,
21 severe depression, anxiety disorder. And there was some
22 symptoms of schizophrenia. After he left high school he
23 no longer had the availability of his mental health
24 counseling. And I think if you look at when that was and
25 when the trouble he began to get into, it certainly

1 corresponds. And, Judge, I am not one to try to make
2 excuses for anyone and I don't think Mr. Evans would want
3 me to do that but I certainly do think that you have to
4 consider the fact that, you know, having mental health
5 disorders changes the way that you think. And it changes
6 the way that you process thoughts and it changes your
7 beliefs and that all leads to changes in your actions.
8 Now, I am not saying that every person that suffers from
9 those types of conflictions should or could or would
10 commit criminal acts. But a good proportion of the people
11 that do, do have mental health issues. He has always been
12 remorseful to me with regard to this very, a flat effect
13 when I speak with him. I do know that when he was
14 apprehended in Spartanburg they did sick the dog on him,
15 so to speak, and he was asking them to shoot him. And I
16 truly believed that, him, at that time and when I asked
17 him later if that is what his desire was and he indicated
18 that it was. He was willingly and prepared to die. He
19 was, I guess, you know as some people reach the end of
20 dealing with whatever it is in their head that they are
21 having trouble dealing with, he had simply had enough. He
22 has never received any mental health treatment as far as I
23 can tell since he was in high school. I did look at some
24 of his other records from his other criminal cases and
25 couldn't really determine whether or not he had been

1 offered any of that through any of the programs that he
2 did through the YOA or through any probation cases that he
3 may have had. Again, Judge, I am not advocating for an
4 excuse for Mr. Evans. I simply just want the Court to be
5 aware, as an explanation of how we got to this point. It
6 doesn't make a lot of sense to me but, you know, I
7 fortunately, I don't have the same processes that Mr.
8 Evans has. When I met him, he has never been angry around
9 me. Even when I would, you know, when we would talk about
10 the case and certain things about whether his actions or
11 whether the State's evidence against him, he was always
12 very thoughtful, calm, collective, talking to me about it.
13 I know that he absolutely regrets his actions, nothing
14 that I or he could say today will ever bring Mr. Walker
15 back. And his family is certainly deservingly devastated
16 because of that. I think he is ready to accept his role
17 in the responsibilities of these along with Ms.
18 Standridge. I believe she also carries significant
19 responsibility for this. I don't think he would have been
20 there without her. But he is here today to do that, to
21 accept responsibility and we simply ask the Court in its
22 most gracious mercifulness to look upon his whole life and
23 what he has dealt with in handing down the sentence today.
24 He has asked me for the Court to consider a sentence
25 somewhere in the range of 10 to 15 years. I do believe he

1 wants to address Your Honor and perhaps the Walkers as
2 well.

3 THE COURT: Mr. Evans, I am happy to hear anything
4 you might want to say and I am sure the Walkers would too.

5 MR. EVANS: I want to apologize for what I did and I
6 am sorry. I wish I could take it back but I can't and I
7 have got to live with it. And, Your Honor, I understand
8 you have got to -- I apologize to the Court too for having
9 to go through all of this today. And I hope you have a
10 little sympathy for me. I know, I just, I made some bad
11 decisions and I wish I could take it back.

12 THE COURT: Very good, sir. When was he taken into
13 custody, Mr. Gambrell?

14 MR. STUMBO: February 11th, 2020, Judge.

15 MR. GAMBRELL: February 11th of 2020.

16 MR. STUMBO: I think it is 540.

17 THE COURT: 540 days?

18 MR. STUMBO: Correct.

19 MR. GAMBRELL: Judge, would it be appropriate if Mr.
20 Evans just ask the family a question or make a statement
21 to them again, just very briefly.

22 THE COURT: Probably not anything, certainly can make
23 a statement to them. I am sure they don't want to answer
24 any questions but anything he wants to say.

25 MR. STUMBO: Thank you.

1 MR. EVANS: I hope y'all can find in your heart to
2 forgive me.

3 THE COURT: Mr. and Ms. Walker, one thing that you
4 are, your son asked for in this letter was obviously the
5 ultimate question in this case. And it is probably
6 something that y'all have asked yourselves numerous times.
7 Okay. Why, why, why did this happen, it didn't have to
8 happen, it didn't need to happen. Why did this happen.
9 And it is normal for you to make or for you to want to ask
10 that question or for your son would want to ask that kind
11 of question because it maybe gives some meaning to this or
12 it gives some sense to it. Okay. This is different than
13 losing a child who was maybe in the Army and died in
14 combat or something. This is different from just your
15 freak accident where he is driving down the road and a
16 tire goes out and his car hits a tree. And so it is
17 normal for you to ask that question and want an answer.
18 Okay. I don't tknow that I can give you a good one. The
19 experiences I have in working with people who are
20 intellectually disabled, mild mental retardation, that
21 kind of thing, and I have a special needs niece in this
22 area. So I know a little bit about the way these people
23 respond and the way folks who are of a lower IQ often
24 react. And very often they are easily lead and they are,
25 people who put them up to things that you and I would

1 never think of doing. And it makes perfect sense to them
2 and it makes them very easily lead. And one thing, kind
3 of telling you what the Solicitor said, that perhaps the
4 lady who is involved in this case, it sounds as if her
5 occupation is one where she maybe takes advantage of other
6 people who needs something. But, you know, she changes
7 her hair color, she deletes her Facebook account, she does
8 everything possible to cover her tracks. And it wouldn't
9 at all surprise me if her role in this was more
10 substantial, perhaps, than it might appear at first blush.
11 So it could very well be that this man, who obviously knew
12 your son, knew your family, was put up to this by someone
13 who had less than the best intentions. Okay. Very often
14 people abuse people who are intellectually disabled is
15 what I am telling you. I am not going to be able to tell
16 you who the mastermind of this was, I am not going to be
17 able to answer that ultimate question of why. Regardless
18 of how tragic this is, it is not going to help you sleep
19 any better or make any more sense to you. So I am
20 terribly sorry. I see your son's letter to me that, that
21 your son had several children. The best way you can honor
22 his memory, okay, is certainly not assure, not only
23 showing them photos but tell them what a great kid your
24 son was and make sure that they know him, know all the
25 good things about him. And as they grow up that will help

1 them be good people just like your son was. Okay. And I
2 think that is the best way to perhaps to honor him, it
3 really is. To law enforcement, a good job. It sounded
4 like a hard one, so good job. I don't know what else to
5 say. Okay. Mr. Evans, I do believe you are genuinely
6 remorseful for these crimes. I genuinely believe that.
7 Okay, sir.

8 MR. EVANS: Yes, sir.

9 THE COURT: And I stand by what I said earlier that
10 it wouldn't surprise me if maybe you were put up to some
11 of this and it sounds like that the woman grabbed the
12 book-bag so maybe she was, maybe this was her -- I don't
13 know, maybe we will never know. The explanations that
14 your lawyer gave me for how you came to be here makes a
15 lot of sense. The incident in 2007 with the petty
16 larceny, you would have been roughly 18 at that time. By
17 my calculation, you got in trouble the next year on a
18 burglary; age 19, impulsive things like failed to stop,
19 failed to appear, things engaging in crime but maybe
20 sometimes it is impulsive and you are not really thinking
21 it through and thinking it out clearly. So I understand
22 that one-hundred percent and I genuinely sympathize with
23 your situation and struggles you have probably faced your
24 entire life. The thing is, of course, Mr. Evans, you took
25 a life and there is no restoring that. And that is

1 probably the worse, it is the worse crime that a person
2 can commit because there is no way to make that right.
3 All right. There is no way to fix that. He is gone and
4 he will be gone forever. So there has to be a high price
5 to pay for that. The Court also has to take into
6 consideration Mr. Evans, the fact that you have been in
7 trouble, by my calculations, at age 18, 19, 21, 23, 24 and
8 27; and you just kept getting back in trouble with the law
9 again, went back to the Department of Corrections over and
10 over again. And sooner and later society just has to say,
11 we have got to protect ourselves. Okay. With that said,
12 Mr. Evans, I am giving you credit for accepting
13 responsibility. I know that it is no small thing to stand
14 up here and admit to killing a man, taking his belongings.
15 So I am giving you credit for taking responsibility for
16 this and doing so in a reasonably speaking fashion and in
17 a forthright manner. I am giving you credit for that and
18 of course, I have taken into account your limitations that
19 you have suffered from. Mr. and Ms. Walker, no number
20 here is going to do justice. Okay. So I am just trying
21 to be fair to both sides and both parties in this case.
22 In light of the fact that you are accepting
23 responsibility, Mr. Evans, and in light of the fact that
24 you have come in here, you have apologized, what I have
25 done and again, most of this is dictated by your prior

1 record. I have given you a straight 23 years to service
2 on each charge. You have got 23 years to do on each of
3 these. The sentences will run concurrent with each other
4 and you will get credit for the 540 days that you have
5 served in jail since February the 11th of last year. 23
6 years to do, Mr. Evans, do you understand your sentence?

7 MR. EVANS: Yes, sir.

8 THE COURT: If you wish to appeal this hearing today
9 you need to let Mr. Gambrell know immediately because he
10 has to file a notice of intent to appeal within 10 days.
11 Okay.

12 MR. EVANS: Yes, sir.

13 THE COURT: And if you want to bring any action for
14 post conviction relief, you want to bring any action
15 saying Mr. Gambrell didn't do a good job for you, you have
16 to do that within one year of today's date or one year
17 after any appeal is finalized. Okay.

18 MR. EVANS: Yes, sir.

19 THE COURT: Mr. Gambrell will explain that to you in
20 a little bit more detail here in a few minutes but those
21 are important things you need to talk about, about before
22 you start this 23-year sentence. Okay.

23 MR. EVANS: Yes, sir.

24 THE COURT: Take care, Mr. Evans. Mr. and Ms.
25 Walker, sorry to meet y'all under these circumstances.

1 Y'all take care.

2 MR. STUMBO: Thank you for accommodating us, Judge.

3 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

County of Laurens South Carolina

Hakren Evans # 330255

Full name and prison number (if any) of Applicant

2022-CP-30-627

APPLICATION FOR

POST-CONVICTION RELIEF

State of South Carolina

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to 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 SCDC, Broad River Correctional Facility

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

3. Name(s) of co-defendant(s) (if any) Brandy Stareridge

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) ~~2021-GS-3000497~~ 2021-GS-3000497 - 2020A3010200025

(b) ~~2021-GS-3000499~~ 2021-GS-3000499 - 2020A3010200023

K. MICHELLE SWANSON

(c) Manslaughter & Armed Robbery

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

(a) August 4, 2021 and sentence 23 years

(b) _____

(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?

YES

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

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

- i. ~~South Carolina Supreme Court~~ South Carolina Court of Appeals
- ii. ~~South Carolina Supreme Court~~ Case No. 2021-MU995
- iii. _____

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

- i. The South Carolina Court of Appeals Dismissed on
- ii. 10-16-2021
- iii. _____

(c) the date of each such result:

- i. 10-18-2021
- ii. _____
- iii. _____

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

- i. Appeal was not timely served
- ii. _____
- iii. _____

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

- (a) _____
- (b) _____

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

- (a) ineffective assistance of Trial Counsel
- (b) Incompetent at time of Plea,
- (c) _____

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

- (a) I did not know what was going on in court room, Counsel
- (b) was coaching me along.
- (c) _____

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

- (a) any petition in a State Court under South Carolina Law? SC Court of Appeals
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____

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. Direct Appeal
- ii. _____
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. LAURENS County Clerk of Court,
- ii. The South Carolina Court of Appeal
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

- i. _____
- ii. _____
- iii. _____
- iv. _____

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

N/A

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

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

N/A

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

- i. _____
- ii. _____
- iii. _____

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

- (a) now
- (b) now
- (c) now

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

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

- (a) the name and address of each attorney who represented you:
 - i. Michael Stephen Gumbrell, 104 South Calhoun St., Greenville, SC 29601
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Guilty Plea
 - ii. _____
 - iii. _____

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

Less Time

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

NO

STATE OF SOUTH CAROLINA

County of LAURENS

VERIFICATION

I, HAKEEM EVANS, 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.

HAKEEM EVANS

SWORN to and subscribed before me this 27 day of June, 2020

[Signature] (L.S.)
Notary Public

My Commission Expires: 8/30/2026

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

I, X Hakeem Evans, 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.

Hakeem Evans
Applicant

SWORN or affirmed to and subscribed before me this
27 day of June, 2022

[Signature]
Notary Public

My Commission Expires: 8/30/2026

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LAURENS	)	FOR THE EIGHTH JUDICIAL CIRCUIT
)	
Hakeem Evans, #330255,)	
Applicant,	)	Case No.: 2022-CP-30-00627
)	
v.	)	RETURN
	)	(Counsel Appointed)
State of South Carolina,)	
Respondent.)	
)	

In response to application for post-conviction relief filed by Applicant Hakeem Evans on July 21, 2022, Respondent makes the following Return and requests an evidentiary hearing to resolve the claims as set forth in Applicant's application for post-conviction relief. In support of this Return, Respondent respectfully shows the Court:

I. Procedural History

Applicant is currently incarcerated in the South Carolina Department of Corrections ("SCDC"). During its May 2021 term, the Laurens County Grand Jury indicted Applicant for murder (2021-GS-30-00497), possession of a weapon during the commission of a violent crime (2021-GS-30-00498), and armed robbery (2021-GS-30-00499). Applicant was represented by Michael S. Gambrell, Esquire ("Counsel"). Eighth Circuit Solicitor David M. Stumbo prosecuted the case.

