

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Greenville County

Honorable B. Alex Hyman, Circuit Court Judge

DAVID R. DOZIER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000014

APPENDIX

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STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2016-GS-23-02036

2016-GS-23-02037

2016-GS-23-02038

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

DAVID ROHAN DOZIER,)
 DEFENDANT.)

ORIGINAL

July 17, 2017

Greenville, South Carolina

B E F O R E:

THE HONORABLE J. DERHAM COLE, JUDGE.

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

JENNIFER A.R. TESSITORE, ESQ.
 Assistant Solicitor

LAUREN M. TAYLOR, ESQ.
 Attorney for the Defendant

HOLLIE M. JENKINS
 Circuit Court Reporter

I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits introduced.)

P R O C E E D I N G S

THE CLERK: Your Honor, this is 2016-GS-23-2036,
David Rohan Dozier, indicted for assault and battery first
degree, pleading to the same. And it is a true bill.

2016-GS-23-2037, indicted for kidnapping, pleading to
the same. And it is a true bill.

2016-GS-23-2038, indicted for armed robbery and
possession of a weapon during the commission of a violent
crime, pleading to armed robbery and possession of a
weapon during a violent crime. And it is a true bill.

Will you raise your right hand?

WHEREUPON,

DAVID ROHAN DOZIER,
after first having been duly sworn, testified as follows:

THE CLERK: Thank you.

THE COURT: All right. You are David Rohan Dozier?

DEFENDANT DOZIER: Yes, sir.

THE COURT: Is this microphone on at all?

(Pause.)

THE COURT: Who's your lawyer?

DEFENDANT DOZIER: Lauren Taylor.

THE COURT: And how long has Ms. Taylor been
representing you on these charges?

DEFENDANT DOZIER: Since 2016, last year.

THE COURT: Sir?

1 DEFENDANT DOZIER: Since 2016, last year.

2 THE COURT: Okay. And what month?

3 DEFENDANT DOZIER: January until now.

4 THE COURT: All right. And since that time, have you
5 had plenty of time and the opportunity to talk to her
6 about the nature of these charges, as well as your
7 apparent decision to plead guilty to them?

8 DEFENDANT DOZIER: Yes, sir. I've talked to her.

9 THE COURT: Sir?

10 DEFENDANT DOZIER: Yes, sir. I've talked to her.

11 THE COURT: Well, I said have you had plenty of time
12 to discuss with her these charges and your decision to
13 plead guilty?

14 DEFENDANT DOZIER: I guess, sir.

15 THE COURT: Has she been over each of these
16 indictments with you and explained to you what the State
17 claims you did?

18 DEFENDANT DOZIER: Yes, sir.

19 THE COURT: All right. Indictment 2016-2038 charges
20 you with armed robbery and possession of a weapon during
21 the commission of a violent crime. The State alleges in
22 this indictment that on January the 18th of 2016, while
23 armed with a deadly weapon or while alleging either by
24 actions or words that you were armed while using a
25 representation of a deadly weapon or any object which a

1 person present during the commission of the robbery would
2 reasonably believe to be a deadly weapon, you did take,
3 steal, and carry away by the use of force or intimidation
4 goods or monies described as currency from the person or
5 presence of Willem Meuldijk, an employee of the Millennium
6 Gas. That's an allegation of armed robbery.

7 If convicted of armed robbery or if you plead guilty
8 to armed robbery, you could receive a sentence of 30 years
9 in jail. It requires a mandatory minimum sentence of not
10 less than 10 years in jail.

11 Do you understand that charge and the potential
12 sentence?

13 DEFENDANT DOZIER: Yes, sir.

14 THE COURT: Count two of that indictment charges you
15 with possession of a weapon during the commission of a
16 violent crime. And that count alleges that you did on
17 January the 18th of 2016, possess or visibly display a
18 handgun during the commission or attempted commission of a
19 violent crime. That crime being the armed robbery that's
20 alleged in count one.

21 Possession of a weapon during the commission of a
22 violent crime carries an additional potential sentence of
23 five years in jail. And the statute provides that service
24 of the five-year sentence is mandatory, unless a longer
25 mandatory term of imprisonment is provided for the violent

1 crime. And that sentence may be concurrent or
2 consecutively imposed.

3 Do you know what concurrent and consecutively --
4 excuse me, do you know what concurrent and consecutive
5 sentencing is?

6 DEFENDANT DOZIER: Yes, sir.

7 THE COURT: Ms. Taylor has discussed that with you?

8 DEFENDANT DOZIER: Well, no, sir, but I do know what
9 it --

10 THE COURT: You know what it is. What does it mean?
11 What does concurrent sentencing mean?

12 DEFENDANT DOZIER: Well, consecutive means that it
13 would be run after I did -- say, I had 10 years and I did
14 10 years. I'd have to do it after --

15 THE COURT: That's right. You've got to do one
16 sentence after another until it's all done.

17 DEFENDANT DOZIER: Yes, sir.

18 THE COURT: And concurrent means?

19 DEFENDANT DOZIER: It would run at the same time.

20 THE COURT: They all run at the same time.

21 Okay. Do you understand the charge in count two,
22 possessing a weapon during the commission of a violent
23 crime?

24 DEFENDANT DOZIER: Sir?

25 THE COURT: I said, do you understand the charge

1 that's set forth in count two?

2 DEFENDANT DOZIER: Oh, yes, sir.

3 THE COURT: And you understand the potential
4 sentence?

5 DEFENDANT DOZIER: Yes, sir.

6 THE COURT: Indictment 2016-2037 charges you with
7 kidnapping. The State alleges on January the 18th of
8 2016, you did unlawfully seize, abduct, confine, inveigle,
9 decoy, or carry away Willem Meuldijk, an employee of
10 Millennium Gas, without authority of law. Kidnapping
11 carries a potential sentence of 30 years in jail.

12 Do you understand that charge and the potential
13 sentence?

14 DEFENDANT DOZIER: Yes, sir.

15 THE COURT: And the remaining indictment is
16 indictment 2016-2036. It charges you with assault and
17 battery first degree. The State alleges that on January
18 the 18th of 2016, you did offer or attempt to injure
19 Willem Meuldijk, an employee of Millennium Gas, with the
20 present ability to commit the act, and that the act was
21 accomplished by means likely to produce death or great
22 bodily injury and/or the act occurred during the
23 commission of a robbery, a burglary, a kidnapping, or a
24 theft. Assault and battery in the first degree carries a
25 potential sentence of up to 10 years in jail.

1 Do you understand that charge and the potential
2 punishment?

3 DEFENDANT DOZIER: Yes, sir.

4 THE COURT: Now, understanding each of these charges,
5 as you told me you do, and understanding the potential
6 punishments that might be imposed if I accept your pleas
7 of guilty, do you wish to enter a plea of not guilty or
8 guilty to each of these separate charges?

9 DEFENDANT DOZIER: I plead guilty.

10 THE COURT: All right. In order for me to accept
11 your plea of guilty, I've got a number of questions to ask
12 you. And the purpose of the questions is for me to
13 determine whether or not your decision to plead guilty is
14 freely and voluntarily made, that you understand the
15 consequences of that decision, and that nobody has forced
16 you, threatened you, coerced you, or pressured you into
17 pleading guilty. In other words, it's a decision that
18 you've made of your own free will and accord.

19 Now, before I can ask you those questions, you've got
20 to give up your right to remain silent. Because any time
21 that you're charged with a crime, you have an absolute
22 right to remain silent. Nobody can require that you
23 testify. No one can require that you make any statement.
24 No one can require that you answer any questions,
25 including the questions I'm asking you right now. You

1 only have to answer my questions if you want to plead
2 guilty to these charges. Otherwise, you have a right to
3 remain silent.

4 Do you understand that you have an absolute right to
5 remain silent?

6 DEFENDANT DOZIER: Yes, sir.

7 THE COURT: And has Ms. Taylor explained that right
8 to you?

9 DEFENDANT DOZIER: Yes, sir.

10 THE COURT: And do you understand it?

11 DEFENDANT DOZIER: Yes, sir.

12 THE COURT: Do you wish to give it up in order to
13 plead guilty?

14 DEFENDANT DOZIER: Yes, sir.

15 THE COURT: Did you and Ms. Taylor discuss the
16 allegations made against you in each of these separate
17 indictments?

18 DEFENDANT DOZIER: Yes, sir.

19 THE COURT: And did you tell her everything you know
20 about the allegations made against you?

21 DEFENDANT DOZIER: Yes, sir.

22 THE COURT: Did you and she discuss whether or not
23 you have some defense to any one or more of the charges to
24 which you're now offering to plead guilty?

25 DEFENDANT DOZIER: Yes, sir.

1 THE COURT: Do you know of any defense that you have?

2 DEFENDANT DOZIER: No, sir.

3 THE COURT: Do you understand that if you do have a
4 defense -- when you have a defense that when you plead
5 guilty, you give up your right to assert that defense?

6 DEFENDANT DOZIER: Yes, sir.

7 THE COURT: Ms. Taylor has explained that to you?

8 DEFENDANT DOZIER: Yes, sir.

9 THE COURT: Do you, also, understand that you have a
10 right to confront and to examine any witness in court that
11 would provide evidence against you? In other words,
12 you've got a right to require the State to prove you're
13 guilty in court to the satisfaction of the jury beyond a
14 reasonable doubt. And they do that by calling witnesses
15 and introducing evidence.

16 And so you'd be able to see each of those witnesses.
17 You'd be able to hear what they have to say. And your
18 lawyer would be able to cross-examine each of those
19 witnesses on their testimony in order to attest each of
20 those witnesses credibility and the reliability of the
21 information that they're providing to the Court.

22 Now, do you understand when you plead guilty, that
23 process does not take place?

24 DEFENDANT DOZIER: Yes, sir.

25 THE COURT: Do you understand your right to confront

1 and to examine each of the witnesses in court?

2 DEFENDANT DOZIER: Yes, sir.

3 THE COURT: Do you wish to give that right up in
4 order to plead guilty?

5 DEFENDANT DOZIER: Yes, sir.

6 THE COURT: Did Ms. Taylor, also, explain to you that
7 you have a right to have a jury trial and to have 12
8 jurors determine whether or not you're guilty?

9 DEFENDANT DOZIER: Yes, sir.

10 THE COURT: Do you understand that if you have a jury
11 trial, the burden is on the State to prove your guilt to
12 the satisfaction of each of those jurors beyond a
13 reasonable doubt?

14 DEFENDANT DOZIER: Yes, sir.

15 THE COURT: And do you, also, understand that you
16 could have a jury trial and still not take the witness
17 stand and testify or answer any questions? The burden is
18 on the State to prove that you're guilty. The burden is
19 not upon you to prove that you're innocent. So you can
20 have a jury trial and remain silent. But you'd have an
21 opportunity to present evidence, if you wish to do so.

22 Did Ms. Taylor go over the jury right with you?

23 DEFENDANT DOZIER: Yes, sir.

24 THE COURT: And do you wish to have a jury trial?

25 DEFENDANT DOZIER: No, sir.

1 THE COURT: Do you wish to give that right up in
2 order to plead guilty?

3 DEFENDANT DOZIER: Yes, sir.

4 THE COURT: Anybody promised you anything to cause
5 you to make that decision?

6 DEFENDANT DOZIER: No, sir.

7 THE COURT: Did anyone agree to make any
8 recommendation on your behalf as to the punishment?

9 DEFENDANT DOZIER: No, sir.

10 THE COURT: And nobody has threatened you?

11 DEFENDANT DOZIER: No, sir.

12 THE COURT: Forced you?

13 DEFENDANT DOZIER: No, sir.

14 THE COURT: Or coerced you into pleading guilty?

15 DEFENDANT DOZIER: No, sir.

16 THE COURT: You're pleading guilty freely and
17 voluntarily?

18 DEFENDANT DOZIER: Yes, sir.

19 THE COURT: It was your decision?

20 DEFENDANT DOZIER: Yes, sir.

21 THE COURT: And are you satisfied with that decision?

22 DEFENDANT DOZIER: Yes, sir.

23 THE COURT: These -- all of these cases have been to
24 the Grand Jury?

25 MS. TESSITORE: Yes, sir.

1 THE COURT: Well, I noticed he's initialled the form
2 saying that he waives presentment. Why -- why would he
3 initial that form?

4 MS. TAYLOR: I just, typically, have them do it to
5 prevent having to go back if, in fact, it wasn't. So he
6 just did it as a precaution measure, I think, before it
7 was presented at that point.

8 THE COURT: Okay. You're 20 years old?

9 DEFENDANT DOZIER: Yes, sir.

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

11 DEFENDANT DOZIER: To the eleventh grade.

12 THE COURT: Why did you quit?

13 DEFENDANT DOZIER: I went to satellite school. And I
14 ended up going to the Sullivan Center to get my GED. And
15 that's when I did what I did. And I haven't finished. I
16 wasn't never able to go back and get my GED.

17 THE COURT: Okay. Have you ever been married?

18 DEFENDANT DOZIER: No, sir.

19 THE COURT: Do you have any children?

20 DEFENDANT DOZIER: I, actually, have one on the way.

21 THE COURT: On the way to where?

22 DEFENDANT DOZIER: Sir?

23 THE COURT: On the way to where?

24 DEFENDANT DOZIER: I -- I have a child coming in
25 September.

1 THE COURT: Oh, you have a child due. But you're not
2 married?

3 DEFENDANT DOZIER: No, sir.

4 THE COURT: And do you live with the mother of this
5 child?

6 DEFENDANT DOZIER: No, sir.

7 THE COURT: And who's taking care of her during her
8 pregnancy?

9 DEFENDANT DOZIER: Actually, she's a grown woman.

10 THE COURT: She's what?

11 DEFENDANT DOZIER: She's grown.

12 THE COURT: She's grown?

13 DEFENDANT DOZIER: Yeah. She lives by herself.

14 THE COURT: Okay. How old is she?

15 DEFENDANT DOZIER: 35, I believe.

16 THE COURT: Okay. Have you ever had a job?

17 DEFENDANT DOZIER: Yes, sir.

18 THE COURT: Doing what?

19 DEFENDANT DOZIER: I've worked at Zaxby's. I've
20 worked at Waffle House, Burger King, and Jersey Mike's.

21 THE COURT: And have you ever been treated for any
22 type of mental illness or emotional disturbance?

23 DEFENDANT DOZIER: I used to have -- I used to take
24 Adderall for ADHD, if that's what you would call it.

25 THE COURT: What about now? Do you take Adderall

1 now?

2 DEFENDANT DOZIER: I'm supposed to, but I don't.

3 THE COURT: And why don't you?

4 DEFENDANT DOZIER: I just haven't been to mental
5 health to go through and get my medications.

6 THE COURT: Okay. Well, I haven't noticed that
7 there's any problem with your ability to understand what
8 we're doing right now. Does the fact that you haven't
9 been taking your Adderall have any affect upon you and
10 your ability to function and understand what you're doing
11 on a day-to-day basis?

12 DEFENDANT DOZIER: No, sir.

13 THE COURT: And do you understand fully what you're
14 doing right now?

15 DEFENDANT DOZIER: Yes, sir.

16 THE COURT: Have you ever been treated for any type
17 of substance abuse or addiction?

18 DEFENDANT DOZIER: Yes, sir. I've been to the
19 Phoenix Center.

20 THE COURT: And how long ago?

21 DEFENDANT DOZIER: The last time I was at the Phoenix
22 Center was, I believe, three years ago.

23 THE COURT: And how many times have you been?

24 DEFENDANT DOZIER: Five.

25 THE COURT: You've been there five times?

1 DEFENDANT DOZIER: Yes, sir, four or five.

2 THE COURT: Is that a 30-day program?

3 DEFENDANT DOZIER: No. It's really like probably a
4 two-month program.

5 THE COURT: A 60-day program?

6 DEFENDANT DOZIER: Yes, sir.

7 THE COURT: Did you successfully complete it each
8 time you went?

9 DEFENDANT DOZIER: Three times I did.

10 THE COURT: But you relapsed?

11 DEFENDANT DOZIER: Yes, sir.

12 THE COURT: And what kind of drugs were you abusing?

13 DEFENDANT DOZIER: I was doing marijuana, meth, and
14 heroin.

15 THE COURT: And when was the last time you went to
16 the Phoenix Center?

17 DEFENDANT DOZIER: About three years ago.

18 THE COURT: And are you clean now?

19 DEFENDANT DOZIER: Yes, sir.

20 THE COURT: You don't suffer from any effects from
21 addiction?

22 DEFENDANT DOZIER: Not any more.

23 THE COURT: Okay. How long have you been in jail?

24 DEFENDANT DOZIER: Five months now.

25 THE COURT: Five months?

1 DEFENDANT DOZIER: Yes, sir.

2 THE COURT: And have you been in jail since you
3 were -- well, you got out of jail on bond?

4 DEFENDANT DOZIER: Yes, sir.

5 THE COURT: Okay. And how long were you out on bond?

6 DEFENDANT DOZIER: Six months.

7 THE COURT: And why are you back in jail?

8 DEFENDANT DOZIER: Because I violated my bond.

9 THE COURT: And how did you violate your bond?

10 DEFENDANT DOZIER: I cut my house arrest bracelet
11 off.

12 THE COURT: You cut off the monitoring bracelet?

13 DEFENDANT DOZIER: Yes, sir.

14 THE COURT: Why did you do that?

15 DEFENDANT DOZIER: Well, honestly, I was -- I was
16 doing good for the first six months. And then -- I was
17 not getting drug tested.

18 So I started back using. And I started squandering
19 my money on -- on things, such as drugs, and stuff. So I
20 didn't have the money to pay for it. So I cut my bracelet
21 off.

22 THE COURT: So you didn't have any money to pay for
23 the bracelet, so you cut it off?

24 DEFENDANT DOZIER: Yes, sir. I was afraid of going
25 back to jail.

1 THE COURT: Well, what'd you think was going to
2 happen if you cut the bracelet off? Did you think you
3 wouldn't come back to jail?

4 DEFENDANT DOZIER: I figured I would.

5 THE COURT: That's probably the fastest ticket to
6 jail, isn't it?

7 DEFENDANT DOZIER: Yes, sir.

8 THE COURT: How long did it take them to find you?

9 DEFENDANT DOZIER: About two months.

10 THE COURT: Two months?

11 DEFENDANT DOZIER: Yes, sir.

12 THE COURT: What'd you do during those two months?

13 DEFENDANT DOZIER: Drugs.

14 THE COURT: Where had you been living before you went
15 to jail?

16 DEFENDANT DOZIER: I was just -- I was in and out of
17 hotel rooms.

18 THE COURT: Okay. What about your parents? Have you
19 got parents living?

20 DEFENDANT DOZIER: My mother, she's in Florida right
21 now. And --

22 THE COURT: In Florida?

23 DEFENDANT DOZIER: Yes, sir. She's at City Rescue
24 Mission. It's a rehab center.

25 THE COURT: Yeah. I've heard about those Florida

1 rehab centers.

2 What about your father?

3 DEFENDANT DOZIER: Honestly, I do not know where he's
4 at.

5 THE COURT: All right. Listen to what the Solicitor
6 tells me about the facts that relate to each of these
7 charges. And then I'll ask you some additional
8 questions.

9 MS. TESSITORE: May it please the Court.

10 On January 18th of 2016, at approximately 6:00 in the
11 morning, this Defendant and a co-defendant entered the
12 Millennium Gas Station store on Laurens Road in Greenville
13 County with bandanas as masks, latex gloves on their
14 hands, and hoodies turned inside out and hoods on.

