

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Union County

John C. Hayes, III, Circuit Court Judge

RECEIVED

DEC 27 2013

S.C. Supreme Court

YOLANDA D. THOMPSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001224

APPENDIX

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF UNION) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE) TRANSCRIPT OF RECORD
5 -vs-) 2009-GS-44-198
6 YOLANDA DEE THOMPSON,) 2009-GS-44-308
7 DEFENDANT.) 2009-GS-44-309
8) 2009-GS-44-310
9) 2009-GS-44-311
10 MARCH 6, 2009
11 YORK, SOUTH CAROLINA

12 B E F O R E:

13 THE HONORABLE LEE S. ALFORD, JUDGE.
14

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

16 KEVIN BRACKETT, SOLICITOR
17 ATTORNEY FOR THE STATE

18 HARRY DEST, PUBLIC DEFENDER
19 ATTORNEY FOR THE DEFENDANT

20 MICHAEL R. WATTS
21 CIRCUIT COURT REPORTER
22
23
24
25

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WITNESSES

PAGE

(NO WITNESSES CALLED)

1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
3	CT-1	PLEA AFFIDAVIT		
4	CT-2	PLEA AGREEMENT		
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1 (PROCEEDINGS, MARCH 6, 2009)

2 (Plea Affidavit marked as Court's Exhibit No. 1
3 for identification)

4 (Plea Agreement marked as Court's Exhibit No. 2
5 for identification)

6 MR. BRACKETT: If it please the court?

7 THE COURT: Solicitor.

8 MR. BRACKETT: Your Honor, this is in reference to
9 docket numbers 2008-GS-44-0198, the State versus Yolanda D.
10 Thompson, this being a True Billed indictment for murder;

11 2009-GS-44-0308, 0309, 0310, and 0311, these being
12 respectively True Billed indictments for armed robbery,
13 kidnapping, possession of a knife during the commission of a
14 violent crime, and criminal conspiracy.

15 Your Honor, the defendant, Yolanda D. Thompson, on
16 each of these indictments is represented by Mr. Harry Dest,
17 the Sixteenth Circuit Public Defender.

18 Mr. Dest and I have entered into discussions
19 regarding the disposition of these charges and we have
20 reached a plea agreement in regards to these charges, which
21 we have had marked as Court's Exhibit No. 2, and I'll hand
22 up with the indictments.

23 Basically, Your Honor, the State was prepared to
24 move forward and serve notice of intent to seek the death
25 penalty on Yolanda Thompson for these charges. She is the

1 co-defendant of Mr. Pernell Thompson, who the State has
2 already sought the death penalty on, and we were prepared to
3 do that with Ms. Thompson. However, pursuant to discussions
4 with Mr. Dest, the State will forebear filing notice of
5 intent to seek the death penalty in making this a capital
6 case. And in exchange for forbearance in that regard, Ms.
7 Thompson has agreed to enter pleas of guilt to each of these
8 charges, and she has also agreed that she will cooperate,
9 pursuant to the terms of the plea agreement that I just
10 handed up to the court, Court's Exhibit 2. She will
11 cooperate pursuant to those terms in the prosecution of Mr.
12 Pernell Thompson at a later date.

13 The State will ask the court to sentence Ms.
14 Thompson only on the charge of criminal conspiracy today and
15 to take the sentences of the other charges under advisement
16 until after the conclusion of Mr. Pernell Thompson's case,
17 at which time the court will then -- as Your Honor knows, of
18 course, you have been appointed to preside over the trial of
19 Mr. Pernell Thompson, so we would ask you to keep
20 jurisdiction of these cases, so that at the conclusion of
21 Mr. Thompson's case, you will be able to evaluate the
22 quality of her cooperation and fashion the appropriate
23 sentence for Ms. Thompson.

24 The victims in this case, the Jeter family, the
25 family of the victim, Ms. Marisha Jeter, the family is

1 present in the courtroom. I have explained to them that
2 because of the nature of how we are handling this, the
3 substantive, the main charges will not be sentenced on until
4 a much later date. We don't need to hear any input as far
5 as sentencing is concerned.

6 The criminal conspiracy carries five years, and I
7 think we have agreed to go ahead and just give her the five
8 years on that now and then we will sentence on the main
9 charges - the murder and so forth - at a later time, but
10 she's exposed on those charges to the minimum of thirty, and
11 could be sentenced up to life in prison on each of those.
12 It's a straight-up plea in every other regard.

13 I believe that -- have I left anything out?

14 MR. DEST: No, Your Honor, I believe Solicitor
15 Brackett has correctly stated the terms of the plea
16 agreement.

17 And I will say for the record that since the
18 mitigation presentation will not be necessary today, we will
19 be able to do that at a later date. I have advised my
20 client and family as to that, but we will be prepared
21 certainly at later time to present a lot of mitigation on
22 her behalf.

23 And, Your Honor, as the solicitor indicated, this
24 plea agreement is predicated on her cooperation. I will
25 state for the record that she has given mirandized

1 statements to the police. She's been cooperative from the
2 very beginning. She intends to be cooperative throughout
3 this process and at trial, if necessary.

4 MR. BRACKETT: One of those statements, the second
5 statement, was the more detailed statement was an audio
6 taped statement that was taken on January the 7th of 2008,
7 to the Union Public Safety Department. That audio taped
8 statement the defendant, and it's in the plea agreement, the
9 written plea agreement that I have handed up, the defendant
10 acknowledges that the substance of that statement is true
11 and accurate. So we are not going to take any additional
12 testimony from her. That is a very detailed statement that
13 explains her involvement in what she has done.

14 MR. DEST: And, if I may, Your Honor, for the
15 record, my client has heard that tape as recently as
16 yesterday afternoon, so she is willing to affirm that that
17 tape recorded conversation is true and accurate.

18 THE COURT: Has she been placed under oath?

19 THE CLERK: She has not.

20 YOLAND DEE THOMPSON, having been first duly sworn,
21 testified as follows:

22 THE COURT: Ma'am, you are Yolanda Dee Thompson,
23 is that correct?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: How old are you, Ms. Thompson?

1 THE DEFENDANT: Twenty years old.

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

3 THE DEFENDANT: First year of college.

4 THE COURT: What do you do for job or occupation?

5 Do you work?

6 THE DEFENDANT: I'm a sales associate at Wal-Mart.

7 THE COURT: Are you married, ma'am?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you have children?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: What are their ages?

12 THE DEFENDANT: Two.

13 THE COURT: One two years old?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Ms. Thompson, you are charged today
16 with several offenses. You are charged with criminal
17 conspiracy, which carries a maximum punishment -- it's
18 classified as a felony and it carries a maximum punishment
19 of five years.

20 You are also charged with possession of a knife
21 during the commission of a violent crime, which is also
22 classified as a felony, and it carries a mandatory five year
23 sentence.

24 Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You are also charged with kidnapping,
2 which is classified as a felony, and it carries a maximum
3 punishment of thirty years.

4 You are charged with armed robbery.

5 Let me back up to the kidnapping charge.

6 This offense is also classified as a serious
7 offense and no-parole offense and a most-serious offense,
8 and I'll explain the importance of those to you in just a
9 minute.

10 Do you understand that.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You are also charged with armed
13 robbery. This is also classified as a felony, which carries
14 a minimum sentence of ten years and a maximum sentence of
15 thirty years. It's also in a no-parole offense, a violent
16 offense and a most-serious offense.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You are also charged with the offense
20 of murder, which carries a minimum sentence of -- it's
21 classified as a felony, of course, and it carries a minimum
22 sentence of thirty years and it carries a maximum sentence
23 of life without parole. It is a no-parole offense, a
24 violent offense, and a most-serious offense.

25 Do you understand that?

1 THE DEFENDANT: Yes, sir..

2 THE COURT: I'll explain to you what the -- of
3 course, no parole means that you would be expected to serve
4 the sentence that you have to receive on that charge. Do
5 you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Not able to get parole.

8 It's also classified as violent offense. A
9 violent offense would affect your ability to participate in
10 certain programs down at the South Carolina Department of
11 Corrections, not only on these charges, but any other
12 charges that you might receive in the future.

13 Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, the importance of the most
16 serious classification is these offenses would actually
17 constitute one most serious offense on your record. If you
18 should get another most serious offense on your record at
19 any time in the future, with these charges on your record,
20 or get a combination of three serious or most service
21 offenses on your record, you could get a sentence of life
22 without parole, the so-called Two Strikes and Three-Strikes
23 Rule. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Understanding all that, how do you

1 plead to these charges today, guilty or not guilty?

2 THE DEFENDANT: Guilty.

3 THE COURT: Do you understand that by pleading
4 guilty, you give up your right to remain silent?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that by pleading
7 guilty, you give up your right to a trial by jury?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And do you understand that if you give
10 up your right to a trial by jury, you also give up your
11 right to assert any legal defenses that you might have in a
12 jury trial?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Now, I know your attorney has gone
15 through those rights with you, but I'm going to go through
16 them as well.

17 If you requested a trial by jury, the State would
18 give you a trial. At trial you would have the right to
19 confront and cross-examine all witnesses against you.

20 You would have the right to present any witnesses
21 and/or evidence in your own defense.

22 You would have the right to testify in your own
23 defense, if you wished to do so, but no one can make you
24 testify in your own trial.

25 If you decided to go to trial and not testify, the

1 judge would tell the jury that they could not hold your
2 failure to testify against you. In fact, the jury couldn't
3 even consider your failure to testify in their deliberations
4 on your guilt or innocence.

5 You would be presumed innocent throughout your
6 trial. The State would have to prove you guilty beyond a
7 reasonable doubt to a jury of twelve people. All twelve
8 people would have to unanimously agree that you were guilty
9 in order for you to be convicted. And even if you were
10 convicted, you would still have the right to appeal that
11 conviction.

12 Do you understand your rights with regard to a
13 trial by jury?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Understanding that right, do you still
16 want to plead guilty, or do you want me to set your cases
17 for trial?

18 THE DEFENDANT: I want to go forth and plead
19 guilty, sir.

20 THE COURT: Now, the State informs the court that
21 you have entered into a plea bargain agreement. And in that
22 plea bargain agreement they have agreed not to proceed with
23 the death penalty in your case. They -- today you will
24 plead guilty -- under the agreement today you would plead
25 guilty to the criminal conspiracy charge for a sentence of

1 five years. Sentencing on the other charges would be
2 deferred until a later time and the court would sentence you
3 at that time.

4 Is that your understanding of the agreement?

5 Also, of course, pursuant to this plea agreement,
6 which is in writing, you have agreed also to cooperate and
7 testify truthfully in regards to a trial of your
8 co-defendant in this case, Pernell Thompson, is that
9 correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, has anybody promised you anything
12 other than that in order to get you to plead guilty today?

13 THE DEFENDANT: No, sir.

14 THE COURT: Counsel, do you agree that that was
15 the agreement?

16 MR. DEST: Yes, sir, Your Honor.

17 THE COURT: Now, has anybody threatened you,
18 coerced you, or forced you to plead guilty against your
19 will?

20 THE DEFENDANT: No, sir.

21 THE COURT: Are you satisfied with the manner in
22 which your attorney has advised and represented you in these
23 cases?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Have you and your attorney fully

1 discussed the charges against you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Has your attorney told you the
4 witnesses and evidence the State has available to present at
5 trial to prove your guilt?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Has your attorney discussed with you
8 any possible legal defenses that might be available to you,
9 if you were to go to trial?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you told your attorney the names
12 of any and all witnesses that you know of that your attorney
13 could subpoena and bring to trial to assist in your defense,
14 if you were to go to trial?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Are you today under the influence of
17 any mind-altering substance, such as alcohol, drugs, or
18 prescription medications which interfere with your judgment
19 or ability to understand what you are doing in court today?

20 THE DEFENDANT: No, sir.

21 THE COURT: Do you have any mental, emotional, or
22 nervous condition that interferes with your judgment or
23 ability to understand what you are doing in court today?

24 THE DEFENDANT: No, sir.

25 THE COURT: Are you pleading guilty today of your

1 own free will?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you, in fact, guilty of these
4 several charges?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Please give me the facts, solicitor.

7 MR. BRACKETT: Yes, sir, Your Honor.

8 On January 3rd of 2008, sixteen year old Marisha
9 Jeter told her father that she was going to McDonald's at
10 about 9:30 p.m., that she was going to McDonald's in the
11 City of Union. In truth she was not going to McDonald's.
12 She had been contacted that evening by Mr. Pernell Thompson.
13 And Mr. Thompson, who was then a twenty year old married
14 man, had been in a relationship with Ms. Jeter and was
15 pursuing her, had pursued her and entered into a
16 relationship which had been discovered by Ms. Yolanda
17 Thompson, who was Pernell's wife. Then obviously it was the
18 source of friction between Ms. Thompson and Mr. Thompson and
19 it caused a problem and there was a confrontation between
20 the Thompsons and Mr. Jeter, Marisha's father at some point
21 earlier and the relationship, at Mr. Jeter's insistence, had
22 been broken off, and should have been broken off, but
23 apparently that wasn't enough for the Thompsons. Mr.
24 Thompson called Marisha Jeter at her home that night and
25 under the pretense of having her return an article of

1 clothing to him that she still had in her possession, she
2 agreed to go out and meet Mr. Thompson behind the YMCA here
3 in the City of Union.

4 Once Marisha Jeter arrived at the YMCA parking lot
5 in the back area of the YMCA, she was set upon by Mr.
6 Thompson and Ms. Thompson. She was beaten down and she was
7 stabbed many times. As a result of these stab wounds she
8 died. Her body was taken and placed in the trunk of her own
9 car and Ms. Jeter was transported in her car by Ms. Thompson
10 and Mr. Thompson to Lockhart to the bridge near the -- that
11 goes over the Broad River there in Lockhart. Her body was
12 partially stripped and placed down by the side of the river
13 to make it appear as if she had been the victim of a sexual
14 assault. The car was taken and transported some distance
15 away, doused in gasoline and set on fire. It was found
16 later by the Chester authorities at a location some distance
17 from where her body had been placed.

18 So the basis of the armed robbery was the theft of
19 her vehicle. She was kidnapped when she was beaten down and
20 held in the YMCA parking lot. Obviously the murder took
21 place there where she was stabbed repeatedly, including stab
22 wounds to her neck. And that comprises the murder charge.
23 And the use of the knife was the basis during the commission
24 of that murder was the basis for the possession of the knife
25 during the commission of a violent crime. This was a

1 prearranged plan organized by Mr. And Mrs. Thompson. They
2 had agreed that they were going to do this and that forms
3 the basis of the criminal conspiracy charge.