On August 4, 2021, Applicant appeared before the Honorable Frank R. Addy, Jr., circuit court judge, and pled guilty to the armed robbery charge and to voluntary manslaughter as a lesser-included offense of the murder charge. As part of the plea agreement, the State agreed to dismiss the weapon charge and not to oppose a concurrent sentence. Following a thorough plea colloquy, Judge Addy sentenced Applicant to twenty-three years' imprisonment on both charges, to run concurrently.

Applicant filed a *pro se* "Notice of Request for Appeal in the South Carolina Court of Appeals" on September 1, 2021. The document is dated August 27, 2021, and purports to have been prepared on Applicant's behalf by someone identified only as "DR #364574."¹ On September 14, 2021, the court of appeals informed Counsel that Applicant had filed a notice of appeal and identified multiple deficiencies, including the failure to prove that the notice of appeal had been served upon all necessary parties. On September 24, 2021, Counsel responded by filing a notice of appeal, accompanied by proof of service, dated September 22, 2021. The court of appeals then dismissed the appeal for failure to serve and file the notice of appeal within ten days of Applicant's August 4, 2021, conviction and sentence as required by Rule 203(b)(2), SCACR. The remittitur was sent on November 9, 2021.

II. Factual Background

In the early morning hours of January 23, 2020, Applicant shot and killed the victim, Rasham Walker, inside Walker's home in Clinton. Facebook records showed that Walker had contacted Applicant's co-defendant, part-time prostitute Brandy Standridge, and had agreed to meet with her at his home around midnight. Standridge went to Walker's residence with Applicant in the backseat of her car. Standridge and Walker went inside and had a sexual encounter. Applicant then came in the front door with a gun and fired multiple times at Walker, hitting him five times including a fatal shot to the head. Applicant and Standridge then stole a bookbag full of money and marijuana from Walker's residence and fled to Anderson County. Investigators identified Standridge as a suspect based on Facebook records, and she ultimately confessed to her part of the crime and identified Applicant as the shooter. Applicant was caught weeks later after

¹ Respondent believes this person is likely Demavia Rice, SCDC #364574, who, like Applicant, was housed at Kirkland C.I. during September of 2021.

stealing a car in Greenville County, leading officers on a high-speed chase until he went off the road and wrecked the car, exiting the car with a gun in his hand and threatening to kill himself, before ultimately complying with the arrest. (Plea Tr. pp. 8–11).

III. Current Application

Applicant commenced this PCR action on July 21, 2022. Applicant asserts he is entitled to post-conviction relief on the grounds his counsel was ineffective and he was incompetent at the time of his guilty plea. He claims he “did not know what was going on in [the] court room, Counsel was coaching me along.” He also complains that his appeal was not timely served. As relief, Applicant simply requests “less time.”

Attached herewith and incorporated herein are the Laurens County Clerk of Court records regarding the subject convictions, Applicant’s SCDC records, the plea transcript, the records of Applicant’s appellate proceedings, and the records of this PCR action. The State reserves the right to amend this return upon receipt of any relevant materials.

IV. Response to Allegations of Ineffective Assistance of Counsel

In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel’s performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386

S.E.2d 624, 625 (1989). Applicant must prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRCP. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). "When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). "[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." *Yarborough*, 540 U.S. at 6; *see also* *Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable."). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel's deficient performance must have prejudiced 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. "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between *Strickland's* prejudice standard and a more-probable-than-not standard is slight and

proceeding, Judge Addy conducted a thorough plea colloquy and asked Applicant whether he understood the charges he was facing, the maximum and mandatory minimum sentences he could receive, the terms of the plea agreement, the fact that both charges were for "most serious" offenses and could be used to enhance any future convictions, the fact that both sentences were "eighty-five percent" sentences, the fact that both offenses were classified as "violent"; Applicant consistently indicated he understood. (Plea Tr. pp.4-5). Judge Addy then examined Applicant about his education and mental health history, and Applicant indicated he was lucid, was not delusional, and was not affected by any medications or substances that would impair his ability to understand the proceedings. (Plea Tr. pp.5-6). The solicitor summarized the factual allegations against Applicant, and Judge Addy asked Applicant if he was indeed guilty of armed robbery and homicide as alleged by the State; Applicant replied that he was. (Plea Tr. pp.7-11). Judge Addy then explained the rights Applicant was giving up by pleading guilty, including the right to a jury trial, the State's burden of proof beyond a reasonable doubt, the right to cross-examine witnesses, the right to compel witnesses and present evidence in his defense, the right either to take the stand in his own defense or to remain silent, the right to challenge the admissibility of the State's evidence; Applicant consistently indicated his understanding of those rights. (Plea Tr. pp.12-16). Judge Addy informed Applicant he could stop and consult with Counsel at any time, and Applicant affirmed that Counsel had reviewed everything together with him and that Applicant was happy with his representation and did not need any more time to speak with him or have any complaints against him. Applicant denied being forced, threatened, or coerced into pleading guilty; he affirmed that he was pleading guilty because he did, in fact, commit the crimes. (Plea Tr. pp.17-18). Once again, Judge Addy asked if Applicant had understood everything they had gone over

guidelines for *White* review when the PCR judge determines the applicant did not freely and voluntarily waive his appellate rights). The supreme court, upon an appeal of the post-conviction relief decision, will review the lower court record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. *White*, 263 S.C. at 119, 108 S.E.2d at 39–40.

The State submits Applicant cannot meet his burden showing he is entitled to a belated appeal pursuant to *White*. During Applicant's guilty plea hearing, Applicant was informed by Judge Addy that if he wanted to appeal his guilty plea he had to "let [Counsel] know immediately because he has to file a notice of intent to appeal within ten days." (Plea Tr. p.30, lines 8–11). Therefore, the transcript clearly reflects Applicant was informed of his right to appeal his guilty plea and of the time limit for doing so. *See Roe v. Flores-Ortega*, 528 U.S. 470, 479–80 (2000) (recognizing that "a sentencing court's instructions to a defendant about his appeal rights in a particular case" may be "so clear and informative as to substitute for counsel's duty to consult" with his client about filing an appeal). In some cases, an attorney may reasonably decide not to consult with his client about filing an appeal when the sentencing court has already provided that information. *Id.* at 480. This is particularly the case where a defendant pleads guilty, because a guilty plea both reduces the scope of appealable issues and indicates that the defendant is seeking an end to judicial proceedings. *Id.*

In this case, the first indication in the record that Applicant even *wanted* to file an appeal was his untimely *pro se* notice of appeal filed on September 1, 2021, more than ten days after his conviction and sentence. There is also no indication in the record that Counsel knew Applicant

was no reversible error in the trial and that there was not an arguably meritorious ground of appeal, even if notice of intention to appeal had been timely served." *Id.* at 119, 208 S.E.2d at 40.

wanted to appeal until the Supreme Court forwarded Applicant's untimely *pro se* notice of appeal to him, along with the deficiency letter, on September 14, 2021. Respondent contends Counsel reasonably believed Applicant did not intend to appeal his conviction because it arose from a guilty plea, reducing the scope of appealable issues and indicating Applicant desired an end to judicial proceedings. In addition, although Judge Addy expressly warned Applicant that he needed to inform Counsel immediately if he decided to appeal, no evidence in the record suggests Applicant ever communicated to Counsel his intent to appeal. However, once Counsel was made aware of his client's *pro se* filing, he promptly served and filed the notice of appeal on September 24, 2021, within ten days of the Supreme Court's letter. Respondent contends Counsel made a valiant effort under the circumstances to follow his client's wishes; however, the filing was too late because the ten-day deadline had already passed by the time Applicant prepared his *pro se* notice of appeal, which was not Counsel's fault.

For these reasons, Respondent submits Applicant cannot meet his burden of proving Counsel's performance was deficient as to this allegation. However, to the extent this allegation raises an question of fact not conclusively refuted by the record, the State requests an evidentiary hearing on the issue.

V. Response to Involuntary Guilty Plea Allegation

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. *Rascoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001); *Richardson v. State*, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993). Because a guilty plea is a solemn, judicial

admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *See Blackledge v. Allison*, 431 U.S. 63, 73–74 (1977) (“Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible.”). “Indeed, where a thorough colloquy is conducted, courts must exercise caution in setting aside the guilty plea.” *Garren v. State*, 423 S.C. 1, 12, 813 S.E.2d 704, 712 (2018); *see Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014) (observing that “guilty plea[s] must be treated as final in the vast majority of cases” and instructing that caution must be exercised so as not to “undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea”). Statements made during a guilty plea should be considered conclusive, unless an Applicant presents valid reasons why he or she should be allowed to depart from the truth of his statements. *Dalton v. State*, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (Cl. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

At the guilty plea proceeding, Judge Addy conducted a thorough plea colloquy and asked Applicant whether he understood the charges he was facing, the maximum and mandatory minimum sentences he could receive, the terms of the plea agreement, the fact that both charges were for “most serious” offenses and could be used to enhance any future convictions, the fact that both sentences were “eighty-five percent” sentences, the fact that both offenses were classified as “violent”; Applicant consistently indicated he understood. (Plea Tr. pp.4- 5). Judge Addy then examined Applicant about his education and mental health history, and Applicant indicated he was lucid, was not delusional, and was not affected by any medications or substances that would impair his ability to understand the proceedings. (Plea Tr. pp.5–6). The solicitor summarized the factual

allegations against Applicant, and Judge Addy asked Applicant if he was indeed guilty of armed robbery and homicide as alleged by the State; Applicant replied that he was. (Plea Tr. pp.7-11). Judge Addy then explained the rights Applicant was giving up by pleading guilty, including the right to a jury trial, the State's burden of proof beyond a reasonable doubt, the right to cross-examine witnesses, the right to compel witnesses and present evidence in his defense, the right either to take the stand in his own defense or to remain silent, the right to challenge the admissibility of the State's evidence; Applicant consistently indicated his understanding of those rights. (Plea Tr. pp.12-16). Judge Addy informed Applicant he could stop and consult with Counsel at any time, and Applicant affirmed that Counsel had reviewed everything together with him and that Applicant was happy with his representation and did not need any more time to speak with him or have any complaints against him. Applicant denied being forced, threatened, or coerced into pleading guilty; he affirmed that he was pleading guilty because he did, in fact, commit the crimes. (Plea Tr. pp.17-18). Once again, Judge Addy asked if Applicant had understood everything they had gone over and was "certain" he wanted to plead guilty instead of having a jury trial, and Applicant replied, "Yes, sir." (Plea Tr. p.18). Based on this transcript, Respondent contends Applicant's sworn statements at the guilty plea hearing should be accorded a "strong presumption of verity" and his current allegation that his guilty plea was unknowing and involuntary should be deemed totally implausible.

Applicant now claims his guilty plea was involuntary because Counsel "coached" him through the plea colloquy. Respondent denies this claim. However, even if this claim were true, it would not justify granting post-conviction relief. *See, e.g., Moorehead v. State*, 329 S.C. 329, 333, 496 S.E.2d 415, 417 (1998) (holding an applicant's claim that he answered the plea judge's questions affirmatively based on counsel's alleged advice that the questions were meaningless

does not support granting PCR); *Wolfe v. State*, 326 S.C. 158, 165, 485 S.E.2d 367, 370–71 (1997) (holding counsel’s alleged statement that the plea judge’s questions were “routine” was not an invitation for applicant to answer them untruthfully or to believe they meant nothing); *see also Edmonds v. Lewis*, 546 F.2d 566, 568 (4th Cir. 1976) (dismissing claim that habeas petitioner gave false answers during plea colloquy where petitioner “[did] not allege that his attorney instructed him to answer the trial court’s inquiries falsely nor . . . claim his attorney made a threat intended to induce him to perjure himself.”). Applicant’s claim that he was “coached” by Counsel does not constitute a valid reason why he should now be entitled to depart from the truth of his sworn statements during the guilty plea colloquy. *See Dalton*, 376 S.C. at 137–38, 654 S.E.2d at 874. Therefore, Respondent contends Applicant cannot meet his burden of proving that his guilty plea was involuntary.

VI. Any Future Amendments and Invocation of Discovery

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 been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. The State 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. *See id.* 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 section 17-27-150 of the South Carolina Code, 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. Further, 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.

VII. Any and All other Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

VIII. Conclusion

WHEREFORE, the State requests this Court convene an evidentiary hearing on the claims of ineffective assistance of plea counsel for failing to inform Applicant of his right to file a direct appeal following his guilty plea.