15 This Defendant then pushed a gun into the clerk's
16 chest. The co-defendant took cash drawers from under the
17 counter and put them in a dark backpack. And this
18 Defendant then came around the counter, grabbed the
19 victim, struck him in the head with a gun, broke his
20 glasses, forced him down onto the floor, and continued to
21 hit him.

22 Both were -- both the Defendant and co-defendant were
23 grabbing as many cigarette packs as they could stuff into
24 the bag and told the clerk to open the register or they
25 would shoot him as he pointed -- as this Defendant pointed

1 the gun into the victim's back. The victim opened the
2 register under duress. This Defendant grabbed the whole
3 cash drawer. And they took off with approximately a
4 thousand dollars, and multiple packs of cigarettes, and
5 the victim's cell phone.

6 They drove off in a vehicle, which was registered to
7 this Defendant's grandmother, but struck a dairy truck
8 shortly after they fled the scene, and then jumped out and
9 fled on foot. The truck driver -- the dairy truck driver
10 was able to give information to the officers as far as
11 their direction of travel.

12 But based on the fact that they were, also, in
13 possession of the victim's cell phone, detectives were
14 able to use the Google Maps application to be able to
15 track the location of that cell phone. This Defendant had
16 used the cell phone at one point. And they were able to
17 get that number and locate that number as this Defendant's
18 mother. He was calling his mother for a ride.

19 The detective then called the victim's phone after
20 they had located this Defendant and the co-defendant at
21 the Waffle House on Laurens Road just up the -- the street
22 from where the crime had occurred -- the crimes had
23 occurred. When the -- let me back up.

24 In the -- in the gas station store, there was video
25 surveillance of the -- the whole crime. And, you know,

1 this -- as I said, this Defendant could be seen holding
2 the gun the entire time. And as the victim would testify
3 at trial, he was the one giving him the orders, and
4 telling him what to do, and placing the gun at his back
5 and then in his face as he fled the scene there.

6 When they got to the Waffle House, there was, also,
7 video there that picked up just probably about 30 minutes
8 after the commission of these crimes. They were in the
9 Waffle House. They turned their clothing inside out, back
10 into the -- where it had the labels and distinctive
11 markings. And this Defendant turned his -- his pants
12 inside out with some distinctive marijuana leaves on those
13 pants.

14 The waitress there was able to determine that they
15 appeared to be hiding things and acting suspicious. They
16 went into the bathroom at separate times and, basically,
17 stashed the backpack with the cash, with the cigarettes,
18 with the Defendant's ID, and this Defendant's wallet.
19 Everything was in a trash bag in the bathroom.

20 And when the detective called the victim's cell phone
21 as he walked into the Waffle House, he saw this Defendant
22 exiting the bathroom where they stashed the items, the
23 evidence. And the phone rang in his hand as he handed it
24 to the co-defendant, who was seated at the booth. They
25 were both at that point, also, on video captured there,

1 arrested, and taken into custody.

2 This Defendant had the bandana, the mask, the latex
3 gloves in his hood. The latex glove -- another pair of
4 latex gloves and cash drawers were found in the wood line
5 nearby on the trail that the -- the phone captured through
6 Google. And, again, all of this is on video.

7 And the co-defendant has pled guilty as of March 15th
8 of 2017, and received a 10-year sentence, Your Honor.

9 And I can tell you a little bit more about the
10 distinction between that case and this case.

11 THE COURT: Okay. Tell me about that.

12 MS. TESSITORE: Your Honor, the -- Mr. Hall,
13 initially, was going to be granted release on bond under
14 the same conditions. However, he was not able to secure
15 the monitoring and set that up. So he remained in jail
16 for some 400 days, I believe, and -- at which time he pled
17 guilty. He did not have any other offenses prior to this.
18 This Defendant has no prior convictions as well.

19 However, when this Defendant did get out, as you
20 heard, he was placed on the electronic monitor. He cut
21 that off and he re-offended. And when he was placed under
22 arrest in February -- February 28th, at that time, he
23 resisted arrest. And they had to use some force to arrest
24 him and place him in jail. So he -- he has been in jail
25 for 303 days, actually, in jail.

1 We have not -- what the State would ask is that you
2 not give credit for the time that he did under house
3 arrest. Obviously, it was a time when he was using drugs.
4 And he was not taking it seriously as far as the condition
5 to maintain good behavior and not re-offend. So the State
6 would ask that.

7 But, otherwise, this is a -- a straight-up plea.
8 It's on the docket tomorrow. The State's ready to go
9 forward with -- with all the evidence that the State has.

10 The victim is present, Your Honor, but does not wish
11 to be heard.

12 THE COURT: And the other co-defendant was how old?

13 MS. TESSITORE: He was 19 years old, Your Honor.

14 THE COURT: And -- and you said the difference
15 between the two is his -- his, basically, escape from his
16 supervision?

17 MS. TESSITORE: Yes, Your Honor. It's both his
18 escape from the supervision, the fact that he did
19 re-offend. And there was a bench warrant issued for
20 him.

21 THE COURT: What was the re-offend --

22 MS. TESSITORE: The re-offense was the resisting
23 arrest.

24 THE COURT: Okay.

25 MS. TESSITORE: And as you heard, he admitted drug

1 use while he was out on this program.

2 And, also, the fact that in this case, this Defendant
3 was the one that secured the vehicle, which was his family
4 member's vehicle. He's the one that brought the gun into
5 the situation, held the gun on the victim, beat the gun --
6 beat the victim in the head with the gun, continued to put
7 it through his -- in his back as he forced him to open the
8 register for even more money that they got from underneath
9 in the other cash drawer.

10 And then as he left, he pointed it in his face and
11 told him, basically, you know, get down and don't call or
12 you're dead. And so he -- he leaves.

13 So his -- his involvement there and then, also, at
14 the -- the Waffle House where he's concealing the items,
15 trying to call for a ride to elude police, not very
16 successfully, I would say.

17 But based on all of that, Your Honor, I think this
18 is -- he clearly was the more active one in the -- the
19 commission of the crime, as -- as compared to the
20 co-defendant.

21 THE COURT: You're saying the co-defendant did not
22 have a weapon?

23 MS. TESSITORE: He did not, Your Honor.

24 THE COURT: And you said that the victim does not
25 wish to be heard?

1 MS. TESSITORE: He does not, Your Honor.

2 THE COURT: And he has no other criminal history?

3 MS. TESSITORE: Correct.

4 THE COURT: All right. Mr. Dozier, you've heard what
5 the Solicitor told me about the facts that relate to your
6 cases?

7 DEFENDANT DOZIER: Yes, sir.

8 THE COURT: Do you agree or disagree with her version
9 of those facts?

10 DEFENDANT DOZIER: I disagree somewhat.

11 THE COURT: What is it that you disagree with?

12 DEFENDANT DOZIER: I did -- I did have possession of
13 a gun, but the gun was not mine. And I do not recall
14 threatening the -- my victim as I was leaving saying I
15 will kill you, or anything like that. I don't recall
16 doing anything like that.

17 MS. TESSITORE: Your Honor, I do have the
18 photographs, the still shots from where he was placing the
19 gun on the victim from the beginning to the end. They're
20 just four --

21 THE COURT: Let me hear --

22 They claim that you struck the victim and you hit him
23 numerous times. Do --

24 DEFENDANT DOZIER: I'm not disclaiming that.

25 THE COURT: You don't disagree with that?

1 DEFENDANT DOZIER: No, sir.

2 THE COURT: Okay. You just dispute threatening --
3 verbally threatening to kill him, is that what I
4 understand?

5 DEFENDANT DOZIER: Yes, sir.

6 THE COURT: Okay. But -- but you know what the
7 elements of armed robbery are?

8 DEFENDANT DOZIER: Yes, sir.

9 THE COURT: You've discussed that with Ms. Taylor?

10 DEFENDANT DOZIER: Yes, sir.

11 THE COURT: So you agree that you committed an armed
12 robbery?

13 DEFENDANT DOZIER: Yes, sir.

14 THE COURT: And you know what the elements of
15 kidnapping are?

16 DEFENDANT DOZIER: Yes, sir.

17 THE COURT: And you discussed that with Ms. Taylor?

18 DEFENDANT DOZIER: Yes, sir.

19 THE COURT: Do you agree you did that?

20 DEFENDANT DOZIER: Yes, sir.

21 THE COURT: And you know what the elements of assault
22 and battery first degree are?

23 DEFENDANT DOZIER: Yes, sir.

24 THE COURT: And you discussed that with Ms. Taylor?

25 DEFENDANT DOZIER: Yes, sir.

1 THE COURT: And you agree you did that?

2 DEFENDANT DOZIER: Yes, sir.

3 THE COURT: And, of course, you possessed the handgun
4 during the commission of all that?

5 DEFENDANT DOZIER: Yes, sir.

6 THE COURT: Did Ms. Taylor, also, explain to you that
7 armed robbery is -- armed robbery and kidnapping are both
8 designated and classified as violent offenses under the
9 law?

10 DEFENDANT DOZIER: Yes, sir.

11 THE COURT: Do you understand the significance of
12 that designation?

13 DEFENDANT DOZIER: I believe so, yes, sir.

14 THE COURT: Well, did Ms. Taylor talk to you about
15 it?

16 DEFENDANT DOZIER: Yes, sir.

17 THE COURT: Well, there's more to it than violent.
18 It's a no parole -- no parole and violent are two
19 different things. But it is designated as a violent
20 crime.

21 Do you understand the significance of it?

22 DEFENDANT DOZIER: Yes, sir.

23 THE COURT: It's, also, designated and classified
24 as -- as a most serious offense, both armed robbery and
25 kidnapping.

1 Do you understand the significance of that
2 designation?

3 DEFENDANT DOZIER: Yes, sir.

4 THE COURT: And they are, also, designated and
5 classified as no parole offenses under the law.

6 Do you understand -- do you understand the
7 significance of that designation?

8 DEFENDANT DOZIER: Yes, sir.

9 THE COURT: Now, I'm -- I'm fairly comfortable and
10 confident that you've asked either your lawyer and others
11 about your potential eligibility for parole.

12 Do you understand that while you might seek advice
13 and information about that that you can't rely upon that
14 information in deciding whether or not to plead guilty?
15 Because we don't get to decide whether or not you get any
16 parole.

17 Do you understand?

18 DEFENDANT DOZIER: Yes, sir.

19 THE COURT: So when you make a decision to plead
20 guilty, you have to make that decision presuming that
21 whatever sentence you get, you're going to have to do
22 every day of.

23 Do you understand?

24 DEFENDANT DOZIER: Yes, sir.

25 THE COURT: Understanding each of those additional

1 items, do you still wish for me to accept your pleas of
2 guilty?

3 DEFENDANT DOZIER: Yes, sir.

4 THE COURT: All right. I'll accept them.

5 And I'll hear from you Ms. Taylor.

6 MS. TAYLOR: Thank you, Your Honor.

7 May it please the Court.

8 I do believe that most of the information I was going
9 to provide to you has already come out. Mr. Dozier does
10 not have any prior record.

11 I do believe it's worth noting, Your Honor, that he
12 was raised in a home where drugs were normal and
13 everywhere. His mother throughout this process has been
14 in and out of communication with me. It's my
15 understanding that she is being treated for a crack
16 addiction at a rehabilitation center in Florida. She was
17 the last time I spoke to her here in Greenville at
18 Overcomers.

19 So he has had to battle being in a drug environment
20 and being where his parent and the person that he looks to
21 for advice and counsel was, also, making very poor
22 decisions.

23 Your Honor, he tells me that he was using meth at the
24 time that this crime was committed. The purpose of the
25 crime was to get money to buy more drugs. He's been

1 pretty upfront and honest about that from the very
2 beginning.

3 Your Honor, he -- like I said, this is his first
4 adult charge. In fact, he was 18 at the time that it
5 happened. He was working to finish his GED before he was
6 picked up after violating his house arrest. We would ask
7 you to make that a condition of his sentence, as well as
8 some drug and alcohol treatment while he's in the
9 facility. I know that he has been in contact with David
10 Gay, but has not yet signed up for any drug treatment that
11 I'm aware of.

12 Your Honor, based on his first offense and the
13 likelihood that he would be able to seek some treatment
14 and rehabilitate himself and be a part of his daughter's
15 life so that she doesn't fall back into this cycle, we
16 would ask that you sentence him to the minimum in this
17 case of 10 years.

18 THE COURT: Mr. Dozier, what would you like to add to
19 what your lawyer has told me?

20 DEFENDANT DOZIER: I, actually, did forget to mention
21 to my lawyer that I did work with Greenville Rec,
22 volunteer work with Greenville Rec. And I did do
23 volunteer work with Strap Em Up Boot Camp.

24 And right before I did what I was -- what I did, I
25 was actually -- I, actually, talked to the Army recruiter.

1 And I was on my way to the Army. He told me all I had to
2 do was get my GED, cut my dreads, and get the drugs out of
3 my system. Two of which I've already done. And the third
4 one, I still -- I need to work on.

5 THE COURT: All right. On indictment 2016-2038,
6 that's the indictment for armed robbery and possession of
7 a weapon, as to count one, armed robbery, the sentence of
8 the Court is you, David Rohan Dozier, be confined to the
9 South Carolina Department of Corrections for a period of
10 15 years.

11 He's to be given credit for any time he's entitled to
12 pursuant to 24-13-40. No credit is to be given for the
13 time he spent on home detention supervision due to the
14 circumstances of that supervision.

15 Count two, possession of a weapon during the
16 commission of a violent crime, five years concurrent.

17 Indictment 2016-2037, kidnapping, the sentence is you
18 be confined to the South Carolina Department of
19 Corrections for a period of 10 years. That sentence is
20 concurrent.

21 Indictment 2016-2036, assault and battery first
22 degree, 10 years concurrent. Again, credit being given
23 pursuant to 24-13-40. No credit for home detention
24 supervision time.

25 MS. TESSITORE: Your Honor, the State would ask,

1 also, as to the kidnapping that the Court make a finding
2 that it's not a charge that needs to be placed on -- or
3 that he needs to be placed on the registry.

4 THE COURT: Okay.

5 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

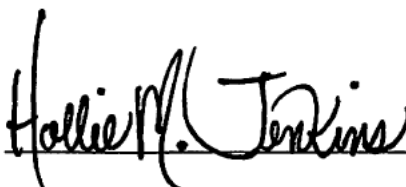
STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth 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 captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 17th day of July, 2017.

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

August 31, 2021

A handwritten signature in cursive script, reading "Hollie M. Jenkins", is written over a horizontal line.

Hollie M. Jenkins, Court Reporter

FORM 5

STATE OF SOUTH CAROLINA)

County of Greenville)David R Dozier 373169)

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

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2021-CP-23- 03356

APPLICATION FOR
POST-CONVICTION RELIEF2021 JUL 16 PM 1:20
FILED
CLERK OF COURT
PAUL WICKENSHER
GREENVILLE CO. SC**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and 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 Greenville County Detention Center
2. Name and location of Court which imposed sentence General Sessions Court
305 E North St Greenville SC 29601
3. Name(s) of co-defendant(s) (if any) Daveon Hall
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2016-GS-23-02036;2037;2038
 - (b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) July 17, 2017
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Did not know eligibility of appeal
- (b) Did know I could appeal

- (c) _____
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) Mental Incompetence
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Failure to request a competence hearing
- (b) Defendant has learning disability, special education classes from elementary to high school, defendant diagnosed ADHD by Greenville Mental Health
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? 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? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
No _____

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

(a) which grounds have been presented:

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

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

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

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

- (a) Ineffective assistance of Counsel did not inform me for an appeal
 (b) Mental Incompetence did not know eligible for an appeal
 (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? No
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? No
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No

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. Lauren Taylor 1205 E Washington St Greenville SC 29601

 ii. _____

 iii. _____

 (b) the proceedings at which each such attorney represented you:
 i. guilty plea

 ii. _____

 iii. _____

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

To have case Reversed, Remanded or Vacated

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

No

STATE OF SOUTH CAROLINA)

County of _____)

VERIFICATION

I, David R. Dozier, 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.

David R. Dozier

SWORN to and subscribed before me this _____ day of _____, _____.

Notary Public (L.S.)

My Commission Expires: _____

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

I, David R Dozier, 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.

David Dozier
Applicant

SWORN or affirmed to and subscribed before me this
13th day of July, 2021.

Latanya Derrie Reynolds
Notary Public

My Commission Expires: March 17, 2022



LATANYA DERRIE REYNOLDS
Commission # GG 194902
Expires March 17, 2022
Bonded Thru Budget Notary Services

FLORIDA NOTARY ACKNOWLEDGEMENT (INDIVIDUAL)

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence ☐ online notarization, this 13th day of July, 2021, by Gloria A. Dixon
(Name of Person Acknowledging).

(Seal)



LATANYA DERRIE REYNOLDS
Commission # GG 194902
Expires March 17, 2022
Bonded thru Budget Notary Services

Latanya Reynolds
Signature of Notary Public

Latanya Reynolds
Print, Type or Stamp Name of Notary

Personally Known: ✓

OR Produced Identification: ✓

Type of Identification Produced: Florida Identification

Arguments

1. Trial Counsel was ineffective for failing to investigate and research the laws and circumstances surrounding applicants' case, to prepare a defense for applicant and explain the law and available defenses to him before advising applicant to plead guilty to 15 years, thus rendering a guilty plea that was coerced and not knowingly and intelligently made.
2. Trial Counsel failed to explain to applicant the he could have been charged under the Youth Offenders Act section 16-11-330. Code of Law of S.C. 1976 can request a plea during the applicant's plea hearing under this act whereas applicant was 18 years old when the alleged crime occurred (armed robbery) The Youthful Offenders allows a person under the age of 21 who commits armed robbery to receive a youthful offender sentence not below a minimum of three years section 24-19-10 includes persons who commit a broader range of offenses under this act
3. Child Counsel failed to submit evidence of applicant's upbringing pursuant to his childhood which would have shown applicant's problems stem from his mother's on-going drug addiction to crack cocaine who used while pregnant with him, also his father abandoned him during infancy. Applicant was raised by elderly grandparents while mother was incarcerated. While attending parenting classes through MST at Greenville Mental Health applicant and mother bonded it was during this time that applicant was diagnosed with ADHD and was prescribed medication. Applicant also attended the Phoenix Center for treatment of drug abuse.
4. Trial Counsel failed to hire experts in the field of ADHD and Drug Abuse to inform the courts of the effects of applicants' mental health condition- the medications he took, the drugs he abused, and how these circumstances may have played a role in applicant's decisions to commit the alleged crime he was convicted of.
5. Applicant contends that had Trial Counsel not been ineffective he would have never plead guilty he would have went to trial whereas the totality of the circumstances surrounding applicants case there was a reasonable probability that he would have received an outcome more favorable and he could have gotten the professional and medical treatment needed to enable him to be a Successful and Productive Citizen to Society and work towards mending and healing and correcting the wrongs he committed on behalf of any injuries he caused his victims.

POA

To whom it may concern my name is Gloria Dixon and the applicant my son is David Dozler 373169. I have power of attorney over my son's affairs. I am enclosing a copy of POA should there be any questions in regards to his PCR. My son was released from Lock-up on 4-20-21 and was finally able to work on his PCR. His time is running out and according to the rules and guidelines for said PCR son I am helping him the best way I can by making sure that you receive a copy of his PCR. Since I live in Florida and David is in SC I thought it best I send you what you needed in order to push his PCR forward Thank you so much for your cooperation.