4 Obviously, the facts are more detailed and, Your
5 Honor, I typically in these situations put a copy of the
6 statement that she had made so that is part of the record so
7 that there is no question as to what she's acknowledging was
8 true. However, it's a very detailed audio statement. And
9 in the interests of Mr. Pernell Thompson's trial, by placing
10 it on the record, that would make it a public matter that
11 would be available to the public, so I'm not doing that at
12 this time, but the substance of that statement, which is
13 agreed to by Mr. Dest and myself, there is no question which
14 statement. There was only one audio taped statement made on
15 January the 7th of 2008. It also forms the basis and it
16 goes into much more detail as to what happened there. Her
17 body was discovered at a later time and the investigation
18 commenced and ultimately resulted in Ms. Thompson's
19 confession on audiotape. So although I'm not making it a
20 part of the record officially, I would just reference it
21 by there is no question Mr. Dest and I know which one we are
22 talking about here. There is only one audio taped
23 confession.

24 MR. DEST: That is correct, Your Honor. That is a
25 correct statement of the facts in this matter. And as I

1 indicated earlier, my client, pursuant to this plea
2 agreement, is affirming that that tape recorded conversation
3 on January 7th, 2008, is true and accurate.

4 THE COURT: Ms. Thompson, you have heard the facts
5 as recited to the court by the solicitor's office. Do you
6 disagree in any way with what they say happened in this
7 case?

8 THE DEFENDANT: No, sir.

9 THE COURT: I find the decision of the defendant,
10 Yolanda Dee Thompson, to plead guilty to these charges being
11 made freely, voluntarily, and intelligently.

12 She's had the representation of a competent
13 attorney with whom she says she is satisfied.

14 I find the facts presented to the court by the
15 solicitor's office, concurred in by the defendant, fully
16 support the guilty pleas in this case, and I will accept the
17 pleas as freely and voluntarily made.

18 Ms. Thompson, if you disagree with the proceedings
19 in which we are currently involved, you would have ten days
20 from the date of actual sentencing in order to file a notice
21 of intent to appeal. Ten days from the date you are
22 actually sentenced.

23 Do you understand your right to appeal today's
24 proceedings?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Counsel, anything that you wish to
2 say? I understand that you wish to defer any mitigation
3 until we actually go for sentencing. Is there anything else
4 you want to say to the court?

5 MR. DEST: Nothing with respect to mitigation,
6 Your Honor, but I would like to add for the court's record
7 the affidavit of guilty plea, which, of course, goes over
8 the litany of Constitutional Rights that the court has just
9 gone over with my client. The answers are her own. The
10 handwriting is mine, but the answers were based upon her
11 responses, and I would like to make that a part of the court
12 record.

13 THE COURT: We would make that a court exhibit,
14 yes, sir.

15 Anything else?

16 MR. DEST: No, sir, not at this time.

17 THE COURT: Ms. Thompson, obviously you do not
18 have to say anything at this time. You do not. Do you wish
19 to say anything at this time?

20 THE DEFENDANT: No, sir, Your Honor.

21 THE COURT: All right. In case number
22 2009-GS-44-311, Yolanda Dee Thompson, having pled guilty to
23 criminal conspiracy, the sentence of the court is that she
24 be committed to the State Department of Corrections for a
25 determinate term of five years.

1 She's given credit for any jail time she has
2 served.

3 Determination of whether to make that concurrent
4 or consecutive would be made at a later time. I'm not going
5 to make that decision today. The sentence would be with
6 five years.

7 With regard to the other charges in this case, the
8 court is accepting those pleas as freely and voluntarily
9 made. The court will defer sentencing until a later time.

10 MR. DEST: Thank you, Your Honor.

11 MR. BRACKETT: Thank you, Your Honor.

12 (END OF REQUESTED TRANSCRIPT OF RECORD)

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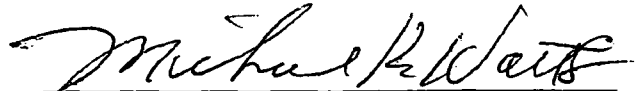
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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Sixteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case in the Court of General Sessions for UNION County, South Carolina, on the 6th day of March, 2009.

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

SEPTEMBER 10, 2009



Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
)
)
)
)
)
COUNTY OF UNION)

IN THE GENERAL SESSIONS
COURT OF UNION

CASE NO.: 2008-GS-44-0308
0309, 03010, 0198

STATE OF SOUTH CAROLINA)
)
 PLAINTIFF,)
)
 V.)
)
 YOLANDA THOMPSON)
)
 DEFENDANT.)

TRANSCRIPT OF RECORD

NOVEMBER 6, 2009
UNION, SOUTH CAROLINA

B E F O R E:
HONORABLE LEE S. ALFORD

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

MR. KEVIN BRACKETT, SOLICITOR
SIXTEENTH JUDICIAL CIRCUIT
YORK, SOUTH CAROLINA
FOR THE PLAINTIFF

MR. HARRY DEST, CHIEF PUBLIC DEFENDER
SIXTEENTH JUDICIAL CIRCUIT
YORK, SOUTH CAROLINA
FOR THE DEFENDANT

WANDA NELSON
OFFICIAL COURT REPORTER
SIXTEENTH JUDICIAL CIRCUIT
AT LARGE

ORIGINAL

E-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD.</u>
ST.1	PHOTO	3	45
ST.2	PHOTO	3	45
ST.3	PHOTO	3	45
ST.4	PHOTO	3	45
ST.5	PHOTO	3	45
ST.6	PHOTO	3	45
ST.7	PHOTO	3	45
ST.8	PHOTO	3	45
ST.9	MENTAL EVALUATION	3	27

REPORTER'S NOTE: ALL EXHIBITS WERE FILED WITH THE UNION
COUNTY CLERK OF COURT'S OFFICE.

1 (ON THE RECORD AT 10:15 A. M..)

2 (WHEREUPON: STATE'S EXHIBITS ONE THROUGH NINE
3 PREMARKED FOR IDENTIFICATION.)

4 SOLICITOR BRACKETT: Good morning, Your Honor, may it
5 please the court.

6 THE COURT: Yes, sir, Solicitor.

7 SOLICITOR BRACKETT: Your Honor, this is in reference
8 to Docket Numbers 2008-GS-44-0198; 2009-GS-44-0308; 0309
9 and 3010. These are all true billed indictments, Your
10 Honor, charging Yolanda D. Thompson with respectively
11 murder, armed robbery, kidnapping and possession of a knife
12 during the commission of a violent crime. Your Honor may
13 recall that we were on the record back in March of this
14 year. Let me get the exact date. And that on March the
15 6th of 2009 before Your Honor Ms. Thompson was also
16 represented then by the public defender Mr. Harry Dest as
17 she is today. She entered pleas of guilt to all of these
18 charges that I just enumerated. In addition she entered a
19 plea of guilt to 2009-GS-44-0311 that being one count of
20 criminal conspiracy. At the time the court accepted all
21 the guilty pleas entered a sentence as to 2009-GS-44-0311
22 the conspiracy charge sentenced her at that time to five
23 years on that offense and held sentencing in abeyance on
24 the other indictments pending the completion of the terms
25 of a plea agreement -- a written plea agreement that was

1 entered into the record at that time; a copy of which is
2 with the clerk of court now and will be handed up along
3 with these indictments and the file.

4 The terms of the plea agreement were that in a
5 nutshell in summary form were that Ms. Thompson would enter
6 pleas to all these charges agreed to be sentenced on the
7 6th of March to the conspiracy charge. She acknowledged
8 and affirmed that the oral statement that she gave, the
9 tape recorded statement that she gave to the Union Public
10 Safety Department in the course of this investigation was a
11 true and accurate statement that the statements that she
12 made in that recording were true and accurate that if she
13 were called to testify in the case of the State of Carolina
14 versus Pernell Thompson that she would give truthful and
15 accurate testimony during the course of that. In addition
16 she agreed that in the event that Mr. Thompson's sentence
17 was ever reversed at any later time that she would also
18 come back to court and give truthful testimony against Mr.
19 Thompson in any future hearing. She agreed to cooperate
20 fully during the preparation of the state's case against
21 Mr. Pernell Thompson including taking a polygraph if
22 necessary on the issues surrounding the death of Marisha
23 Jeter the victim in this case.

24 Mr. Pernell Thompson as Your Honor knows was served
25 with the notice of intent to seek the death penalty.

1 Earlier this year he entered pleas of guilt to this charge
2 and sentenced to life in prison by Your Honor and thus the
3 necessity of a trial against Mr. Thompson has passed. We
4 are prepared today to go forward with the sentencing on
5 Yolanda D. Thompson on the other four indictments that she
6 has not been sentenced on. The state has complied with the
7 victims rights act. The victim's family is in the
8 courtroom they wish to be heard during the course of the
9 sentencing prior to the imposition of sentence and the
10 state is ready and I believe defense is ready as well.

11 MR. DEST: That is correct, Your Honor.

12 THE COURT: All right. Of course she's already pled
13 guilty to these charges. The court's accepted the pleas
14 and did not sentence her except on the criminal conspiracy
15 we did sentence her to five years on that so we now would
16 consider sentencing on the other charges. I think it would
17 be appropriate then -- does the state wish to present its
18 witnesses first or do you want me to hear from the defense?

19 SOLICITOR BRACKETT: We would go last that will be
20 fine.

21 THE COURT: Be glad to hear from you, Mr. Dest, and
22 from anyone who wishes to speak.

23 MR. DEST: May it please the court. Your Honor, a lot
24 has transpired since March of this year when we last
25 appeared before you. For the record it should be noted

1 that my client has been in jail 669 days awaiting
2 disposition of this case. And in that 669 days she has
3 never wavered or hesitated to tell the truth which is one
4 of the things that the solicitor alluded to a few moments
5 ago. Your Honor, her level of cooperation in this case was
6 paramount I believe and I would submit to the resolution of
7 this case in full. Not only did she give a marandized
8 statement upon being arrested in January of 2008, but she
9 subsequently went to interviews with other law enforcement
10 officials and also was audio taped with respect to her
11 statements.

12 From the very beginning of this case, Your Honor,
13 Yolanda wanted to tell the truth. She has told the truth
14 and has never ever wanted to do anything else but to be
15 forthright not only about her guilt but the guilt of her
16 husband as well. The Solicitor is correct, we did enter
17 into a plea agreement in March of this year which basically
18 confirmed her level of cooperation and also imposed other
19 conditions to make sure that she was telling the truth.
20 She was subjected to a polygraph examination where she was
21 asked not only about the details of this case but whether
22 or not anyone else knew any other facts that could be
23 relevant to the prosecution of it. And I was with her
24 prior to that polygraph examination along with the
25 solicitor and she passed it without any hesitation at all.

1 She also has had the opportunity in preparation for this
2 case the case for the trial to meet with both the solicitor
3 and members of his staff to go over her testimony which she
4 did willingly and again stuck to the truth. It is
5 important to note Your Honor even beyond that her level of
6 cooperation goes to other information that I believe was a
7 direct cause for Mr. Pernell Thompson pleading guilty.
8 Shortly after their arrest Mr. Thompson wrote a series of
9 letters to my client. Most of them from my point of view
10 were trying to manipulate her into fabricating a defense
11 for both her and Mr. Thompson. The only communication she
12 has had with respect to those letters to Mr. Thompson were
13 brief letters back to him basically stating to him I will
14 not lie about what happened I'm going to tell the truth.

15 When I was retained not retained but appointed to
16 handle this case I knew of these letters and Ms. Thompson
17 wanted me to turn all of them over to the prosecution in
18 preparation for their case. I did so with her permission
19 and the prosecutor's office has I believe all of the
20 letters that we were able to compile and that is part of
21 the evidence in this case. It's important to note that
22 shortly before Mr. Thompson pled that I believe the state
23 was moving to get a handwriting exemplar with respect to
24 some of those letters and it was shortly after the court
25 approved an order for a handwriting exemplar that he pled

1 guilty to the charges in this case.

2 Your Honor, what is difficult to reconcile is the
3 evil horrific act that occurred that night versus Yolanda
4 Thompson that everybody knows and loves in this community.
5 And, Your Honor, I will state for the record that I handed
6 up a mitigation packet to the court for your review
7 yesterday and I know the court has reviewed that
8 information. And I think that information in that packet
9 is complete with examples of what type of life this young
10 lady has lived up until the point of this horrific date.
11 For the record she has no criminal record at all, in fact
12 she has never been in trouble with the law. Every single
13 interview that we've conducted every single person that we
14 talked to indicated the same type of impression of Yolanda.
15 She has no propensity for violence there's nothing in her
16 past which would indicate that she was exhibiting any type
17 of antisocial behavior or that she was a disciplinary
18 problem at all at any point in her life.

19 As you are well aware, Your Honor, she at a very early
20 age was a diligent and outstanding student. The mitigation
21 package is complete with certification documents that
22 verify that not only was she an outstanding student in
23 classes but she had a perfect attendance not only in
24 elementary school but high school as well. She achieved
25 honor roll status many times throughout her academic

1 career. She was in the Who's Who in American high school
2 students in 2006 which you have to be in the top five
3 percent of academic achievement and excellence to be even
4 considered in that category for that honor. She was a life
5 scholar recipient and until this tragic event, Your Honor,
6 was a student at USC in Union where the mitigation package
7 includes her grades from her semester where she received a
8 3.8 grade average and was on the dean's list. It is
9 important to note that all of this was done while she also
10 worked a thirty-hour week job at Wal-Mart. She would get
11 up in the morning and go to school from seven to five and
12 then go home briefly and then go to work virtually every
13 weekend.

14 Your Honor, certain words and phrases pop up that
15 describe Yolanda throughout the mitigation package. People
16 describe her as not only intelligent but hard working,
17 loving, caring, quiet, reserved, thoughtful, and always
18 thinking of others. That's the Yolanda Thompson that they
19 know. I remember reading just last night Your Honor a
20 letter from I believe it was Velma Oliver and in that
21 letter she talks about when she and Yolanda were in
22 elementary school together. Ms. Oliver was the only white
23 student who would ride the bus and even though she was
24 familiar with the 50-50 split in the races in terms of the
25 classroom on the bus ride home to and from school they were

1 all African-American children and she was the only white
2 child. And in her letter she pointed out how that
3 experience was how she come to learn about Yolanda and her
4 kindness. She cited in her letter and I quote "but I do
5 remember that it was Yolanda that reached out to me. She
6 was always very kind and always had a very positive thing
7 to say and was always there to listen". So what you have
8 is an intelligent, hard-working, kind person throughout her
9 entire life.

10 But as you know, Your Honor, there is another side to
11 this particularly dealing with her background and history
12 which is a tragic side which I would submit deals with her
13 emotional development not her intellectual development.
14 And you have a copy of Ms. Bailey's mitigation expert's
15 report where she cites the horrific type of abuse that she
16 had to endure from a very early age. And I will state for
17 the record that to my knowledge the facts of that abuse
18 were revealed to Ms. Bailey that was the first time that
19 they were ever truly explored in a comprehensive fashion.
20 I note that in the mental health examination that was
21 conducted by Dr. Domino she briefly touches on that and
22 says that my client talks about a history of abuse but
23 elected not to reveal any details. So I think it is
24 important to note that after that fact is when Ms. Bailey
25 was able to discover when that abuse occurred, how that

1 abuse occurred and sadly to say she characterizes it and I
2 believe accurately as chronic traumatic sexual abuse, that
3 was inflicted upon her by a family member at a very early
4 age. Although she can't cite definitively what age it
5 occurred we know that through that report it occurred when
6 she did not have her front teeth because she was forced to
7 perform fellatio on this family member many many times.
8 And that it continued up until the age of puberty.