Respectfully submitted,


ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

DON J. ZELENKA
Deputy Attorney General

ZACHARY W. JONES
Assistant Attorney General

By: 


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

July 19, 2024

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

IN THE COURT OF COMMON PLEAS
FOR THE EIGHTH JUDICIAL CIRCUIT

HAKEEM Q. EVANS, #330255

2022-CP-30-00627

Applicant.

CERTIFICATE OF SERVICE BY MAIL

v.

STATE OF SOUTH CAROLINA

Respondent.

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

Ashley A. McMahan, Esquire
McMahan Law, LLC
Post Office Box 50536
Columbia, SC 29250

DATED this 14th day of July, 2024



Leigh Ann Stone
Administrative Support Manager
for Respondent

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE - PCR

CASE NO. 2022-CP-30-00627

Hakeem Q. EVANS, SCBC #330255

The STATE of South Carolina,

Applicant,

Respondent.

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41, SCRPC (Vol. Remittit); Rule 43(j), SCRPC (Settled); *Strickland v. Washington*, 466 US 668 (1984) and *Cherry v. State*, 300 SC 113 (1989).
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other

LAURENS COUNTY
 2024 AUG 20 4 11:50
 MICHELLE SIMMONS

IT IS ORDERED AND ADJUDGED: See formal order to follow; Statement of Judgment by the Court.

This matter came before the court on motion of the applicant to relieve court-appointed counsel. Applicant filed an application for post-conviction relief and had counsel appointed by the Court for representation. Applicant is now before the Court on motion to relieve appointed counsel due to his assertion that counsel is not putting forth the necessary effort to effectively represent him in the prosecution of his application and wished to have different counsel.

The Court heard from the applicant and advised the applicant he had three choices in the prosecution of the application: (1) he could retain private counsel of his own choosing; (2) he could have counsel appointed by the Court if unable to financially afford to retain counsel; (3) he could represent himself in the prosecution of his application. He was further advised that if counsel was relieved he would not have another opportunity to have court-appointed counsel.

After discussion with the applicant it is apparent that: (1) the applicant does not feel competent to represent himself in this matter and wishes to be represented by counsel; (2) it is not reasonably likely that the applicant or his family have the financial resources to retain private counsel; and (3) the applicant wishes to have the assistance of court-appointed counsel in this matter, and therefore withdraws his motion to have counsel relieved.

MOTION to RELIEVE COUNSEL is WITHDRAWN by the applicant and court-appointed counsel shall continue in her representation of the applicant.

Dated at LAURENS, South Carolina, this 19th day of AUGUST, 2024.



 PRESIDING JUDGE, J. Derham Cole

This judgment was entered on the _____ day of AUGUST, 2024, and a copy mailed first class this _____ day of AUGUST, 2024 to attorneys of record or to parties (when appearing pro se) as follows:

ASHLEY A. McMAHAN, Esq.
Post Office Box 50536
Columbia, South Carolina 29280

ZACHARY W. JONES, AAG
Post Office Box 11549
Columbia, South Carolina 29211-1549

ATTORNEY(S) FOR THE APPLICANT

ATTORNEY(S) FOR THE RESPONDENT



 MICHELLE SIMMONS, CLERK OF COURT

STATE OF SOUTH CAROLINA)	
	)	COURT OF COMMON PLEAS
COUNTY OF LAURENS	)	2022-CP-30-00627
)	
)	
)	
)	
HAKEEM Q. EVANS,)	
PETITIONER,)	
)	
vs.	)	TRANSCRIPT OF RECORD
)	
STATE OF SOUTH CAROLINA,)	
RESPONDENT.)	
_____)	

August 22, 2024
Laurens, South Carolina

B E F O R E:

THE HONORABLE J. DERHAM COLE, JUDGE.

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

ASHLEY A. MCMAHAN, ESQ.
Attorney for the Petitioner

ZACHARY W. JONES, ESQ.
Attorney for the Defendant

TARA SCOTT, Court Reporter
Transcribed by Penny M. Johnson

I N D E X

(No witnesses were called.)

E X H I B I T S

(No exhibits were submitted.)

P R O C E E D I N G

1
2 MR. JONES: Thank you, Your Honor. This is the matter
3 of Hakeem Evans vs. The State, case number 2022-CP-30-627.
4 My name is Zachary Jones for the State of South Carolina.
5 Mr. Evans is present as is his attorney, Ashley McMahan.

6 Mr. Evans was indicted by the Laurens County Grand Jury
7 on May 2021 for murder, case number 2021-GS-30-497,
8 possession of a weapon during commission of a violent crime,
9 498, and armed robbery, 499. On August 4th, 2021, Mr. Evans
10 pled guilty before the Honorable Frank R. Addy, Jr. to the
11 armed robbery charge as indicted as to the lesser included
12 offense of voluntary manslaughter on the murder indictment.
13 Judge Addy sentenced him to 23 years concurrent.

14 Mr. Evans filed a pro se notice of appeal on September
15 1st, 2021. The Court of Appeals, ultimately, dismissed the
16 appeal and sent the remittitur on November 9th, 2021. This
17 application was filed on July 21st, 2022.

18 My understanding, Ms. McMahan has a motion filed on
19 behalf of her client. So I'll allow her to proceed with
20 that.

21 THE COURT: Ms. McMahan.

22 MS. MCMAHAN: Judge, Mr. Evans has requested that I be
23 relieved as counsel.

24 Do you have that motion?

25 THE COURT: I don't. Thank you.

1 Mr. Evans, tell me what you want to about your motion.

2 MR. EVANS: My motion, lack of effort. The most she
3 ever did was doing this. That's the most she ever did, to
4 be honest. I mean, she don't take it serious. She don't
5 see how serious the situation is. I don't think she even
6 really care about my situation at all or my case. I just
7 want to try to find somebody that want to help me, that's
8 all I want. That's all I'm asking for.

9 THE COURT: All right. Well, Mr. Evans, you understand
10 you have one opportunity to file an application for
11 Post-Conviction Relief --

12 MR. EVANS: I --

13 THE COURT: Can I finish?

14 MR. EVANS: I'm sorry.

15 THE COURT: And when you file that application, you,
16 also, have a right to have a lawyer appointed to represent
17 you or you can hire anybody you want to. But in this case,
18 as I understand it, you asked that one be appointed and Ms.
19 McMahan is the lawyer that was appointed to assist you in
20 the presentation of your application.

21 Is that right?

22 MR. EVANS: Yes, sir.

23 THE COURT: Now, was she appointed at your request?

24 MR. EVANS: Yes, sir.

25 THE COURT: Do you have somebody you're going to hire?

1 MR. EVANS: Not at the moment. I was going to ask for
2 a continuance so I could try to find a lawyer to help me or
3 hoping the Court would find another lawyer to try to help
4 me.

5 THE COURT: Well, you have asked Ms. McMahan to file
6 this motion to fire her, but you don't have anybody to take
7 her place.

8 MR. EVANS: Not at the moment.

9 THE COURT: Well, what are your chances of being able
10 to find somebody to take her place? Have you or some
11 members of your family talked to some lawyer about helping
12 you with this application?

13 MR. EVANS: No, sir.

14 THE COURT: Do you even know how much you would have to
15 pay a lawyer to help you with the application?

16 MR. EVANS: It's going to be a little bit of money.

17 THE COURT: Do you have a little bit of money to pay
18 them with?

19 MR. EVANS: Not at the moment, but my family, they
20 trying to save. They trying to save money.

21 THE COURT: Well, I understand, but we've got to be
22 realistic about this situation. If you think you can hire a
23 lawyer and you can find somebody who wants to help you
24 present your application, that seems like a reasonable
25 course of action. But if it's not likely you're going to be

1 able to come up with the money or find a lawyer that's going
2 to help you, then you're going to be stuck representing
3 yourself. Because you had a lawyer appointed and if you
4 fire her, you won't get another appointed lawyer.

5 MR. EVANS: So you, basically, telling me the Court
6 only give me one appointed lawyer?

7 THE COURT: Well, yeah, how many times would I have to
8 come up here and have a lawyer represent you? You wanted a
9 lawyer, you filed your application. A lawyer was appointed,
10 she's here with you today. You say you want to get rid of
11 her because you're going to hire somebody. If that's
12 realistic, that's a good course of action. If that's not
13 realistic, then you don't need to be firing your lawyer.
14 That's like quitting a job before you have another one.

15 MR. EVANS: I was thinking that the Court was going to
16 appoint me another lawyer.

17 THE COURT: So you thought I would just make somebody
18 else represent you until you find somebody you're satisfied
19 with?

20 MR. EVANS: No, just hoping I could take my chances
21 with somebody else, with another person.

22 THE COURT: Well, that's not going to happen unless you
23 hire somebody. You can hire anybody you want to, but if you
24 want a court appointed lawyer, you don't get to pick and
25 choose. Ms. McMahan has been appointed to represent you,

1 she's your lawyer now. If you fire her, you won't get
2 another court appointed lawyer. You'll have to hire
3 somebody. If you can't hire somebody, you'll have to
4 present this application yourself and I'm confident that you
5 can't do that. So are you going to stay with Mr. McMahan?

6 MR. EVANS: Looks like I have no choice.

7 THE COURT: Well, you have a choice. You can hire
8 somebody or represent yourself. Those are the two choices
9 you've got. One of them is not good, and that's
10 representing yourself. The other one is probably not
11 reasonably likely to happen, that's hiring somebody. So the
12 third is keeping with who you got.

13 MR. EVANS: I don't have no choice.

14 THE COURT: What are you going to do? Those are your
15 three choices, so pick one.

16 MR. EVANS: I'm sticking with the one I got.

17 THE COURT: All right. Stick with Ms. McMahan.

18 Now, listen, you need to cooperate with her. I know
19 that you think you know more than the lawyer does, or, at
20 least, that's often the case. She knows how to present an
21 application for Post-Conviction Relief. I'm confident that
22 you don't unless you've done it before. So you need to
23 cooperate with her. Let her be the lawyer and you be the
24 client.

25 MR. EVANS: Sir, I don't think I know more than the

1 lawyer.

2 THE COURT: Well, that's good because you don't. See,
3 already you're exercising good judgment. You're recognizing
4 you don't know more than she does, and that's true. So you
5 need to listen to her advice. You can't tell her how to
6 practice law. You let her be the lawyer, okay?

7 MR. EVANS: Yes, sir.

8 THE COURT: Anything else y'all need to tell me?

9 MS. MCMAHAN: I believe that's it.

10 THE COURT: Good luck to you.

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CERTIFICATE OF TRANSCRIBER

1
2
3 I, PENNY M. JOHNSON, do hereby certify that the
4 foregoing transcript is a true and correct record of the
5 recorded proceedings; that said proceedings were transcribed
6 to the best of my ability from the audio recording and
7 supporting information; and that I am neither counsel for,
8 related to, nor employed by any of the parties to this case,
9 and I have no interest, financial or otherwise, in its
10 outcome.

11
12 July 6, 2026

13
14
15 Penny M. Johnson
16 Penny M. Johnson
17 Transcriber
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FOR THE 8 th JUDICIAL CIRCUIT
COUNTY OF LAURENS	)	Case No.: 2022-CP-30-00627

Hakeem Evans, #330255,)	
)	
Applicant,	)	AMENDED POST-CONVICTION
	)	RELIEF APPLICATION
v.)	
)	
State of South Carolina.)	
_____)	

The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on or about July 21, 2022, to add the following:

The Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. See Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,

Ashley A. McMahan

M^CMAHAN LAW, LLC

PO Box 50536

Columbia, SC 29250

803-219-1110

ashley@mcmahanlawsc.com

SC Bar No. 71676

ATTORNEY FOR APPLICANT

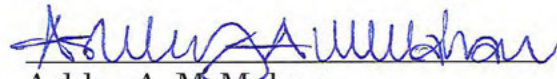
March 18, 2025

CERTIFICATE OF SERVICE

I certify that I have served this document via email to:

Zachary W. Jones
Assistant Attorney General
Zacharyjones@scag.gov

This 18th Day of March, 2025.


Ashley A. McMahan
Attorney for Applicant

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

EIGHTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS

Hakeem Evans,)
Applicant,)
)
v)
)
State of South Carolina,)
Respondent.)
_____)

2022-CP-30-00627

TRANSCRIPT OF RECORD

April 1, 2025
Greenwood, 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:

ATTORNEY FOR PLAINTIFF:

Zachary William Jones, Assistant Attorney General

ATTORNEY FOR DEFENDANT:

Ashley A. McMahan, Esquire

Tara T. Scott, CVR
Official Court Reporter

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(NO EXHIBITS INTRODUCED DURING THIS HEARING)

1 (WHEREUPON, proceeding commenced at 10:05 a.m.)

2 THE COURT: Call the case.

3 MR. JONES: Yes, sir. This is the matter of Hakeem
4 Evans versus the State of South Carolina. Case number
5 2022-CP-30-627. My name is Zachary Jones for the State of
6 South Carolina. Mr. Evans is present, as is his attorney,
7 Ashley McMahan. Mr. Evans was indicted by the Laurens
8 County Grand Jury for murder, possession of a weapon during
9 the commission of a violent crime, and armed robbery. Those
10 indictment numbers are 2021-GS-30-497, -498, and -499.
11 He was represented by Michael Gambrell.