Sincerely,



Gloria Dixon

7-13-21

FLORIDA NOTARY ACKNOWLEDGEMENT (INDIVIDUAL)

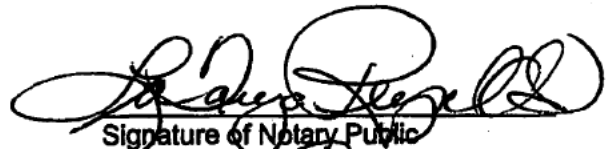
STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence ☐ online notarization, this 13th day of July, 2021, by Gloria A. Dixon
(Name of Person Acknowledging).

(Seal)



LATANYA DERRIE REYNOLDS
Commission # GG 194902
Expires March 17, 2022
Bonded Thru Budget Notary Services



Signature of Notary Public

Latanya Reynolds

Print, Type or Stamp Name of Notary

Personally Known: ☐

OR Produced Identification: ☒

Type of Identification Produced: Florida Identification

Greenville County Clerk of Court

Dear Sir,

My name is David Dozier 373169 Due to circumstances beyond my control (**Lee County Riot 4-17-2018**) I was unable to submit a PCR before my deadline date of **7-17-18**. One month after the riot I was placed in **Security Detention** at Lee County Correctional **5-24-18**. On **7-2-18** I was shipped to Broad River Correctional Restrictive Housing Unit/Security Detention under investigation for the riot. On **12-3-2020** 29 men/inmates were indicted and charged for the riot. On **4-20-21**. I was finally released from RHU/SD where I was unlawfully detained without being charged or questioned by anyone on staff at SCDC in regards to Lee County Riot.

While I was unlawfully detained, I was restricted from the law library, and had no access to any materials to work with on my PCR. I am enclosing some reading material for you regarding the riot. It is my hope that after you read this material that you would please consider my PCR.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	FOR THE THIRTEENTH JUDICIAL CIRCUIT
	)	
David R. Dozier, #373169,	)	Case No.: 2021-CP-23-03356
	)	
Applicant,	)	
	)	
v.	)	RETURN AND PARTIAL
	)	MOTION TO DISMISS
State of South Carolina,	)	
	)	
Respondent.	)	

The State of South Carolina (“Respondent”), making its return to the application for post-conviction relief filed by David R. Dozier (“Applicant”) on July 16, 2021,¹ would respectfully show this Court:

I. Procedural History

During its June of 2016 term, the Greenville County Grand Jury indicted Applicant for armed robbery (2016-GS-23-002038), first-degree assault and battery (2016-GS-23-002036), kidnapping (2016-GS-23-002037), and possession of a weapon during the commission of a violent crime (2016-GS-23-002038). Applicant was represented by Lauren Marie Taylor (“plea counsel”), Esquire. Assistant Solicitor Jennifer A. R. Tessitore of the Thirteenth Circuit Solicitor’s Office prosecuted the case. On July 17, 2017, Applicant appeared before the Honorable J. Derham Cole and pleaded guilty as indicted without the benefit of a sentencing recommendation from the State. Judge Cole sentenced Applicant as follows: for armed robbery, to imprisonment for fifteen years;

¹ The undersigned notes that the application contains some irregularities. First, the application does not appear to have been verified, although it is accompanied by an petition to proceed in forma pauperis, which has been verified, and a notarial acknowledge (which does not specify which signature is being acknowledged). Second, the signatures that are alleged to be those of Applicant, with the exception of the signature on the power of attorney, appear to have been made by Gloria A. Dixon, who is purportedly Applicant’s agent-in-fact and mother, although the identified signatures do not indicate that they were made by anyone other than Applicant.

for possession of a weapon during the commission of a violent crime, to imprisonment for five years; for kidnapping, to imprisonment for ten years; and for first-degree assault and battery, to imprisonment for ten years; and with all sentences running concurrently, with credit for time served, and with a finding that Applicant was not required to register as a sex offender.

Applicant did not appeal his convictions and sentences.

II. Current Application

In his application for post-conviction relief filed on July 16, 2021, Applicant argues he is entitled to relief based upon multiple claims, which Respondent interprets as follows: (1) Applicant did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences; (2) plea counsel was constitutionally ineffective for not requesting a competency hearing; (3) Applicant's guilty pleas were involuntarily and unknowingly entered because plea counsel did not conduct an adequate investigation, adequately prepare a defense, and adequately explain the law and available defenses to Applicant; (4) plea counsel was constitutionally ineffective for failing to request that Applicant be sentenced under the Youthful Offender Act; (5) plea counsel was constitutionally ineffective for failing to inform Judge Cole of certain mitigating factors; (6) plea counsel was constitutionally ineffective for failing to use expert testimony to inform the courts of Applicant's mental health condition. Applicant prays that the Court would reverse, remand, or vacate his convictions.

Attached to this return and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding Applicant's convictions and sentences, Applicant's records from the South Carolina Department of Corrections, and the transcript from Applicant's guilty plea hearing. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III. Partial Motion to Dismiss

Pursuant to S.C. Code Ann. § 17-27-70(c), the Court may summarily dispose of an application if there is no genuine issue of material fact in the “pleadings, depositions and admissions and agreements of fact” and the movant is entitled to judgment as a matter of law. The summary dismissal of an application for post-conviction relief without a hearing is appropriate only when it is apparent on the fact of the application that a hearing is not needed for the development of a factual record and the applicant is not entitled to relief. Mose v. State, 420 S.C. 500, 505, 803 S.E.2d 718, 720 (2017) (citing Leamon v. State, 363 S.C. 432, 611 S.E.2d 494 (2005)). The Court, in considering the motion for summary dismissal without the holding of an evidentiary hearing, must assume the facts presented by Applicant as true and view then in the light most favorable to Applicant. Robertson v. State, 418 S.C. 505, 519, 795 S.E.2d 29, 36 (2016) (citing McCoy v. State, 401 S.C. 363, 737 S.E.2d 623 (2013)).

All claims raised in this present application for post-conviction relief, with the sole exception of Applicant’s claim that he did not knowingly and voluntarily waive his right to direct appellate review,² should be dismissed summarily due to Applicant’s failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. The Act requires as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of offense or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A). The South Carolina Supreme Court has held the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468,

² The one-year limitations period in which to file an application for post-conviction relief does not apply when an applicant alleges that he or she was denied a direct appeal due to the ineffective assistance of counsel. Wilson v. State, 348 S.C. 215, 218, 559 S.E.2d 581, 582-83 (2002), so this claim is not subject to Respondent’s motion to dismiss.

469 S.E.2d 606 (1996) (per curiam). Applicant pleaded guilty and was sentenced July 17, 2017, and did not appeal. The application was, therefore, due on or before July 18, 2020. This application was not filed until July 16, 2021, almost one year after the filing deadline had passed, making the application subject to summary dismissal.

It is likely that Applicant will raise the doctrine of equitable tolling as a defense to this motion to dismiss. The South Carolina Supreme Court has held that the doctrine of equitable tolling may be applied when the filing of an application for post-conviction relief is delayed due to prison authorities' processing of documents, if the applicant properly raises the doctrine and the circumstances warrant the application of the doctrine. Mose v. State, 420 S.C. 500, 508, 803 S.E.2d 718, 722 (2017). If an applicant relies upon the doctrine in response to a motion to dismiss, he must "substantiate that the correct and complete application was delivered to prison authorities prior to the expiration of the statute of limitations and that any delay in the Clerk of Court's receipt of the application was due to processing." Mose, at 510, 803 S.E.2d at 723. When an applicant raises the doctrine, the PCR court "should make the fact-specific determination of whether equitable tolling is justified." Mose, at 511, 803 S.E.2d at 723 (citing Hooper v. Ebenezer Senior Servs. & Rehab. Ctr., 386 S.C. 108, 687 S.E.2d 29 (2009)). When making its determination, the PCR court "should consider any reasonably verifiable evidence of the date the document was purportedly in the possession of prison authorities for purposes of mailing." Id. at 510, 803 S.E.2d at 723. A PCR court that finds that the doctrine applies should toll the statute of limitations until the application was delivered to and received by the clerk of court. Id.; see Barnes v. State, 433 S.C. 399, 859 S.E.2d 260, 262 (2021) (instructing that the filing of an application was complete upon the receipt of it by the county clerk of court).

Respondent moves for the dismissal of all claims identified in this section due to the untimeliness of the application. To the extent that Applicant raises the doctrine of equitable tolling

as a defense to this motion, Respondent requests that the Court convene and hearing on the motion. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (holding that an evidentiary hearing is required when an application for post-conviction relief alleges specific instances of ineffectiveness that are not conclusively refuted by the record) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV. Response to Applicant's Claims

Applicant raises the claim that he did not knowingly and voluntarily waive his right to direct appellate review of his conviction and sentence. In White v. State, 263 S.C. 110, 119, 108 S.E.2d 35, 39 (1974), the South Carolina Supreme Court held that, even though a post-conviction relief court may find that an applicant did not voluntarily and intelligently abandon his right to a direct appeal, the PCR court does not have jurisdiction to grant a belated appeal. However, when an accused establishes in a post-conviction relief hearing that he was unconstitutionally deprived of his right to a direct appeal, the South Carolina Supreme Court, upon an appeal of the post-conviction relief decision, will review the trial record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. Id. at 119, 108 S.E.2d at 39-40. Although he does not specifically request it, Respondent assumes that Applicant seeks this relief.

Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to think either: (1) that a rational defendant would want to appeal or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528 U.S. 470 (2000). When counsel has consulted with the defendant regarding the right to appeal, "Counsel performs in a professionally unreasonable manner only by failing to follow the defendant's express instructions with respect to an appeal." Id. at 478 (underlining added). In order to establish that he was prejudiced by counsel's failure to file an appeal, an applicant must show he would have appealed absent counsel's deficient performance.

See Id. at 484. “Acts inconsistent with the continued assertion of a right, such as a failure to insist upon the right, may constitute waiver.” Bonnette v. State, 277 S.C. 17, 18, 282 S.E.2d 597, 598 (1981). Respondent submits that Applicant likely cannot show that he is entitled to relief on this claim but requests an evidentiary hearing in order to address the questions of fact raised that the record may not conclusively refute. See Sharper, 279 S.C. at 265, 305 S.E.2d at 248.

V. Denial of All Other Claims

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

VI. Future Amendments and the Discovery Process

Applicant must specify any claims he intends to raise at the post-conviction relief evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent pursuant to Love v. State, 428 S.C. 231, 238-39, 834 S.E.2d 196, 199-200 (2019), or, alternatively, Respondent will move for a continuance in the matter. See Love, at 245, 834 S.E.2d at 203 (Kittredge, J., dissent) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

Pursuant to S.C. Code Ann. § 17-27-150(a) (2008), an applicant in a noncapital post-conviction relief action may invoke discovery under the South Carolina Rules of Civil Procedure only if granted leave to do so by a court upon a showing of good cause. If Applicant attempts to invoke discovery powers without first obtaining leave to do so by a court upon a showing of good cause, Respondent will oppose those attempts.

VII. Conclusion

WHEREFORE, Respondent requests that the Court convene an evidentiary hearing as to

Applicant's claim that he did not knowingly and voluntarily waive his right to direct appellate review and dismiss both of Applicant's remaining claims summarily.

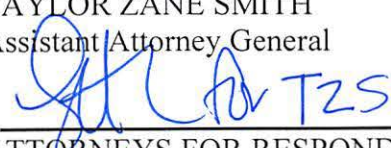
Respectfully submitted,

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By:  Tzs
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September 28, 2021

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	
	)	
	)	2021-CP-23-03356
	)	
DAVID R. DOZIER, #373169	)	
	)	
Applicant,	)	
	)	
vs	)	CERTIFICATE 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 and Partial Motion to Dismiss** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Scarlet Bell Moore
PO Box 17615
Greenville, SC 29606

DATED this 28th day of September, 2021.



Hannah M. Bradham, Legal Assistant
 For Respondent

1 State of South Carolina) Court of Common Pleas
2 County of Greenville) Thirteenth Judicial Circuit

3
4 David R. Dozier,) Transcript of Record
5 Applicant/Petitioner,) 2021-CP-23-03356
6 vs.)
7 State of South Carolina.)

8
9 May 15, 2024

10 Greenville, South Carolina

11
12 B E F O R E:

13 The Honorable B. Alex Hyman, Judge

14
15 A P P E A R A N C E S:

16 Scarlet Bell Moore, Esquire
On behalf of the Applicant/Petitioner

17 Tommy Evans, Jr., Assistant Attorney General
On behalf of the State of South Carolina

18
19
20 Stacy S. Johnson, RPR
Circuit Court Reporter

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E X H I B I T S

NO EXHIBITS WERE INTRODUCED

1 (The following proceedings were held May 15,
2 2024, beginning at 1045 PM.)

3 BAILIFF: Remain seated. Court is back in
4 session.

5 THE COURT: Keep your seats.

6 All right. Ms. Moore, are we ready to proceed?

7 MS. MOORE: We are. Thank you, Judge.

8 THE COURT: All right. Mr. Evans, if you'll call
9 the case.

10 MR. EVANS: The State calls Civil Action No.
11 2021-CP-23-03356. David Dozier versus State of South
12 Carolina, a post-conviction relief action.

13 Mr. Dozier is currently serving a 15-year
14 sentence for armed robbery, kidnapping, amongst
15 other also convictions that he had during that
16 term.

17 We are ready to the proceed with post-conviction
18 relief action that he filed on July 16th of 2021,
19 Your Honor.

20 THE COURT: All right. Any opening statement,
21 Ms. Moore?

22 MS. MOORE: No.

23 THE COURT: All right. We'll let you call your
24 first witness.

25 MS. MOORE: I'll call Ms. Taylor.

1 THE COURT: Okay.

2 THE CLERK: Please place your left hand on the
3 Bible and raise your right hand.

4 (Whereupon, Lauren Taylor was duly sworn by the
5 Clerk of Court.)

6 THE CLERK: Thank you. Please be seated and
7 state your full name for the record.

8 THE WITNESS: Lauren Taylor.

9 LAUREN TAYLOR,

10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. MOORE:

13 Q. And, Ms. Taylor, you are an attorney?

14 A. That's correct.

15 Q. And how long have you been an attorney?

16 A. I was licensed in May of 2012.

17 Q. Okay. So you've been an attorney about twelve years
18 now; is that right?

19 A. Yes.

20 Q. Okay. And did you recall meeting Mr. Dozier years
21 ago?

22 A. Yes, I believe it was 2017.

23 Q. Okay. And so you -- at that point you had been an
24 attorney for about five years?

25 A. That's correct.

1 Q. Okay. And can you tell the Court what were the
2 circumstances on which you met Mr. Dozier?

3 A. So I was appointed to represent Mr. Dozier under the
4 608 program, which I was a contract attorney through the
5 public defender's office at that time. I believe I was
6 appointed in January of that year. I sent a letter of
7 representation. I met with the client in January of 2016,
8 got some information about personal life, his upbringing
9 and then, you know, we had bond reductions, several times
10 we were called to court, and we obviously discussed this
11 case throughout that time.

12 Q. Okay. And when you received information about
13 Mr. Dozier, did you receive any information about his
14 mental health status?

15 A. I did not. I was aware that he was diagnosed with
16 ADD or ADHD, I can't remember which one, but there was
17 nothing other than that to my knowledge.

18 Q. Okay. And so did you get that information from
19 Mr. Dozier?

20 A. I believe it was from his mother Gloria. I think she
21 wrote me a letter referencing that.

22 Q. Okay. So during the time that you represented
23 Mr. Dozier you had communication with his mother, Ms. --
24 Ms. Dixon?

25 A. Yes. I had communication with Dorothy, Aunt Linda,

1 Uncle Stanley, as well as Gloria.

2 Q. Okay. And are they -- so and was that -- that
3 obviously was pursuant to your client's request. Did he
4 -- let me ask it this way. Did your client request that
5 you please speak to his family members?

6 A. Yes, he did. He did. He wrote me several times and
7 ask that I share information with his family.

8 Q. Okay. And during the course of the representation,
9 did you receive discovery from the State?

10 A. Yes.

11 Q. Okay. And did you have an opportunity to go over
12 that discovery with Mr. Dozier?

13 A. Yes.

14 Q. Okay. And was -- so tell me when you first were
15 appointed was he, in fact, incarcerated?

16 A. He was.

17 Q. Okay. And at some point was he able to make bond?

18 A. Yes, I believe that they consented to the bond
19 reduction program on March 3rd -- or, sorry, not the
20 program, that's another note, they consented to the bond
21 reduction request on March 3rd, which I believe would be
22 2016.

23 Q. And do you recall what his bond was set at at that
24 point?

25 A. I don't remember what it was set at, but I think we

1 got the reduction. My notes 60K.

2 Q. Okay. Got you.

3 And so to your knowledge was Mr. -- Mr. Dozier
4 able to bond out of jail?

5 A. He was able to bond out. I believe he was placed on
6 an ankle monitoring device during that time as well.

7 Q. Okay. And so -- and do you recall from the moment
8 that he got the ankle monitor to the time he entered his
9 guilty plea, do you have a record of how long that -- that
10 lasted at all or --

11 A. I don't remember the exact number that the solicitor
12 mentioned. I want to say it was like 300 days. I could
13 be incorrect about that, but I know that there was an
14 incident where he dis -- disabled the ankle monitor and
15 that led to a subsequent arrest.

16 Q. Okay. But as far as -- so prior to the alleged
17 disabling of the monitor, do you recall how long he was
18 incarcerated?

19 A. I don't know exactly the date. It was a significant
20 amount of time.

21 Q. Okay. I got you.

22 And do you know how long he was out on the ankle
23 monitor; do you recall?

24 A. I want to say it was just a couple of months. I'm
25 not -- no, wait. It was -- it was almost a year.

1 Q. Okay. So he was actually out almost a year on his
2 ankle monitor?

3 A. Yeah. I have that it was March of 2017 when we had
4 that issue.

5 Q. Okay. Now when you received the discovery from the
6 State, you've testified that you did -- you did review
7 that discovery with Mr. Dozier. Do you recall how that
8 happened? Did you have an opportunity to meet with
9 Mr. Dozier and go over the discovery with him?

10 A. Yes, I met with him at the facility and we went over
11 it.

12 Q. Okay. And so did you receive -- was it paper
13 discovery, but -- let me ask that. Was it paper discovery?

14 A. Yes, some of it was. I believe there's one CD that I
15 left at my office.

16 Q. Okay. Got you.

17 Okay. So there was some possibly electronic
18 discovery?

19 A. Yes.

20 Q. Okay. And in reviewing this discovery, I think
21 the AG has told us, you know, essentially what -- what
22 Mr. Dozier's plea was at that time, obviously we'll get
23 to that in just a second, but did you make an assessment
24 given the -- the charges that he was charged with about
25 the strength of the State's case against him?

1 A. I -- I think the biggest hurdle that Mr. Dozier had
2 to overcome was the testimony of his co-defendant.

3 Q. Okay. So did you have -- you had co-defendant
4 statements in your discovery; is that right?

5 A. And it was -- I was informed by Ms. Tessitore, who
6 was the prosecutor on this case, that the co-defendant
7 would be testifying against Mr. Dozier if we did take this
8 case to trial.

9 Q. Okay. And did you have an assessment about -- I mean,
10 how many years total he was facing at that point?

11 A. Yeah, it was exceeding thirty and then I guess if you
12 add them up in a consecutive sentence, it -- it was a lot
13 of time.

14 Q. It was a lot of time.

15 Okay. And so -- and then ultimately Mr. Dozier
16 did take a plea; is that right?

17 A. He did not accept a plea offer from the solicitor's
18 office. I have that I presented him with the offer on
19 May of 2017 and that was the last offer from the State.
20 That was an offer of fifteen years. He rejected that
21 offer and we were placed on the trial docket and I believe
22 he pled guilty the day before we were scheduled to try the
23 case.