9 It is also sad to note that her father was absent for
10 much of her life due to his own personal problems, which I
11 believe Ms. Bailey also refers to in her report. And I
12 would submit that there are other factors dealing with her
13 faith that allowed or did not allow her the date young men
14 based upon her faith system her belief system. But I
15 believe, Your Honor, that what you have emerging is someone
16 with extraordinary intellectual capacity, strong work ethic
17 and then a very stunted or impaired emotional development
18 based upon the abuse that was inflicted upon her through
19 those many years. It is not an excuse, Your Honor, but it
20 is I would submit important to note that it was those
21 experiences that made it difficult for her to have a
22 healthy relationship with a man. The only relationship
23 that she ever had with a man was the one that she had with
24 Pernell. And as the history reflects he began pursuing her
25 at the age of when she was in the seventh grade. Her first

1 sexual experience was with him. And as a result of that
2 first sexual encounter she became pregnant when she was a
3 junior in high school. She had the child and even after
4 having the child she still was performing her studies and
5 doing her work at home. Teachers would come to her home
6 and assign her assignments and she would complete them and
7 she graduated on time with honors.

8 Your Honor, I know that you have read carefully all
9 of the letters in here but I would for the record like to
10 read just a couple because I think they are extremely
11 important that illustrate the point that I've made to the
12 court thus far. Melicia Rice writes:

13 "To Whom It May Concern, my name is Melicia Rice
14 and I have known Yolanda Murphy Thompson for many
15 years from childhood up until the present time. Ever
16 since I have known her she has been a quiet humble yet
17 kindred spirit. Yolanda is a very respectful and
18 caring person. She always lifts my spirit every time
19 I talk with her. If you didn't have something to say
20 she would always be interested in you. She has always
21 been a very intelligent person. Yolanda is an
22 overachiever she has set her goals high for life. She
23 maintained a 3.0 grade average in high school and she
24 has continued on this course at USC Union in the fall
25 of 2007. She kept the success going by making the

1 dean's list. She's a very responsible person as well.
2 She has always helped her mom in anything that needed
3 to be done at home and around the house. And when she
4 became a mother she took care of her child by herself.
5 She went out and got a part-time job so that she could
6 provide for her daughter all while getting a higher
7 education. If there ever was a time that you would
8 feel upset you could just think of Yolanda and her
9 encouraging strength and feel like you can succeed as
10 well. If she knew that you were upset or were feeling
11 down she would always try to get to the problem and
12 help you. Yolanda did not like to see anyone down and
13 upset at all. She would always try to brighten the
14 atmosphere; just her smile alone could be enough to
15 change a bad mood to a good mood. Yolanda loved
16 everyone and tried to make everybody happy the best
17 way she knew how."

18 The next letter, Your Honor, is from Ricky McCalls.

19 "My name is Ricky McCalls I live in Union and I
20 have lived here for 40 years. I was appointed by the
21 governor and commander-in-chief in 1999 as a South
22 Carolina State constable. I'm also an Amber Alert --
23 on the Amber Alert team as well and the Hurricane Team
24 to respond in a moments notice. I also have been an
25 employee at Wal-Mart as an asset protection

1 coordinator for the past 10 years. I'm writing this
2 letter on my own accord and free will and have nothing
3 to gain or lose by writing this. I'm writing this
4 letter on behalf of Yolanda. I have known Yolanda for
5 many years; she and my daughter went to Jonesville
6 High School together and became friends. I heard of
7 Yolanda many times by my daughter through the years as
8 well as getting to know her personally as she became
9 older and started to work at Wal-Mart in Union. She
10 has always been a very nice and very well mannered
11 young lady. I was very sorry to hear of the bad
12 decision she made. This wasn't the Yolanda I knew.
13 It wasn't the Yolanda that I have known for the last
14 seven to eight years as a sweet girl that was such a
15 pleasure to be around. I can only ask you in advance
16 for any help you may consider in the outcome of
17 Yolanda's case. She became a mother and a wife at a
18 very young age. I know her too well and have been
19 around her enough to know that she is not a bad
20 person. I love her dearly and only hope that she can
21 get a second chance some day at life. Sincerely,
22 Ricky McCalls."

23 The last letter, Your Honor, is from Thomas Simpson
24 who is a mathematics instructor at the University of South
25 Carolina in Union.

1 "To whom it may concern: Yolanda was a student
2 in my intensive basic college mathematics class during
3 the fall of 2007. She was a model student. She had
4 virtually perfect attendance. She never missed
5 handing in an assignment. She was always well
6 prepared for class. She always greeted me with a
7 smile and her carrying nature and a sense of humor
8 made her popular with her classmates. I thought so
9 highly of her that I agreed to be a reference for her
10 on a housing application. I can count on one hand the
11 times in my twenty years of teaching that I've agreed
12 to give such an important reference. I was truly
13 shocked to learn of her involvement in the pending
14 case. I still find it hard to believe that a woman
15 with Yolanda's heart could perpetrate such a crime.
16 We had spoken together several times about how much
17 she loved her child and the sacrifices she was making
18 for her family by going to school. I cannot fathom
19 Yolanda doing anything of her own volition that would
20 endanger her relationship with her child. I believe
21 in due process for every American citizen accused of a
22 crime. I also believe in the great potential that
23 Yolanda Thompson has as a student and as a mother."
24 Signed, Thomas Simpson.
25 Your Honor, I will note also in the mitigation packet

1 there were materials that have basically emphasized what
2 Yolanda has been doing since her incarceration. I met with
3 her down at the prison in Greenwood several times; I've
4 talked to her when she was up here. I can tell you that in
5 spite of all that's happened it is her sincere desire to
6 try to improve herself and to help others while she's
7 incarcerated. She has availed herself to every program
8 possible including programs dealing with writing, creative
9 writing, and trying to help others particularly young
10 people who get involved in illegal activity. The
11 mitigation package includes that particularly a letter or a
12 poem that she wrote with respect to her experiences as a
13 young child. Every time I talked to her it is her desire
14 it is her wish that that's what she will do for the rest of
15 her life is to try to help other people so that they don't
16 end up like her.

17 Your Honor, there are several people here today that
18 wish to address the court very briefly so I will call them
19 up one at a time. Your Honor, the first person is Levonne
20 Goode.

21 Ms. Goode, if you will just come forward.

22 MS. LEVONNE GOODE: Hi, Your Honor, my name is Levonne
23 Goode I am here on behalf of Yolanda. First of all, Your
24 Honor, my sympathy go out to the Jeter family. I am very
25 very sorry for what happened. It is a tragedy for what

1 happened. And, Your Honor, I have a daughter and if
2 someone were to take her life I would feel just like they
3 did, upset, furious, angry, mad. But, Your Honor, Yolanda
4 she's my niece. I know her when she was born all the way
5 up to today and I know her as the person she is. I ask
6 you, Your Honor, I beg you, Your Honor, please have mercy
7 on her. Thank you.

8 MR. DEST: Your Honor, the next speaker is Renee
9 Rotondo. I believe she put a letter in that packet and
10 she's a teacher from high school.

11 MS. RENEE ROTONDO: Your Honor, my name is Renee
12 Rotondo. I feel the indescribable pain and grief for the
13 Jeter family. I taught Yolanda in both the seventh and
14 eighth grades and she was always an above-average student
15 that she would care about a better education in high
16 school. In high school she helped start the JBL community
17 service club and the Beta club as well. She gave back to
18 the community generously. She planned and decorated for
19 the junior and senior prom when she was pregnant. I've
20 taught in most of her classes for four years in a row and
21 in the class of 2007 the last class to graduate from
22 Jonesville and we were very close. We know one another
23 extremely well. Yolanda was always genuine, respectable
24 and full of love. Of all the people that I have known in
25 my entire life not just students people have many diverse

1 backgrounds and regions and Yolanda was one of the most
2 trusted honest and forthright persons I know. She has
3 always had a unique quality and trust in those she loves
4 explicitly even to a fault. I in 2007 and since the day of
5 this crime I did everything that I could to help her and
6 her family. I will continue to for the rest of my life
7 because of the circumstances in her life that involved her
8 in this crime. I love her and will not let her down.
9 Please give her a chance to show the world who she really
10 is. Thank you.

11 THE COURT: Thank you.

12 MR. DEST: Your Honor, the next person would be Vickie
13 Trammell.

14 MS. VICKIE TRAMMELL: Your Honor, I am Vickie Trammell
15 and I live here in Union and I'm here to speak on Yolanda's
16 behalf. I have known Yolanda most all of her life. She
17 has always been a very shy, quiet loving child. She always
18 did attend Christian meetings with her mother and her
19 brother Ricky and have been there also to observe her
20 conduct in action. She was always willing to help when she
21 could and encourage others when she could. I would like to
22 state that Yolanda and I have studied the Bible together on
23 many occasions in bible study and then prayed together.
24 And we've also encouraged one another before and after this
25 tragedy. And Yolanda has used some of those scriptural

1 poems to help others who are incarcerated with her. The
2 reason I know this was because some have got out and
3 contacted some of us to share other truths. I don't know
4 why this is something that happened. But I know she must
5 have been under a great deal of stress because it is
6 unlikely that she would just do this terrible thing. I can
7 also reason on what the Bible says is that the heart is
8 treacherous who can know it according to Jeremiah. And I
9 know today that all of our hearts are hurting on account of
10 this. Not only the Jeter family too and we wish to tell
11 them we are so sorry that we are having this situation.
12 But we also know this, Your Honor, that God knows the whole
13 story he knows all sides of it. And so we have to leave it
14 in his care. Since then, Your Honor, I beg your mercy to
15 be shown to Yolanda and it all involved and I appreciate
16 your time.

17 MR. DEST: Your Honor, the next person is Pat Johnson.

18 MS. PATRICIA JOHNSON: Your Honor, my name is Patricia
19 May Johnson and my address is Court. I've known
20 the family for 40 years and I was a very good friend of
21 Yolanda's grandmother. I've seen Yolanda grown up and
22 she's always been a very very quiet young lady never
23 disrespectful. And when these things happened I was in
24 total shock. I just couldn't believe it. And then with my
25 friend Vicky Trammel I come from -- to the jail and we had

1 a Bible study there once or twice a week and she always
2 seemed very respectful. She seemed to really enjoy her
3 studies. I know that anything that happened she was very
4 repenting and sorry. And then we continue to write to one
5 another when she went to jail. And I have a troubled
6 granddaughter and she would write to my troubled
7 granddaughter and try to encourage her to keep on the right
8 track. And of course we were all shocked and so sorry
9 about the whole situation and I thank you very much, Judge.

10 THE COURT: Thank you.

11 MR. DEST: Your Honor, the next person is Teresa
12 Murphy who is Yolanda Thompson's mother.

13 MS. TERESA MURPHY: Your Honor, I am Teresa Murphy
14 Yolanda's mother. Today I want to apologize to the Jeter
15 family. I hate with all my heart and how I hate that
16 because my daughter got caught up in this but I hope they
17 will find it in their hearts to forgive my daughter. We've
18 had many talks together, she even told me mama I'm so
19 ashamed to the cause of this. She even said I'll do
20 anything to make things right, but God only knows how she
21 got caught up in here. All I can ask you to do is to show
22 mercy and show her mercy. And we just -- I hate what
23 happened I just want the Jeter's to forgive her please. I
24 am so sorry I'm so sorry and ashamed but whatever you do
25 show her mercy please.

1 MR. DEST: Your honor, the next person is Yolanda's
2 father.

3 Mr. Murphy, please state your name for the record.

4 MR. RICKY MURPHY: I'm Ricky Murphy Yolanda's father.
5 It's nice to meet you Your Honor. I would like to state to
6 Mr. Dest the great job he's doing about my daughter. The
7 first thing I want to say I wish I could have been a better
8 father maybe she wouldn't a been here. The other that they
9 -- not all of that. I was incarcerated at the time that I
10 found out. I learned a lot about the truth and life now.
11 Also I know deeply in my heart that Yolanda things are
12 going to come out good for her because she's a good person.
13 I feel so sad still knowing the Jeter family that they did
14 lose a daughter. I don't know the whole situation but I
15 know it's painful because it's painful for me you know to
16 have my daughter locked up. I wish it was me instead of
17 her. I wish they had never done that but we can't change
18 that now. But I pray that you and I hope that you please
19 forgive her for that because she has a beautiful daughter
20 at home with us. Like I say I learnt my lesson from my
21 being in prison and I'm hoping that you'll forgive her for
22 that. Like I said if I could turn the calendar back for
23 the Jeter's but you can't take it back now. I know she's
24 going to be punished by God as well as man can do but I
25 know she will be forgiven. Please have mercy on us if you

1 will and thank you so much.

2 THE COURT: Thank you, sir.

3 MR. DEST: Your Honor, I believe that is the last
4 person. The final remarks will be Yolanda's statement to
5 the court.

6 YOLANDA THOMPSON: Your Honor, I stand before you
7 today to accept the rest of my punishment for my
8 involvement of the death of the Jeter family's only
9 daughter.

10 I don't know what it's like to lose a child in death
11 but I do know what it's like to lose a daughter because of
12 my thoughtless actions that have affected so many people.
13 My actions have broken a lot of hearts and caused a flow of
14 many tears that I don't have the power to heal. The Jeter
15 family can't see their daughter but I can see mine when it
16 is convenient for my family. The Jeter family can no
17 longer communicate with their daughter but I can through
18 letters and phone calls with my daughter. Every time my
19 heart yearns and aches to be with my family and my daughter
20 I am constantly reminded that because of my part the Jeter
21 family no longer has that privilege. I don't know how to
22 miss my family without feeling guilty. I even feel out of
23 place and selfish when asking for your mercy.

24 I allowed a man to take advantage of me mentally and I
25 went against all that I believed and was raised not to do.

1 I know that he also had the same affect on Ms. Jeter. I
2 will not sit here and point the blame towards anyone. The
3 fact is I am an imperfect human being that inherited sin
4 through Adam and Eve. I still have the gift of freewill.
5 I allowed myself to be in a vulnerable situation that
6 escalated to something that I regret and am extremely sorry
7 for.

8 I sit in prison constantly thinking about what I could
9 say to bring the family comfort for their daughter.
10 Through my active study of the Bible I have learned that
11 there is hope for our loved ones who have died. Death is
12 the opposite of life but God has the ability to bring back
13 life and he promises to do so in John 5:28-29. I know
14 people die daily but to have a life taken from you in a
15 horrible way is a difficult way to take a loss. This one
16 tragic mistake has affected me for the rest of my life and
17 so many other people in our community. I grieve at the
18 slightest thing that reminds me of that night or when I
19 hear or watch someone who has lost someone in death. I
20 can't see this feeling ever going away but I don't want
21 anyone to have to experience this. I ask for God's
22 forgiveness and for the forgiveness of the Jeter family and
23 our entire community.