12 On August 4, 2021, Mr. Evans appeared before the
13 Honorable Frank R. Addy, Jr. and pled guilty to the charge
14 of armed robbery and to voluntary manslaughter as a lesser
15 included offense of the murder charge. As part of the plea
16 agreement, the State agreed to dismiss the weapon charge and
17 not to oppose a concurrent sentence. Following the plea
18 colloquy, Judge Addy sentenced Mr. Evans to 23 years
19 imprisonment on both charges to run concurrently.

20 Mr. Evans then filed a pro se notice of request for
21 appeal in the South Carolina Court of Appeals on September
22 the 1st, 2021. On September 14, 2021, the Court of Appeals
23 informed Mr. Gambrell that Mr. Evans had filed a notice of
24 appeal and identified multiple deficiencies, including
25 failure to prove that the notice of appeal had been served

1 upon the necessary parties.

2 On September 24th, 2021, Mr. Gambrell responded by
3 filing a notice of appeal accompanied by proof of service
4 dated September 22, 2021. The Court of Appeals then
5 dismissed the appeal for failure to serve and file the
6 notice of appeal within 10 days of the August 4, 2021
7 conviction and sentence as required by the rules of
8 appellate procedure. The remittitur was sent on November 9,
9 2021, and this application was filed on July 21, 2022.

10 THE COURT: All right. Ms. McMahan, are you ready to
11 go forward?

12 MS. MCMAHAN: I am, Your Honor, but I believe Mr. Evans
13 has some issues he'd like to address to the Court first.

14 THE COURT: All right. Mr. Evans, good morning.

15 THE APPLICANT: Good morning, sir. How you doing
16 today, sir?

17 THE COURT: Fine, thank you. Mr. Evans, your attorney
18 indicates that you have some things you want to bring to my
19 attention. Is that correct?

20 THE APPLICANT: Yes, sir. He just brought something to
21 my attention. You said Gabriel (sic) did what? He put in
22 for appeal?

23 MR. JONES: The procedural history of the notice of
24 appeal, I was just ---

25 THE APPLICANT: Gabriel (sic) never put in for appeal.

1 MR. JONES: Well, the records of the Court of Appeals
2 indicate that there was a notice of appeal filed by Mr.
3 Gambrell after Mr. Evans filed a notice of appeal. However,
4 the Court of Appeals still dismissed the appeal for failure
5 to timely serve and file the notice of appeal.

6 THE COURT: So Mr. Evans filed his notice of appeal pro
7 se, and then Mr. Gambrell filed a notice of appeal?

8 MR. JONES: Yes, Your Honor.

9 THE COURT: Okay. How far apart were those filed?

10 MR. JONES: The pro se notice was filed on September 1,
11 2021. Mr. Gambrell's filing was on September 24, 2021.

12 THE COURT: All right. Yes, sir, Mr. Evans.

13 THE APPLICANT: I never knew he put an appeal in. I
14 never got a letter. When I got my time, I never even heard
15 from Mr. Gabriel again, ever. This is -- I think that's him
16 right there. It's been so long since I've seen him. I
17 never heard from that man again. He never put in for no
18 appeal. I put in my own appeal. I didn't even know I could
19 put an appeal. He didn't even tell me that. He didn't even
20 put it in for me. I had to go to another inmate going
21 through R&E. They helped me put in for appeal. They
22 accepted my appeal, then they came back and denied my
23 appeal. And I didn't know. I didn't know. That's what I
24 got to say.

25 THE COURT: Yes, sir. And Mr. Evans, I'm going to give

1 you -- well, you certainly have an opportunity to testify,
2 and you can tell me whatever you would like to tell me in
3 regards to that as well this morning.

4 THE APPLICANT: I'm sorry. My apologies.

5 THE COURT: No, sir.

6 THE APPLICANT: When it comes to my lawyer, I've been
7 trying to fire her. I don't think she have my best
8 interest. She had not did much, and I mean, I don't really
9 understand a PCR, to be honest with you. She had not the
10 time to break that down to me. She even told me that the
11 State don't have the money to get the test done that I need
12 done for my learning disability and my mental health. She
13 told me that the State can't do -- can't pay for that. So,
14 I mean, you don't even have conversation about my case. We
15 have a conversation about how I don't want her on my case.
16 But I'm here today to ask you, would you please, please,
17 find in your heart to give me another lawyer, please?

18 THE COURT: And from looking at the materials, Mr.
19 Evans, I believe that that was a request that was made to
20 Judge Cole, who ruled on that. I'm not sure exactly when
21 that was. Can either one of the lawyers tell me when Judge
22 Cole ruled on that motion?

23 MS. MCMAHAN: August 20th.

24 THE COURT: Of 2024?

25 MS. MCMAHAN: Yes, Your Honor.

1 MR. JONES: Yes, Your Honor.

2 THE COURT: So, Mr. Evans, you had made a request to
3 have a new lawyer appointed, and apparently Judge Cole heard
4 that back in August of 2024, less than a year ago. And I
5 believe Judge Cole indicated that you had two options. You
6 could either not have Ms. McMahan represent you, or you
7 could hire a lawyer if you wanted to do that, or you were
8 going to have to be pro se represent yourself in this PCR
9 application. And so, that's already been ruled on by a
10 judge previously. I can't go behind that judge and now say,
11 I'm going to give you a new lawyer, because Judge Cole has
12 already considered that and given you your options. So, I
13 consider this morning to be, you can go forward with Ms.
14 McMahan, or you can go forward pro se under the
15 circumstances. Which one would you like to do?

16 MR. EVANS: What do that mean, the second one you said?

17 THE COURT: Pro se, meaning that you represent
18 yourself. You don't have a lawyer represent you.

19 MR. EVANS: Can I -- so there's nothing you can do to
20 like, so I could have time to go over my case or something?
21 I don't -- I don't understand nothing that we're doing here
22 at all, to be honest with you. I mean, can we reschedule
23 this at all?

24 THE COURT: So, no, sir. This is the appointed time
25 and hour for this matter to be heard. And so I can't. I'm

1 not going to grant a continuance under the circumstances.
2 Ms. McMahan indicates that she is ready to go forward. The
3 State indicates that they're ready to go forward. And so,
4 we're prepared to go forward. Your only choice today would
5 be either to represent yourself or have Ms. McMahan
6 represent you as part of this PCR application. Because
7 Judge Cole has already ruled on that. I've got no ability
8 to go beyond what Judge Cole had ruled and say that you get
9 a new lawyer under the circumstance.

10 THE APPLICANT: What do I need to represent myself?

11 THE COURT: Well, I would caution you to think very,
12 very, very closely about that. Ms. McMahan has a lot of
13 legal experience. She has training. She's got experience
14 in these types of cases that you do not have. And her
15 expertise in this area would be of great assistance to you
16 as prosecution of this post-conviction relief application.

17 THE APPLICANT: Sir, we have not discussed my case,
18 really. I mean, we have not discussed my case or nothing.
19 That's what I'm trying to explain to you, like. I don't --
20 I'm asking for some help.

21 THE COURT: Yes, sir. But, Mr. Evans, this is the hour
22 for your post-conviction relief hearing.

23 THE APPLICANT: I didn't even know about it until the
24 other day. I didn't even know I was going to court until
25 the other day.

1 THE COURT: Yes, sir. But your two options are either
2 to have Ms. McMahan represent you, which I would highly
3 suggest that you do, or you represent yourself under the
4 circumstance.

5 THE APPLICANT: Can they give me a continuancy? (AS
6 SPOKEN)

7 THE COURT: No, sir. I'm not going to give a
8 continuance. And this matter has been pending since 2022
9 when this application was filed. We're already approaching,
10 if it's not three years, it's pretty close to three years
11 already. And so this is the appointed hour for your
12 post-conviction relief hearing. And so, I'm not going to
13 give you a continuance. So, under the circumstances, do you
14 want Ms. McMahan to represent you or do you want to go
15 forward pro se?

16 THE APPLICANT: I really don't -- I don't understand
17 why this -- I don't understand. When I talked to that
18 judge that day, it was like he was in a bad mood. He just
19 didn't want to hear nothing nobody had to say when he sent
20 me there that day.

21 THE COURT: Well, but, Mr. Evans, that's the order
22 that's been filed in this case. It is the law of the case,
23 meaning that those are the options that you had, and you had
24 had those, and at least knew about those, since August of
25 last year. And here we are in March and we're ready to have

1 the case heard. And so Judge Cole indicated to you what
2 your options were a fair number of months ago. And now I'm
3 not going to grant a continuance under the circumstance.

4 THE APPLICANT: So, you won't -- she don't know nothing
5 about my case. We ain't really talked about my case or
6 nothing. Like, so you just want her to take my case, but we
7 ain't even have a real conversation about my case. She
8 ain't did nothing she's supposed to do. But you want me to
9 sit here and whether I do it or not, you're telling me
10 you're not going to give me the continuancy. (AS SPOKEN) So
11 it doesn't matter what I want to do. It's all up to you
12 what you want to do. Because regardless or not, my life --
13 my life is in this woman's hands. I'm telling you. She
14 don't care at all about my case. I'm telling you this. And
15 that's the same thing I told the last judge. The only work
16 she did was to get me down there. That's the most work she
17 ever did was to get me down there to fire her. I've been
18 locked up five years. Five years I've been locked up. Five
19 years. And the first time I go to court, I'm trying to fire
20 my lawyer.

21 THE COURT: Yes, sir, but Mr. Evans, we've talked about
22 that a couple of times already. I can't go beyond Judge
23 Cole's order. So your choices are have Ms. McMahan
24 represent you, which I would highly suggest that you
25 consider that, or you represent yourself. Which one do you

HAKEEM EVANS: Direct Examination by Ms. McMahan

11

1 want to do today?

2 THE APPLICANT: It don't look like I got a choice, but
3 to let her represent me.

4 THE COURT: All right. Very good. All right. Ms.
5 McMahan, you ready to go forward?

6 MS. MCMAHAN: Yes, Your Honor. The Applicant will call
7 Mr. Evans.

8 THE COURT: All right. Mr. Evans, you'll come around
9 here and be sworn, please.

10 WHEREUPON, Hakeem Evans, having
11 first been duly sworn, testified as follows:

12 THE COURT: Mr. Evans, you're going to need to speak
13 into that microphone right there, okay?

14 MR. EVANS: Yes, sir. I don't know how to -- I don't
15 know. I don't understand a PCR. I'm trying to explain to
16 you that I don't understand a PCR. You're not, you don't
17 even...

18 THE COURT: Ms. McMahan is going to ask you some
19 questions, okay? Ms. McMahan, are you ready?

20 MS. MCMAHAN: Yes.

21 DIRECT EXAMINATION

22 BY MS. MCMAHAN:

23 Q Would you please state your name for the record?

24 A Hakeem Evans.

25 Q Would you please spell your first name for the court

1 reporter?

2 A H-A-K-E-E-M.

3 Q Who was your attorney that originally represented you
4 at your ---

5 A Michael Gabriel. (sic)

6 Q How many times do you think you met with him?

7 A Twice.

8 Q Were you in jail the whole time? Were you out on bond?

9 A No, I was in Spartanburg County and I came to Laurens
10 County.

11 Q And were you in Spartanburg County on charges related
12 to these charges in Greenwood?

13 A No, the charges -- the charges are not from Greenwood.
14 The charges are from Laurens County.

15 Q I'm sorry, Laurens County. The Spartanburg and Laurens
16 charges were together, right?

17 A (NON-VERBAL RESPONSE)

18 Q They occurred out of the same incident; did they not?

19 A Same incident? What do you mean by same incident?

20 Q I'm going to move forward. Do you understand today
21 that if you win your PCR, you don't get released, that you
22 actually go back to the detention center and start over with
23 a new bond hearing?

24 A Say what, now?

25 Q You understand that if you win a PCR, you don't get

HAKEEM EVANS: Direct Examination by Ms. McMahan

13

1 released. You go back to the detention center and start over
2 as if you just got arrested with a new bond hearing?

3 A Yes.

4 Q And do you understand that the murder charge will come
5 back if you are successful? So you would be facing life
6 again?

7 A Yes.

8 Q You still want to go forward knowing that you can face
9 life if you are successful?

10 A So basically, if I win this PCR, you'll still be my
11 lawyer?

12 Q No, sir. But you would start your criminal case over
13 and you would have murder back on the table and you'll be
14 facing life again?

15 A Yes.

16 Q And you still want to go forward?

17 A Yes.

18 Q Okay. So you said you met with Mr. Gambrell two times
19 in Laurens County?

20 A Yes.

21 Q Do you remember how long you probably met with him?

22 A Maybe a few minutes. Not long.

23 Q I'm sorry. What did you say, a few minutes?

24 A Maybe a few minutes. Not long.

25 THE COURT: Speak up.

1 Q The first time you met with him, what did you guys talk
2 about? Do you remember?

3 A What did we talk about?

4 Q What did he say?

5 A Want me to tell you what he said?

6 Q Sure. What did you guys talk about the first time you
7 met?

8 A We talked -- we talked. He came, he introduced himself
9 as my lawyer, and he told me he would be on my case. I
10 think. And I think by the second time I seen him, he was --
11 by the second time I seen him, he was ready for me to go to
12 court or something.