24 Q. Okay. So in conjunction with the -- the fact that the
25 case was on the trial docket, did you have an opportunity

1 to meet with Mr. Dozier and/or his family members to
2 prepare them for a trial?

3 A. I met with Mr. Dozier. My strategy going forward
4 with this at trial was really gonna be just try to poke
5 as many holes in the prosecution's case as possible. I
6 believe they had Mr. Dozier on video committing -- or
7 allegedly committing one of the acts that he was charged
8 with. I was not going to call up any witnesses because
9 there were none that I found that would be helpful to his
10 case, but also I wanted to preserve the right to have the
11 final say at closing statements.

12 Q. Okay. So explain that to the Court.

13 A. So if I don't present any affirmative defense, then
14 I'd have the opportunity to speak to the jury last and I
15 thought that was gonna be the most valuable thing I could
16 do in representing Mr. Dozier based on the fact that there
17 were no other witnesses that I could call that would help
18 the case.

19 Q. Okay. And then at that point -- so you're saying
20 basically the day before trial or prior to trial the
21 prosecutor -- did you, in fact, go to the prosecutor and
22 say please put the offer back on the table or how did go?
23 Tell me about that.

24 A. I believe Mr. Dozier reached out to me and said -- I
25 can't remember if I was here at the courthouse and that

1 was where we talked or it was at the facility, but he
2 indicated to me that he no longer to wanted to go forward
3 with the trial and wanted to plea. I reached out to
4 Jennifer Tessitore and she told me she would no longer be
5 offering the same offer and that he would have to plead
6 straight up off the docket.

7 Q. Okay. And then at that point -- but it looks like he
8 got the fifteen years from the straight up plea; is that
9 right?

10 A. He did, yes.

11 Q. And that was the -- that was the sentencing range of
12 the offer that the State gave; is that right?

13 A. Correct.

14 Q. Okay. And so -- okay.

15 Now before Mr. Dozier entered the plea, did you
16 discuss with Mr. Dozier what is involved with a plea?
17 Like did you talk to him about, you know, the judge is
18 gonna ask you if you understand what you're doing and
19 he's going to advise you of the charges and possible
20 punishment. Did you discuss that with him?

21 A. Yes, we went through the typical questions that are
22 involved whenever someone is pleading guilty.

23 Q. And you've had an opportunity to review the transcript
24 of the guilty plea in this case?

25 A. I did. There's some things to note. My transcript

1 stops on page 7 and I haven't got from page 7 to page 22,
2 so I was not able to review that document, but I think I
3 got enough to get the gist.

4 Q. So, I mean, I guess when you were going through the
5 plea, did you -- during the course of the plea did you note
6 anything that was -- that was unusual or concerning about
7 how the judge was advising Mr. Dozier?

8 A. No. If anything, I remember Judge Cole took a lot
9 of time with Mr. Dozier. In reviewing the transcript, I
10 know that he asked him to clarify if he understood the
11 difference between consecutive and concurrent sentencing
12 and Mr. Dozier answered, you know, more correctly than
13 anyone else that I've ever encountered, so I know he had
14 an understanding of the difference and how that would
15 affect his sentence.

16 Q. Okay. So is your testimony that during the course
17 of the guilty plea with Judge Cole you didn't note any
18 irregularities that would cause you to have concern about
19 the plea?

20 A. Correct.

21 Q. Okay. And so -- and your testimony is that you --
22 you actually were preparing for a trial?

23 A. Correct.

24 Q. Okay. And did you in any way coerce or force
25 Mr. Dozier to take a guilty plea?

1 A. No.

2 Q. Okay. And to be clear, was -- taking the guilty plea,
3 was that something that Mr. Dozier came to you about or did
4 you go to him about or did the prosecutor? Do you recall
5 how that went down?

6 A. I don't recall exactly. I think it was during the
7 course of us just having discussions about what was gonna
8 happen the following day. He started to have some
9 reservations about going forward with the trial.

10 Q. Okay. And did you reassure him that if he wanted
11 a trial you'd be right there and you would give it your
12 best?

13 A. Absolutely.

14 Q. Okay. And so -- okay. And so just to be clear, you
15 did not request a competency hearing?

16 A. I did not.

17 Q. Okay. And did you find anything during the course of
18 your involvement in this case to indicate that Mr. Dozier
19 should have a competency hearing?

20 A. Not in my opinion, no.

21 Q. Okay. Now you've read you've read Mr. Dozier's
22 complaint and one of his allegations or one of his grounds
23 for PCR is that he was not sentenced under the Youthful
24 Offender Act. He alleges that you failed to request that
25 he be sentenced under the Youthful Offender Act. Do you

1 recall that?

2 A. I do recall that. Jennifer Tessitore and I had
3 discussion the possibility of bring up the Youthful
4 Offender Act. I know that that was in Judge Cole's
5 discretion; however, she was adamant against it based on
6 the fact that he removed his ankle monitor while he was
7 out on bond.

8 Q. Okay. So is your testimony that the prosecutor did
9 not -- was not recommending that for the record?

10 A. Not only not recommending it, but voiced to me that
11 she would be adamantly against it.

12 Q. Against the Youthful Offender Act?

13 A. Correct.

14 Q. Okay. And do you recall -- was the issue with the
15 Youthful Offender Act, was that something that you had an
16 opportunity to speak with Judge Cole about?

17 A. We did not address it with Judge Cole.

18 Q. Okay. And, Ms. Taylor, do you -- do you still do
19 criminal defense cases at this point?

20 A. I don't have any currently.

21 Q. Okay. But how long would you say that you did
22 criminal defense in your practice?

23 A. Ten years.

24 Q. Ten years.

25 Okay. Are you familiar with the Youthful

1 Offender Act?

2 A. Yes.

3 Q. Okay. And you do understand that it is discretionary
4 with the Court? You understand that?

5 A. Yes.

6 Q. Okay. And that the beauty of the Youthful Offender
7 Act is that hopefully, you know, first time offenders are
8 offenders who in the judge's discretion don't have very
9 much of a record can potentially earn a conviction off
10 their record if they don't have any convictions for
11 five years after they finish their sentence; is that
12 right?

13 A. Yes.

14 Q. Okay. And Mr. Dozier also -- he also alleges that
15 you were ineffective for not informing Judge Cole of
16 any certain mitigating factors. Have you reviewed that
17 allegation in his petition?

18 A. I did. I'm -- I'm a little confused by that because
19 the mitigating factors that he shared with me are in the
20 record that I presented to Judge Cole.

21 Q. And what were they? Just tell the Court.

22 A. You know, he was raised as a Jehovah's Witness. This
23 is his first charge. He was using meth and this was a way
24 -- this crime was a way for him to get more money to pay
25 for drugs. I believe, you know, he never tested positive

1 for drugs while on house arrest. That was something I was
2 trying to get in his favor. He had recently found out he
3 was expecting a little girl right before this was scheduled
4 to go to trial. I had tried to get some communication with
5 David Gay to see if he could get into a drug treatment
6 facility. I know he had cleaned himself up at that point.
7 I think he was still trying to get his GED, but I don't
8 think he had been able to accomplish that yet at that
9 point, but all of that is what I included and that this
10 was his first offense.

11 Q. Okay. And do you recall did any of his family members
12 appear during the course of the plea?

13 A. I don't believe so. I'm not sure.

14 Q. You don't remember?

15 A. I don't remember.

16 Q. Okay.

17 All right. And so just one more question about
18 the issue of Mr. Dozier's mental health. Did you ever
19 consider hiring an expert or consulting an expert
20 regarding the Applicant's mental health condition?

21 A. I did not.

22 Q. Okay. Did you have an opportunity to speak with
23 Mr. Dozier after he received the 15-year sentence?

24 A. I believe, yes; that we were in the back room and I
25 kind of explained, you know, what the judge ordered, what

1 was said and what his options were following the plea,
2 which would be if any appeal was wanted he would have a
3 certain timeline to submit that.

4 Q. Okay. And did you discuss with him the possibility of
5 appeal?

6 A. Briefly.

7 Q. I mean, did you have an opportunity to let him know
8 about if he pleaded guilty then you have to -- with your
9 notice of appeal have to actually give the grounds that you
10 allege were defective at the time of the appeal? Do you
11 recall if you discussed that with him?

12 A. I'm not sure I went into that much depth with him. I
13 know that -- I think Judge Cole covered the basics of it
14 with him.

15 Q. With the plea?

16 A. Yes.

17 Q. Okay. And did Mr. Dozier ever ask you to appeal?

18 A. No, not to my knowledge.

19 Q. Okay. You don't have any recollection of that?

20 A. No.

21 Q. Okay. Did Mr. Dozier ever express to you that he was
22 not comfortable making decisions about his case on his
23 own? Did he ever discuss that with you?

24 A. I think he -- he discussed that he wanted his mother
25 and his family to be involved and know what was going on

1 and I think at one point my office had to kind of like
2 instruct him just to pick one person because we were
3 having to relay the same information to multiple parties.
4 But, yes, he did -- he did relay that he wanted me to
5 communicate with his family.

6 Q. And I think you testified earlier in the beginning of
7 your testimony that you had communications with several
8 family members; is that right?

9 A. That's correct.

10 Q. Okay. And specifically do you remember the phone
11 calls with the -- with his mother?

12 A. I think several of hers were via letter correspondence
13 that I have. You know, I have their phone numbers listed
14 here.

15 Q. Okay. You've still got -- okay. Did you ever lie
16 to Ms. Lee or give misinformation to Mr. Dozier about any
17 possible plea deals?

18 A. No.

19 Q. You have no recollection of that?

20 A. No, I would never lie to a client about a plea deal.

21 Q. Okay. Did Mr. Dozier ever indicate to you in any
22 form that he did not understand what was being asked of
23 him pertaining to the plea deal?

24 A. No, not at all.

25 Q. Okay. And do you recall -- so, again, it looks like

1 the sequence based on your testimony is that there was a
2 plea offer with a deadline probably several months prior
3 to the actual trial setting of this case; is that right?

4 A. That's correct.

5 Q. Okay. And do you have any recollection or any
6 notation about how much time you were able to spend with
7 Mr. Dozier when you were talking to him about the plea
8 deal?

9 A. I didn't keep a record of how long I was there, just
10 the date I was there.

11 Q. Okay. So is your testimony that you were actually
12 there for more than one date to discuss the plea offer with
13 him?

14 A. Well, there was -- there were multiple offers as the
15 case went on.

16 Q. Okay. Tell us about that.

17 A. I had an appointment with him in -- the first offer
18 was presented in June of 2016 and that offer was actually
19 lower. That was ten to fourteen years. He rejected that
20 offer. I had two appointments --

21 Q. Let me stop you right there.

22 A. Okay.

23 Q. So the ten to fourteen, do you recall was that going
24 to be either what's been classified as a violent or a
25 nonviolent sentence or do you recall?

1 A. I don't have that in my notes.

2 Q. No problem. Go ahead.

3 A. And then I had two appointment scheduled with him in
4 October of that year, both of which he no-showed for.

5 Q. Okay.

6 A. And then I met with him finally again in March of 2017
7 and that was when he was back in prison because he had cut
8 off his ankle monitor.

9 Q. Okay. And at that point did you -- do you have a
10 recollection that you did go over the plea agreement?

11 A. Yes.

12 Q. Okay. I'm sorry. I'm so sorry to interrupt you.
13 Let me withdraw that question and let me ask another
14 question.

15 So you testified that you had the -- I think you
16 said the 10 to 14-year offer; is that correct?

17 A. Yes, that was in May of 2016 --

18 Q. Okay.

19 A. -- or June. I'm sorry.

20 Q. And so that was rejected, correct?

21 A. Correct.

22 Q. Okay. And so when did you get the next plea offer?

23 A. Well, I had two appointments with him in October that
24 he didn't show for. He was rearrested in March 2017. I
25 asked the solicitor to reinstate him at that point and at

1 that point the offer was off the table.

2 Q. Okay.

3 A. I got a second offer in May of 2017. That was the
4 offer of fifteen years and that was also when Ms. Tessitore
5 let me know that the co-defendant would be testifying
6 against him at trial. He indicated on that day that he
7 would think about the offer, then I went back on June 2nd
8 of 2017, met with him, he signed the sentencing sheet. I
9 spoke with grandma on June 7, 2017. She met with the
10 client before the plea, said he changed his mind and wants
11 a trial. June 11th I met with him again re the trial plea.
12 He signed the sentencing sheet again for a straight up
13 plea. I submitted the sentencing sheet to the solicitor's
14 office on July 12th and on July 17th was when the plea
15 actually went.

16 Q. Okay. So there were a total of two offers?

17 A. Yes.

18 Q. Okay. If Mr. Dozier had wanted a trial, would you
19 have proceeded with trial?

20 A. Absolutely.

21 Q. Okay. Now did you ever reject any information that
22 Mr. Dozier brought to your attention about possible plea
23 deals either deliberately, indifferently or neglectfully?

24 A. No, ma'am.

25 Q. Okay. And do you recall -- do you have in your notes

1 telling Mr. Dozier the date that he would be going to
2 court for I guess his plea and sentencing? Do you recall
3 that?

4 A. The day I told him he would be going to court?

5 Q. Yeah. I mean, do you have that in your records?

6 A. Well, I mean, they send out the card. I have those.
7 I don't -- are you asking like when the plea was gonna
8 be?

9 Q. Right. Do you recall having a communication with
10 Mr. Dozier about the date of the plea?

11 A. I don't have that specific thing in my notes, but
12 I'm assuming we talked about it when I was there on the
13 11th and then on the 17th was when he plead guilty.

14 Q. Okay. So you met with him six days before the actual
15 plea?

16 A. That's correct. I actually met with him on the 11th
17 and the 12th.

18 Q. So you met with him on the 11th and the 12th?

19 A. That's right.

20 Q. Okay. And I think we've already talked about this,
21 but did ever bring -- he did, Mr. Dozier, ever bring to
22 your attention the consideration of a Youthful Offender Act
23 plea deal? Did he bring that to your attention?

24 A. He inquired about it with me, yes.

25 Q. And do you recall having communication with him about

1 that?

2 A. I recall -- sorry. I recall having a conversation
3 with him about it and that was what led me to converse with
4 Jennifer Tessitore about it and then she was not amenable
5 or willing to put that forth to the judge.

6 Q. Okay.

7 MS. MOORE: Judge, I beg the Court's indulgence.

8 THE COURT: Sure.

9 MS. MOORE: Judge, no further questions.

10 THE COURT: All right. Thank you.

11 Yes, sir.

12 MR. EVANS: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. EVANS:

15 Q. Ms. Taylor, you said you were appointed to represent
16 Mr. Dozier?

17 A. That's correct.

18 Q. Okay. And how long did you represent him before he
19 actually pled guilty?

20 A. I believe just over a year.

21 Q. Okay. And do you remember how many times you actually
22 saw him prior to his guilty plea in total?

23 A. I think it was four.

24 Q. Four times?

25 A. Uh-huh.

1 Q. And you said earlier on direct that there were two
2 times he had appointments and he didn't show up?

3 A. Correct. Two times in October.

4 Q. Okay. Now did you go over his discovery with him?

5 A. Yes.

6 Q. And did he seem to understand the allegations against
7 him?

8 A. He did.

9 Q. Okay. You said there was a videotape of the actual
10 robbery?

11 A. I believe that there was a video of -- that indicated
12 Mr. Dozier holding the weapon to the victim's back during
13 the course of the robbery.

14 Q. Did you allow Mr. Dozier to have an opportunity to see
15 that video?

16 A. Yes.

17 Q. Okay. Now one of his allegations was that you didn't
18 file a notice of appeal and you said on direct he never
19 asked you to do so?

20 A. No, I don't recall any -- I know we discussed it in
21 the general sense that you always discuss it in a plea, but
22 I don't remember any request at all to file an appeal.

23 Q. Okay. Did you see anything that occurred during that
24 plea that could possibly cause the Court of Appeals to
25 overturn the plea?

1 A. No.

2 Q. Okay. And you never requested a competency hearing
3 for Mr. Dozier?

4 A. I did not.

5 Q. Did you think that it was a possibility he was not
6 competent to stand trial?

7 A. I did not.

8 Q. Okay. And he informed you that he had ADHD or I think
9 you said his mother informed you he had ADHD?

10 A. He might have also, but I know she did.

11 Q. Okay. Was there any other mental illness that you was
12 informed either by him or another member of his family that
13 he was suffering from other than ADHD?

14 A. No, sir.

15 Q. Okay. Were there any witnesses that he asked you to
16 talk to or see that you didn't talk to?

17 A. No.

18 Q. Okay. Now as to the YOA, he had a co-defendant in
19 this case, correct?

20 A. He did.

21 Q. Okay. And his co-defendant got a 10-year sentence?

22 A. He did. He pled before Mr. Dozier was schedule for
23 trial.

24 Q. Okay. And the co-defendant did not have a gun and did
25 not hit the victim?

1 A. That's correct. The State's theory in this case was
2 that Mr. Dozier was the primary aggressor.

3 Q. Okay. And the co-defendant didn't get a YOA sentence,
4 did he?

5 A. No, he did not.

6 Q. Okay. So it would be safe to assume that if the
7 codefendant was less culpable than Mr. Dozier wouldn't have
8 gotten a YOA sentence either?

9 A. I think that's safe to assume, yes.

10 Q. Okay. And Mr. Dozier admitted to having the gun
11 during his plea; isn't that correct?

12 A. Yeah, I believe that's in the record.

13 Q. Okay. And he never denied not hitting the victim with
14 the gun?

15 A. No, I think he outright admitted -- that he denied in
16 the record that he yelled something as he was leaving to
17 flee.

18 Q. Right. And you said he got an offer of ten to
19 fourteen years and he rejected that offer? That was the
20 first offer given?

21 A. That's what my notes say. On June 16, 2016, I
22 presented an offer of ten to fourteen years.

23 Q. Do you remember why he rejected that offer?

24 A. I rejected every offer I brought him.

25 Q. Okay. Do you -- can you tell the Court why was the

1 reasoning?

2 A. I can't tell you why. He never -- he never told me he
3 didn't do it. He never, you know, asserted any defense he
4 wanted me to look into. He just didn't want to accept the
5 offer.

6 Q. Okay. Did he tell you he wanted to go to trial in
7 this case?

8 A. Yes.

9 Q. And you were prepared to go to trial?

10 A. Yes.

11 Q. Okay. And then he asked you at the last minute if you
12 could get the offer back?

13 A. Correct.

14 Q. And you made attempts to get that offer?

15 A. Correct.

16 Q. But the solicitor's like no, all deals are off?

17 A. Correct.

18 Q. Okay. But the last offer was a 15-year offer?

19 A. That was the last offer that he rejected, yes.

20 Q. Okay. And he pled straight up in front of Judge Cole;
21 isn't that correct?

22 A. Yes.

23 Q. And he was facing at least thirty years?

24 A. At least, yes.

25 Q. And he ended up getting fifteen anyway; isn't that

1 correct?

2 A. That's correct.

3 Q. Okay. So he wasn't really prejudiced by going
4 straight up because the last offer was a 15-year offer?

5 A. Correct.

6 Q. Okay.

7 MR. EVANS: I don't think I have anything further
8 from this witness, Your Honor.

9 Thank you.

10 THE COURT: Any redirect?

11 MS. MOORE: Judge, no further questions.

12 THE COURT: All right. Ms. Taylor, you may step
13 down.

14 THE WITNESS: Thank you, Your Honor. May I be
15 excused?

16 MS. MOORE: Judge, I call my client, Mr. Dozier.

17 THE COURT: Yes, Ms. Taylor. You may be excused.

18 THE WITNESS: Thank you, Your Honor.

19 (Witness excused.)