24 I have a passion for teaching and helping other people
25 but now that my desire to become a teacher is no longer in

1 my future I would like to be a mentor to others. I want to
2 help them to know that one night of disobedience to your
3 family your friends your religion and the law can cost them
4 their life. They need to know that this can happen.

5 Your Honor, I know that you have the responsibility of
6 making the decision of whether I have the chance at freedom
7 some day many years from now. I just want you to know that
8 I am not an awful person but I did do an awful thing and
9 for that I must be punished. I ask for your forgiveness
10 again and I ask for the forgiveness of the Jeter family and
11 for forgiveness from the entire community and from the
12 people that I have hurt through my actions.

13 Have mercy not for me but for my family and my child
14 who don't deserve this anymore than the Jeter family to be
15 put through this very painful process. Again I am truly
16 sorry for the pain that I have caused the Jeter family.

17 THE COURT: Thank you.

18 MR. DEST: Your Honor, as an officer of the court and
19 a member of this community I recognize what a difficult day
20 it is for some many people in this courtroom. Many
21 emotions certainly come to the surface. There is a
22 profound sense of sadness, there is despair to some who
23 have been affected and there is a profound sense of loss of
24 life that affects everybody in this room. Other emotions
25 also can be stirred up in the minds of many here. Emotions

1 like anger and hate and bitterness and understandingly so.
2 But I do know this, Your Honor, that anger and hate and
3 bitterness only breeds more anger and hate and bitterness
4 so much that it destroys people's life. And in times like
5 this I know all of us want so desperately for everyone to
6 have peace and try to move forward. And when we think
7 about times like this we draw on our own personal faith
8 system, we draw on our morals that have been instilled in
9 us by our parents and wisdom that has been imparted to us
10 by people in our lives. And I thought a great deal about
11 the amount of suffering that is in this courthouse today by
12 all that are affected. And I can't help but think of the
13 words the Greek poet Aeschylus that when he said our sleep
14 in our sleep pain which cannot forget falls drop by drop
15 upon the heart. And in our own despair against our will
16 comes wisdom and peace through the grace of God. It is my
17 sincere hope, Your Honor, that all who are affected by this
18 tragedy by this incident will have peace and wisdom through
19 the grace of God. This community needs to move forward.
20 Your Honor, the final decision in this case in this
21 matter is in your hands and I respect and appreciate the
22 magnitude of that decision. And I know that this court
23 will carefully and fairly look at all the facts. I would
24 just respectfully ask that in your final decision that you
25 temper your judgment with mercy, mercy for Yolanda

1 Thompson. Your Honor, it is your decision that will decide
2 whether or not she is salvageable, whether or not she can
3 someday many many years from now contribute to society. I
4 submit, Your Honor, that she can contribute to society.
5 But that would be at least at least thirty years from now
6 based upon the parameters of the plea agreement if not
7 more. And when I think about that, Your Honor, thirty
8 years, thirty years from now many of us in this courtroom
9 will not be alive. Thirty years from now many of her
10 family members would not be alive. In thirty years from
11 now the world will be a very very different place. I ask
12 that you give her the opportunity to proof that she can
13 contribute to society. There is and her life history has
14 demonstrated so much goodness in her, so much intellect in
15 her and the potential for good works, Your Honor. I
16 respectfully ask on her behalf that you give her the
17 opportunity to proof that thirty years from now. Thank
18 you.

19 THE COURT: Solicitor.

20 SOLICITOR BRACKETT: May it please the court, Your
21 Honor. First I would ask that what's been marked as
22 State's Exhibit Nine which is a photocopy of the report
23 from the Department of Mental Health that was issued by Mr.
24 Kenneth Keffler. This I believe at the plea hearing in
25 March we did a Blair Hearing pursuant to State versus

1 Franklin and I believe at the time the court made a ruling
2 that she was competent to proceed and then in her plea
3 however in the clerk's file I could not find that. I'm
4 sure that it was done I don't believe competency has ever
5 been an issue as far as Mr. Dest he is just concurred in
6 that. If we could though I would just ask that this be put
7 into the record so that in the event that it's needed at a
8 later time it will be there - - -

9 THE COURT: Yes, sir, it will be part of the record.

10 (WHEREUPON: STATE'S EXHIBIT NUMBER NINE, PREMARKED
11 AND IDENTIFIED, ENTERED INTO EVIDENCE.)

12 SOLICITOR BRACKETT: Yes, sir. Briefly, Your Honor, I
13 would like to revisit the facts because it has been some
14 time since we took the plea from Mr. Thompson. I know you
15 have heard the facts at least twice but I wanted to just
16 relay them to the court again to refresh in your mind
17 exactly what we are talking about here on what happened on
18 the last day of Marisha Jeter's life.

19 On January 3rd of 2008 she told her father that she
20 would be leaving to go to McDonald's that she would be
21 right back and that was the last time the family ever saw
22 her. The truth was that she had been contacted by the
23 Thompsons specifically Mr. Thompson, the husband of
24 Yolanda, and that she had been told to bring a jacket that
25 she had in her possession that belonged to Pernell to a

1 location in the back of the YMCA in the City of Union. We
2 have a photograph here State's Exhibit A which shows the
3 parking lot we're talking about. This is where in fact
4 Marisha Jeter did go and not to McDonalds and that is where
5 Marisha Jeter was set upon by Pernell Thompson and Yolanda
6 Thompson together acting in concert. They beat her down to
7 the ground and produced a knife which had been taken from
8 Ms. Thompson's mother's home and repeatedly stabbed her and
9 took her life. And they put her in the trunk of her car
10 they carried her off to the Broad River just outside of
11 Lockhart and carried her body down to the side of the river
12 stripped it naked and put her face down into the water
13 covered her with rocks and walked away from her. This is
14 not a minor crime; this is not your garden variety murder
15 if there is such a thing. This was a planned and
16 premeditated act on the part of Pernell Thompson and
17 Yolanda Thompson.

18 Initially when contacted because the law enforcement
19 was made aware of the relationship that existed between
20 Marisha Jeter and Pernell Thompson the Thompson's were
21 contacted and inquired about whether they knew where
22 Marisha Jeter was. And Yolanda and Pernell Thompson both
23 told law-enforcement independently they had no idea that
24 they had nothing to do with her disappearance and had no
25 idea where she was that they were together the day of her

1 disappearance and could not inform law enforcement as to
2 her whereabouts. When confronted with evidence obtained by
3 the side of the river Pernell Thompson ultimately confessed
4 to his part on the death of Marisha Jeter and when
5 confronted with the fact that her husband had cracked and
6 given a statement acknowledging his involvement she also
7 gave a statement. She gave a tape-recorded statement that
8 last over 30 minutes and I have provided a copy of that to
9 the court and I know you've have heard it.

10 The case proceeded ultimately Mr. Dest was appointed
11 to represent Yolanda Thompson and the State and the Defense
12 entered into negotiations and the plea agreement that is
13 before the court now. As part of that plea agreement the
14 State and the Defense agreed that she would cooperate and
15 the State would waive their right to seek -- my right to
16 seek the death penalty against Yolanda Thompson. And that
17 was the deal that was made but that she would plead guilty
18 to murder and that both sides would be free to be heard as
19 regard to sentencing. So Your Honor has a range of options
20 as far as sentencing and can certainly sentence up to life
21 in prison without parole and that is the extent of the
22 deal. I have more to say and I will say it in just a few
23 minutes but at this point I would like to pause because I
24 think it's appropriate that both parties involved in the
25 murder of Marisha Jeter have acknowledged their culpability

1 have acknowledged their part in her death now I think the
2 court needs to hear a little bit about what that did to the
3 Jeter family. There's nobody better to comment on that I
4 wouldn't even begin to try than the Jeter family
5 themselves.

6 First of all I would ask for Mr. Manning Jeter if you
7 would come forward if you would, sir. Go ahead and state
8 your full name for the court reporter.

9 MR. MANNING JETER. I am Manning Jeter.

10 I will attempt to speak on behalf of my family in
11 regards to the situation and our loss. The entire time --
12 I didn't really know what I was going to say before walking
13 in the courtroom but all I've heard since I've been in here
14 is how wonderful of a person we're dealing with. And how
15 much truth she's chosen to tell because of on this
16 situation and how she's chosen the handle it but the time
17 to tell the truth was that night and the time to have
18 compassion and help somebody was on that night. When your
19 greatest accomplishment in life are two things one being
20 perfect attendance in school and murdering somebody that's
21 a big difference. We have to live with this for the rest
22 of our lives. We don't get to put this away after twenty
23 years or after thirty years or after any number of years.
24 Until we are dead and gone we will live with this. My
25 mother is not here today because she can't stand -- because

1 doctors tell her she shouldn't be here today because of her
2 health, because of what this has done to her mind; what
3 this has done to her body. Her only daughter being gone
4 forever not to return after twenty years and be a member --
5 and be a productive member of society. That's not going to
6 happen she is gone. I get home everyday and I walk into my
7 mother's room and she's laying in the bed by herself and I
8 lay down beside her and I talk to her and I try to get her
9 to eat and I try to get her to get up and put clothes on.
10 She will not do it. They want to put her on
11 antidepressants because of this. So I don't want to hear
12 anything about how wonderful of a person this is we are
13 dealing with and how bad her mind is. There comes a time
14 when we're all grown people; we're all grown people here
15 and we have to take responsibility for what we've done.
16 Maybe somebody else will have compassion on her one day but
17 it won't be me. It can't be me.

18 A. My name is Lewis Jeter.

19 SOLICITOR BRACKETT: If you folks would come on down.

20 Your Honor, Manning Jeter is the father of Marisha
21 Jeter and Lewis Jeter is Manning's brother.

22 MR. LEWIS JETER: Your Honor.

23 THE COURT: Yes, sir.

24 MR. LEWIS JETER: I am Lewis Jeter, III.

25 THE COURT: Yes, sir.

1 MR. LEWIS JETER: And I just want to -- the last time
2 I was here I was quite emotional. It was the day before my
3 father's funeral. We've had several weeks to start to
4 adjust to that and that's still not something that I can
5 say it's gone it's not going to ever be. But I stand here
6 today and I have listened as my nephew listened to all the
7 accolades of Mrs. Thompson. One of the things I heard is
8 psychologically stunted impaired development. I heard her
9 attorneys say that. At what point if she's allowed to be
10 free would this change? Nothing that happened to her prior
11 to January 3, 2008 can be taken away. If those things were
12 factors in what she did on that evening they will remain
13 factors for the rest of her life. I heard it was read in
14 one statement that was not the Yolanda they knew. That
15 sounds like psychosis; you're more than one person. Today
16 you're this tomorrow your something else. If today she's
17 what she was prior to the act at what time was she put back
18 to that person who committed the act? Someone said hard to
19 believe she did this and we still can't accept it. We
20 know that it happened but to accept it is not something we
21 can ever do. Someone else said she was very responsible.
22 Was that a responsible act? Is she no less guilty of the
23 crime and she's no less guilty than her husband? I heard
24 her statement that they participated equally in what took
25 place. Her attorney said it's difficult to reconcile.

1 It's not difficult. It can't be reconciled. Unless her
2 attorney or someone else can blink their eyes or point
3 their finger and Marisha comes back it can't be reconciled.
4 There's nothing we can do. We talked about the discipline
5 in this situation. I think they were very disciplined.
6 They did what they wanted to do and then they lied about
7 it. There were others who covered it up and we haven't
8 gotten to that yet. A lifestyle; very intelligent.
9 Intelligent enough to stand here and give us all the right
10 story. Intelligent and loving. I heard that said. No one
11 doubts that I don't. Very intelligent person. And I'm
12 sure at some point loving to others but not to Marisha.
13 Not to my family. We've had to endure. T.J. said his
14 mother is not here today. She can't stand it. Blood
15 pressure out the roof threatening a heart attack. All of
16 this came about since January 3, 2008. Abuse? I submit
17 that Marisha was abused. With malice and forethought. I
18 haven't heard that used that term but I know what it means.
19 It was planned; it was conspiracy. Not only did they get
20 her to a point of murdering her threw her in a trunk of a
21 car carried her across the county line and dumped her body
22 and carried her car further into another county burned the
23 car. It wasn't just an act of compassion. It wasn't just
24 an act of range. Cold calculated and I don't think that's
25 changes one bit not at all. The attorney can't change it

1 with his words, she can't change it, no one else can change
2 it unless someone can convince me that they can bring
3 Marisha back then she deserves the same fate the same
4 punishment no less than her accomplishment. Thank you.

5 THE COURT: Thank you sir.

6 MR. MANNING JETER: Your Honor, I stand here now
7 speaking on behave of myself; speaking on behalf of my
8 baby. As you heard so eloquently spoken by the attorney,
9 by the defense attorney, he said that Yolanda has been
10 incarcerated for what was 669 days. Add three days to
11 that. That's how long my baby has been incarcerated. You
12 know he stand here along with the family members and I
13 didn't bring a great big entourage with me. They talk as
14 though Yolanda stole my daughters bicycle. Yolanda stole
15 my baby's life. Talk as though Yolanda would never hurt
16 anything or anybody. But she participated in a form of one
17 of the most gruesomeness crimes against a minor. They talk
18 about her being abused. But she wasn't stabbed thirty
19 three times and her throat was cut and then thrown into a
20 river. That's worse than abuse. She talks about love.

21 Yolanda, -

22 I am going to stand right here right now and tell you
23 right now, Your Honor, this woman don't know nothing about
24 love. They talk about self control and how smart she is
25 and the awards that she's got since she's been over there

1 at the correction institution. Let's talk about awards a
2 minute. Pre-teen South Carolina, pre-teen America, Miss
3 Union, Apollo Star Search, Governor's Writing Award, The
4 President's Writing Award, Beta Club. Do I need to go on?
5 We're talking about Marisha. But did none of her awards
6 help her. One of the main awards every year, every year at
7 the Bible challenge from the time she was six she won first
8 place, if not first place she won second place. Let's talk
9 about caring. This young lady came to my house on the 29th
10 of December on a Saturday night, her and Parnell Thompson,
11 knocked on the door. Marisha went to the door thinking it
12 was one of her brothers asleep at 2:30 in the morning and
13 just unlocks the door and they force their way in. I hear
14 the commotion I jumped out of my bed I runs through the
15 house. It wasn't Parnell that was doing all the calling.
16 It wasn't Parnell that was doing all the raging. It wasn't
17 Parnell that was doing all the threatening. It was
18 Yolanda. I stop everything in its track. I've talked to
19 Yolanda. I told Yolanda who she was I told Yolanda who her
20 grandparents were. I told Yolanda who was her great great
21 aunt was who happened to be my great grandmother. I talked
22 to her about her child. I told her I said Yolanda you need
23 to go home and take care of your child I'm going to take
24 care of mine. Yolanda didn't go take care of her child
25 that they are trying to pretend that she cares so much

1 about now. She began immediately to plot and plan to
2 figure out a way to murder my child and get away with it.
3 Once again I say a minor. Yolanda was not a minor.
4 Pernell was not a minor. My baby was the only minor in the
5 bunch. She stood up there at that moment and told Yolanda
6 I do not want him I told him to leave me alone don't call
7 me don't text me don't mess with me. I told both of them
8 to leave. Don't mess with my baby again. And I told them
9 both that was the only chance that I would ever give them
10 again.