13 Q Did you go over the discovery in your case at all?

14 A Only thing we went over, he just showed me a video,
15 that's about it. He just showed me a video, that's it.

16 Q And what was the video of?

17 A Of her -- of the girl. Of the -- a video of the girl.

18 Q Your -- one of the co-defendants?

19 A Yeah.

20 Q And what did the video have in it? Do you remember?

21 A It was a video of her talking to the police.

22 Q It was her statement that she gave to the cops?

23 A Yeah, something like that.

24 Q Did you explain to Mr. Gambrell that you'd had some
25 special ed type situation going on in your life?

HAKEEM EVANS: Direct Examination by Ms. McMahan

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1 A I specifically explained to Gabriel (sic) that I needed
2 to be evaluated, and I told him that I had mental health
3 problems and I was taking medication. He didn't really too
4 much care about that. He even told me -- he even told me
5 that he talked to my dad. Told me he talked to my dad. He
6 ain't never even talked to my dad. My dad never talked to
7 him before I went to court.

8 Q Did you want a trial in this case or did you want a
9 plea?

10 A I took a guilty plea.

11 Q The whole time you wanted a guilty plea?

12 A No, I was just doing whatever Gabriel say.

13 Q What did you want though? Did you want a trial or did
14 you want to get a plea deal?

15 A I wanted to fight for my life.

16 Q Okay, but then answer my question. Did you want to go
17 to trial or were you trying to get a better plea deal?

18 A I wanted a trial.

19 Q Okay, tell me about the conversation you had with Mr.
20 Gambrell that convinced you to take the plea offer then.

21 A He was just telling me this is your best -- this is
22 your best chance right here, and you should go with it. I'm
23 a try to get you -- what is that? I'm a try to get you 15
24 years if the judge go for it. I don't know if he gone go
25 for it. Make sure you show some remorse. Say you're sorry

1 to the family. All this and that, and stuff like that.

2 Q Well, that sounds more like a conversation you had just
3 before you walked in for a plea, but what kind of
4 conversation did you two have about a trial versus a plea
5 that made you change your mind and want to plead guilty?

6 Was that because ---

7 A He told me that he talked to my family.

8 Q Okay. What did he say that he talked your family about?

9 A He told me that he talked to my family and they was
10 like I should take it.

11 Q That your family said you should take it?

12 A Yeah.

13 Q When did you find out he didn't talk to them?

14 A Oh, after I caught the time. I got back and called my
15 dad.

16 Q When you got back to the detention center that day or
17 when you got back?

18 A I got back to the detention center that day. My dad
19 say he never talked to him.

20 Q And did you guys ever have a conversation about an
21 appeal?

22 A He never even told me that they had a ten day appeal.

23 I mean, I would figure a lawyer would put appeal in, if
24 anything, but I didn't know about it either. I didn't know
25 about it. And by the time I figured it out and I put it in,

HAKEEM EVANS: Direct Examination by Ms. McMahan

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1 I put it in and I wrote him. It was like when I left that
2 courtroom, I never heard from Gabriel again. I mean, I
3 could write letters, whatever, never heard nothing from him.

4 Q Were you scheduled to go to trial that day, or were you
5 just scheduled for the plea that day?

6 A He was like, you could either -- hold on. I mean -- I
7 don't remember. He brought me the paper. He said, sign
8 this paper. He said something about sign this paper, but if
9 you don't want to, when we get there, I can just rip the
10 paper up.

11 Q So, he told you to sign a piece of paper?

12 A Yeah, he said it was a plea. It was a plea, but he
13 said, if you don't want to take this plea when we get there.

14 Q Was it the sentencing sheet? Did it look like it had a
15 bunch of lines on it? He had signed on it too?

16 A I can't remember. I know I signed on it, though.

17 Q So he told you he could rip it up if you didn't want
18 the plea?

19 A Yeah, he told me, yeah. If you don't want the plea, we
20 could just rip it up by the time -- know what I'm saying, we
21 get there. Know what I'm saying? I wasn't planning on
22 taking no plea, but he was just like, yeah, this is a plea,
23 but just sign it for now and when we get there, such and
24 such.

25 Q Did you guys have a discussion about how much time you

1 were facing with the charges that you had?

2 A No, not really. We never really discussed my case like
3 that, to be honest.

4 Q So you said he showed you the statement of your
5 co-defendant?

6 A That's about it.

7 Q Did you talk about your co-defendant and the fact that
8 she was working with the police on this? That she had kind
9 of flipped?

10 A He showed me the video.

11 Q Okay.

12 A That's it.

13 Q Did he have a conversation with you about how she was
14 going to testify against you?

15 A No, he never had a conversation about she was going to
16 testify or nothing. I don't remember no conversation about
17 testifying.

18 Q You said that he never told you that you had 10 days to
19 file an appeal?

20 A No, he never told me. I put it in myself. I asked
21 another inmate about how can I do a appeal. When I got down
22 to Kirkland, he filled it out for me because I can't read.
23 He filled it out for me and sent it off, and the appeal came
24 back. They accepted my appeal, and not too long later, I
25 got another letter saying that my appeal was denied because

1 it was put in too late.

2 Q Okay, and what would have been your grounds that you
3 wanted appealed if it had been timely filed? Do you know?
4 If you'd been able to put an appeal in on time, what would
5 you want the appeals court to look at about your guilty
6 plea?

7 A That I have mental problems and I have some problems
8 and stuff and -- I'm not used to sitting up here talking.
9 I'm not used to even talking for myself to be honest.

10 Q And so the problems would have related back to, sort
11 of, what had started in high school where you started
12 getting mental health help and all that?

13 A Yes, ma'am.

14 Q And about how you hadn't gotten any since high school?

15 A Yes, ma'am. Yes, ma'am.

16 Q Do you recall anything else that you and Mr. Gambrell
17 may have discussed about your case?

18 A Like I say, as soon as I got to Laurens, it was like
19 Mr. Gabriel was right there waiting on me.

20 Q Did he ever come up to Spartanburg while you were
21 waiting there?

22 A No, he never came to Spartanburg. Laurens County took
23 over my charges. I went to Laurens and Gabriel, they put, I
24 think it was something, a conflict. I think my lawyer could
25 have been somebody else, but my co-defendant had the same

1 lawyer or something.

2 Q So Mr. Gambrell was appointed to you because of a
3 conflict for the other attorney?

4 A Yes, I think so.

5 Q And did he tell you that?

6 A I can't remember, to be honest.

7 Q Is there anything else you want the judge to know today
8 about your PCR? Anything about Mr. Gambrell or his
9 representation of you? Anything about that criminal case?

10 A Mr. Gabriel, I thought he was trying to help me, but he
11 wasn't trying to help me.

12 Q Why do you think that?

13 A He never even attempted to call my family. And he was
14 just -- he was just, it was like he was rushing me. He was
15 rushing me to court. He was just rushing me.

16 Q How long were you sitting in Spartanburg County before
17 you went to Laurens?

18 A I was in Spartanburg County for a minute, but I wasn't
19 in Laurens long.

20 Q So did you get the Spartanburg convictions before the
21 Laurens convictions or after?

22 A After the Laurens convictions.

23 Q Did you get out on -- were you granted a bond or
24 anything in Spartanburg at all?

25 A I can't remember did I have a bond or not.

1 Q Okay. And you said he didn't call your family or
2 anything like that, and you felt that he was trying to rush
3 you to plead?

4 A Yes. That's basically what he did. He rushed me to
5 plead.

6 Q And in talking to your family, what would he have found
7 out?

8 A He would have found out that my family wasn't -- they
9 was not going for that. They was not going for what he was
10 trying to do.

11 Q Which was what? Get you to plead, or go to trial?

12 A Get me to plead.

13 Q Do you think your family would have wanted you to be
14 exposed to life without parole?

15 A No.

16 Q No?

17 A I'm thinking my family don't want me to catch -- my
18 family don't want me to have life.

19 Q Well, if you went to trial, that's what you were going
20 to be exposed to, life.

21 A You're saying I would have been exposed to life?

22 Q Yeah.

23 A I know, but ---

24 Q You could have possibly gotten life without parole on
25 murder.

1 A True.

2 Q Do you think your family would have wanted you to be
3 exposed to that?

4 A Yes.

5 Q What else do you want Judge Doby to know today about
6 Mr. Gambrell and your criminal case?

7 A Man, my case. I don't have the -- I graduated with a
8 gift certificate, so I don't really be understanding the
9 stuff that be going on in the courtroom, to be honest with
10 you. I'm still trying to understand now. But...

11 Q So in a PCR, it can only be granted if we can show that
12 Mr. Gambrell was ineffective and that the outcome of your
13 plea or trial would have been different. So do you have
14 anything to offer as to how your outcome of your plea or
15 trial would have been different if Mr. Gambrell had done
16 something differently?

17 A I mean, put some work in for me?

18 Q I'm sorry. What did you say?

19 A Work. Like, work. I mean help me. Like, he should
20 have gotten me evaluated. He should have got my mental
21 health done. Those things. Those were key things in my
22 case. He should have never rushed me to court. He should
23 have took time to explain my case to me.

24 Q Do you ---

25 A Explain everything to me.

1 Q Would you want to have a trial instead of a guilty
2 plea?

3 A Do I want a trial?

4 Q What did you say?

5 A Do I want a trial?

6 Q Yeah. If you -- do you want to go back and have a
7 trial instead of a guilty plea? Is that what you want?

8 A Yeah. Yeah.

9 Q What ultimately did you want when you filed this
10 application?

11 A What did I want?

12 Q What did you think was going to happen?

13 A What I wanted?

14 Q Yeah.

15 A I wanted to -- when I filled this application?

16 Q Yes. What did you want when you filled out this
17 application?

18 A To a time -- to a time cut, really.

19 Q Do you understand that you cannot get a time cut in a
20 PCR? You can only start over from the beginning as if you
21 were just arrested.

22 A Okay.

23 Q Do you understand that?

24 A Yes.

25 Q Okay. That you would not be released to the community.

1 You would be ---

2 A I would be in the county jail.

3 Q Yeah. Do you understand that?

4 A Yes, ma'am.

5 Q When you were in Laurens, did you have a bond in
6 Laurens that you just couldn't post or did you not have a
7 bond?

8 A No bond. No bond in Laurens.

9 Q So you said you did -- you would want to go back and
10 have a trial?

11 A Yes.

12 Q And did Mr. Doby -- I mean -- I'm sorry, not the judge.
13 Did Mr. Gambrell tell you exactly what was going to happen
14 in a guilty plea? Did he go over what the judge was going
15 to ask you?

16 A What the judge was going to ask me?

17 Q Yes, during a guilty plea. Did he talk to you about
18 that?

19 A I'm trying to remember.

20 Q Did he ever tell you you're going to have to waive your
21 jury trial right?

22 A No, I don't remember that.

23 Q Do you remember the judge asking you that?

24 A The judge asking me that?

25 Q Uh-huh. Do you remember that?

1 A No, I don't remember.

2 Q What did Mr. Gambrell tell you about going in front of
3 a judge for a guilty plea? Do you remember?

4 A He didn't tell me much that I can remember. Only thing
5 I remember -- the main thing I remember him bringing me that
6 paper and saying sign this, and when we get down there I
7 could rip it up.

8 Q Did he tell you that you were on the trial docket for
9 that day?

10 A Trial docket?

11 Q Did he tell you you were on the trial docket for that
12 day that you went?

13 A What's a trial docket.

14 Q That your case was set to go to trial. Did he tell you
15 that?

16 A No, he did not tell me that.

17 Q Okay. What else do you want the judge to know about Mr.
18 Gambrell and his representation?

19 A Meaning by -- what do you mean by that?

20 Q Anything else you want Judge Doby to know about Mr.
21 Gambrell and how he represented you, or did not represent
22 you?

23 A I don't -- I don't think he represented me in his full
24 ability.

25 MS. MCMAHAN: Answer any questions the Attorney General

1 has.

2 MR. JONES: Thank you.

3 CROSS-EXAMINATION

4 BY MR. JONES:

5 Q Mr. Evans, do you recall during the guilty plea
6 proceeding Judge Addy informing you about the sentences you
7 were facing?

8 A What do you mean?

9 Q Well, do you recall -- do you have a copy of the
10 transcript, Mr. Evans?

11 A I think so. I got them late though, but I didn't know
12 they were my transcripts at first. I had to figure out, so
13 I had to get somebody to read them to me.

14 Q I see. All right, that's -- in that case, I think I'll
15 just say that ---

16 A But the transcripts -- it was something my roommate had
17 read to me about what Gabriel had said to the judge too, is
18 in the transcripts. About when Mr. Gabriel admitted that he
19 didn't fully go over my case with me or something. It
20 should be in the transcripts too.