20 THE CLERK: Please raise your right hand.

21 (Whereupon, David Dozier was duly sworn by the
22 Clerk of Court.)

23 THE CLERK: Thank you. You may be seated.

24 Please state your full name for the record.

25 THE WITNESS: David Dozier.

1 DAVID R. DOZIER,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. MOORE:

5 Q. Good morning, Mr. Dozier. You've heard -- you've
6 heard Ms. Taylor testify this morning regarding her
7 representation of you; is that right?

8 A. Yes, ma'am.

9 Q. Okay. And do you have a recollection of when
10 Ms. Taylor was appointed to represent you? Do you recall?

11 A. Sometime in January 2016.

12 Q. Okay. And did you apply for the services of the
13 public defender?

14 A. I was -- I believe I was.

15 Q. Okay. At any time did you try to hire private counsel
16 in this case?

17 A. No, ma'am.

18 Q. So you -- so Ms. Taylor was appointed to you and she
19 represented you; is that right?

20 A. Yes, ma'am.

21 Q. Okay. Now what were you charged with when Ms. Taylor
22 started this case?

23 A. Armed robbery, kidnapping, assault and battery and
24 weapons possession.

25 Q. Okay. And you heard her testify regarding the fact

1 that at some point there was either a bond modification or
2 a setting of bond of about \$60,000. Do you recall that?

3 A. Yes, ma'am.

4 Q. Okay. And do you recall how long you were
5 incarcerated prior to the -- either the hearing or the
6 agreement to set the bond at sixty thousand?

7 A. About four or four months.

8 Q. Four or five months.

9 Okay. And after the bond was reduced, were you
10 able to make bond?

11 A. Eventually I was able to bond out on house arrest.

12 Q. Okay. Got you.

13 Okay. And do you recall how long were you out on
14 house arrest prior to guilty plea?

15 A. I was out for about six or seven months.

16 Q. Okay. And you heard Ms. Taylor testify about the
17 alteration of your ankle monitor. You heard that
18 testimony, correct?

19 A. Yes, ma'am.

20 Q. What was your explanation for that?

21 A. Well, I did alter my monitor and I violated my bond.

22 Q. Okay. And I guess at that point were you -- were you
23 getting frustrated with the process? Is that correct?

24 A. Yeah, I was going haywire at that time. So, yes,
25 ma'am.

1 Q. And when you say house arrest, were you -- where were
2 you actually living to --

3 A. At my grandmother's house until I went to trial.

4 Q. Okay. And so house arrest. Were you also working at
5 that time?

6 A. Yes, ma'am.

7 Q. Where were you working?

8 A. I was working at Waffle House.

9 Q. Okay. And that obviously wasn't a violation of your
10 bond; is that right?

11 A. No, ma'am.

12 Q. Okay. So let's talk about -- let's talk about the
13 issue of the appeal. And you heard Ms. Taylor testify that
14 she did -- following the guilty plea when you got fifteen
15 years from Judge Cole she did meet with you in the tank and
16 talk to you about an appeal. She testified to that. Is
17 that your recollection?

18 A. I do not recall that.

19 Q. So you don't have recollection of that?

20 A. No, ma'am.

21 Q. Okay. Did you want her to file an appeal?

22 A. I didn't even know about my eligibility for appeal to
23 be honest.

24 Q. Okay. But you understand that had anyone filed an
25 appeal you would have had to let the Court -- the Court of

1 Appeals know on the front end any kind of deficiencies that
2 you would have alleged that happened with your plea. You
3 understand that, correct?

4 A. Yes, ma'am.

5 Q. Okay. And so did you recall the first plea offer that
6 was -- that was made by the State? I believe Ms. Taylor
7 testified it was like a ten to fourteen range. Do you
8 recall that?

9 A. Yes, ma'am.

10 Q. Okay. And did you have an opportunity to speak with
11 Ms. Taylor about that plea offer?

12 A. Yes, ma'am.

13 Q. And did you reject that plea offer?

14 A. I did. I had -- when I had spoke to her initially
15 about it, I asked her -- that was when I first mentioned to
16 her about a YOA sentence.

17 Q. Okay. I see. And what did she tell you about the YOA
18 sentence?

19 A. At that point she just disregarded what I had said.

20 Q. Okay. And at any time when you spoke to her about the
21 10 to 14-year sentence -- plea agreement, did you tell her
22 that you wanted to take the plea?

23 A. No.

24 Q. Okay. So you -- did you reject the plea?

25 A. Yes, ma'am.

1 Q. Okay. And so then we've heard testimony that at some
2 point there was another plea offer, a cap of fifteen years.
3 Do you recall that?

4 A. Yes, ma'am.

5 Q. Okay. And did you have an opportunity to speak to
6 Ms. Taylor about that?

7 A. Yes, ma'am. That was when -- at that point I had got
8 information concerning the YOA sentence and I brought to
9 her attention along -- I had -- I was sending information
10 concerning the YOA sentence and I had brought this to her
11 attention, but that when she informed me -- she told me
12 that I wasn't eligible for a YOA sentence and I have
13 this --

14 Q. Okay. What do you have there?

15 A. It's a -- it's a state statute dealing with -- it
16 basically states that a person under the age of -- it
17 states that a person under the age of twenty-one sentenced
18 pursuant to the provisions of Chapter 19 Title 24 Youthful
19 Offender Act convicted of an armed robbery shall receive
20 and serve a minimum sentence of at least three years no
21 part of which may be suspended. The person is not eligible
22 for parole or probation until he has served a 3-year
23 minimum sentence. And it goes on to state that a person
24 between the ages of twenty-one and twenty-five who's
25 convicted of armed robbery may not be sentenced pursuant to

1 the provisions of Chapter 19 Title 24 Youthful Offender
2 Act.

3 Q. Okay. And did you -- so when did you have that -- did
4 you have that statute when you spoke to Ms. Taylor about
5 the second plea?

6 A. Yes, ma'am.

7 Q. Okay. And did you ask her about that?

8 A. Yeah, that's when she told me I was ineligible for YOA
9 consideration.

10 Q. And did she give you an explanation as to why you
11 would have been ineligible?

12 A. No, she just told me I wasn't eligible.

13 Q. Okay. And so you heard her explanation was that she
14 actually went to the prosecutor about that --

15 A. She did not. I did.

16 Q. Okay. So you dispute that testimony?

17 A. I wrote the prosecutor myself and asked for YOA
18 consideration, which I do have -- I have that as well where
19 I wrote Ms. Tessitore and asked her for a YOA consideration
20 and I stated this same bill and/or for a better plea deal,
21 and I have that with me as well.

22 Q. Okay. And then -- and so did you write these letters
23 to the prosecutor while Ms. Taylor was representing you?

24 A. Yes, I did.

25 Q. And did you ever get any communication back from the

1 prosecutor --

2 A. No, I did not.

3 Q. And let me finish my -- that's okay. Let me finish my
4 whole sentence. She's having to write down everything.

5 A. All right.

6 Q. No worries, but let me ask my full question.

7 Did you receive -- after you sent the letter to
8 the prosecutor, did you ever receive any response from
9 the prosecutor herself?

10 A. No, ma'am.

11 Q. Okay. Did you receive any response from Ms. Taylor
12 regarding the fact that you had sent a letter to the
13 prosecutor?

14 A. No, ma'am.

15 Q. So you never -- you never discussed that with
16 Ms. Taylor; is that right?

17 A. Not that I sent a letter to the prosecutor. No, I
18 did not.

19 Q. Okay. Got you.

20 All right. Now let's talk about the issue of a
21 competency hearing. You allege that plea counsel was
22 constitutionally ineffective for not requesting a
23 competency hearing. Do you understand that?

24 A. Yes, ma'am.

25 Q. Okay. And why did you -- why do you make that

1 allegation in your PCR?

2 A. Well, I was -- I didn't understand what was going --
3 what was being asked of me. I had stated to her multiple
4 times that I don't feel comfortable making decisions, you
5 know, without my mother or someone in my family being
6 present. I did not feel mentally able to make the right
7 decisions at that time.

8 Q. Okay. And so I believe Ms. Taylor testified that you
9 -- that she said that you had had a -- I believe an ADHD
10 diagnosis; is that right?

11 A. Yes, ma'am.

12 Q. Okay. Have you ever been diagnosed with anything else
13 that you -- that you believed would affect your competence
14 to understand what are you were doing?

15 A. Since I was -- I've been diagnosed with paranoia,
16 antisocial disorder, nightmares, and -- and anxiety, so I
17 have a few mental health issues that I do believe have had
18 some effect on my mental understanding.

19 Q. Okay. And did you -- did you share this information
20 with Ms. Taylor?

21 A. Not at that time I didn't. I didn't know I was even
22 -- I even had those problems at the time.

23 Q. Okay. So that's something that you've been diagnosed
24 with maybe in the Department of Corrections?

25 A. Yes, ma'am.

1 Q. Okay. I see. But do you recall appearing in front
2 of Judge Cole during your plea?

3 A. I never -- the first time I met him is when I came to
4 court, so any time before I never met Judge Cole. I never
5 was -- spoke to him or anything.

6 Q. Right. I'm just saying -- I mean, but you recall
7 appearing for your guilty plea, right?

8 A. Yes, ma'am.

9 Q. Okay. And you recall answering Judge Cole's
10 questions; is that right?

11 A. Yes, ma'am.

12 Q. Okay. But your testimony is that -- that you didn't
13 know about these other diagnoses at the time you entered
14 the plea; is that right?

15 A. No, ma'am -- I mean, yes, ma'am.

16 Q. Okay. I got you.

17 Now you also allege that your plea was
18 involuntary and unknowingly entered because plea
19 counsel did not conduct an adequate investigation,
20 adequately prepare an defense and adequately explain
21 the law to the Applicant. Do you recall that
22 allegation?

23 A. Yes, ma'am.

24 Q. Why did you make that allegation?

25 A. Because she never explained to me, you know, exactly

1 what I was basically doing. I didn't understand what was
2 going on.

3 Q. Okay. Did -- so in that regard, did you have an
4 opportunity to review the discovery with Ms. Taylor?

5 A. I don't have a -- I recall meeting with her, but I
6 never recall her going into my discovery about any possible
7 mitigating factors that was in the case.

8 Q. Okay. So are you talking about mitigating factors if
9 you took a plea or are you talking about mitigating factors
10 that would say that you were innocent?

11 A. Mitigating factors so if I was to take a plea.

12 Q. Take a plea. Okay. So you don't recall any --
13 anything about that?

14 A. No, ma'am.

15 Q. And you heard her testimony today in court about the
16 mitigation about your child, you know, the fact that you
17 were on meth, that kind of -- or not the fact of, but
18 what's portrayed in the transcript, you recall what she
19 said, right?

20 A. Yes, ma'am.

21 Q. What other mitigating information do you think would
22 have been helpful for Judge Cole in this case?

23 A. There was nothing I can think of at the time, but
24 it's just a lot of things that I had going on at the time
25 because I did -- yeah, not that I can think of at the time.

1 Q. Okay. I understand.

2 Okay. And that's another one of the allegations
3 that you make, that she allegedly was constitutionally
4 ineffective for failing to inform Judge Cole of
5 certain mitigating factors, right? That's part of
6 also what you've alleged, right?

7 A. Right.

8 Q. And you've essentially testified to that; is that
9 right?

10 A. Yes, ma'am.

11 Q. Okay. And you also allege that plea counsel was
12 ineffective for failing to use expert testimony to inform
13 the courts of the Applicant's mental health condition. Do
14 you recall that allegation?

15 A. Yes, ma'am.

16 Q. Okay. Did you -- did you discuss with Ms. Taylor
17 engaging, I guess, either a psychologist or a psychiatrist
18 to do a mental health evaluation? Did you ask her for
19 that?

20 A. No, I did not. I didn't even know that that was a
21 thing that anything like that could be done, so.

22 Q. Okay. And when you allege she failed to use expert
23 testimony in your complaint, what did you have in mind?
24 What do you have in mind? I mean, I'm just reading from
25 your compliant and so when you wrote -- when you were

1 writing your PCR application, what expert testimony were
2 you trying to describe?

3 A. Basically having an expert that would be able to
4 describe, you know, the drugs I was using, the medication
5 that I was on, along with my mental health diagnoses, how
6 that all affected my way of thinking and my mental capacity
7 at the time.

8 Q. Okay. I understand.

9 Okay. And she also testified that she pointed
10 out to the Court that -- I think this was your --
11 really your first charge, right?

12 A. Yes, ma'am.

13 Q. Okay. I guess -- so, Mr. Dozier, you did, in fact,
14 end up pleading guilty, right?

15 A. Yes, ma'am.

16 Q. Okay. And I think if you have -- so to be clear,
17 there were two plea offers that you rejected; is that
18 right?

19 A. Yes, ma'am.

20 Q. Okay. And so at the time I think Ms. Taylor's
21 testimony was that it was maybe -- she met with you the
22 11th and 12th I think prior to either the 16th or 17th,
23 which would have been the trial date in that year. Do you
24 recall that?

25 A. Yes, I recall meeting her and she told me I would be

1 going to court on the 18th.

2 Q. Okay. On the 18th.

3 A. Yeah.

4 Q. Okay. And that was for a trial, right?

5 A. She -- I didn't understand what she was saying. She
6 just told me that I was going to court on the 18th, so that
7 was -- I told my family members that I would be going to
8 court on the 18th. So when I went to the court on 17th, I
9 had nobody in there with me at court at the time and I had
10 that with me as well as, you know, the paper that said I
11 was going to court on the 18th, but she -- she informed me
12 I was going to court on the 18th, but I was taken into
13 court on the 17th, so.

14 Q. Okay. I got you. So it was like a day before that?

15 A. Yes, ma'am.

16 Q. Okay. And so you did plead guilty right; is that
17 correct?

18 A. Yes, ma'am.

19 Q. Okay. Tell the Court why did you plead guilty. After
20 rejecting two plea offers, why did you plead guilty?

21 A. Well, I had no choice. She told me I could either
22 take the plea offer or go onto trial and I told her -- I
23 specifically told her I never wanted to go to trial, but
24 my main thing was trying to get a better plea deal from
25 her, so, which was -- I don't know.

1 Q. And I guess at the time when you pled guilty, when
2 you did plead guilty I believe on the 17th, did you -- did
3 you understand that it would be a straight up plea with no
4 recommendations? Do you recall that?

5 A. I -- I didn't understand what that meant at the time,
6 but I do recall, you know, knowing it was gonna be -- I was
7 told that I would be getting within zero to however much
8 time the judge would want to give me, something along those
9 lines.

10 Q. Well, let me ask it a different way. The day that you
11 pled to your understanding, was there any recommendation
12 for sentencing from the State?

13 A. Yeah, it was fifteen years.

14 Q. So you're saying that on the date that you pled the
15 State was recommending fifteen years; is that right?

16 A. Yes, ma'am.

17 Q. Okay. And was that -- and you understand that that
18 was the same recommendation on the second plea. You recall
19 that; is that correct?

20 A. The -- the recommendation on the second plea was a
21 cap of fifteen years, but they would have dropped the
22 kidnapping charge.

23 Q. Okay.

24 A. So I ended up pleading to the same thing just using
25 keeping the kidnapping charge.

1 Q. So it was additional charges, so that was really what
2 was different?

3 A. Yeah, that was the difference, additional charges.

4 Q. Okay. And Judge Cole went along with the fifteen
5 years, right?

6 A. Yes, ma'am.

7 Q. Okay. Now at any time when you were speaking with
8 Ms. Taylor she alleges that she had information that your
9 co-defendants were gonna testify against you. Do you
10 recall that?

11 A. Yes, ma'am.

12 Q. Okay. And did you have a concern about your
13 co-defendants testifying against you?

14 A. Yes, ma'am, I did.

15 Q. Okay. And she alleged -- she alleged that -- she
16 alleged that prior to your plea your co-defendant actually
17 entered a plea and was either awaiting sentence or got a
18 10-year plea; is that right? Or 10-year sentence.

19 A. Yeah, he had already been sentenced at the time.

20 Q. Okay. So did you know about that at the time that you
21 took your plea?

22 A. That he had already been sentenced?

23 Q. Yes.

24 A. Yes, I did.

25 Q. And were you concerned about that? Were you concerned

1 that he was gonna testify against you in a trial?

2 A. No, I wasn't. It's just I didn't want to go to trial
3 because from what I was hearing like had I went to trial it
4 would have been probably way worse than -- you know.

5 Q. And did you have an opportunity to discuss with
6 Ms. Taylor how much time you would actually be facing if
7 you went to a trial and were found guilty by a jury on all
8 the charges?

9 A. Not with Ms. Taylor I didn't.

10 Q. Okay. So you didn't discuss that with her?

11 A. Not with her, no, ma'am.

12 Q. Okay. At any time did you express to Ms. Taylor that
13 you were not comfortable making decisions about your case
14 on your own?

15 A. Yeah.

16 Q. Okay. And then did you give her permission to speak
17 to your family members?

18 A. I did.

19 Q. Okay. And in your opinion do you believe that
20 Ms. Taylor ever mislead you or gave you misinformation
21 about possible plea deals?

22 A. I do.

23 Q. Okay. And tell the Court why you say that.

24 A. Because I -- I brought it to her attention multiple
25 times the consideration for a YOA. As I stated already,

1 she -- the first time she disregarded it, the second time
2 she told me I wasn't eligible, which I then took it upon
3 myself to write the solicitor and ask her myself for a YOA
4 plea deal, so.

5 Q. And let me ask you -- let me clarify one point. Did
6 you write that letter to the prosecutor prior to your
7 guilty plea and your sentencing?

8 A. Yes, I did.

9 Q. Okay. Continue. Go ahead. Anything else you want
10 to tell the Court, allegations that Ms. Taylor gave you
11 misinformation about possible plea deals?

12 A. Well, this is -- I actually have a few things I want
13 to say, so. I just want to say this, that first thing I
14 would just like to state that when there is a proven claim
15 of ineffective assistance of counsel, it's a constitutional
16 violation of the Sixth Amendment right to effective
17 assistance of counsel. No court can turn a blind eye to a
18 violation of the Constitution. So with that being said, I
19 would like to state that Lauren Taylor, my counsel at the
20 time, she abandoned her Sixth Amendment obligation to
21 Petitioner, to me, for effective assistance of counsel by
22 going outside of the professional norm and lying to me
23 about my eligibility for YOA consideration. The fact that
24 counsel lied to Petitioner about the eligibility for a YOA
25 sentence, I was prejudiced by the fact that had counsel

1 acted -- that had counsel acted within the professional
2 norm and taken into consideration the Youthful Offender's
3 Act, I could have been looking forward to a youthful
4 offender guideline instead of a 15-year adult straight
5 sentence.