11 I have tried to be the good person; I have tried to be
12 the godly person. The wrath that she's brought on herself
13 is nothing like the wrath that she's going to have to deal
14 with in prison. I know that you have the authority to say
15 whether she do thirty years or she do life. I know this.
16 And I beg Your Honor she deserves the same exact sentence
17 that her husband has. As a matter of fact they deserve the
18 have to look at each other every day of their life or for
19 the rest of their life in the same cage together. She
20 wants to come home so she can be with her family. My baby
21 wants to come home so she can be with her family. She
22 wants to go home so she can play with her little girl. I
23 want my little girl to come home so I can play with her.
24 And she stands here and fixate and try to make what
25 happened not be exactly what it is.

1 There is a problem here, Your Honor. There's a
2 problem there. The attorney stands here and he says oh she
3 can be productive and she can help others, she didn't mean
4 to do what she did. A person who loses their control they
5 might reach out and try to hit somebody. They beat my baby
6 down kicked her, stomped her, stabbed her thirty three
7 times, Your Honor. Thirty three times. This person don't
8 have any caring. The only thing that she's concerned with
9 right now is her well being because she's already
10 accomplished what she's wanted to accomplish. She wanted
11 my daughter dead she made sure that happened. She made
12 sure that happened. It would be one of most the biggest
13 sell out on justice that this country has ever seen that
14 this lady is ever going to be allowed to walk out of a jail
15 cell as a free person. And like my baby boy stood here and
16 said my wife's blood pressure just a couple of weeks ago
17 and it all occurred -- Kevin called me on Tuesday and told
18 me that we had to come here on the 6th. I waited all week
19 long until Friday I told my wife I said baby I need to talk
20 to you about something.

21 She said what is it?

22 I said we got to go back to court.

23 For what?

24 For Yolanda for sentencing. She said okay. She
25 started pacing. By the next morning my wife couldn't get

1 out of bed. I went out to the cemetery T.J. stayed home
2 with my wife. I cleaned off my daughter's grave like I do
3 every week and talked to her like I do every week but she
4 never talked too. She's never been able to speak back to
5 me because of Yolanda. I got home my wife her face was
6 swelling. We carried her to the emergency room. Her blood
7 pressure was two hundred and twenty-four over one forty-
8 six. They still haven't been able to get it back under
9 control.

10 Your Honor, please feel my pain. Please, sir, feel my
11 pain. The defense could have stood and talked about this
12 and made all this seem so oh it's just charming. It could
13 have been his daughter. If it had been his baby stolen
14 from him and I understand he has a job to do. I walked off
15 the job before because I felt like it was beneath me.
16 There comes a time when money is not everything. There
17 comes a time when people have to realize there is a God.
18 There is a God, there is a Savior and I want to say to you
19 Jesus Christ. And all the trickery all the eloquent words
20 all the pretty stuff the little letters that she wrote I
21 didn't come here today with some speech wrote out because I
22 didn't need one. I didn't need one. I'm no attorney. I
23 don't have Masters I don't have doctorates I'm just plain
24 ole Manning Jeter that loves his family and his family is
25 everything to him. But my baby was stole from me on

1 January 3rd and two people - three people - four people lied
2 to me for three days. Lied to me for three days and there
3 is nothing that I would have heard about my baby's car
4 being hit prior to it being burnt up. My baby didn't go as
5 a willing participant. And you ask Yolanda if she's so
6 truthful why didn't she never tell you that was the truth?
7 I saw the car I built the car with my own hands. It was no
8 big car but the car was wrecked prior to it being burnt.
9 But the other car that they had access to nobody never
10 turned it up. Where is it?

11 Your Honor, you have - they killed my baby they are
12 slowly killing my wife and in all honesty they deserve the
13 death penalty. But I'm willing to watch and see them
14 change and pray every day that God gives me the strength to
15 continue going and to be able to continue to take care of
16 the rest of my family and to help take care of my mother,
17 to help take care of my sisters, to help take care of my
18 sister's children, to help take care of my church family,
19 to help take care of the other children in Union County
20 that may need help. It would be wrong to let her go.
21 Please understand and feel my pain and what my family and
22 what my baby -- what my baby went through those last few
23 minutes of her life by a caring, loving and kind, innocent,
24 gentle demon. Thank you, sir.

25 THE COURT: Thank you, sir.

1 SOLICITOR BRACKETT: Your Honor, you've heard the tape
2 of her confession. You listened to what she had to say
3 about her involvement in this crime. This is not a
4 situation where we have the wheel man of an armed robbery
5 gone bad where someone gets killed. This isn't a situation
6 where we have somebody who was present aiding and abetting
7 but not an active participant in the crime. This is a
8 situation where they have an individual whose hands are
9 bloody. She was working side by side with Pernell to kill
10 Marisha Jeter. More than that though, Your Honor, the most
11 damning part of the tape, the most damning part of the
12 confession that the thing that justifies the desires of
13 this family to see her receive the same sentence as Pernell
14 is the fact that she told Pernell that he should help kill
15 her to prove his love for her. She fired the missile at
16 Marisha. She set into motion a chain of events that
17 resulted in Marisha's death. And she was an active
18 participant throughout the entire event. She's as culpable
19 as Pernell and she deserves no less of a punishment as
20 Pernell. And when you see I've got some photographs here
21 what have been marked as State's Exhibit One through Seven.
22 Exhibit Seven is a photograph of a parking lot where she
23 was killed showing a blood puddle. There is a photograph
24 of the car as Exhibit Six. State's Exhibit Five and Four
25 and Three and that's how they left her on the side of the

1 Broad River in Lockhart. State's Exhibit Two a photograph
2 from the autopsy showing the extent of the injuries. This
3 was a bloody and brutal murder, Your Honor. And finally
4 State's Exhibit One.

5 I want Your Honor to walk away from this and also
6 contemplate as you prepare to impose your sentence I want
7 you to remember Marisha Jeter in and that's who she was.
8 I've worked with a lot of families in my time as a
9 solicitor. I have dealt with grief that I can't even begin
10 to describe. But I can never in all my years seen a family
11 as torn apart as the Jeter family. I can't begin to
12 describe, Your Honor. I can tell Manning was afraid to sit
13 down because he was afraid to leave something unsaid that
14 might help them get the justice that they came here for
15 today. Yolanda Thompson told you that she sits in her jail
16 cell wondering what she can do to bring comfort to the
17 Jeter family. Well I am here to tell you what that is.
18 Sentence her to life in prison without parole. And that's
19 what will bring this family comfort. And not because of
20 vengeance not out of hatred but out of justice because the
21 court proceedings such as this isn't just an opportunity
22 for Yolanda Thompson to tell her side of the story. It's
23 an opportunity for people like the Jeter's good descent
24 people who just live their lives and do the very best they
25 could to raise a wonderful, beautiful, happy and healthy

1 baby girl. It's their opportunity to have their life put
2 back into balance. This is the only opportunity they will
3 have to have their life put back into balance. And they
4 are not responsible for the fact that it was thrown out of
5 balance she is. And they are not responsible for all the
6 tears on both sides of this courtroom. We are up to our
7 ankles in tears in here. And I feel for the family of
8 Yolanda Thompson. I have no doubt that they are grieving
9 today of course they are. The person who is responsible
10 for all the suffering and all these tears stands before you
11 right now and you have it in your hands to bring comfort
12 and justice to the Jeter family through the sentencing and
13 we would ask you on behalf of the Jeter family to impose
14 the sentence of life without parole.

15 THE COURT: Thank you, sir.

16 SOLICITOR BRACKETT: Thank you.

17 THE COURT: Let me say I commend the state and the
18 police on the way they handled this case in investigating
19 it and put it together. I've not seen one put together any
20 better than this. I congratulate the defense I
21 congratulate you on putting together the defense. I have
22 a notebook here with all the information provided which I
23 looked over last night in way of mitigation. The defense
24 put it together and there are a lot of mitigating factors
25 and good things about Ms. Thompson and the defense has put

1 all of that together and brought it to the attention of the
2 court. I've heard the statements by family members and
3 I've considered that as well. And I know that all of the
4 family and past teachers and people who have had
5 relationships with Ms. Thompson are hurt by all t his and
6 are concerned about her and I considered all of that. I
7 listened to all of what you said and I take that into
8 consideration. And I have gone over all the mitigation the
9 defense has put together and the eloquent defense put
10 together by Mr. Dest.

11 And to Mr. Jeter he was just doing his job and he does
12 it very well and he did a very good job in this case. And
13 I've also listened to the Jeter family on what you've had
14 to say and your concerns and kind of decide what to do in
15 this case. But my heart goes out to both sides of the
16 families. And my heart goes out to the Thompson family.
17 And the friends of Ms. Thompson I know you've gone through
18 a lot and have gone through a lot and I understand and I
19 take that into consideration. I also understand the Jeter
20 family and my condolences to you and your family and what
21 you've had to go through and will go through. And it's a
22 tragedy for everybody. I think we all realize that. I
23 just - some of the police officers I've over heard them say
24 this whole thing is a tragedy, a great tragedy and it is a
25 great tragedy for everybody. Having said that the court

1 has to do what it thinks is right and considering the
2 mitigation and also considering the factors in this case
3 this may be seen to be quite out of character for Ms.
4 Thompson but really this is a premeditated murder with
5 malice aforethought. It was a violent, brutal killing.
6 And it was a kidnapping. And it was premeditated and
7 carried out by two people each of them had the intent to
8 kill this person. Each of them carried it out. Ms.
9 Thompson may have even the instigating factor that brought
10 it all about and probably was. And so this is a brutal
11 killing and kidnapping and it was all premeditated and a
12 plan that was carried out.

13 And, Ms. Thompson, you participated in it just like
14 Mr. Thompson did and I really see no reason to treat you
15 any differently than Mr. Thompson. I do understand that
16 you gave the statement and you did give a statement to tell
17 what happened in that. And I understand that and I take
18 that into consideration too. But I feel in this case due
19 to the violent, brutal nature of your crime of murder that
20 the appropriate sentence in this case is life without
21 parole. On the murder case the State imposes - excuse me.
22 The Court imposes a sentence of life without parole in Case
23 Number 2009- -- excuse me, that is on the case 2008-44-198.
24 In Case 2009-GS-44-308 Yolanda Thompson having pled guilty
25 also to armed robbery sentence of the court is you are to

1 be committed to the State Department of Corrections for a
2 determinant term of thirty years; that sentence is
3 concurrent in Case No. 2009-GS-44-309 Yolanda Thompson
4 having pled guilty to kidnapping the sentence of the court
5 is you be committed to the State Department of Corrections
6 for a determinant term of thirty years that to run
7 concurrent in Case No. 2009-GS-44-310 Yolanda Thompson
8 having pled guilty to possession of a knife during the
9 commission of a violent crime sentence of the court is you
10 be committed to the State Department of Corrections for a
11 determinant term of five years that sentence is also
12 concurrent and you are given credit for time served on all
13 of these charges. Good luck to you, Ms. Thompson.

14 SOLICITOR BRACKETT: Thank you, Your Honor. If it
15 pleases the court may I ask the victim's family to vacate
16 the courtroom before the Jeter family?

17 THE COURT: Yes, sir. Everyone remain seated. The
18 victim's family will go out this door please.

19 All right we will take about a ten minute recess.

20 (WHEREUPON: STATE'S EXHIBIT NUMBERS ONE THROUGH NINE
21 ENTERED INTO EVIDENCE.)

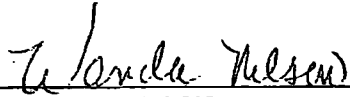
22 -- END OF TRANSCRIPT OF HEARING --
23
24
25

STATE OF SOUTH CAROLINA)
)
) C-E-R-T-I-F-I-C-A-T-E
)
 COUNTY OF YORK)

I, WANDA NELSON, OFFICIAL COURT REPORTER,
 CERTIFIED VERBATIM REPORTER AND NOTARY PUBLIC, DO HEREBY
 CERTIFY THE FOREGOING HEARING WAS HEARD AND TRANSCRIBED
 UNDER MY SUPERVISION AND THAT THE FOREGOING FORTY-FIVE (45)
 PAGES CONSTITUTE A VERBATIM TRANSCRIPTION OF THE PROCEEDING
 HEREIN.

I DO FUTHER CERTIFY THAT I AM NOT OF COUNSEL
 FOR OR IN THE EMPLOYMENT OF ANY OF THE PARTIES TO THIS
 ACTION, NOR DO I HAVE ANY INTEREST, FINANCIAL OR OTHERWISE,
 IN THE OUTCOME HEREOF.

IN WITNESS THEREOF, I HAVE HEREUNTO
 SUBSCRIBED MY NAME, THIS 10TH DAY OF MARCH, 2010.



 WANDA NELSON
 OFFICIAL COURT REPORTER
 CERTIFIED VERBATIM REPORTER
 AND NOTARY PUBLIC IN AND FOR
 THE STATE OF SOUTH CAROLINA.

MY COMMISSION EXPIRES:
 12/06/2010

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Union County

Lee S. Alford, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

YOLANDA THOMPSON,

APPELLANT

FINAL ANDERS BRIEF OF APPELLANT

ROBERT M. PACHAK
Appellate Defender

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Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether appellant's guilty plea complied with the mandates set forth in Boykin v.
Alabama?

STATEMENT OF THE CASE

Appellant pled guilty to murder, armed robbery, kidnapping, possession of a knife, and criminal conspiracy before the Honorable Lee S. Alford in Union County. She was sentenced to five (5) years imprisonment for criminal conspiracy on March 6, 2009. She was sentenced to life without parole for murder, to thirty (30) years for kidnapping and armed robbery, and to five (5) years for possession of a knife on November 6, 2009.

This appeal follows.

ARGUMENT

Appellant's guilty plea failed to comply with the mandates set forth in Boykin v. Alabama.

Due process of law requires that before a guilty plea can be entered voluntarily and intelligently, a defendant must be advised of his privilege against compulsory self-incrimination, the right to trial by jury, and the right to confront one's accusers. A valid waiver of these rights cannot be presumed from a silent record. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969). In State v. Armstrong, 263 S.C. 594, 211 S.E.2d 889 (1975), this Court held that the "essence" of Boykin, was to make the requirements of Rule 11 of the Federal Rules of Criminal Procedure applicable to the states. In State v. Patterson, 278 S.C. 319, 295 S.E.2d 264 (1982), this Court held that for there to be a valid waiver under the due process clause of the three constitutional rights listed in Boykin, the record must clearly establish it.