21 Q Would you say the transcript speaks for itself then?

22 A No. No, I'm not saying that. Huh, sir?

23 Q Would you dispute the contents of the transcript, or do
24 you think the contents of the transcript are accurate?

25 A The contents of the transcripts accurate?

MICHAEL GAMBRELL- Direct Examination by Ms. McMahan

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1 Q Yes.

2 A Accurate to dealing with what, sir?

3 Q Accurate to what happened when you went in front of
4 Judge Addy.

5 A Yeah. I mean, I seen -- yeah, far as I could tell. I
6 mean, I didn't -- I mean, I didn't read it myself. My
7 roommate read it to me.

8 MR. JONES: All right, in that case, no further
9 questions. Thank you, Mr. Evans.

10 THE COURT: All right. Anything on redirect?

11 MS. MCMAHAN: No, Your Honor.

12 THE COURT: All right. You may step down, Mr. Evans.
13 Thank you.

14 MS. MCMAHAN: At this time the Applicant calls Mr.
15 Gambrell.

16 THE COURT: All right, Mr. Gambrell.

17 MS. MCMAHAN: You just go sit back in that chair.

18 MR. GAMBRELL: Good morning.

19 THE COURT: Good morning.

20 WHEREUPON, Michael Gambrell, having
21 first been duly sworn, testifies as follows:

22 DIRECT EXAMINATION

23 BY MS. MCMAHAN:

24 Q Mr. Gambrell, did you represent Mr. Evans?

25 A I did.

1 Q And what charges do you represent him on?

2 A I believe it was murder, armed robbery, and possession
3 of a firearm during the commission of a violent crime.

4 Q And were there companions Spartanburg charges that sort
5 of, kind of, went together with this incident?

6 A Yeah. Well, it occurred subsequent to this incident,
7 but after these warrants were issued, I believe Mr. Evans --
8 it may have started in Greenville County, and then there was
9 a failure to stop for a blue light that ultimately ended in
10 Spartanburg County. And that was probably just a few weeks
11 after the warrants were issued on this case.

12 Q And you sort of referenced that in the guilty plea at
13 some point about how they had the dog on him?

14 A Correct. When they finally apprehended him, yeah. They
15 -- it was -- from what Mr. Evans had told me, they had
16 sicced the dog on him, and I think he did sustain some
17 injuries because of it.

18 Q And do you recall when you were appointed to Mr. Evans?

19 A I don't recall the date, but sometime after his arrest
20 I got a conflict letter indicating that the Public
21 Defender's Office had a conflict in representing him, and
22 that I had been appointed to his case.

23 Q How many co-defendants were in this case?

24 A I think just one.

25 Q And that was the woman he was alluding to?

MICHAEL GAMBRELL- Direct Examination by Ms. McMahan

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1 A Yes. I think her name was Brandy Standridge.

2 (PHONETIC)

3 Q How many times do you think you met with him?

4 A Several times. I don't recall the exact number. He
5 was in Spartanburg. I did not know that at first. They
6 don't -- the information that we receive is just a letter
7 that says we've been appointed. But ultimately, he was
8 brought to Laurens County, and that's when I began to meet
9 with him.

10 Q Did you go over the discovery with him?

11 A Yes.

12 Q Did he seem to understand what the charges were?

13 A Yeah. We talked about all aspects of the case. We
14 showed -- you know, I showed him the video. I think
15 ultimately, her cooperation with the State was sort of the
16 deciding factor of not going to trial.

17 Q So, what were the basic facts of the case? Do you
18 remember?

19 A If I remember correctly, Ms. Standridge had made a
20 connection with the victim on Facebook, and there was an
21 exchange of messages. But ultimately, she arranged to meet
22 him. She may have been purchasing marijuana from him. And
23 she and Mr. Evans had traveled to his house, I think, from
24 Anderson County to Laurens County. At some point, she goes
25 into the house and engages the victim, and then subsequently

1 Mr. Evans comes in. And, you know, she would have testified
2 that he shot him, the victim, five times. I think four
3 about the torso and legs, and then there was one shot to the
4 head.

5 Q So, was Mr. Evans the shooter?

6 A That's what she would have testified to.

7 Q So, was that fact, sort of, up in the air a little bit,
8 I guess?

9 A We didn't have anything to refute that. So, you know,
10 this -- you know, when I go over the case with them, I
11 basically go over what evidence I believe the State will try
12 to introduce. You know, we talk about whether or not they
13 would be admissible, the arguments we would make, to try to
14 keep them from being admitted. But ultimately, you know,
15 her statements, and then her cooperation to testify against
16 him. Yeah, that's what she was going to testify to. And I
17 told him, you know, obviously, he does not have to testify
18 at trial, but it ultimately would be his decision.

19 Q Did he have a rap sheet at all?

20 A I think he did. In fact, I think we used that, sort
21 of, in our mitigation during the plea. You know, when I met
22 with Mr. Evans first, I basically just tried to get as much
23 information from him as I can. I learned about his family.
24 He has three kids. He was in an IEP when he was, you know,
25 in primary school, and then that continued all the way, I

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1 believe, through high school. He was receiving Social
2 Security disability, and I think that continued after he
3 turned 18. And, you know, based on my review of the
4 records, it seemed like he was getting some counseling while
5 he was in school. I believe he was diagnosed with bi-polar
6 disorder, depression, anxiety, but once he finished school,
7 the treatments and the counseling pretty much stopped. And
8 that's sort of when he started, you know, having run-ins
9 with the law. And that was about when he was 18. And then,
10 yeah, so he did have several convictions going back to when
11 he was 18.

12 Q In your conversations with him, did you ever have --
13 was there an indication to you that he may have been
14 incompetent while talking to you?

15 A No.

16 Q So he was able to have a full conversation with you
17 that you felt he understood?

18 A Yes.

19 Q And did you -- Mr. Evans alluded to the fact that -- I
20 think he stated that you talked to some members of his
21 family. Do you have any idea what he's talking about with
22 that?

23 A I don't recall if I did or not. Oftentimes I will,
24 especially to sort of get a, you know, complete picture of
25 Mr. Evans. But I don't recall if I did or not in this case.

1 Q So in this situation, was this case about to go to
2 trial or was this something like, you just kind of had a
3 conversation with him about this plea may be in your best
4 interest?

5 A It had been docketed. It wasn't for that week, I don't
6 believe. I think it was for a subsequent week, but it had
7 been docketed on an upcoming trial docket. And so, yeah, we
8 -- you know, leading up to that, we, you know, discussed
9 what his options were. And ultimately, you know, I tell all
10 my clients that however they want to resolve their case is
11 up to them. My job is to give them enough information and
12 advice, based on my experience, as to make a good decision.
13 But ultimately, if they want to go to trial, we go to trial.
14 If they want to plead guilty, we plead guilty. We try to,
15 you know, work for the most advantageous outcome possible.

16 Q And did you explain to him the possibilities of what
17 sentence he was facing if convicted of murder?

18 A Yes.

19 Q And did you explain to him the other charges too, like
20 how they would work in concurrent with the murder?

21 A Correct. Yes.

22 Q And in your conversations with him, did he ever
23 indicate he wanted a trial or was it always he wanted to get
24 a plea deal?

25 A Well, I mean, you know, I start out every case assuming

MICHAEL GAMBRELL- Direct Examination by Ms. McMahan

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1 that it's going to trial. And then at some point, you know,
2 they'll decide to do something different. And usually that
3 is by guilty plea. And I think that the fact that she was
4 going to testify against him was probably the biggest
5 reason. And the State agreed to reduce the charge from
6 murder to manslaughter, and agreed that all of his sentences
7 would be ran concurrently.

8 Q So was that the only offer given in this case was
9 reduction to the voluntary manslaughter and concurrent?

10 A That's my recollection.

11 Q Was the Solicitor himself handling this case?

12 A Mr. Stumbo did. Yes, that's correct.

13 Q Do you believe it was in Mr. Evans' best interest to
14 take that guilty plea?

15 A I do. I still do. I think that there was good
16 evidence outside of her testimony, but including her
17 testimony, they had a pretty compelling case against him.

18 Q And was he in the detention center the whole time on
19 bond? I mean, denied bond.

20 A That's correct.

21 Q And was there any other bond hearings done besides,
22 like, the initial bond hearing?

23 A I don't believe so.

24 Q Did you feel it was necessary to bring him back up for
25 another bond hearing, or did you feel it was going to

1 continue to be denied?

2 A I thought it would continue to be denied based on he
3 was from outside the circuit. The circumstances of his
4 apprehension were indication of flight. And then, of
5 course, just the nature of the charge itself. It's hard to
6 get a bond on a murder case.

7 Q Do you recall -- you said you met with him several
8 times. Do you recall specifically how many times you may
9 have met with him?

10 A I don't recall the exact number.

11 Q Was it more than two?

12 A I think so, yeah.

13 Q And did you ever have a conversation with him about a
14 mental evaluation or anything? Did he inquire about that?

15 A We talked about, because obviously his mental health
16 was an element of this. But yeah, we talked about what the
17 standard would be to be shown to be incompetent to go
18 forward. And, you know, in all of my conversations with
19 him, and I think I mentioned this probably during the plea,
20 he was always very lucid. He was calm. He had just a calm
21 demeanor about him. He seemed to answer my questions
22 appropriately. He asked me appropriate questions. He knew
23 how the process worked, it seemed to me.

24 Q And you brought a lot of this up in front of Judge Addy
25 as mitigation. Is that correct?

1 A That's correct. And, you know, Judge Addy used to be
2 the probate judge here in Greenwood. And so he's very in
3 tune to mental health issues with folks. And yeah, I was
4 trying to use that as mitigation to his advantage. It was a
5 straight up plea. There was no recommendation other than
6 the drop in charge from the State, so he faced up to 30
7 years for both.

8 Q So when the charge was reduced, did you explain to him
9 what that range was and how that was different from murder?

10 A That's correct.

11 Q Did you explain to him that he could get anywhere in
12 between?

13 A Yes, and we talked about that. And I think I'd asked
14 the Court to come in somewhere between 10 and 15 years is
15 what we were asking for. We'd had that discussion. I told
16 him that's what I would ask the Court to do.

17 Q You asked somewhere between 10 and 15 years?

18 A Yes.

19 Q But it was a straight up plea?

20 A It was.

21 Q Were any of the victim's family or anybody present at
22 that plea? Do you remember?

23 A I think they were, yes.

24 Q Anything else you want the Court to know today about
25 your representation of Mr. Evans?

1 A No. I mean, I go over every aspect of the plea process
2 with my clients before they plead guilty. The whole
3 colloquy between themselves and the judge. We go over their
4 acknowledgment of rights, their waiver of rights, their
5 indication that they're lucid enough to go through a plea,
6 that it's voluntary, that no one's forced them or coerced
7 them or made them any promises. You know, we talk about
8 just -- I don't want them to hear any questions from the
9 judge for the first time from the judge, so I typically go
10 over all those questions with them ahead of time, including
11 about the ability to appeal within 10 days. You know, Mr.
12 Evans never asked me to file the appeal. I think the first
13 record -- when I first knew that he did file the pro se
14 appeal was when the Court of Appeals had notified me and
15 there was a deficiency. And so I immediately, or shortly
16 thereafter, filed a corrected notice of appeal.

17 Q Did you see any appeal issues in this plea?

18 A I didn't. And I think, you know, the standard is a
19 little bit higher when appealing from a guilty plea. I
20 think you have to show something further with regard to the
21 plea process itself that would be violation of the
22 Defendant's rights.

23 Q So of the time that you've been practicing, this was a
24 pretty standard plea?

25 A It was. You know, I think he probably would have, you

MICHAEL GAMBRELL- Cross-Examination by Mr. Jones

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1 know, if we hadn't brought some of the mitigation to Judge
2 Addy's attention, he most likely would have gotten more than
3 what he did. And obviously I was hoping for something less
4 than the 23 years.

5 Q Anything else the Court needs to know today about your
6 representation?

7 A I don't think so.

8 MS. MCMAHAN: Answer any questions the Attorney General
9 may have.

10 MR. GAMBRELL: Thank you.

11 THE COURT: Mr. Jones.

12 CROSS-EXAMINATION

13 BY MR. JONES:

14 Q Thank you, Mr. Gambrell. Going back to the appeal
15 issue, I believe you testified that you would have explained
16 his appeal rights prior to the guilty plea colloquy. Is
17 that correct?

18 A Yeah. Anything that the judge brings up during the
19 plea, we talk about it.

20 Q All right. And he never asked you to file an appeal?

21 A He did not.

22 Q All right. When the Court of Appeals sent you the
23 deficiency letter regarding the pro se appeal that he had
24 filed, you then filed a notice of appeal within 10 days of
25 receiving that letter?