6 Q. Okay.

7 A. I would like to state this as well. That state
8 statute 16-11-330(A)1 and 2 states that any person under
9 the age of 21 sentenced under the provisions of Chapter 19
10 in Title 24 Youthful Offender's Act for the crime of armed
11 robbery shall receive and serve a minimum sentence of at
12 least three years no part of which shall be suspended. It
13 then goes onto state that notwithstanding any other
14 provision of law, no person between the age of 21 to 25
15 when convicted of the crime of armed robbery may not be
16 sentenced under the provisions of Chapter 19 Title 24 of
17 the Youthful Offender's Act. In the case of the State
18 versus Cutler, it states that the Youthful Offender Act is
19 a general statute which applies to anyone who is between
20 the age of 17 and 25 when convicted of a crime. The armed
21 robbery statute specifically provides anyone between the
22 ages of 21 and 25 when convicted of armed robbery may not
23 be treated as a youthful offender. I say this to further
24 show that had counsel acted within the professional norm
25 and acted on the information I had given her concerning the

1 YOA plea deal, she would have seen that I was, in fact,
2 eligible for a YOA consideration and could have taken the
3 information to the solicitor to negotiate a better or more
4 satisfactory plea deal.

5 Q. Okay. And so you -- your concern is that you -- your
6 position is pursuant to your PCR application is that you do
7 not believe that Ms. Taylor sufficiently advised you about
8 the Youthful Offender Act; is that right?

9 A. She did not.

10 Q. Okay.

11 A. I also want to state this as well, so. In that state
12 statute 24-19-10, Sections E and F, states that a person
13 who is between the age of 17 and 25 at the time of the
14 conviction is a Youthful Offender. It also states that
15 a conviction for purposes of the Youthful Offender Act
16 is a guilty verdict or a plea to a criminal charge which
17 carries a sentence of least one year unless the maximum
18 sentence is death or life imprisonment. In the case of
19 State versus Alexander, it states that the Legislature
20 has specifically prohibited the imposition of a Youthful
21 Offender sentence for a conviction which carries a
22 sentence of less than one year or a maximum sentence of
23 death or life imprisonment. Because the Legislature has
24 specifically excluded YOA sentences for certain offenses,
25 our Supreme Court has concluded the Legislature intended

1 the YOA to apply to youthful offenders guilty of all
2 other offenses, thus, unless, specifically excluded by
3 statute the Youthful Offender Act applies to all youthful
4 offenders. I say this so that the State cannot rebut the
5 fact that although I have multiple charges they all fall
6 under the YOA, so there was no reason as to why I was told
7 that I was ineligible for a YOA consideration.

8 Q. Okay. I understand.

9 A. And the last thing I would like to state is this.
10 That I was prejudiced -- I was prejudiced by the fact
11 that plea counsel fell below the professional norm by
12 explaining to petitioner that I was not eligible for a
13 YOA consideration; however, if plea counsel would have
14 investigated the information brought to her by Petitioner
15 regarding armed robbery's YOA status, then she would have
16 discovered that the Petitioner was, in fact, eligible for
17 a YOA consideration. There is a strong presumption that
18 inadequate assistance of counsel was rendered, particularly
19 in the arena of professional judgment. Had it not been
20 for counsel's error or deficient conduct the outcome of
21 the proceedings was impacted by the ineffective assistance
22 of counsel.

23 Q. Okay.

24 MS. MOORE: So, Judge, I have no further
25 questions of this witness.

1 Thank you.

2 THE COURT: Yes, ma'am.

3 All right, Counsel.

4 CROSS-EXAMINATION

5 BY MR. EVANS:

6 Q. Mr. Dozier, did you ask your lawyer to file an appeal?

7 A. No, sir.

8 Q. You didn't? Okay. Well, that's one of your
9 allegations, that she didn't file an appeal, but you
10 never asked her, did you?

11 A. I didn't even know I had an appeal.

12 Q. Okay. So she didn't file an appeal because you didn't
13 ask her to do one; isn't that right?

14 A. I didn't know I -- I didn't know I was able to, but I
15 -- yeah.

16 Q. Okay. Now one issue also you have, that your attorney
17 didn't do an adequate investigation. What was it that you
18 wanted her to do regarding your case? What investigation
19 did you want her to look at?

20 A. I asked her multiple time about a YOA consideration
21 and she lied to me about that.

22 Q. Okay. That's the only thing? There was no witnesses
23 or nobody else you wanted her to talk to that she didn't
24 talk to?

25 A. I repeatedly asked for her for a YOA consideration.

1 Q. Okay. That's the only thing? Nothing else? You
2 asked her for consideration of a YOA, that's it?

3 A. Yes, sir.

4 Q. Okay. Now another allegation, you say that your
5 counsel didn't raise certain mitigating factors during
6 your plea; isn't that correct?

7 A. Correct.

8 Q. Okay. Now your counsel talked about you being raised
9 in a home where drugs were. You told that to the judge;
10 isn't that true?

11 A. She said that. That is not true though.

12 Q. Well --

13 A. I did not -- I was not raised in a home where drugs
14 were everywhere. Yes, my mother did drugs; yes, my other
15 family members were on drugs, but it was not a drug
16 dealer's house that I was raised in.

17 Q. Okay. I don't think she said that. She said where
18 drugs were and other members of your family were on drugs;
19 isn't that correct?

20 A. Yeah, they were.

21 Q. Okay. And that is a mitigating factor, don't you
22 think, that you were raised in a home where drugs were
23 present?

24 A. Yeah.

25 Q. Okay. She also said that your mother was in drug

1 treatment at the time of your plea for an addiction; isn't
2 that correct?

3 A. Yes, sir.

4 Q. Okay. She also said that you were high on meth at the
5 time you committed this offense; isn't that correct?

6 A. Yes.

7 Q. And she also mentioned to the judge that this was your
8 first adult charge; isn't that correct?

9 A. Right.

10 Q. Okay. And she also mentioned to the judge that you
11 were trying to get your GED at the time this offense
12 occurred?

13 A. Right.

14 Q. Okay. So all those mitigating factors she did raise
15 to the Court; isn't that correct?

16 A. She did.

17 Q. Okay. And there were other mitigating factors that
18 you mentioned that you didn't tell your lawyer, but you
19 mentioned to the judge yourself, that you volunteered at
20 Greenville Recreation Center, correct?

21 A. Yes, I did.

22 Q. And also you mentioned to the judge that you volunteer
23 at a Stop -- Stop Um Boot Camp also?

24 A. Strap Um Up Boot Camp.

25 Q. Okay.

1 All right. Now let's talk about your mental
2 health condition. You stated that you were diagnosed
3 with ADHD; isn't that correct?

4 A. Yes, sir.

5 Q. Okay. But you never mentioned any other mental health
6 conditions to your lawyer, did you?

7 A. No, I did not.

8 Q. Okay. And -- and during your direct, you said that
9 you didn't have time or you didn't understand what your
10 lawyer was trying to tell you about your charges; isn't
11 that correct?

12 A. I did not.

13 Q. Okay. But during your plea the judge asked you have
14 you had plenty of time and opportunity to talk to her
15 about the nature of these charges and whether it was your
16 decision to plead guilty and you said yes, sir. Do you
17 remember that?

18 A. Yes, I did.

19 Q. Okay. Also the Court asked you has your lawyer been
20 over each of the indictments with you and explained to you
21 what the State claims you did and you answered yes, sir,
22 didn't you?

23 A. Yes, I did.

24 Q. Okay. And also the judge asked you to explain the
25 difference -- explain the definition of a consecutive

1 sentence. Do you remember that?

2 A. Yes.

3 Q. Okay. And you told the judge well, consecutive means
4 that it would run after I did -- I had ten years and I did
5 ten years, I'd have to do it after. Do you remember
6 telling the judge that?

7 A. Yes, sir.

8 Q. Okay. Which is the definition of a consecutive
9 sentence; isn't that correct?

10 A. Correct.

11 Q. Okay. And the judge asked you do you know what
12 concurrent means. Do you remember that?

13 A. Right.

14 Q. And you told the judge it would run at the same time?

15 A. Yes.

16 Q. That's the definition of a concurrent sentence also?

17 A. Right.

18 Q. Okay. So you understood sentencing structures, didn't
19 you?

20 A. To an extent.

21 Q. Okay. Now you were put on bond and given an ankle
22 monitor while you were on bond; isn't that correct?

23 A. Yes, sir.

24 Q. Okay. And you said during direct that you adjusted
25 the monitor, there was an alteration of the monitor. That

1 was your statement during direct?

2 A. Yes, sir.

3 Q. Okay. But you didn't adjust the monitor. You cut it
4 off, didn't you?

5 A. Yeah.

6 Q. Okay. So you removed it from your ankle and that's
7 why you went back in jail; isn't that correct?

8 A. Right.

9 Q. Okay. And your co-defendant didn't do that, did he?
10 Yes or no? Your co-defendant didn't --

11 A. I think he did actually.

12 Q. Well, he wasn't out on bond, was he?

13 A. He did get out on bond.

14 Q. Okay. So he removed his ankle monitor?

15 A. He got out on bond on house arrest and he came back
16 two days later.

17 Q. Okay. But you don't have no evidence that he removed
18 the ankle monitor, did you -- do you?

19 A. Repeat that.

20 Q. You don't have no evidence that he removed his ankle
21 monitor, do you?

22 A. No, I don't.

23 Q. Okay. But it's obvious because it was stated during
24 your plea and you never objected to that, that you removed
25 your ankle monitor, that you cut it off your ankle?

1 A. I never objected to that.

2 Q. Excuse me?

3 A. I never objected to that.

4 Q. Okay. Now during the plea, Ms. Tessitore, who was the
5 solicitor in the case, went over the facts of the case and
6 she mentioned that you were the person that had the gun;
7 isn't that correct?

8 A. Yes, she said that.

9 Q. Okay. And you admitted to having a gun, but you said
10 it wasn't your gun; isn't that correct?

11 A. Yes, I said that.

12 Q. Okay. And the Court asked you -- they claim you
13 struck the victim and you hit him numerous times and you
14 said I'm not disclaiming that, correct?

15 A. I never hit him multiple times.

16 Q. Okay. I'm showing you page 25, lines 21 through 24
17 of the plea. The Court said let me hear -- they claim you
18 struck the victim and you hit him numerous times and you
19 said I'm not disclaiming that?

20 A. I did say that.

21 Q. Okay. So you did not deny hitting the victim with the
22 gun, did you?

23 A. No, I did not.

24 Q. Okay. So -- and the person who was with you, the
25 co-defendant, he got a 10-year sentence; isn't that

1 correct?

2 A. Correct.

3 Q. Okay. And he didn't get a YOA sentence, did he?

4 A. No.

5 Q. Okay. You were the person with the gun, you were
6 the person that hit the victim with the gun. Your
7 co-defendant did not do that, correct?

8 A. Correct.

9 Q. Okay. And he didn't get a YOA sentence. What makes
10 you think you would have gotten a YOA sentence when you
11 were more culpable in this case than he was?

12 A. The law states I'm eligible for a YOA.

13 Q. You are eligible for a YOA, but it's up to the judge
14 to give you one; isn't that correct?

15 A. It is.

16 Q. Okay. And the judge did not give your co-defendant
17 who did less than you did, he didn't give him a YOA --

18 A. I'm not talking about the judge.

19 Q. Excuse me?

20 A. I'm talking about the fact that I brought this to my
21 lawyer, to Ms. Taylor's attention, and she disregarded the
22 fact that even had she brought it up then I would have had
23 an argument, but she never brought it up.

24 Q. Okay. You remember her testimony that she asked
25 the solicitor about that and the solicitor said I would

1 vehemently go against that; isn't that correct?

2 A. I remember she said that.

3 Q. Okay.

4 A. I doubt that she did that.

5 Q. Okay.

6 A. Because I'm the one that brought it to her attention.

7 I'm the one that wrote the solicitor. I have the letter

8 where I wrote the solicitor about the YOA consideration.

9 Q. Okay. And the solicitor --

10 A. The solicitor never wrote me back because I --

11 Q. She never wrote you back. Okay. And she never
12 mentioned to the judge that she wants you to get a YOA.

13 The solicitor never did that, did she?

14 A. No, she did not.

15 Q. Okay. So it was obvious the solicitor did not want
16 you to get a YOA sentence?

17 A. The solicitor didn't, but, like I say, I'm not talking
18 about the solicitor. I'm talking about the ineffective
19 assistance of my counsel.

20 Q. Okay. But --

21 A. Counsel never raised that up. Never raised the issue.

22 Q. Okay. If there's ineffective assistance, I don't
23 know if you understand this, but you have to have been
24 prejudiced and the judge did not give your co-defendant
25 who did less than you a YOA sentence, so it obvious he

1 wouldn't have given you one either; isn't that correct?

2 A. It's not to say that.

3 Q. Oh, so you had the gun, you hit the victim. The
4 other guy didn't do it. He got a 10-year sentence,
5 which you was offered yourself and you turned it down,
6 and you're saying the judge is gonna do more for the
7 person who's less involved in the case than you? Does
8 that make sense?

9 A. All I'm saying is me and his situation were two
10 different things.

11 Q. It was two different things. You did more than he
12 did. You cut the ankle monitor off, you hit the victim
13 with the gun and you had a gun in your possession. You
14 did more than he did and it is two different things. He
15 got a 10-year sentence. He didn't get a YOA. Do you
16 think you would have gotten a YOA sentence?

17 A. It doesn't matter if I would have gotten a YOA. What
18 matters is my -- my counsel did not raise the issue when
19 I pointed it out specifically to her multiple times.

20 Q. Well -- but if you wouldn't have gotten the YOA
21 sentence, you're not prejudiced, are you?

22 A. I am prejudiced by the fact that she didn't raise
23 the issue --

24 Q. But if the judge was not gonna give you --

25 A. -- and there's a reasonable -- there was a reasonable

1 presumption that had the judge taken into consideration a
2 YOA sentence I would not be here right now.

3 Q. A reasonable presumption. You did more than your
4 co-defendant, who didn't get a YOA, and that's a reasonable
5 presumption you would have got a better sentence than he
6 got? That's what you're saying?

7 A. What my -- what my co-defendant got sentenced to is
8 different from what I got sentenced to.

9 Q. It was different. It was different because he did
10 less; isn't that correct? He didn't do what you did. You
11 did more; isn't that true?

12 A. (No verbal response.)

13 Q. You had the gun, you hit the victim, you cut the
14 monitor off. You did those things, didn't you? Yes or no?

15 A. Yes.

16 Q. Your co-defendant didn't do those things; yes or no?
17 Yes or no?

18 A. No.

19 Q. He didn't do those things, did he?

20 A. No.

21 Q. Okay. So his sentence was less than yours doesn't
22 that make sense because you did more than he did?

23 A. No, it doesn't.

24 Q. Oh, it doesn't.

25 MR. EVANS: Okay. Nothing further, Your Honor.

1 THE COURT: Redirect.

2 REDIRECT EXAMINATION

3 BY MS. MOORE:

4 Q. Mr. Dozier, are you -- are you frustrated that your
5 co-defendant got ten years while you got fifteen?

6 A. I -- it gets to me at times, yes.

7 Q. I'm sorry? I didn't hear you.

8 A. It gets to me at times, yes, ma'am.

9 Q. Tell me why it gets to you.

10 A. Because -- the reason it gets to me is because I
11 looked up to my co-defendant, you feeling me, and, like
12 I say, the gun wasn't mine, you know. I -- I did go in
13 there and I was I would say more aggressive, but I was
14 listening to what my co-defendant had told me to do and
15 so while it may seem that yeah, I was more aggressive,
16 I was listening to what he told me to do. I was very
17 impressionable at the time, so. And also -- I also kind
18 of feel like it's a -- you know, he's white, I'm black.
19 I also kind of feel like it had something to do with race
20 as well.

21 Q. And you're frustrated by that?

22 A. Yes, ma'am.

23 MS. MOORE: No further questions, Your Honor.

24 THE COURT: Recross?

25 MR. EVANS: Briefly.

BY MR. EVANS:

A. Yes, sir.

Q. Okay. If you had took that, you would have gotten ten years, the same as your co-defendant; isn't that correct?

It's possible.

A. It's possible, yes.

Q. Okay. But you turned it down and your co-defendant didn't; isn't that correct?

A. I turned it down asking for a YOA sentence.

Q. I didn't ask you that. You turned it down because --
you turned it down when you could have gotten it?

A. I turned it down because I asked Ms. Taylor for a YOA sentence and she disregarded me and I was trying to find a better --

Q. Okay. So you could have gotten ten years just like your co-defendant, but you didn't want it though; isn't that correct?

A. I wanted it, but I wanted a lesser --

Q. You said no. You said no, didn't you?

A. No, I asked Ms. Taylor for a YOA sentence multiple times and she told me -- the second time she lied to me straight up and told me I was ineligible when at the time I was eligible.

1 Q. Okay. I'm gonna repeat --

2 A. At the time I was eligible for a YOA sentence.

3 Q. I'm gonna repeat my question. You could have gotten
4 the same sentence as your co-defendant; isn't that correct?

5 A. Correct.

6 Q. Okay. And you turned it down. So it was no one's
7 fault but yours that you didn't get the same sentence as
8 your co-defendant; isn't that correct?

9 A. Yeah. True.

10 MR. EVANS: Nothing further, Your Honor.

11 THE COURT: All right. You may step down.

12 (Witness excused.)

13 MS. MOORE: Judge, I'm gonna call Mr. Dozier's
14 mother.

15 THE COURT: Okay.

16 THE CLERK: Please place your left hand on the
17 Bible and raise your right hand.

18 (Whereupon, Gloria Ann Dixon was duly sworn by
19 the Clerk of Court.)

20 THE CLERK: State your full name for the record.

21 THE WITNESS: Gloria Ann Dixon.

22 THE CLERK: Thank you. You may be seated.

23 THE WITNESS: Good morning, Your Honor.

24 THE COURT: Good morning.

25 THE WITNESS: I hope you're doing well today.

1 THE COURT: I hope you are, too.

2 THE WITNESS: And it is my pleasure to be in your
3 courtroom.

4 GLORIA ANN DIXON,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. MOORE:

8 Q. Ms. Dixon, you are the mother of my client; is that
9 right?

10 A. Yes, I am.

11 Q. And you currently live in the state of Florida; is
12 that right?

13 A. Yes, I do.

14 Q. Okay. And when he was arrested for these charges all
15 these years ago, did you have the opportunity to speak with
16 his counsel, Lauren Taylor?

17 A. She gave me three minutes.

18 Q. Okay. And when was that?

19 A. It was on a day I happened to be driving in the area
20 of her -- where her office was located. I was with a
21 friend of mine, he name is Rhonda Boykin, and I was like
22 I have been trying over and over, I sent repeated e-mails
23 to her, no answer. I called, she's never answered, so I
24 happened to be doing some business in the area, and I
25 can't remember where it is right now, where her office is

1 located, and so I said well, let's just pull in here and
2 I'll take a chance and run in and see if she's there. So
3 I think her assistant told me that she was there, but she
4 was with a client, but as I remember I don't know if she
5 was coming down the stairs or going into another room, but
6 we were kind of -- we kind of met and she told me who she
7 was and I told her that I was David's mom and that I needed
8 to talk with her about David because David -- David is a
9 follower. He has a dis -- he's not disabled. He just --
10 he doesn't know to make -- he needs to be guided if I can
11 tell you the truth. So I mentally wanted to know could she
12 relate to me what was going on with David concerning his
13 case and she told me that she was busy, she had a client
14 that she was just -- and she needed to get back in there
15 to where he was at, but basically David was eighteen years
16 old, he's considered a man, and he can make decisions on
17 his own.