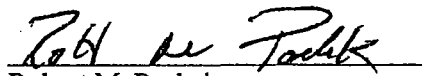
In Boykin, supra, the U.S. Supreme Court held that trial courts were mandated to use the utmost solicitude when canvassing a guilty plea to insure that the plea was given freely and voluntarily with a full knowledge of the circumstances surrounding the plea and the attendant waiver of right occurring with the guilty plea.

In this case the trial court failed to sufficiently explain the rights appellant was waiving.

CONCLUSION

Appellant's guilty plea should be vacated.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rob M. Pachak", is written over a horizontal line.

Robert M. Pachak
Appellate Defender

ATTORNEY FOR APPELLANT

This 17th day of August, 2010.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Union County
Lee S. Alford, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

YOLANDA THOMPSON,

APPELLANT

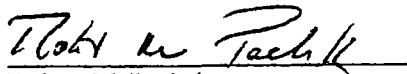
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Yolanda Thompson states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge Lee S. Alford, which was held on March 6, 2009, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, he asks the Court to relieve him as counsel for Yolanda Thompson.

Respectfully submitted,


Robert M. Pachak
Appellate Defender

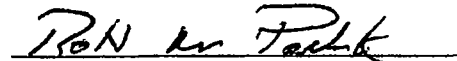
ATTORNEY FOR APPELLANT

This 17th day of August, 2010.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

August 17th, 2010


Robert M. Pachak
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Union County

Lee S. Alford, Circuit Court Judge

THE STATE,

RESPONDENT,

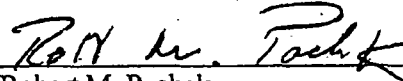
V.

YOLANDA THOMPSON,

APPELLANT

CERTIFICATE OF SERVICE

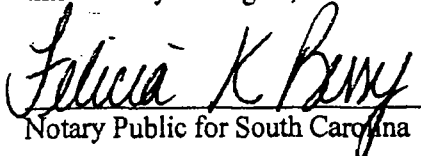
The undersigned attorney hereby certifies that a true copy of the Final Anders Brief of Appellant in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Final Anders Brief of Appellant and Record on Appeal has been served on Yolanda Thompson, #333520 at Leath Correctional Institution, 2809 Airport Road, Greenwood, SC 29649; this 17th day of August, 2010.



Robert M. Pachak
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 17th day of August, 2010.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: June 21, 2020

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Yolanda Thompson, Appellant.

Appeal From Union County
Lee S. Alford, Circuit Court Judge

Unpublished Opinion No. 2011-UP-306
Submitted June 1, 2011 – Filed June 17, 2011

APPEAL DISMISSED

Appellate Defender Robert M. Pachak, of Columbia, for
Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney
General John W. McIntosh, and Assistant Deputy
Attorney General Donald J. Zelenka, all of Columbia;
and Solicitor Kevin S. Brackett, of York, for
Respondent.

PER CURIAM: Yolanda Thompson appeals her convictions for armed robbery, kidnapping, possession of a knife during the commission of a violence crime, and criminal conspiracy, arguing (1) her guilty plea did not comply with the mandates set forth in Boykin v. Alabama, 395 U.S. 238 (1969); (2) the State failed to prove she acted with malice in committing her crimes; and (3) ineffective assistance of counsel. After a thorough review of the record and all briefs pursuant to Anders v. California, 386 U.S. 738 (1967), and State v. Williams, 305 S.C. 116, 406 S.E.2d 357 (1991), we dismiss the appeal and grant counsel's motion to be relieved.[1]

APPEAL DISMISSED.

SHORT, KONDUROS, and GEATHERS, JJ., concur.

[1] We decide this case without oral argument pursuant to Rule 215, SCACR.

FORM 5

2012 -CP-44-

232

STATE OF SOUTH CAROLINA)

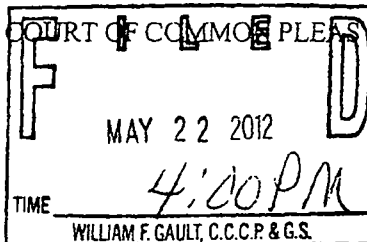
County of Union)Yolanda D. Thompson #333520)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS



APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Leath Correctional Institution 2809 Airport Road Greenwood, SC 29649
2. Name and location of Court which imposed sentence Union County Court of General Sessions
3. Name(s) of co-defendant(s) (if any) Pernell Clayton Thompson Jr.
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) See attachment
 - (b) See attachment

- (c) See attachment
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) See attachment
- (b) See attachment
- (c) See attachment
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty Yes
- (b) after a plea of not guilty No
- (c) after a plea of nolo contendere No
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. State of South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Appeal dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. June 17, 2011
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Counsel was granted the motion to be relieved.
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A

- (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective assistance of counsel
- (b) Breach of bargain
- (c) Prosecutorial misconduct
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See attachment
- (b) See attachment
- (c) See attachment
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? Yes
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. See attachment
- ii. See attachment
- iii. Ineffective assistance of counsel
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. State of South Carolina Court of Appeals
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

i. Motion denied

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. June 17, 2011

ii. _____

iii. _____

iv. _____

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

i. N/A

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?

Yes

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

(a) which grounds have been presented:

i. Ineffective assistance of counsel

ii. _____

iii. _____

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

i. Dismissed

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) N/A
 (b) _____
 (c) _____

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

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. Hattie E. Boyce 600 Union Street PO Box 3144
Spartanburg, SC 29304
 ii. Harry A. Dest... P.O. Box 691 York, SC 29745-0691
 iii. Robert M. Pachak (Appellate Defender) P.O. Box
11589, Columbia, SC 29211-1589
 (b) the proceedings at which each such attorney represented you:
 i. Circuit Court Of Union County
 ii. Circuit Court Of Union County
 iii. Appeal in the State of South Carolina Appellate
Court

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

A sentence reduction

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

No

STATE OF SOUTH CAROLINA)

County of Union)

VERIFICATION

I, Yolanda D. Thompson, 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.

Yolanda Thompson
Yolanda Thompson

SWORN to and subscribed before me this 23
day of April, 2012

Jan B. Winslow (L.S.)
Notary Public

My Commission Expires: 04/14-2015

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

I, Yolanda D. Thompson, 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.

Yolanda Thompson
Applicant
Yolanda Thompson

SWORN or affirmed to and subscribed before me this
23 day of April, 2012.

Janet W. Insley
Notary Public

My Commission Expires: 04-14-2015

STATE OF SOUTH CAROLINA
County of Union
Yolanda D. Thompson #333520
V.
State of South Carolina

The applicant hereby attaches answers to number 4(a-d), 5(a-d), 11(a-c), and 13(a)i.-ii. of her application for Post-Conviction Relief to state the following:

4. (a) 2009-GS-44-0198 (Murder)
(b) 2009-GS-44-0311 (Criminal conspiracy)
(c) 2009-GS-44-0308 (Armed robbery)
(d) 2009-GS-0310 (Possession of a knife during the commission of a violent crime)
5. (a) November 6, 2009, Life without parole
(b) March 6, 2009, 5 Years
(c) November 6, 2009, 30 years
(d) November 6, 2009, 5 years
11. (a) Applicant's previous attorney (Hattie Boyce) took on her case proving to be inept and deficient in representing in a capital case. Ms. Boyce conduct was objectively unreasonable under the circumstances of Strickland V. Washington 466 U.S. 668 (1984). The outcome of Ms. Boyces' counsel was difficult for newly retained state appointed attorney, Mr. Harry Dest, to correct. Which in result, Mr. Dest did not act in good faith.
(b) Applicants' guilty plea did not comply with the mandates set forth in Boykin v. Alabama, 395 U.S. 238 (1969)
(c) The state failed to prove applicant acted with malice in committing her crime.
13. (a) i. Guily plea did not comply with the mandate set forth in Boykin v. Alabama, 395 U.S. 238 (1969)
ii. State failed to prove applicant acted with malice in committing her crimes.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF UNION	)	SIXTEENTH JUDICIAL CIRCUIT
	)	
Yolanda D. Thompson, #333520,	)	2012-CP-44-0232
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed May 22, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Union County Clerk of Court. The Applicant was indicted at the March 2009 term of the Union County Grand Jury for Criminal Conspiracy (2009-GS-44-0311), Possession of a Knife During the Commission of a Violent Crime (2009-GS-44-0310), Armed Robbery (2009-GS-44-0308), and Murder (2009-GS-44-0198). Harry Dest, Esquire, represented her. On November 6, 2009, the Applicant pled guilty before the Honorable Lee S. Alford and was sentenced to thirty (30) years' imprisonment for Armed Robbery, five (5) years for Possession of a Knife During the Commission of a Violent Crime, five (5) years for Criminal Conspiracy, and life without parole for Murder.

A notice of appeal was filed and an appeal perfected pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed the Applicant's appeal.

State v. Thompson, Op. No. 11-UP-306 (S.C. Ct. App. filed June 17, 2011). The Remittitur was issued on July 6, 2011.

Attached herewith and incorporated herein are the records of the Union County Clerk of Court regarding the subject conviction(s) and the Applicant's records from the South Carolina Department of Corrections and the guilty plea transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In her current Application, the Applicant alleges that she is being held in custody unlawfully for the following reasons:

1. "Ineffective assistance of counsel"
2. "Breach of bargain [sic]"
3. "Prosecutorial misconduct"

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

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where 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 the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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

IV.

Applicant also alleges prosecutorial misconduct. Prosecutorial misconduct is not an issue for post conviction relief. Rather, this allegation is a direct appeal issues that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). The Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989).

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

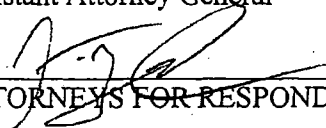
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

J. RUTLEDGE JOHNSON
Assistant Attorney General

By: 
~~ATTORNEYS FOR RESPONDENT~~

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Sept 26, 2012.

STATE OF SOUTH CAROLINA)

COUNTY OF UNION)

IN THE COURT OF COMMON PLEAS

2012-CP-44-0232

Yolanda D. Thompson, 333520,)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

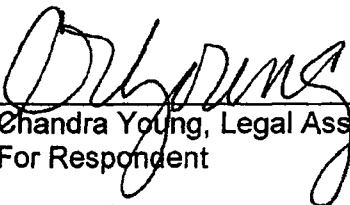
STATE OF SOUTH CAROLINA,)

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(s) by depositing same in the United States mail, postage prepaid:

Caroline M. Horlbeck
101 Whitsett Street
Greenville, SC 29601

DATED this 26TH day of September, 2012.


Chandra Young, Legal Assistant
For Respondent

State of South Carolina.,) In the General Sessions Court
) of York
)

) Case No.: 2012-CP-44-00232
)

County of York.)

Yolanda Thompson.,)

) Applicant.,)

) -v-)

) Transcript of Record
) PCR Hearing

State of South Carolina.,)

) Respondent.)

April, 15, 2013
 York, South Carolina

B E F O R E:

Honorable John C. Hayes, III, Judge.

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

Ms. Elizabeth Patterson Wiygul
 Lawrence W. Crane
 101 Whitsett Street
 Greenville, South Carolina 29601
 864-235-2900
 864-467-1916
Eli.wiygul@gmail.com
 For the Applicant

Mr. J. Rutledge Johnson
 Assistant Attorney General
 South Carolina Attorney General's Office
 Rembert C. Dennis Building
 Post Office Box 11549
 Columbia, South Carolina 29211-1549
 803-734-3970
 803-253-6283
 For the Respondent

Wanda Nelson, CVR-M
 Official Court Reporter
 Sixteenth Judicial Circuit
 To the Honorable John C. Hayes, III

I-N-D-E-X

E-X-A-M-I-N-A-T-I-O-N

WITNESS

BY:

PAGE NO.

Yolanda Thompson

Ms. Wiygul

P.5-9

P.12

Mr. Johnson

P.9-11

P.12-13

Mr. Harry Dest

Mr. Johnson

P.13-17

Mr. Wiygul

P.17-19

-3-

I-N-D-E-X - CON'TE-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
RES.1	Yolanda Thompson Plea		
	Affidavit		P.13

Reporter's Note: All Exhibits were filed with the Union
County Clerk of Court's Office.

1 (COURT IN SESSION IN THE MATTER OF YOLANDA THOMPSON
2 VERSUS STATE OF SOUTH CAROLINA ON WEDNESDAY, MAY 15, 2013
3 AT 10:21 A.M..)

4 THE COURT: Thank you. Take your seats. Good
5 morning.

6 THE COURT: Yes, sir.

7 MR. JOHNSON: May it please the Court, Your Honor.

8 This is the case of Yolanda Thompson versus State of
9 South Carolina. This is Case No. 2012-CP-44-0-2-3-2. Ms.
10 Thompson was indicted at the March 2009 term of the Union
11 County Grand Jury for criminal conspiracy; possession of a
12 knife during the commission of a violent crime; armed
13 robbery, kidnapping and murder. On March the 6th, 2009,
14 she pled guilty before the Honorable Lee S. Alford. Her
15 sentencing was deferred until November 6, 2009, before
16 Judge Alford. She was sentenced concurrently to life
17 without parole for murder. Thirty years for the armed
18 robbery; thirty years for the kidnapping, five years for
19 the conspiracy and five years for the possession charge.

20 She filed an appeal and an appeal was perfected on her
21 behalf pursuant to *Oners versus California*. South Carolina
22 Court of Appeals affirmed her conviction and sentence. A
23 remitter was thereafter issued on July 6, 2011. She filed
24 a timely PCR on May 22nd, 2012. The State filed it's
25 return on September 26, 2012. And she is represented here

YOLANDA THOMPSON: BY MS. WIYGUL

-5-

1 today by Ms. Elizabeth Wiygul.

2 THE COURT: Ms. Wiygul, what's the situation at this
3 point?

4 MS. WIYGUL: Your Honor, Ms. Thompson does wish to
5 proceed forward with the hearing.

6 THE COURT: Okay. Call your first witness.

7 MS. WIYGUL: Applicant would call Yolanda Thompson.

8 THE COURT: Okay. And briefly outline so I know to
9 listen for what --

10 MS. WIYGUL: Your Honor, we're narrowing down the
11 issues just a little bit. Ms. Thompson in her application
12 initially had alleged ineffective assistance prosecutorial
13 misconduct and some other things. We're narrowing that
14 down to ineffective assistance of counsel.