1 A I believe so.

2 Q All right. But ultimately the Court of Appeals
3 dismissed it anyway. Is that correct?

4 A That's my recollection. I think because his initial
5 notice of appeal was out of time.

6 Q I see. And did you ever tell him that he should plead
7 guilty because his family wanted him to plead guilty?

8 A I would not have said that, and I don't recall saying
9 that to Mr. Evans. That's just -- I don't ever tell them how
10 to resolve their case. However my client wants to resolve
11 their cases is how we're going to resolve it.

12 Q All right.

13 A So no. I've never said that to a client.

14 Q Beyond explaining, in general, the consequences of a
15 guilty plea versus a trial, the pros and cons, and I guess
16 giving him the benefit of your advice, you would not make
17 the decision for him?

18 A No. I'm not the one that lives with the consequences.
19 So no, I don't make those decisions.

20 Q All right. Had he insisted on a trial, do you think
21 you would have been able to prepare for a trial?

22 A We were preparing from the beginning. I prepare every
23 case as if it's going to trial. I mean, you just have to.
24 But yeah, we were. And I don't believe it was that week of
25 court. I'm pretty sure that that's not the case. Yeah, if

1 Mr. Evans wanted to go to trial, we would have gone to
2 trial.

3 Q All right. Do you recall what was on the video?

4 A That I showed him?

5 Q Yes, sir.

6 A We had -- there were several. There was one of her
7 statement, I believe. That could have been it. Or there was
8 also a video of them in a Walmart. It was pretty short, so
9 it could have been that one as well.

10 Q All right. Do you recall the relevance of that Walmart
11 video?

12 A You know, it was just -- I think it was in Anderson,
13 maybe, at the Walmart. She had purchased maybe hair dye,
14 something that would maybe indicate that she was trying to
15 change her appearance.

16 MR. JONES: I see. Mr. Gambrell, I don't think I have
17 any more questions for you. Thank you.

18 THE COURT: Ms. McMahan, anything on redirect?

19 MS. MCMAHAN: Court's indulgence, Your Honor.

20 THE COURT: Yes.

21 (PAUSE IN PROCEEDING WHILE DEFENSE COUNSEL CONFERS WITH
22 APPLICANT OFF THE RECORD,)

23 MS. MCMAHAN: I have no further questions, Your Honor.

24 THE COURT: All right. Thank you. Ms. McMahan,
25 anything further on behalf of the Applicant?

1 MS. MCMAHAN: The Applicant rests, Your Honor.

2 THE COURT: Mr. Jones, anything from the State?

3 MR. JONES: No evidence, Your Honor, but if Your Honor
4 permits, I would like to make a brief closing argument.

5 THE COURT: I'll give both of you a chance to do that.

6 MR. JONES: Thank you, Your Honor.

7 THE COURT: So I've heard all the evidence in this
8 matter. Ms. McMahan, since you bear the burden of proof,
9 I'd be glad to hear from you first.

10 MS. MCMAHAN: Judge, I would just ask that you take the
11 time to review the record in the whole before you make a
12 decision on this matter and then issue a ruling after you've
13 done that.

14 THE COURT: All right. Thank you. Mr. Jones, anything
15 you'd like to tell me?

16 MR. JONES: Thank you, Your Honor. I'd just like to
17 point out that, as to the allegation that Mr. Evans' guilty
18 was involuntary, it was a very thorough colloquy conducted
19 by Judge Addy in the record. I just ask Your Honor to look
20 over that and to see that Mr. Evans is -- first of all, that
21 Judge Addy explains to him the rights and the consequences
22 of his guilty plea. Mr. Evans indicates throughout that he
23 understands and that he wishes to go forward. So that, I
24 believe, would be evidence that corroborates Mr. Gambrell's
25 testimony that it was, in fact, his free and voluntary

1 decision to do so. Regarding the failure to file a notice
2 of appeal, Mr. Gambrell testified that, although he
3 explained the rights to an appeal as is required by Roe v.
4 Flores-Ortega, the Applicant never asked him to file an
5 appeal. So on that ground, he didn't. He didn't see any
6 appealable issues. And frankly, I haven't heard any here
7 today. And ultimately, when the Court of Appeals did send
8 him the deficiency letter, Mr. Gambrell made an effort to
9 comply with it. And I think he did everything that a
10 reasonable attorney could have done in that respect, but
11 that couldn't change the fact that the initial pro se appeal
12 was filed out of time. So for that reason, I would contest
13 that Mr. Evans hasn't proved either that Mr. Gambrell was
14 ineffective for causing him to enter into an involuntary
15 guilty plea, or that he was ineffective in regards to the
16 appeal. Thank you, Your Honor.

17 THE COURT: Thank you. Ms. McMahan, anything further?

18 MS. MCMAHAN: No, Your Honor. I'm just standing
19 because I've been sitting.

20 THE COURT: Very good. Mr Evans, I will take this
21 matter under advisement. I've got materials I need to look
22 at and review in deciding your case. Do you understand that?

23 THE APPLICANT: Yes, sir.

24 THE COURT: I will get a decision as quickly as I
25 possibly can. I can't tell you when I might have that

1 decision, but I will have it as soon as possible.

2 THE APPLICANT: Okay.

3 THE COURT: Is there anything else you would like to
4 tell me before I adjourn your case?

5 THE APPLICANT: Thank you for hearing me out.

6 THE COURT: Thank you, Mr. Evans.

7 (WHEREUPON, proceeding concluded at 11:00 a.m.)

8 ***END OF REQUESTED TRANSCRIPT OF RECORD)***

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Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Court of Common Pleas for Laurens County, South Carolina, held in Greenwood County on the 1st day of April, 2025.

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

Tara T. Scott, CVR
Official Court Reporter
December 6, 2025

per

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF LAURENS	)	FOR THE EIGHTH JUDICIAL CIRCUIT
)	
Hakeem Evans, #330255,	)	Case No.: 2022-CP-30-00627
)	
Applicant,)	
)	
v.)	
State of South Carolina,	)	ORDER OF DISMISSAL
)	
Respondent.)	

K. MICHELLE SIMMONS
 2025 JUL 14 P 07
 LAURENS COUNTY
 CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by Hakeem Evans ("Applicant") on July 21, 2022, and amended on March 25, 2025. The Court convened an evidentiary hearing into the matter on April 1, 2025, at the Greenwood County Courthouse. Applicant was present at the hearing and represented by Ashley A. McMahan, Esquire. Zachary W. Jones, of the South Carolina Attorney General's Office, represented Respondent.

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

I. PROCEDURAL HISTORY

Applicant is currently incarcerated in the South Carolina Department of Corrections ("SCDC"). During its May 2021 term, the Laurens County Grand Jury indicted Applicant for murder (2021-GS-30-00497), possession of a weapon during the commission of a violent crime (2021-GS-30-00498), and armed robbery (2021-GS-30-00499). Applicant was represented by

Michael S. Gambrell, Esquire ("Counsel"). Eighth Circuit Solicitor David M. Stumbo prosecuted the case.

On August 4, 2021, Applicant appeared before the Honorable Frank R. Addy, Jr., circuit court judge, and pled guilty to the armed robbery charge and to voluntary manslaughter as a lesser-included offense of the murder charge. As part of the plea agreement, the State agreed to dismiss the weapon charge and not to oppose a concurrent sentence. Following a thorough plea colloquy, Judge Addy sentenced Applicant to twenty-three years' imprisonment on both charges, to run concurrently.

Applicant filed a *pro se* "Notice of Request for Appeal in the South Carolina Court of Appeals" on September 1, 2021. The document is dated August 27, 2021, and purports to have been prepared on Applicant's behalf by someone identified only as "DR #364574." On September 14, 2021, the court of appeals informed Counsel that Applicant had filed a notice of appeal and identified multiple deficiencies, including the failure to prove that the notice of appeal had been served upon all necessary parties. On September 24, 2021, Counsel responded by filing a notice of appeal, accompanied by proof of service, dated September 22, 2021. The court of appeals then dismissed the appeal for failure to serve and file the notice of appeal within ten days of Applicant's August 4, 2021, conviction and sentence as required by Rule 203(b)(2), SCACR. The remittitur was sent on November 9, 2021.

Factual Summary

In the early morning hours of January 23, 2020, Applicant shot and killed the victim, Rasham Walker, inside Walker's home in Clinton. Facebook records showed that Walker had contacted Applicant's co-defendant, part-time prostitute Brandy Standridge, and had agreed to meet with her at his home around midnight. Standridge went to Walker's residence with Applicant



in the backseat of her car. Standridge and Walker went inside and had a sexual encounter. Applicant then came in the front door with a gun and fired multiple times at Walker, hitting him five times including a fatal shot to the head. Applicant and Standridge then stole a bookbag full of money and marijuana from Walker's residence and fled to Anderson County. Investigators identified Standridge as a suspect based on Facebook records, and she ultimately confessed to her part of the crime and identified Applicant as the shooter. Applicant was caught weeks later after stealing a car in Greenville County, leading officers on a high-speed chase until he went off the road and wrecked the car, exiting the car with a gun in his hand and threatening to kill himself, before ultimately complying with the arrest. (Plea Tr. pp. 8-11).

Present Application

Applicant commenced this PCR action on July 21, 2022. Applicant asserts he is entitled to post-conviction relief on the grounds his counsel was ineffective and he was incompetent at the time of his guilty plea. He claims he "did not know what was going on in [the] court room. Counsel was coaching me along." He also complains that his appeal was not timely served. As relief, Applicant simply requests "less time."

On March 25, 2025, Applicant filed an amended application merely requesting permission to amend his application to conform to the evidence presented at the evidentiary hearing.

An evidentiary hearing was held on April 1, 2025. At that hearing, Applicant proceeded on the following allegations: that his guilty plea was invalid because Applicant was incompetent at the time of the plea; that Counsel "coached" Applicant during the guilty plea colloquy, causing Applicant to enter a plea that he did not fully understand; and that Counsel was ineffective for failing to timely serve and file the notice of appeal. This Court now addresses each of these allegations in turn:



II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, and weighed the testimony accordingly. Before the Court are Applicant's records from the South Carolina Department of Corrections, the transcript of Applicant's plea proceeding, the records of the Laurens County Clerk of Court regarding the subject convictions, Applicant's appellate records, and the original and amended applications for post-conviction relief. This Court has reviewed the records submitted to it by the parties, the legal arguments made by the attorneys, and the pleadings. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented:

Incompetence

Applicant alleges that he was incompetent at the time of his guilty plea, and therefore lacked the ability to enter a voluntary, knowing, and intelligent plea. The Court finds Applicant has not met his burden of proof as to this allegation.

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

The test for competency is "whether the defendant has the present ability to consult with his attorney with a reasonable degree of rational understanding" and possesses "a rational as well as a factual understanding of the proceedings against him." *Sims v. State*, 313 S.C. 420, 422-23, 438 S.E.2d 253, 254 (1993).

It is clear Applicant has some mental health concerns. However, it is also clear that these concerns do not rise to the level of incompetency. The transcript of the plea proceeding refutes Applicant's claim that his mental health issues rendered him incompetent. At the guilty plea

proceeding, Judge Addy conducted a thorough plea colloquy and asked Applicant whether he understood the charges he was facing, the maximum and mandatory minimum sentences he could receive, the terms of the plea agreement, the fact that both charges were for "most serious" offenses and could be used to enhance any future convictions, the fact that both sentences were "eighty-five percent" sentences, the fact that both offenses were classified as "violent"; Applicant consistently indicated he understood. (Plea Tr. pp.4-5). Judge Addy then examined Applicant about his education and mental health history, and Applicant indicated he was lucid, was not delusional, and was not affected by any medications or substances that would impair his ability to understand the proceedings. (Plea Tr. pp.5-6). The solicitor summarized the factual allegations against Applicant, and Judge Addy asked Applicant if he was indeed guilty of armed robbery and homicide as alleged by the State; Applicant replied that he was. (Plea Tr. pp.7-11). Judge Addy then explained the rights Applicant was giving up by pleading guilty, including the right to a jury trial, the State's burden of proof beyond a reasonable doubt, the right to cross-examine witnesses, the right to compel witnesses and present evidence in his defense, the right either to take the stand in his own defense or to remain silent, the right to challenge the admissibility of the State's evidence; Applicant consistently indicated his understanding of those rights. (Plea Tr. pp.12-16). Judge Addy informed Applicant he could stop and consult with Counsel at any time, and Applicant affirmed that Counsel had reviewed everything together with him and that Applicant was happy with his representation and did not need any more time to speak with him or have any complaints against him. Applicant denied being forced, threatened, or coerced into pleading guilty; he affirmed that he was pleading guilty because he did, in fact, commit the crimes. (Plea Tr. pp.17-18). Once again, Judge Addy asked if Applicant had understood everything they had gone over

S.P.D.

and was "certain" he wanted to plead guilty instead of having a jury trial, and Applicant replied, "Yes, sir." (Plea Tr. p.18).

In addition, Counsel stated he discussed with Applicant what the State requires regarding him being competent enough to stand trial or accept a plea. Ultimately, Counsel stated this of Applicant: "He has always been able to discuss his case with me. He has always been able to understand the questions that I have asked of him. Always responded in an appropriate manner. So, there is, without a doubt, mental health issues with Mr. Evans going all the way back to childhood. However, I don't believe they would meet the State's standard for a competency hearing. And I certainly don't believe that he would be ruled incompetent." (Plea Tr. p.7, lines 3-11).