18 Q. So your testimony is that you only met with Ms. Taylor
19 one time for three minutes?

20 A. One time and I barely got them three minutes in and I
21 never spoke to her again, never seen her again.

22 Q. Okay. And did you -- did you ever have the
23 opportunity to drop off any information at her office?

24 A. Actually, no. What I did was I didn't drop it off, I
25 mailed it into her or e-mailed. I have a lot of e-mails

1 going into her because I couldn't get an appointment with
2 her, so I would e-mail her when I would e-mail David, and
3 I e-mailed David several letters; one concerning his bond
4 reduction. Like why was the bond sixty? I mean, I've been
5 in trouble. You need to know -- you need to know that I
6 have been in trouble for a long time many times, many
7 years, and my last year -- my last four years I spent in
8 prison, I was like I'm not going back, so I know what it
9 is to -- to have a bond hearing and to have a bond at
10 \$60,000, I was like David, how did you come up with that
11 number, so I -- talking with her, he told her that our
12 family could come up with \$60,000. My daddy ain't got
13 that kind of money. My daddy ain't never had --

14 Q. But in fairness, ma'am, I mean, he was able to make
15 the bond; is that right?

16 A. He made the bond, but he made the bond because of
17 someone that I found who was willing to do it for the
18 2,000 -- I think it was \$1,500 that was made, but the point
19 being is that she and him had a conversation about a bond
20 and he said 60,000, that he could meet a \$60,000 bond or a
21 \$30,000, and he couldn't meet that, he didn't know that
22 because David didn't have any money. He didn't know.

23 Q. I got you. So let me ask you this. About how many
24 would you say that you e-mailed Ms. Taylor during the
25 course of this case?

1 A. Many times. I have -- I have --

2 Q. Just tell us how much. Just give the judge --

3 A. Maybe five, six.

4 Q. Six times. Okay. And the substance of those e-mails
5 was what? What -- what information did you want to tell
6 Ms. Taylor?

7 A. Okay. So I had sent her letters saying that David has
8 mental issue, he's in mental health, he's been in mental
9 health since the seventh grade, and I have those record
10 here, school records, saying that he has a learning
11 disability --

12 Q. Okay.

13 A. -- he's been in since eighth grade. That he could
14 send a letter signed by David saying that he'd given them
15 permission to talk to me. If per chance she could not talk
16 to me, she could talk to his Uncle Stanley, his Aunt Gloria
17 and my mother. My mother is not here. None of us heard
18 from her. I didn't -- you'd have to ask them, they're
19 here. She said that she talked to Stanley and Gloria,
20 they're here, but you ask them did she call.

21 Q. Okay. And so did you -- are you -- do you have
22 awareness, ma'am, of any other diagnoses that David had?
23 I mean, he -- you heard your son's testimony that he knew
24 about ADHD, right?

25 A. Uh-huh.

1 Q. You have to say yes or no.

2 A. Yes, ma'am.

3 Q. Okay. And so -- and you also heard him testify that
4 once he was in the Department of Corrections he discovered
5 that he has other conditions, perhaps paranoia, anxiety,
6 that kind of thing. You heard that testimony, right?

7 A. Yes, ma'am.

8 Q. So at the time he entered the plea in this case, were
9 you aware of any other diagnoses that he had other than
10 ADHD?

11 A. I need some water. No, ma'am. No, ma'am, I'm not
12 aware. I know that David suffered with insomnia and he
13 didn't sleep well, so that related in a lot. We had
14 problems with that a lot.

15 Q. Okay. So he -- so you are aware that he had insomnia
16 and he also had ADHD; is that right?

17 A. Yes, ma'am. And he was on a medication, but he had
18 not been taking it, and according to the doctor when they
19 put him on this medication, the medication -- if a thought
20 comes in his head the way medication works is that it gives
21 him a minute to think. David had not been taking his
22 medication. We were having a hard -- I was having it out
23 with him about him not taking his medication and he said
24 mom, I'm out, which I didn't know. So on the day that this
25 incident happened David and I had a conversation the early

1 part, maybe two weeks that he didn't have it because he
2 hadn't been taking his medication for ADHD because he was
3 diagnosed with that.

4 Q. Okay. And let me ask you that. When he got -- when
5 he bonded out, when he was able to bond out, where was he
6 living?

7 A. He lived at home.

8 Q. Was it with you or with his grandmother?

9 A. At my parents' house, and I would like to address
10 that because my home, which is where my family is now,
11 in her statement she said that drugs were normal in the
12 home. If I can pull that real quick because I've got to
13 read what she said because it really ticked me off. It's
14 on page -- well, no. Hold on. I've got it. Don't worry.
15 I can get it. It's right here. Where she said drugs were
16 normal. Here we go. Okay. In her testimony she said
17 that drugs were normal in our -- in our home and it was
18 not. I lived at -- in my parents' house. My mom and dad
19 -- my dad -- oh, here we go. I do believe -- it's on
20 page 29. I do believe it's worth noting, Your Honor,
21 that he was raised in a home where drugs were normal and
22 everywhere. His mother throughout this process has been
23 in and out of communication with me. No, I had not one
24 time. It is my understanding that she's being treated
25 for crack addition and rehabilitation in Florida. She

1 was, the last time I spoke to her, here in Greenville at
2 the Overcomers Program.

3 Okay. Let me pick this out. The home that she's
4 talking about was my father's home and so I wrote this
5 to that. David has been -- David -- okay. Here we
6 go. David was raised in a home with his grandparents,
7 my father Leroy and Dorothy Dixon. My father was a
8 retired master sergeant from United States Air Force
9 when he retired -- when he retired, twenty years of
10 service. He also retired another twenty years from
11 (inaudible) here in Greenville, South Carolina.

12 Alongside of him for fifty years was my mother Dorothy
13 Dixon, a devout Jehovah's Witness. They have lived in
14 our home since -- we've lived in our family home since
15 1971. David was raised in the admonition of the Lord
16 and respect for children. He was -- my parents were
17 lenient with him however and they -- but they were
18 elderly and could not keep up with him. David did not
19 have the strong hand he needed to guide him because I
20 was in and out of prison. So David's very smart. He
21 has a lot of potential.

22 Q. I hate to stop you. My question was where was he
23 living when he got out on bond?

24 A. He was living in my mother's home at 17 -- I mean,
25 ■ Milton Drive, Greenville, South Carolina.

1 Q. Okay. Got you. And obviously, Ms. Dixon, you're very
2 frustrated by this process because he was -- he was a
3 first-time offender, right?

4 A. He was a first-time offender and the fact that she
5 said he was raised in a home where drugs were normal, that
6 is not so.

7 Q. Okay. I understand.

8 MS. MOORE: Judge, I have no further questions of
9 this witness.

10 THE COURT: All right.

11 MR. EVANS: Just a few questions, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. EVANS:

14 Q. Good morning. How are you doing?

15 A. I'm doing fine. How are you?

16 Q. I'm good.

17 Now Mr. Dozier is your son and you love him, of
18 course, don't you?

19 A. Yes.

20 Q. Okay. And he has been convicted of armed robbery and
21 kidnapping. Those are very serious offenses.

22 A. Yes.

23 Q. Okay. And I'm sure it breaks your heart to see him
24 doing a 15-year sentence?

25 A. Yes.

1 Q. Okay. Now you said that you stopped by his lawyer's
2 office and she gave you three minutes; isn't that correct?

3 A. Yes.

4 Q. Okay. Did you ever try to make an appointment with
5 her to have more time?

6 A. I did.

7 Q. How many times did you try to make an appointment?

8 A. As many times as I called or as many times as I sent
9 e-mails.

10 Q. Okay.

11 A. So I can say three to four times on a phone call,
12 four to five e-mails. Nothing.

13 Q. Now did you speak with her or her paralegal or
14 assistant?

15 A. Her paralegal or whoever was talking, but nobody --
16 she was -- I was unable to get an appointment to come in
17 and see her. I was unable to get her to talk to me in her
18 office. I was not able to come in and sit down and have a
19 face-to-face gut conversation with her concerning David
20 because she would not -- so I would know what was going on
21 with him so we could all get together and come to the best
22 thing possible -- agreement for David. David was wrong for
23 doing what he did. He was wrong.

24 Q. Okay. Now David is a grown man; isn't that correct?
25 He's not a child.

1 A. They tell me -- they tell me that at eighteen that
2 he's considered a child. The operative word in that to me
3 is teen.

4 Q. Okay. But he was treated as an adult in the system?

5 A. He was treated as an adult, but he has mental health
6 issues as well. In school he was -- these papers -- I
7 mean, you have to see --

8 Q. I'm --

9 A. Well, you don't want to see?

10 Q. No. No, ma'am, I don't want to see them.

11 A. The fact of the point is he was in special ed class.

12 Q. Okay. Did he ever -- did he ever go to a mental
13 health hospital?

14 A. Yes.

15 Q. Okay. When was this?

16 A. Yeah, he had a mental health -- he had a mental
17 health -- a mental health -- yeah, yeah, yeah, yeah,
18 yeah. Amanda -- he had two of them as a matter of fact.
19 Amanda Sun was his mental health counselor and a Gregory
20 Brice.

21 Q. Okay. Now all these records -- did you give his
22 lawyer all these records that you before the Court right
23 now?

24 A. She wouldn't see me.

25 Q. But, I mean, did you --

1 A. I -- I offered her -- I sent her a letter in one of
2 the many letters that I texted to her -- sent to her and
3 David for her to sign that David has been a person with a
4 mental health issue.

5 Here it is. Ms. Taylor, I am concerned about
6 David's mental state of mind at this time. I believe
7 that you're trying -- I said that was a lie because I
8 never talked to her -- but David has been a patient at
9 mental health since the eighth grade. I am working on
10 getting his records for you. I have been told that it
11 will take at least ninety days and/or a change in
12 circumstances. David can be considered for another
13 reduction. This is when we were trying to talk about
14 his bond reduction.

15 Q. Okay. Hold on.

16 A. Yes, I did. I sent her a letter, yes.

17 Q. Okay. Ma'am, I understand that. Let me ask you
18 another question. Did you give all of this to David when
19 he was in jail or while he was on a bond?

20 A. Sir, this came from my --

21 Q. I understand that, ma'am. Did you give this
22 information to David himself?

23 A. Yes, I gave it to David. I sent it to him and I sent
24 it to her and David had to --

25 Q. Sent it to his lawyer?

1 A. -- send a letter to her. I had to send a letter to
2 David to get him to sign a letter.

3 Q. I'm not talking about letters, ma'am. I'm talking
4 about the information that you have about him seeing mental
5 health counselor. Did you give this information to David
6 so he could give it to his lawyer?

7 A. I didn't have to tell him to -- tell David to say he
8 had a mental health counselor. David knew that he had a
9 mental health counselor, but she --

10 Q. Okay. So what if David didn't tell his lawyer that
11 he had a mental health counsel? She wouldn't have known,
12 would she?

13 A. I don't know if she would have known, but she would
14 have known had she read my letters. I sent her letters
15 stating that.

16 Q. Okay.

17 A. So had she looked at my letters and gotten the
18 information she would have known.

19 Q. Okay. Well, let me ask you something. David knows
20 right from wrong, doesn't he?

21 A. I didn't say he didn't.

22 Q. Okay. And he knew that armed robbery and kidnapping
23 is wrong?

24 A. What he did was wrong.

25 Q. Okay. And he should have known that and he did know

1 that, didn't he?

2 A. I -- yeah, I agree that he knew he was wrong. I'm
3 not saying that. Yeah, I went to prison for doing stuff
4 that I wasn't supposed to be doing. We all do stuff we
5 ain't supposed to do.

6 MR. EVANS: Okay. Nothing further, your Honor.

7 MS. MOORE: Nothing further.

8 THE COURT: All right. You may step down.

9 THE WITNESS: Thank you, Your Honor. It was a
10 pleasure.

11 THE COURT: Thank you.

12 (Witness excused.)

13 MS. MOORE: And we have no further witnesses.

14 THE COURT: All right.

15 All right. With the Applicant resting, does the
16 State have any witnesses they intend to call?

17 MR. EVANS: No witnesses for the State, Your
18 Honor.

19 THE COURT: All right. We'll go into final
20 closing arguments.

21 Anything else? I know you kind of put everything
22 out there in your opening, but anything else you need
23 to add, Ms. Moore?

24 MS. MOORE: No, Your Honor. I think my client
25 has done an excellent job of outlining the grounds

1 that he's filed for his post-conviction relief
2 application. He's been very clear about that.

3 And, Your Honor, I would just ask for you to
4 consider his testimony in light of the testimony of
5 counsel. And, again, he's asked -- you know, I will
6 say this, Judge. My client, he's -- he is frustrated
7 that his co-defendant did get ten years. I mean,
8 you've heard the testimony of my client. But I also
9 know that -- I think that my client, what he's asking
10 the Court to do, is to grant him a new trial given
11 the circumstances of this case, Your Honor. I'm very
12 satisfied that my client understands the ramifications
13 of that and so at this time, Your Honor, we would just
14 ask you to grant his PCR application.

15 THE COURT: He does understand that if I was to
16 grant it he could potentially go to prison for thirty
17 years?

18 MS. MOORE: Judge, I'm very satisfied that he
19 does understand that. He does understand that.
20 That's something that he and I have discussed.

21 THE COURT: And he also understands that it is
22 highly unlikely for a judge to give a YOA sentence on
23 an armed robbery and kidnapping?

24 MS. MOORE: Well, I don't -- and so I think,
25 Your Honor -- I don't think that we've specifically

1 discussed that issue, but at the same time in
2 looking at the statute I do think that both my
3 client stipulated and that Ms. Taylor did testify
4 that it is discretionary with the Court.

5 THE COURT: Well, not anymore because he's
6 -- technically he's over twenty-one now and armed
7 robbery would not be eligible for a YOA sentence.

8 MS. MOORE: Yes, sir.

9 THE COURT: Anyway --

10 MS. MOORE: Yes, sir.

11 THE COURT: -- again, thank you.

12 MS. MOORE: Thank you.

13 THE COURT: Yes, sir.

14 MR. EVANS: I really have nothing to present to
15 the Court. I would like the Court to leave the case
16 open so I can do some research on the YOA sentence and
17 the statute because I don't know if he was eligible at
18 that time either, so I would ask the Court to leave it
19 open for a day in order for me to do some research and
20 I'll provide the Court with any research I can do on
21 that. It seems like the biggest hang-up with him is
22 the YOA statute and nothing else.

23 THE COURT: All right. Thank you, Counsel.

24 I'm gonna take it under advisement. I should
25 have something for you by the end of the week.

1 MR. EVANS: Thank you, Your Honor.

2 MS. MOORE: Thank you.

3 (Whereupon, the proceedings were concluded for
4 May 15, 2024, at 12:10 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the hearing of the captioned case in Circuit Court
on the 15th day of May, 2024.

This transcript may contain quoted material.
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I do further certify that I am neither of kin,
counsel, nor have an interest to any party hereto.

March 13, 2026

/s/ Stacy S. Johnson
STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

David R. Dozier, #373169,

Applicant,

v.

State of South Carolina,

Respondent.

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

Case No.: 2021-CP-23-03356

ORDER OF DISMISSAL
(with prejudice)

ENTERED COMPUTER

FILED: 25DEC4PM 11:36
COC JAY BRESHAM GUL-50

This matter comes before the Court by way of an application for post-conviction relief filed on July 16, 2021, by Applicant David R. Dozier. Respondent made its return and partial motion to dismiss requesting an evidentiary hearing on or about October 6, 2022.

An evidentiary hearing was held on May 15, 2024, at the Greenville County Courthouse with the Honorable B. Alex Hyman presiding. Applicant and his appointed counsel, Scarlet B. Moore, Esq., were present. Assistant Attorney General Tommy Evans, Jr. of the South Carolina Office of the Attorney General represented the State. Applicant testified on his own behalf and called plea counsel and his mother to testify at the hearing.

After consideration of the testimony given at the hearing, and after reviewing and considering the record, arguments presented by counsel, and the controlling case law, this Court finds that Applicant has failed to carry his burden of proof. Consequently, this Court **DENIES** relief for the specific reasons set out in this order.

PROCEDURAL HISTORY

Applicant is currently imprisoned by the South Carolina Department of Corrections in the Greenville County Detention Center. During its June of 2016 term, the Greenville County grand jury indicted Applicant for armed robbery (2016-GS-23-002038), first-degree assault and battery (2016-GS-23-002036), kidnapping (2016-GS-23-002037), and possession of a weapon during the

commission of a violent crime (2016-GS-23-002038).

On July 17, 2017, Applicant appeared before the Honorable J. Derham Cole and pleaded guilty as indicted without the benefit of a sentencing recommendation from the State. Applicant was represented by Lauren Taylor Esq. ("plea counsel"), and Assistant Solicitor Jennifer A. R. Tessitore ("the solicitor") of the Thirteenth Circuit Solicitor's Office prosecuted the case. The solicitor presented following facts to the Court:

On January 18th of 2016, at approximately 6:00 in the morning, this Defendant and a co-defendant entered the Millennium Gas Station store on Laurens Road in Greenville County with bandanas as masks, latex gloves on their hands, and hoodies turned inside out and hoods on.

This Defendant then pushed a gun into the clerk's chest. The co-defendant took cash drawers from under the counter and put them in a dark backpack. And this Defendant then came around the counter, grabbed the victim, struck him in the head with a gun, broke his glasses, forced him down onto the floor, and continued to hit him.

Both were -- both the Defendant and co-defendant were grabbing as many cigarette packs as they could stuff into the bag and told the clerk to open the register or they would shoot him as he pointed -- as this Defendant pointed the gun into the victim's back. The victim opened the register under duress. This Defendant grabbed the whole cash drawer. And they took off with approximately a thousand dollars, and multiple packs of cigarettes, and the victim's cell phone.

They drove off in a vehicle, which was registered to this Defendant's grandmother, but struck a dairy truck shortly after they fled the scene, and then jumped out and fled on foot. The truck driver the dairy truck driver was able to give information to the officers as far as their direction of travel.

But based on the fact that they were, also, in possession of the victim's cell phone, detectives were able to use the Google Maps application to be able to track the location of that cell phone. This Defendant had used the cell phone at one point. And they were able to get that number and locate that number as this Defendant's mother. He was calling his mother for a ride.

The detective then called the victim's phone after they had located this Defendant and the co-defendant at the Waffle House on Laurens Road just up the -- the street from where the crime had occurred -- the crimes had occurred. When the -- let me back up.

In the -- in the gas station store, there was video surveillance of the -- the whole crime. And, you know, this -- as I said, this Defendant could be seen holding the gun the entire time. And as the victim would testify at trial, he was the one giving him the orders, and telling him what to do, and placing the gun at his back and then in his face as he fled the scene there.

When they got to the Waffle House, there was, also, video there that picked up just probably about 30 minutes after the commission of these crimes. They were in the Waffle House. They turned their clothing inside out, back into the -- where it had the labels and distinctive markings. And this Defendant turned his -- his pants inside out with some distinctive marijuana leaves on those pants.

The waitress there was able to determine that they appeared to be hiding things and acting suspicious. They went into the bathroom at separate times and, basically, stashed the backpack with the cash, with the cigarettes, with the Defendant's ID, and this Defendant's wallet. Everything was in a trash bag in the bathroom.

And when the detective called the victim's cell phone as he walked into the Waffle House, he saw this Defendant exiting the bathroom where they stashed the items, the evidence. And the phone rang in his hand as he handed it to the co-defendant, who was seated at the booth. They were both at that point, also, on video captured there, arrested, and taken into custody.

This Defendant had the bandana, the mask, the latex gloves in his hood. The latex glove -- another pair of latex gloves and cash drawers were found in the wood line nearby on the trail that the -- the phone captured through Google. And, again, all of this is on video.

And the co-defendant has pled guilty as of March 15th of 2017, and received a 10-year sentence.

(Plea Tr. at 19-22).