15 THE COURT: Okay. All right.

16 Be sworn please, ma'am.

17 (WHEREUPON: YOLANDA THOMPSON,
18 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

19 THE COURT: All right, you may proceed.

20 DIRECT EXAMINATION

21 YOLANDA THOMPSON BY MS. WIYGUL:

22 Q. Ms. Thompson, who represented you in initially on
23 these charges?

24 A. Ms. Hattie Boyce.

25 Q. And when was she - Was she hired to represent you?

YOLANDA THOMPSON: BY MS. WIYGUL

-6-

1 A. Yes, ma'am.

2 Q. And when she hired to represent you?

3 THE COURT: What's her name again?

4 MS. WIYGUL: Hattie Boyce.

5 THE COURT: Hattie Boyce. Okay.

6 A. She represented me at the beginning of the sentencing
7 charges.

8 Q. How long after the incident date was she retained? Do
9 you know?

10 A. Not the exact date.

11 Q. Okay. Was it within days or weeks?

12 A. Days.

13 Q. Okay. Was it before you gave a statement in this
14 case?

15 A. Not before I gave my initial statement.

16 Q. Okay. So at the time you gave your initial statement
17 you were not represented by counsel. Correct?

18 A. Right.

19 Q. Okay. At what point did Ms. Boyce stop representing
20 you?

21 A. After she spoke with the Solicitor first on the first
22 plea.

23 Q. About the first plea offer?

24 A. Yes, ma'am.

25 Q. Okay. And did she after that point was she - Did she

YOLANDA THOMPSON: BY MS. WIYGUL

-7-

1 withdraw from representing you?

2 A. She said she no longer knew how to proceed so she
3 withdrew.

4 Q. Okay. After that point who represented you?

5 A. Mr. Harry Dest.

6 Q. Okay. And do you recall about how many times Mr. Dest
7 met with you?

8 A. On several occasions.

9 Q. Okay. Do you feel like you had enough time to speak
10 with him about the case?

11 A. Yes, ma'am.

12 Q. Okay. Whenever Mr. Dest visited you did he always
13 come alone?

14 A. Not always.

15 Q. Who would come with him?

16 A. His investigator Barton O'Kelly.

17 Q. Okay. And during your discussions with Mr. Dest and
18 Mr. Kelly, what understanding did you have prior to
19 entering your guilty plea about what the agreement was?

20 A. I understood that the plea was open from thirty to
21 life and that I was very convinced that it wouldn't be the
22 maximum; it would be the minimum.

23 Q. Okay.

24 A. The thirty.

25 Q. And by the minimum, you mean that you thought you

1 would be getting a thirty year sentence?

2 A. Yes, ma'am.

3 Q. Okay. What caused you to have that belief?

4 A. They led me to believe that.

5 Q. Okay. And when you said that who are you referring
6 to?

7 A. Mr. O'Kelly and Mr. Dest.

8 Q. Okay. Can you tell us how they led you to believe
9 that you'd get thirty years?

10 A. During conversation they told me that they didn't
11 see the death - If I didn't take the plea, the open plea,
12 they see me going to court for the death penalty and that
13 it would be best in my interest if I take the plea which
14 they don't see me getting any more than thirty.

15 Q. Okay. Had you understood that there was ever
16 possibility that you could get life without parole, would
17 you have proceeded to trial?

18 A. Yes, ma'am.

19 Q. Okay. Would you have proceeded to trial with the
20 understanding that the State could have sought the death
21 penalty?

22 A. Yes, ma'am.

23 Q. Do you understand that if you win today, if the judge
24 grants your PCR action, that the State could still go back
25 and seek the death penalty against you?

YOLANDA THOMPSON: BY MS. WIYGUL
BY MR. JOHNSON

1 A. Yes, ma'am.

2 Q. Okay. Is there any other way in which you feel that
3 Mr. Dest was ineffective while representing you?

4 A. No, ma'am.

5 Q. Okay. So he reviewed the discovery with you?

6 A. Yes, ma'am.

7 Q. Okay. All right.

8 MS. WIYGUL: I have no further questions.

9 Please answer any questions Mr. Johnson may have.

10 CROSS EXAMINATION

11 YOLANDA THOMPSON BY MR. JOHNSON:

12 Q. Ms. Thompson, you pled freely and voluntarily to
13 these charges. Correct?

14 A. Yes, sir.

15 Q. Nobody forced you to plead?

16 A. Not forced me no, sir.

17 Q. Nobody promised you anything ---

18 A. No, sir.

19 Q. --- to get you to plead? Do you realize that if
20 you're successful here today you do - They can seek life -
21 I mean they can seek the death penalty in this case?

22 A. Yes, sir.

23 Q. But what you're saying is that Mr. Dest promised you
24 you would get thirty years in this case. Right?

25 A. He didn't say "I promise" but he made me believe that

YOLANDA THOMPSON: BY MR. JOHNSON

-10-

1 you won't get any more than thirty.

2 Q. But did he not explain that murder carries thirty
3 to life?

4 A. Yes, sir.

5 Q. And that he was going to argue to the plea judge that
6 he - that hopefully that you would get thirty years?

7 A. Yes, sir.

8 Q. But he never promised you that you would get thirty
9 years did he?

10 A. Yes, sir.

11 Q. No, he never promised you -

12 A. No.

13 Q. Now did you sign a plea affidavit before the guilty
14 plea?

15 A. Yes, sir.

16 Q. Plea agreement, excuse me.

17 May I approach, Your Honor?

18 THE COURT: Yes.

19 BY MR. JOHNSON:

20 Q. Ms. Thompson, does this look familiar?

21 A. Yes, sir.

22 Q. And is that your signature on the back page?

23 A. Yes, sir.

24 Q. And if you will read Paragraph Two for me.

25 A. "The Defendant will be sentenced on the criminal

YOLANDA THOMPSON: BY MR. JOHNSON

-11-

1 conspiracy charge on the day of her guilty plea but
2 sentencing on all other charges will be held in abeyance
3 until after the trial of her co-defendant Purnell Thompson.
4 At the conclusion of her co-defendant's case the defendant
5 shall be sentenced to a term not less than thirty years, no
6 more than life in prison. Both the State and the Defense
7 remain free to be heard concerning sentencing."

8 Q. Thank you.

9 MR. JOHNSON: Your Honor, at this time I move to enter
10 this as Defendant's One.

11 MS. WIYGUL: Without objection.

12 THE COURT: In without objection.

13 (WHEREUPON: RESPONDENT'S/DEFENDANT'S EXHIBIT NUMBER
14 ONE IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

15 MR. JOHNSON: I'm gonna get a copy of that; and then
16 I'll give you that one.

17 MADAME COURT REPORTER: Yes, sir.

18 MR. JOHNSON: Thank you.

19 Q. So what that paragraph says is that you can get
20 anywhere from thirty to life but Mr. Dest was free
21 to argue for the lesser, you know down to thirty years.
22 Correct?

23 A. Correct.

24 MR. JOHNSON: No further questions at this time,
25 Your Honor.

YOLANDA THOMPSON: BY MS. WIYGUL
BY MR. JOHNSON

-12-

1 THE COURT: Redirect?

2 MS. WIYGUL: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 YOLANDA THOMPSON BY MS. WIYGUL:

5 Q. Ms. Thompson, before these charges, had you had any
6 involvement with the criminal justice system?

7 A. No, ma'am.

8 Q. Had you ever been arrested for anything?

9 A. No, ma'am.

10 Q. Did you understand how the criminal justice worked?

11 A. No, ma'am.

12 Q. Okay.

13 MS. WIYGUL: I have no further questions.

14 Thank you.

15 THE COURT: Recross?

16 RECROSS EXAMINATION

17 YOLANDA THOMPSON BY MR. JOHNSON:

18 Q. You are guilty of these crimes are you not?

19 A. By law is they say so yes, sir.

20 Q. You pled guilty to these didn't you?

21 A. Yes, sir.

22 Q. And in fact you stated in your guilty plea that you
23 were in fact guilty of these charges.

24 A. Yes, sir.

25 Q. You committed this crime?

HARRY DEST: BY MR. JOHNSON

-13-

1 A. Yes, sir.

2 MR. JOHNSON: No further questions, Your Honor.

3 THE COURT: You can step down and have a seat with
4 your attorney.

5 (WITNESS LEAVING WITNESS STAND.)

6 THE COURT: Ms. Wiygul, you have another witness?

7 MS. WIYGUL: Your Honor, I do not.

8 THE COURT: Okay. The State.

9 MR. JOHNSON: We call Mr. Dest to the stand, Your
10 Honor.

11 (WHEREUPON: HARRY DEST,
12 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

13 DIRECT EXAMINATION

14 HARRY DEST BY MR. JOHNSON:

15 Q. Good morning, Mr. Dest.

16 A. Good morning.

17 Q. And as you've heard I guess you agree that you were
18 appointed to represent Ms. Thompson in this case.

19 A. That's correct.

20 Q. And that based on the facts of this case the State
21 could have sought the death penalty.

22 A. Yes that's correct. And just so we're clear as to
23 when I came into the case, as been testified to, the lawyer
24 that initially handled the case was Ms. Hattie Boyce. And
25 I think she represented Yolanda for about a six month

HARRY DEST: BY MR. JOHNSON

-14-

1 period of time. And during that period of time she was
2 interviewed by the police at least two or three times.

3 She also was submitted to a mental health evaluation
4 at the Department of Corrections where she admitted to the
5 offenses in terms of all the charges and also the fact that
6 the - she was not provided counsel or she did not have an
7 attorney with her at that time even though her counsel did
8 move that she be evaluated by the state hospital.

9 So when I came into the case it was clear to me that
10 there was overwhelming evidence of her guilt. Not just in
11 the marandized statements that she made to the police in
12 January but also to subsequent interviews that were
13 conducted by the police that were audio taped. So there
14 was an audio taped confession as well as a marandized
15 written statement confessing to the crime.

16 In my preliminary discussions with the prosecutor it
17 was clear that they were certainly on the path to seek the
18 death penalty against Ms. Thompson and her husband. And it
19 was my belief that the only way to save her life and
20 possibly have a chance of a sentence of less than life was
21 to work out a plea agreement whereby she could demonstrate
22 her willingness to cooperate with police in the prosecution
23 of her husband Purnell Thompson. So the Court Exhibit that
24 you just handed up reflects that.

25 And what we were trying to do was not only did she

HARRY DEST: BY MR. JOHNSON

-15-

1 work with law enforcement and the solicitor's office, but
2 she also subjected herself to a polygraph examination to
3 demonstrate that she was telling the truth.

4 And it was my belief that had they gone forward with
5 the trial that another side of Yolanda would have come out.
6 And as reflected in the mitigation that I presented this
7 case was puzzling in so many ways because it was a horrific
8 murder of a young woman sixteen years old. And we have
9 Yolanda Thompson who was nineteen at the time who had no
10 prior criminal record, who basically was a very good
11 student, we had many many people who wrote letters and came
12 and spoke on her behalf regarding her character and how
13 this was so afar from the person that they know.

14 And so it was my belief that if we could - If we had
15 gone to trial, and she would have testified, and a
16 combination of that coupled with her mitigation, that we
17 would have had probably a better chance a minimum sentence
18 of thirty years.

19 It was always my goal to try to get her a sentence of
20 thirty years, and as you know, Counsel, that's thirty years
21 day to day and that was the only result that I could have
22 seen as possible in this case. And so we pursued that by
23 entering a plea agreement with the prosecution; again,
24 working with law enforcement trying to show the more human
25 side of her. You know the mitigation it's quite tragic in

HARRY DEST: BY MR. JOHNSON

-16-

1 that we have two people's who's lives were totally
2 destroyed by this. The victim of course and Yolanda's as
3 well.

4 But Yolanda had, like I said, done so much with her
5 life and there is so much potential as well as the victim
6 in this case. But the crime itself was horrific and her
7 part in it based on the theory of party liability it's
8 clear to me and there was no way that we could have refuted
9 that based upon her statements; based upon what we know the
10 truth is in this case.

11 Q. At any point during your representation did you ever
12 allude that she would only get thirty years or ever promise
13 her that she would only get thirty years?

14 A. No, sir. My objective which is clearly indicated in
15 my plea at the sentencing hearing was for a sentence of
16 thirty years. I told her that that's what I would argue to
17 the judge. I told her that's what I believe would be the
18 best possible result in the situation but I never ever
19 promised her that she would get thirty years.

20 And of course the plea agreement reflects that and we
21 went over that obviously before she signed it. And I made
22 it clear to her that it's totally within the power of the
23 judge what type of sentence she would receive anywhere from
24 minimum sentence thirty years up to life in prison. And
25 again, I still think it was the right decision because

HARRY DEST: BY MR. JOHNSON
BY MS. WIYGUL

-17-

1 certainly we would not want to subject her to a potential
2 death penalty. It clearly was a death penalty case. There
3 were a number of aggravating factors in this case that the
4 jury could have considered.

5 Q. And you did in fact argue on her behalf for the bottom
6 end of that sentencing range?

7 A. Yeah. Yes, sir. And also it's important to point out
8 that had we gone to trial, and the State was seeking the
9 death penalty, then it would have changed the dynamics of
10 the sentencing range there because at a death penalty trial
11 there are only two results. Well if one is found guilty
12 it's either death penalty or life in prison. So at least
13 with this option we had a possibility of something less
14 than life without parole.

15 But I must say it was a very difficult case for
16 everyone involved as you can imagine. It was extremely
17 emotional and it's extremely sad.

18 MR. JOHNSON: No further questions, Your Honor.

19 CROSS EXAMINATION

20 HARRY DEST BY MS. WIYGUL:

21 Q. Mr Dest, in your meetings with Yolanda did you
22 sometimes take an investigator with you?

23 A. Yes, ma'am.

24 Q. Okay. And in representing Yolanda were you aware
25 that she had no prior involvement with the justice system?

HARRY DEST: BY MS. WIYGUL

-18-

1 A. I was aware of that yes, ma'am.

2 Q. In meeting with her, did you feel like she always
3 understood everything you were saying? Or did you have to
4 explain it more than once?

5 A. One of the - I think she understood everything I was
6 saying. She was one of the brightest, smartest client's
7 I've ever represented. Her school history indicates that
8 she was a student at USC Union at the time; she was an
9 Honor Roll student. She was an Honor Roll student in high
10 school; in Middle School, elementary school. She was
11 extremely intelligent and extremely bright.

12 Although she didn't have any familiarity with the
13 criminal justice system she clearly had the capacity to
14 understand those concepts when I spoke to her about it.

15 Q. At any point did you put in writing in any type of
16 letter or anything you will definitely get thirty but there
17 is every chance you could get life without parole?

18 A. No.

19 Q. Okay.

20 A. Now the plea agreement clearly states sentence range
21 in minimum of thirty up to life.

22 Q. Correct. You stated that thirty years was always your
23 goal and always your objective.. Correct?

24 A. Yes.

25 Q. And you told Yolanda that thirty years was your goal

HARRY DEST: BY MS. WIYGUL

-19-

1 and objective. Correct?

2 A. Yes.

3 Q. Okay. During your direct you stated that had the
4 State gone to trial, another side of Yolanda would have
5 come out. When you make that statement, were you referring
6 to the State taking her co-defendant to trial during which
7 she could testify?

8 A. Yes.

9 Q. Okay. Mr. Dest, at any point did you meet with
10 Yolanda's family to explain the potential sentencing range?

11 A. Yes, ma'am.

12 Q. Okay. And that was prior to the sentencing?

13 A. Yes, ma'am.

14 MS. WIYGUL: I have no further questions.

15 Thank you, sir.

16 MR. JOHNSON: No further questions, Your Honor.

17 THE COURT: You can step down.

18 MR. JOHNSON: The State has no further witnesses.

19 THE COURT: Anything further?

20 MS. WIYGUL: Your Honor, we would just ask that the
21 Court take into consideration Ms. Thompson's lack of
22 involvement with the criminal justice system and the fact
23 that she heard repeatedly that the objective and the goal
24 was to argue for thirty years.