At the PCR hearing, Applicant was able to make decisions to go forward with the case and spoke appropriately on the stand. His demeanor gave no indication of incompetence. For all the above-mentioned reasons, the Court finds that Applicant was able to understand the PCR proceeding happening before him and the plea agreement as well.

"Coaching" during guilty plea colloquy

Applicant further alleges that Counsel "coached" him through Judge Addy's guilty plea colloquy, causing Applicant to enter a guilty plea he did not really understand. The Court finds Applicant has not met his burden of proof as to this allegation.

Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *See Blackledge v. Allison*, 431 U.S. 63, 74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the

face of the record are wholly incredible.”). “Indeed, where a thorough colloquy is conducted, courts must exercise caution in setting aside the guilty plea.” *Garron v. State*, 423 S.C. 1, 12, 813 S.E.2d 704, 712 (2018); see *Jamison v. State*, 410 S.C. 456, 469-71, 765 S.E.2d 123, 129-30 (2014) (observing that “guilty plea[s] must be treated as final in the vast majority of cases” and instructing that caution must be exercised so as not to “undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea”). Statements made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Cl. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

The transcript does not support Applicant’s claim that he was merely being coached by Counsel and did not truly understand what was happening at his guilty plea. To the contrary, the thorough colloquy between Applicant and Judge Addy indicates that Applicant understood all the ramifications of his plea and was pleading guilty freely and voluntarily. The Court finds Applicant has not shown any valid reasons why he should now be entitled to withdraw the sworn statements and solemn admissions he made during the guilty plea colloquy. For this reason, the Court finds Applicant has not met his burden of proof on this issue.

Failure to timely serve and file notice of appeal

Finally, Applicant argues Counsel was ineffective for failing to timely serve and file the notice of appeal. The Court finds this allegation is without merit.

Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v.*

Washington, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). "The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." *Yarborough v. Gentry*, 540 U.S. 1, 6 (2003); see also *Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable."). Rather, Counsel's performance, even if "far from exemplary," will only be found deficient if "no competent lawyer" would have acted the same way. *Dunn v. Reeves*, 594 U.S. 731, 739 (2021).

Second, counsel's deficient performance must have so prejudiced the applicant that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117–18; 386 S.E.2d at 625. "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington*, 562 U.S. at 111–12 (quoting *Strickland*, 466 U.S. at 697). "The likelihood of a different result must be substantial, not just conceivable." *Id.* at 112.

Where an applicant establishes in a PCR hearing that he was unconstitutionally deprived of his statutory right to a direct appeal, the applicant may petition the supreme court for review of

direct appeal issues pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35.¹ See *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986) (establishing procedural guidelines for *White* review when the PCR judge determines the applicant did not freely and voluntarily waive his appellate rights). The supreme court, upon an appeal of the PCR decision, will review the lower court record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. *White*, 263 S.C. at 119, 108 S.E.2d at 39-40.

The Court finds Applicant has not met his burden showing he is entitled to a belated appeal pursuant to *White*. During Applicant's guilty plea hearing, Applicant was informed by Judge Addy that if he wanted to appeal his guilty plea he had to "let [Counsel] know immediately because he has to file a notice of intent to appeal within ten days." (Plea Tr. p.30, lines 8-11). Therefore, the transcript clearly reflects Applicant was informed of his right to appeal his guilty plea and of the time limit for doing so. See *Roe v. Flores-Ortega*, 528 U.S. 470, 479-80 (2000) (recognizing that "a sentencing court's instructions to a defendant about his appeal rights in a particular case" may be "so clear and informative as to substitute for counsel's duty to consult" with his client about filing an appeal). In some cases, an attorney may reasonably decide not to consult with his client about filing an appeal when the sentencing court has already provided that information. *Id.* at 480. This is particularly the case where a defendant pleads guilty, because a guilty plea both reduces

¹ In *White*, the PCR judge found the applicant did not knowingly and intelligently waive his right to direct appeal due to ineffective assistance of counsel. 263 S.C. at 117, 208 S.E.2d at 39. As a result, the PCR court directed PCR counsel to attempt to secure a belated appeal to the Supreme Court from his original conviction and sentence. *Id.* On appeal, our Supreme Court explained that it did not have jurisdiction to entertain a belated direct appeal absent the timely filing of notice of appeal. *Id.* at 119, 208 S.E.2d at 39. However, because the *post-conviction relief appeal* was properly before it, the court reviewed the trial record and all issues properly raised as if the direct appeal had been perfected. *Id.* at 119, 208 S.E.2d at 39-40. The court ultimately held "that there was no reversible error in the trial and that there was not an arguably meritorious ground of appeal, even if notice of intention to appeal had been timely served." *Id.* at 119, 208 S.E.2d at 40.

the scope of appealable issues and indicates that the defendant is seeking an end to judicial proceedings. *Id.*

In this case, the first indication in the record that Applicant even *wanted* to file an appeal was his untimely *pro se* notice of appeal filed on September 1, 2021, more than ten days after his conviction and sentence. There is no indication in the record that Counsel knew Applicant wanted to appeal until the Supreme Court forwarded Applicant's untimely *pro se* notice of appeal to him, along with the deficiency letter, on September 14, 2021. This Court finds Counsel reasonably believed Applicant did not intend to appeal his conviction because it arose from a guilty plea, reducing the scope of appealable issues and indicating Applicant desired an end to judicial proceedings. In addition, although Judge Addy expressly warned Applicant that he needed to inform Counsel immediately if he decided to appeal, this Court has been presented with no credible evidence that Applicant ever communicated to Counsel his intent to appeal. However, once Counsel was made aware of his client's *pro se* filing, he promptly served and filed the notice of appeal on September 24, 2021, within ten days of the Supreme Court's letter. The record shows that Counsel made a valiant effort under the circumstances to follow his client's wishes; however, the filing was too late because the ten-day deadline had already passed by the time Applicant prepared his *pro se* notice of appeal, which was not Counsel's fault.

For these reasons, the Court finds Applicant has not met his burden of proving Counsel's performance was deficient as to this allegation.



III. CONCLUSION

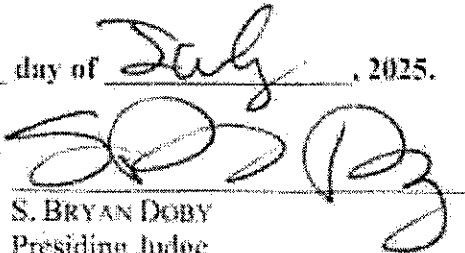
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 3 day of July, 2025.


 S. BRYAN DOBY
 Presiding Judge
 Eighth Judicial Circuit

 South Carolina

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

May Term, 2021

Indictment # 2021GS30- 0497

THE STATE

vs.

HAKHEEM OUDFLL EVANS

INDICTMENT FOR

Murder

SC Code § 16-03-0010

CDR: 0116

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

WITNESSES

Todd Alexander

Laurens County Sheriff's Department

WARRANT NUMBER

2020A3010200023

True Bill

Jennifer Dault

Foreman of the Grand Jury

Date: 5/7/2021

VERDICT

Foreman

A TRUE COPY OF ORIGINAL
K. Michelle Swine
K. Michelle Simmons
Laurens County CCCP & GS

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF LAURENS

Murder
§16-03-0010

At a Court of General Sessions, convened on the 7th day of May, 2021, the Grand Jurors of Laurens County present upon their oath:

That Hakeem Qudell Evans, on or about January 23, 2020, in Laurens County, did willfully, feloniously, and with malice aforethought kill one Rasham Eugene Walker by means of shooting and that the said Rasham Eugene Walker did die in Laurens County as a proximate result thereof on or about January 23, 2020 in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

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



David M. Stumbo
Solicitor

A TRUE COPY OF ORIGINAL
K. Michelle Simmons
K. Michelle Simmons
Laurens County CCFP & GS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LAURENS

STATE

INDICTMENT CASE#: 2021GS30-0497

VS

HAKHEM QUDELL EVANS

AKA: HAKHEM QUDELL EVANS
 Race: Black Sex: M Age: 32
 DOB: [REDACTED] 1989 SS# [REDACTED]
 Address: [REDACTED] Charleston Street
 City, State, Zip: Laurens, SC 29360
 DL#* [REDACTED] SID# [REDACTED]

A/W#: 2020A3010200023
 Date of Offense: 01-23-2020
 S.C. Code §: 16-03-0010
 CDR Code #: 0116

SENTENCE SHEET

Up to 30 years

*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: Voluntary Manslaughter (NMT 30 years)

In violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

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] 72105 HAKHEM EVANS 70044
 David M. Stumbo, Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
Michael S. Gambrell

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

for a determinate term of 23 (twenty-three) 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: 21-GS-30-499

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.
540 days months (since 2-11-2020)
 To include time spent on monitored house arrest prior to trial and sentencing.
 The Defendant Shall be Released from County Detention Center.

Pursuant to 48 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.

[Signature]
 A TRUE COPY OF ORIGINAL

SPECIAL CONDITIONS:

STATE VS. HAKFEM QUDELL EVANS INDICTMENT/CASE#: 2021GS30-0497

PTUP after _____ months/years

And Other Terms Listed Below:

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

RESTITUTION **Deferred** **Def. Waives Hearing** **Ordered**

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$ _____
Fine may be pd. in equal consecutive weekly monthly pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</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)	1BD	\$ <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	1BD	\$ _____
	TOTAL	\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: Charity Copeland
 Court Reporter: Jay Helston

Presiding Judge: Fulbright, J.
 Judge Code: 2159
 Sentence Date: 8-4-21

SCCA/217 (07/2021) K. Michelle Simmons
 State of South Carolina
 Judicial Branch
 Clerk of Court

WITNESSES

Todd Alexander

Laurens County Sheriff's Department

WARRANT NUMBER

2020A3010200025

True Bill

Jennifer Daniel

Foreman of the Grand Jury

Date: *5/7/2021*

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

May Term, 2021

Indictment # 2021G30- *0499*

THE STATE

vs.

HAKEEM QUDELL EVANS

INDICTMENT FOR

Armed Robbery

SC Code: § 16-11-0330(A)

CDR: 0139

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

A TRUE COPY OF ORIGINAL
K. Michelle Simmons
K. Michelle Simmons
Laurens County CCCP & GS

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF LAURENS

Armed Robbery
§16-11-0330(A)

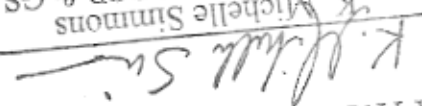
At a Court of General Sessions, convened on the 7th day of May, 2021, the Grand Jurors of Laurens County present upon their oath:

The defendant, Hakeem Qudell Evans, did on or about January 23, 2020, in Laurens County, South Carolina, while armed with a deadly weapon or while displaying what a person present during the robbery would reasonably believe to be a deadly weapon, take by means of force, threats, or intimidation, goods or monies described as a US Currency, a watch and bookbag with contents from the person or presence of Rasham Eugene Walker. All in violation of 16-11-0330(A) of the South Carolina Code of Laws (1976, as amended).

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



David M. Stumbo
Solicitor

A TRUE COPY OF ORIGINAL

K. Michelle Simmons
Laurens County CCCP & GS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LAURENS

STATE

INDICTMENT/CASE#: 2021GS30-0499

VS

HAKEEM OUDELL EVANS

A/W#: 2020A3010200025

AKA: HAKEEM OUDELL EVANS

Date of Offense: 01/23/2020

Race: Black Sex: M Age: 32

S.C. Code §: 16-11-0330(A)

DOB: [REDACTED] 1989 SS#: [REDACTED]

CDR Code #: 0139

Address: [REDACTED] Charleston Street

City, State, Zip: Laurens, SC 29360

DI.#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET Up to 30

*CDI 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: Armed Robbery (10 years - 30 years)

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.

ALLST:

David M. Stumbo 72105
David M. Stumbo, Solicitor SC Bar #

Hakeem Evans
Defendant

Michael S Gambrell 70044
Attorney for Defendant SC Bar #

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

for a determinate term of 23 (Twenty-three) 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:

21-GS-30-497

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.

540 days/months (Since 2-11-2020)

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

The Defendant Shall be Released from County Detention Center.

Pursuant to S.C. Code §§ 16-25-22 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 purchase, possess, or receive a firearm or ammunition.

A TRUE COPY OF ORIGINAL

SPECIAL CONDITIONS:

STATE VS HAKHEEM QUDELL EVANS INDICTMENT CASE# 2021GS30-0499

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/F beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION **Deferred** **Def. Waives Hearing** **Ordered**

Total \$ _____ plus 20% fee \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine.		\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§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
<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 Chastity Copeland (Greenwood)
 Court Reporter Michelle Simmons
 K. J. [Signature]
 SCCA 21710707

Presiding Judge: _____
 Judge Code: 259
 Sentence Date: 8-4-2021

A TRUE COPY OF ORIGINAL