25 THE COURT: I'm gonna take it under advisement.

1 MS. WIYGUL: Thank you.

2 MR. JOHNSON: Thank you..

3 (APPLICANT, YOLANDA THOMPSON, LEAVING COURTROOM.)

4 - END OF TRANSCRIPT OF RECORD. -

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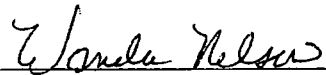
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CERTIFICATE OF REPORTER

State of South Carolina)
)
County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 15th day of May, 2013.

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



Wanda Nelson, CVR-M
Certified Verbatim Reporter,
Official Court Reporter,
Notary Public, in and for
The State of South Carolina.

My Commission Expires: 1/21/2021

DATE: / /2013

STATE OF SOUTH CAROLINA
COUNTY OF UNION

Yolanda D. Thompson, #333520,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

C.A. No.: 2012-CP-44-0232

ORDER

WILLIAM F. GAULT
CLERK OF COURT
UNION, SC

2013 MAY 23 PM 2 14

FILED FOR RECORD

This case came before the undersigned in open court on May 15, 2013. Applicant was represented by Elizabeth Wiygul, Esq., the State by J. Rutledge Johnson, Esq.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Union County clerk of Court. The Applicant was indicted at the March 2009 term of the Union County Grand Jury for Criminal Conspiracy (2009-GS-44-0311), Possession of a Knife During the Commission of a Violent Crime (2009-GS-44-0310), Armed Robbery (2009-GS-44-0308), and Murder (2009-GS-44-0198). Harry Dest, Esquire, represented her. On November 6, 2009, the Applicant pled guilty before the Honorable Lee S. Alford and was sentenced to thirty (30) years imprisonment for Armed Robbery, five (5) years for Possession of a Knife During the Commission of a Violent Crime, five (5) years for Criminal Conspiracy, and life without parole for Murder.

A Notice of Appeal was filed and an appeal perfected pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed the Applicant's appeal. State v. Thompson, Op. No. 11-UP-306 (S.C. Ct. App. Filed June 17, 2011). The Remittitur was issued on July 6, 2011.

In her current Application, the Applicant alleges that she is being held in custody unlawfully for the following reasons.

1. "Ineffective assistance of counsel"
2. "Breach of bargain [sic]"
3. "Prosecutorial misconduct"

At her hearing, Applicant only presented evidence relating to her claim of ineffective assistance of counsel.

In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where 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 the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding

CH 2

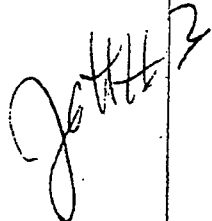
would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S. Ct. 366, 88 LEd.2d 203 (1985).

Applicant testified that she understood under her plea bargain she could receive a sentence of a minimum of thirty years imprisonment to life imprisonment. She did not testify that trial counsel, or anyone, else promised her she would receive a sentence of thirty years. She testified that trial counsel, Harry Dest, Esq., and his investigator, Barton O'Kelly, "led her to believe" she would receive a thirty year sentence.

Applicant testified she understood she could receive a life sentence and that if she went to trial she could be facing the death penalty. She testified she would have gone to trial if she knew she could, in her plea, get life, but the totality of her testimony and the record indicates otherwise. Applicant testified she did enter her plea of guilt freely and voluntarily with no promise of a thirty year sentence. She testified she was led to believe she would get thirty years by trial counsel.

Applicant acknowledged she signed a plea agreement which reflects a possible sentence range of thirty years to life.

Trial counsel, Harry Dest, testified there the evidence of Applicant's guilty of commission of the crimes to which she pled was overwhelming. He testified that his objective was to save Applicant from a possible sentence of death and that the only way to accomplish this was by way of a deal for Applicant to cooperate with the State in the prosecution of her co-defendant and her entering her plea.



Trial counsel testified he never promised Applicant she would receive a thirty year sentence and that if Applicant went to trial the presence of many aggravating circumstances would result at best in a sentence of life. Trial counsel testified he felt Applicant's plea was her best approach.

Trial counsel testified that Applicant was one of the brightest and smartest clients he has had and that she had the capacity to understand and seemed to understand the concepts inherent in the judicial system.

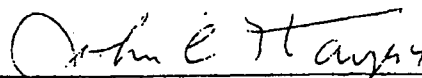
Applicant has failed to carry her burden of proof and has not established ineffective assistance of trial counsel. Trial counsel's conduct did not undermine the proper functioning of the adversarial process. Trial counsel provided representation well within the range of competence required in criminal cases and exercised reasonable professional judgment in his representation of Applicant. This being the case, the prejudice prong of Cherry, supra is not implicated.

Applicant's application for Post-Conviction Relief is denied and dismissed with prejudice.

This Court hereby advises Applicant that he must file and serve a Petition for Writ of Certiorari within thirty (30) days of the service of this Order to secure appellate review. See Rule 203 and 243, South Carolina Appellate Court Rules (SCACR). The Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the Petition.

CH/4

IT IS SO ORDERED.



John C. Hayes, II
Presiding Judge

HT

May 16, 2013
York, South Carolina

WITNESSES
UPSD

BUCKET NO. 2008-GS-44-0198

The State of South Carolina
County of Union

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

Defendant

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

MARCH 31, TERM 2008

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

K279480

THE STATE

VS.

YOLANDA DEE THOMPSON

Yolanda Dee Thompson
Defendant
Witness: *S. Kelly Morris*
C.C.C. P.I.S. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

For Foreperson of Grand Jury *Adrian D*
Date: MAR 27 2008

VERDICT

Indictment for

MURDER

TRUE BILL

For Foreperson of Petit Jury

Date:

SC Code: 16-3-10
CDR Code: 0116

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

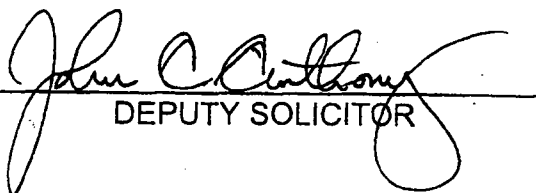
INDICTMENT

At a Court of General Sessions, convened on March 27, 2008, the Grand Jurors of Union County present upon their oath:

MURDER

That Yolanda Dee Thompson, acting together with Pernell Clayton Thompson, Jr., did in Union County, South Carolina on or about January 03, 2008, with malice aforethought, kill and murder Marisha Jeter by stabbing and cutting her with a knife and the victim died as a proximate result thereof, in violation of Section 16-3-10, Code of Laws of South Carolina (1976, as amended).

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


DEPUTY SOLICITOR

SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

 COUNTY OF Union
 STATE VS.
Yolanda Dee Thompson

 AKA: _____
 Race: B Sex: F Age: _____
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip Jonesville SC 29353
 DL# _____ SID# _____

 INDICTMENT/CASE#:
2008-GS-44-0198
A/W#: **K-279480**Date of Offense: 01/03/2008S.C. Code §: 16-03-010CDR Code #: 0 / 1 / 1 / 6

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Murderin violation of § 16-310 of the S.C. Code of Laws, bearing CDR Code # 2116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

 WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of LIFE w/o parole days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and
 assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department
 of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§50-21-114(BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

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

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

S. R. Bailey, Jr.
Clerk of Court/Deputy Clerk

Court Reporter: _____

PRESIDING JUDGE

Judge Code: _____

Sentence Date: 2/16/08

WITNESSES

WUPSD

DOCKET NO. 2009-GS-44-0308

The State of South Carolina

County of Union

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

Defendant

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

MARCH 02, TERM 2009

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

Direct Indictment - RE: K279480

THE STATE

vs.

YOLANDA DEE THOMPSON

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

For *[Signature]* Foreperson of Grand Jury

FEB 26 2009

VERDICT

Indictment for

ARMED ROBBERY

SC Code: 16-11-0330

CDR Code: 0139

Foreperson of Petit Jury

Date:

122

STATE OF SOUTH CAROLINA)
)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on February 26, 2009, the Grand Jurors of Union County present upon their oath:

ARMED ROBBERY

That Yolanda Dee Thompson did, in Union County, South Carolina on or about January 03, 2008, while armed with a deadly weapon, or while alleging, either by action or words, she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, act together with Pernell Thompson to feloniously take from the person or presence of Marisha Jeter by means of force or intimidation, goods or monies described as follows: one (1) 1994 Toyota Celica, with the intent to deprive the owner permanently of such property, in violation of Section 16-11-330, Code of Laws of South Carolina (1976, as amended).

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


DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Union
STATE VS.**Yolanda Dee Thompson**AKA: _____
Race: B Sex: F Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: Jonesville SC 29353
DL# _____ SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2009-GS-44-0308AW#: **DI-RE: K-279480**Date of Offense: 01/03/2008S.C. Code §: 16-11-0330CDR Code #: 0 / 1 / 3 / 9

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Armed Robberyin 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 (CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
SolicitorYolanda Thompson
DefendantHarvey Jett
Attorney for Defendant SC Bar # _____WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years and/or payment of \$____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____

\$14-1-206 (Assessments 107.5%) _____

\$14-1-211(A)(1) (Conv. Surcharge) \$100 _____

\$14-1-211(A)(2) (DUI Surcharge) \$100 _____

\$56-5-2995 (DUI Assessment) \$12 _____

\$35.13 (Public Def/Prob) \$500 _____

\$73.3, 1B TP (Law Enforce. Funding) \$25 _____

\$33.7, 1B TP (Drug Court Surcharge) \$100 _____

\$50-21-114(BUI Breath Test Fee) \$50 _____

\$56-5-2942(J) (Vehicle Assessment) \$40/ea _____

3% to County (if paid in installments) _____

\$90.11TP (SCCJA Surcharge) \$5 _____

TOTAL _____

PTUP _____

days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

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

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: _____

Sentence Date: 11/6/2009Court Reporter: Walt

Clerk of Court/Deputy Clerk

125

WITNESSES

Henderson/UPSD

DUCKETT NO. 2009-GS-44-0310
Direct Indictment

The State of South Carolina

County of Union

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

Defendant

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

MARCH 02, TERM 2009

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER
Direct Indictment - RE: K279480

THE STATE

VS.

ACTION OF GRAND JURY

YOLANDA DEE THOMPSON

Yolanda Dee Thompson
Defendant

Witness: *S. R. Miller*
C.C.C. PLS AND G.S.

TRUE BILL

son of Grand Jury

FEB 26 2009

VERDICT

Indictment for

POSSESSION OF A KNIFE
DURING THE COMMISSION
OF A VIOLENT CRIME

Foreperson of Petit Jury
Date:

SC Code: 16-23-490
CDR Code: 0549

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on February 26, 2009, the Grand Jurors of Union County present upon their oath:

POSSESSION OF A KNIFE DURING COMMISSION OF A VIOLENT CRIME

That Yolanda Dee Thompson did, in Union County, South Carolina, on or about January 03, 2008, acting together with Pernell Thompson, visibly display a knife during the commission of a violent crime, to wit: Kidnapping, Armed Robbery, or Murder, in violation of Section 16-23-490, Code of Laws of South Carolina (1976, as amended).

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


DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Union
STATE VS.

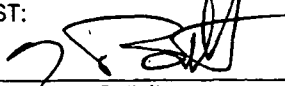
INDICTMENT/CASE#:

Yolanda Dee Thompson**2009-GS- 44- 0310**AKA:
Race: B Sex: F Age: _____
DOB: _____ SS#: _____A/W#: DI - RE: K-279480Date of Offense: 01/03/2008S.C. Code §: 16-23-0490CDR Code #: 0 / 5 / 4 / 9Address:
City, State, Zip Jonesville SC 29353
DL# _____ SID# _____

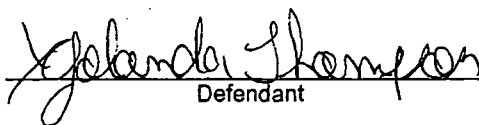
SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Assault with a Dangerous Weaponin violation of § 16-23-440 of the S.C. Code of Laws, bearing CDR Code # 0545☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

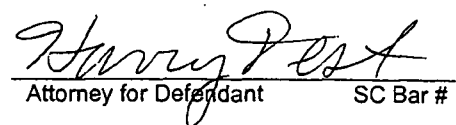
ATTEST:



Solicitor



Defendant



Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ set by SCDPPPS

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

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

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

\$50-21-114(BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

\$90.11TP (SCCJA Surcharge)

TOTAL

\$100

\$100

\$12

\$500

\$25

\$100

\$50

\$40/ea

\$

\$5

\$

Clerk of Court/ Deputy Clerk

Court Reporter:

PRESIDING JUDGE

Judge Code:

Sentence Date:

WITNESSES

UPSD

DOCKET NO. 2009-00044-0011
Direct Indictment

The State of South Carolina

County of Union

I, being duly sworn, depose and say that I hereby waive presentment to the Grand Jury.

Defendant

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

MARCH 02, TERM 2009

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

Direct Indictment - RE: K279480

THE STATE

VS.

YOLANDA DEE THOMPSON

Defendant

Witness: *B. M. Lewis*
C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

For *[Signature]* son of Grand Jury
Date: FEB 16 2009

VERDICT

Indictment for
CRIMINAL CONSPIRACY

Foreperson of Petit Jury

Date:

SC Code: 16-17-410
CDR Code: 049

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

INDICTMENT

At a Court of General Sessions, convened on February 26, 2009, the Grand Jurors of Union County present upon their oath:

CRIMINAL CONSPIRACY

That Yolanda Dee Thompson did, in Union County, South Carolina, on or about January 03, 2008, wilfully and unlawfully unite, combine, conspire, confederate, agree and have tacit understanding with Pernell Thompson for the purpose of committing the crimes of Kidnapping, Armed Robbery, or Murder, in violation of Section 16-17-410, Code of Laws of South Carolina (1976, as amended).

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


DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Union
STATE VS.**Yolanda Dee Thompson**AKA: _____
Race: B Sex: F Age: _____
DOB: 1 SS#: _____
Address: _____
City, State, Zip: Jonesville SC 29353
DL# _____ SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2009GS- 44 0311A/W#: **DI - RE: K-279480**Date of Offense: 01/03/2008S.C. Code §: 16-17-0410CDR Code #: 0 / 0 / 4 / 9

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Criminal Conspiracy
in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and
assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department
of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:	\$	
\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$35.13 (Public Def/Prob)	\$500	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25.00
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ 3.75
\$90.11TP (SCCJA Surcharge)	\$5	\$
TOTAL		\$ 128.75

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

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

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

Court Reporter: _____

Clerk of Court/Deputy Clerk

PRESIDING JUDGE

Judge Code: _____

Sentence Date: 3/6/2009