Judge Cole accepted Applicant's plea and sentenced Applicant as follows: for armed

robbery, to imprisonment for fifteen years; for possession of a weapon during the commission of a violent crime, to imprisonment for five years; for kidnapping, to imprisonment for ten years; and for first-degree assault and battery, to imprisonment for ten years; and with all sentences running concurrently, with credit for time served, and with a finding that Applicant was not required to register as a sex offender.

Applicant did not appeal his convictions and sentences.

CURRENT ALLEGATIONS

In his application for post-conviction relief, filed on April 19, 2022, Applicant asks this Court to “reverse, remand, or vacate” his convictions and raises the following issues:

1. Applicant did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences;
2. Plea counsel was constitutionally ineffective for not requesting a competency hearing;
3. Applicant’s guilty pleas were involuntarily and unknowingly entered because plea counsel did not conduct an adequate investigation, adequately prepare a defense, and adequately explain the law and available defenses to Applicant;
4. Plea counsel was constitutionally ineffective for failing to request that Applicant be sentenced under the Youthful Offender Act;
5. Plea counsel was constitutionally ineffective for failing to inform Judge Cole of certain mitigating factors;
6. Plea counsel was constitutionally ineffective for failing to use expert testimony to inform the courts of Applicant’s mental health condition.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In addition to carefully considering the record and the arguments presented by counsel, this Court has also had the opportunity to consider the testimony presented at the PCR evidentiary hearing and has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. §17-27-80 (2003).

INVOLUNTARY WAIVER OF DIRECT APPELLATE REVIEW

Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are nonfrivolous grounds for appeal) or when the defendant reasonably demonstrated an interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea. *Roe v. Flores-Ortega*, 528 U.S. 470, 120 S.Ct. 1029, 145 L.Ed.2d 985 (2000); *Weathers v. State*, 319 S.C. 59, 459 S.E.2d 838 (1995).

Applicant alleges that he did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences. Applicant pled guilty to the charges against him, and at the evidentiary hearing, Applicant did not allege that he requested that plea counsel file a direct appeal, that he had viable issue for a direct appeal, or that there were other extraordinary circumstances which would require him to be advised of his right to a direct appeal from his guilty plea. The allegation in his application only states that counsel did not inform him about appealing and that he did not know he was eligible for an appeal. The only testimony at the hearing from Applicant was that he had no recollection of being advised of the right to appeal, nor did he ask plea counsel to file an appeal.

Plea counsel testified that she believed the plea court did a very good job of ensuring Applicant was aware of his rights at the proceeding and testified that Applicant did not request her to appeal. The record shows that the Court did not explicitly advise Applicant of the right to appeal,

however, considering the thorough manner which the plea court questioned Applicant's understanding of the proceeding and considered the circumstances of Applicant's crime, no extraordinary circumstances objectively warranted counsel to inform Applicant about appealing his conviction. *See Roe v. Flores-Ortega*, 528 U.S. 470, 120 S.Ct. 1029, 145 L.Ed.2d 985 (2000) (holding that counsel has a constitutional duty to inform a defendant of his right to appeal a guilty plea if there is reason to think that a rational defendant would want to appeal or that the defendant demonstrated an interest in appealing).

As such, there was no evidence presented at the evidentiary hearing that Applicant was entitled to be advised of his right to a direct appeal from his guilty plea and was not advised of that right, nor was there evidence Applicant requested counsel file an appeal. As such, Applicant cannot show counsel acted outside the range of reasonable professional assistance causing him to be prejudiced. Therefore, this allegation is denied and dismissed with prejudice.

INEFFECTIVE ASSISTANCE OF COUNSEL

To show a violation of the Sixth Amendment, an Applicant must show that counsel's representation fell below an objective standard of reasonableness, and but for counsel's error, there is a reasonable probability that the outcome of the trial would have been different. *Strickland v. Washington*, 466 U.S. 668, 694 (1984); *Simpson v. Moore*, 367 S.C. 587, 595–96, 627 S.E.2d 701, 706 (2006). "A reasonable probability is a probability sufficient to undermine confidence in the outcome" of the trial. *Strickland*, 466 U.S. at 694. It is presumed that counsel made all decisions in exercise of reasonable judgment. *Id.* at 689. It is the applicant's burden to prove, by a preponderance of the evidence, that he is entitled to relief. Rule 71.1 (e), SCRCF. *See also Speaks v. State*, 377 S.C. 396, 399, 660 S.E.2d 512, 514 (2008) ("The burden of proof is on the applicant to prove the allegations in his application.").

In *Hill v. Lockhart*, The United States Supreme Court held that the aforementioned two-part *Strickland* test additionally applies to allegations of ineffective assistance of plea counsel. 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985). The first half of the test remains as intended in *Strickland*; however, the prejudice requirement focuses on whether counsel's constitutionally ineffective performance affected the outcome of the plea process. *Hill*, 474 U.S. at 57-59. "In other words, in order to satisfy the "prejudice" requirement, the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *Id.*

As such, A defendant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of a plea by showing that counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985). When determining issues relating to guilty pleas, the Court will consider the entire record, including the transcript of the guilty plea, and the evidence presented at the PCR hearing. *Anderson v. State*, 342 S.C. 54, 57, 535 S.E.2d 649, 650 (2000).

*Ineffective Assistance: Failure to Request a
Competency Hearing*

As to Applicant's allegation that plea counsel was constitutionally ineffective for failing to request a competency hearing, this Court finds that Applicant has failed to show that that plea counsel acted outside the range of reasonable professional assistance in criminal proceedings.

In a PCR action, the Applicant must prove by a preponderance of the evidence that he was incompetent when he entered his guilty plea. *Jeter v. State*, 308 S.C. 230, 232, 417 S.E.2d 594, 595-596 (1992)); Rule 71.1(e), SCRCP. "The accused must have sufficient capability to consult

with his lawyer with a reasonable degree of rational understanding and have a rational as well as factual understanding of the proceedings against him.” *Jeter*, 308 S.C. 230, 232, 417 S.E.2d 594, 596 (1992)) (citing *Carnes v. State*, 275 S.C. 353, 271 S.E.2d 121 (1980)). Counsel may reasonably rely on his own perceptions in deciding whether a client is competent. *Jeter*, 308 S.C. 230, 232, 417 S.E.2d 594, 595–596 (1992))

The evidence addressed at the evidentiary hearing is insufficient to show deficient performance on the part of plea counsel. Plea counsel testified that she reviewed the discovery with Applicant and the evidence against him. She discussed with him that the solicitor intended to call Applicant’s co-defendant at trial, and that she believed the testimony would be damaging. Plea counsel testified that there were no discussions of a competency hearing between her and Applicant, nor did she see any indication that Applicant needed a competency hearing.

Applicant testified that plea counsel should have requested a competency hearing because he did not understand and was not comfortable making decisions for himself. He testified that he had an ADHD diagnosis prior to his conviction, and was also diagnosed with paranoia, antisocial disorder and anxiety while in SCDC, subsequent to his conviction, however he did not relay this information to plea counsel during the course of her representation. Applicant testified that he recalled appearing before Judge Cole and answering questions confirming that he understood the charges and the decision to plead guilty. Applicant testified that he understood what a straight up plea meant, that he was worried about his codefendant’s testimony, and that he did not want to go to trial.

Applicant’s mother also testified on Applicant’s behalf that Applicant had been diagnosed with ADHD at the time of his plea. She further testified that Applicant had not been taking his medication that helped him think. On cross examination, Respondent asked Applicant’s mother if

Applicant had his medical records to give to plea counsel, which she responded that Applicant was in possession those records, yet Applicant testified he never gave them to plea counsel. She was also asked if Applicant knew right from wrong, to which she responded that he did.

The record further shows that Applicant confirmed that he had time to discuss the charges and the decision to plead guilty with plea counsel, that he understood the charges against him, the potential sentence he could receive, and the evidence the State has against him. (Plea Tr. at 4-7). Thus, satisfying the legal competency requirements. Further, Applicant has not presented this Court with any medical records or provided any indication that plea counsel had a reason to request a competency hearing. Applicant admits that he did not inform counsel about his ADHD diagnosis. However, Applicant informed the plea court about his diagnosis and that he had not been taking medication. The plea court ensured that not taking the medication did not affect his understanding of the proceeding. Applicant confirmed that it did not. (Plea Tr. at 14 -15). In fact, according to plea counsel, Applicant contacted plea counsel to enter a plea after rejecting an initial plea offer from the State. Plea counsel testified that she was prepared to go to trial, and that Applicant expressed reservations. As such, there is no indication that Applicant did not have rational understanding of the charges and the evidence against him and was able to make a rational decision regarding the plea. There is no further evidence presented that Applicant was insane at the time the crime was committed. The record strongly disputes such a claim. Accordingly, plea counsel's failure to request a competency evaluation was not outside the range of reasonable professional assistance.

Even if deficient performance were present, the Petitioner cannot show prejudice from counsel's failure to further investigate his mental capacity. Under this second prong of Strickland, "the [petitioner] need only show a 'reasonable probability' that he was either insane at the time

[the crime was committed] or incompetent at the time of the plea.” *Matthews v. State*, 358 S.C. 456, 459, 596 S.E.2d 49, 51 (2004) (quoting *Jeter*, 308 S.C. at 233, 417 S.E.2d at 596). Again, the record shows that Applicant understood the charges, the weight of the evidence, and the proceedings against him, and there was no further indication at the evidentiary hearing that he was incompetent at the time of plea or insane at the time the crime was committed.

As such, the testimony presented at the evidentiary hearing and the record reviewed by this Court support the Petitioner’s competence. Thus, plea counsel was not deficient for failing to request a competency hearing, and Applicant has not demonstrated any resulting prejudice. Therefore, this allegation is denied and dismissed with prejudice.

*Ineffective Assistance: Failure to Investigate, Prepare a Defense,
and Explain the Law and Defenses to Applicant*

As to Applicant’s allegation that Applicant’s guilty pleas were involuntarily and unknowingly entered because plea counsel did not conduct an adequate investigation, adequately prepare a defense, and adequately explain the law and available defenses to Applicant, this Court finds that Applicant has failed to establish any deficiency in counsel’s performance in accordance with *Strickland* standards.

To find a guilty plea is voluntarily and knowingly entered into, the record must establish the applicant had a full understanding of the consequences of his plea and the charges against him. *Boykin v. Alabama*, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); *Dover v. State*, 304 S.C. 433, 405 S.E.2d 391 (1991). “A defendant’s knowing and voluntary waiver of the constitutional rights which accompany a guilty plea may be accomplished by colloquy between the Court and the defendant, between the Court and defendant’s counsel, or both.” *Pittman v. State*, 337 S.C. 597, 600, 524 S.E.2d 623, 625 (1999). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence at the PCR hearing. *Harris v. Leeke*, 282 S.C. 131, 318

S.E.2d 360 (1984).

The record shows that the plea court ensured that Applicant had time to discuss the charges with plea counsel, was aware of the evidence against him, and confirmed that it was his decision to plead guilty. (Plea Tr. at 4). The Court ensured that Applicant was aware of each charge and the potential sentence he could receive. (Plea Tr. at 4-8). Applicant further explained the difference between consecutive and concurrent sentences, showing that he understood the potential sentencing consequences. (Plea Tr. at 6). Applicant confirmed that he wished to enter a guilty plea after indicating he understood this information. (Plea Tr. at 8).

A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *Blackledge v. Allison*, 431 U.S. 63, 97 S.Ct. 1621, 52 L.Ed.2d 136 (1977). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. *Id.*

As to Applicant's allegation that plea counsel failed to prepare a defense, the record disputes the claim. The following colloquy took place between Applicant and the Court:

The Court: Did you and she discuss whether or not you have some defense to any one or more of the charges to which you're now offering to plead guilty?

Defendant Dozier: Yes, sir.

The Court: Do you know of any defense that you have?

Defendant Dozier: No sir.

The Court: Do you understand that if you do have a defense - - when you have a defense that when you plead guilty, you give up your right to assert that defense?

Defendant Dozier: Yes, sir.

The Court: Ms. Taylor [plea counsel] has explained that to you?

Defendant Dozier: Yes, sir.

(Plea Tr. at 9-10). At the evidentiary hearing, Applicant does not specify what defenses, if any, he would have presented to mitigate his plea, or a defense he would have presented at trial. Further, plea counsel testified that she was prepared to move forward with trial and did not intend to call any witnesses on Applicant's behalf after considering the evidence, and that Applicant's co-defendant would testify against him. Plea counsel testified that her strategy was to have the last word with the jury. "[W]hen counsel articulates a valid reason for employing a certain strategy, such conduct generally will not be deemed ineffective assistance of counsel." *Lounds v. State*, 380 S.C. 454, 462, 670 S.E.2d 646, 650 (2008).

As to the allegation that plea counsel failed to adequately explain the law and available defenses to Applicant, the record also disputes the claim. Even if Applicant was confused or misunderstood plea counsel's explanations, the plea court reviewed each indictment and the state's evidence against Applicant and ensured that he understood the consequences of his plea. The plea court ensured that Applicant understood he was waiving constitutional rights, to which the Court also asked if plea counsel had explained those rights to him. He confirmed that plea counsel had. (Plea Tr. at 10-12). He also confirmed that plea counsel had explained to him the elements of each charge, the importance of designated violent offenses including most serious offenses and no parole offenses. (Plea Tr. at 26-29).

As to the allegation that plea counsel did not conduct an adequate investigation, Applicant has not provided any evidence to support the claim. Plea counsel testified that she and Applicant reviewed the discovery together, and she was prepared to go to trial after Applicant rejected the

plea offer from the State. When asked at the evidentiary hearing what other investigation plea counsel could have pursued, Applicant testified “just the YOA consideration.” Plea counsel testified that she looked into the sentencing requirements under the Youthful Offender Act and discussed the option with the solicitor. She testified that the solicitor was adamantly against sentencing pursuant to the Act considering the crime and that Applicant had cut his monitor off. Further, Applicant testified that plea counsel told him he was ineligible for sentencing consideration under the Youthful Offender Act, which considering Applicant was charged with kidnapping, is an accurate statement on behalf of plea counsel.

After considering Applicant’s testimony at the evidentiary hearing, Applicant has not presented any meritorious allegation as to counsel’s deficient performance, but simply exhibits discontent with his sentence. As such, plea counsel did not act deficiently, and Applicant cannot prove any prejudice as a result. Therefore, this allegation is denied and dismissed with prejudice.

*Ineffective Assistance: Failing to Request Sentencing
pursuant to the Youthful Offender Act*

As to Applicant’s allegation that plea counsel was constitutionally ineffective for failing to request that Applicant be sentenced under the Youthful Offender Act, this Court finds that Applicant has failed to establish that plea counsel acted outside the range of reasonable professional assistance. Thus, he cannot establish resulting prejudice.

Any person who appears before the court in general sessions between the ages of seventeen and twenty-five is considered a youthful offender and must be sentenced by the trial court under the provisions of the act, considering the charge, despite counsel’s request to do so. S.C. Code Ann. § 24-19-10; *See Creel v. State*, 262 S.C. 558, 564, 206 S.E.2d 825, 828 (1974). The court’s specific factual findings as to whether or not Applicant is well suited for sentencing under the Youthful Offender Act is not required to be placed on the record. *Ballard v. State*, 258 S.C. 91,

187 S.E.2d 224. If the court shall find that the youthful offender will not derive benefit from treatment, then the court may sentence the youthful offender under any other applicable penalty provision. *Ballard v. State*, 258 S.C. 91, 187 S.E.2d 224 (1972). Such a decision is within the court's discretion. *Brown v. State*, 265 S.C. 516, 220 S.E.2d 125 (1975). Whether or not plea counsel requests sentencing consideration under the Youthful Offender Act has no effect upon the validity of Applicant's sentence because the statute requires that he automatically be considered as a youthful offender by the court. *Creel v. State*, 262 S.C. 558, 564, 206 S.E.2d 825, 828 (1974).

The record clearly shows that the court considered Applicant's circumstances and considered Applicant's age, highest level of education, relationship status, whether or not he had any children, his employment history, history of mental illness, history of drug use, criminal history, and the facts of the case in making his determination. (Plea Tr. p. 13-19). The Court inquired about and considered Applicant's co-defendant's 10-year sentence and the difference between the two. (Plea Tr. at 23). The solicitor advised the court that Applicant not only admitted drug use while he was placed on the electronic monitor, but he removed the monitor and re-offended. (Plea Tr. at 23). Further, she stated that Applicant was the primary aggressor in the crime, he brought the gun, and he secured a vehicle from his family member. (Plea Tr. at 23-24). Applicant did not disagree with any of the facts the solicitor presented other than that the gun was not his and that he did not threaten the victim as he was leaving. (Plea Tr. at 25-26).

At the evidentiary hearing, plea counsel testified that she asked the solicitor to agree to sentencing under the statute, however she declined to do so considering the circumstances of the case. Applicant testified that plea counsel lied to him about his eligibility to be sentenced under the Youthful Offender Act and that counsel did not discuss the statute with him at all.

Additionally, it should be noted that Applicant's kidnapping conviction is not available for

sentencing consideration under the Youthful Offender Act. S.C. Code Ann. § 24-19-10; S.C. Code Ann. § 16-1-60. As such, regardless of whether the solicitor agreed to recommend sentencing Applicant to an alternate section under S.C. Code Ann. § 24-19-50 for his other charges, pursuant to the plea court's discretion, Applicant would still be required to serve the 10-year sentence of imprisonment for kidnapping with the Department of Corrections.

This Court finds that Applicant has failed to show that plea counsel acted deficiently for failing to request the Court for Applicant to be sentenced under the Youthful Offender Act. Such a sentencing consideration is automatic by the court, exclusive of certain violent crimes, and plea counsel is not required to request the court to do so. Applicant has not provided any evidence to support the conclusion that plea counsel's redundant request of sentencing him pursuant to the Youthful Offender Act would have changed the outcome of the proceeding. The record shows that the court considered ample factors in sentencing Applicant, and that plea counsel did not act outside the range of reasonable professional assistance. Therefore, this allegation is denied and dismissed with prejudice.

*Ineffective Assistance: Failure to Inform the
Court of Mitigating Factors*

As to Applicant's allegation that plea counsel was constitutionally ineffective for failing to inform Judge Cole of certain mitigating factors, this Court finds that Applicant has failed to satisfy his burden of proof pursuant to *Strickland*.

At the evidentiary hearing, plea counsel recalled that she presented the court with mitigating factors such that Applicant was expecting a child, had no prior convictions, and was clean. The record supports this testimony. The record reflects that plea counsel informed the Court that Applicant grew up in a home where drugs were normal and everywhere, and that his mother had been in and out of rehab for crack addiction. (Plea Tr. at 29). Plea counsel informed the Court

that Applicant was using meth at the time this crime was committed with the purpose of the crime to buy more drugs. (Plea Tr. at 29). She continued to tell the Court that Applicant was working on finishing his GED prior to violating house arrest and had been working on entering a drug treatment program. (Plea Tr. at 30). She asked the Court to sentence Applicant to the minimum of ten years so he could be part of his daughter's life. (Plea Tr. at 30).

Additionally, Applicant informed the Court that he volunteered with Greenville Rec and "Strap Em Up Boot Camp." (Plea Tr. at 30-31). He added that he was talking with an Army recruiter who told him that he needed to obtain his GED, cut his dreads and get the drugs out of his system. Applicant admitted he was still working on getting clean. (Plea Tr. at 31). Applicant also informed the Court of his ADHD diagnosis and that he was not currently taking medication. The Court ensured that not taking the medication did not affect Applicant's ability to understand the proceeding. (Plea Tr. 14-15). At the evidentiary hearing, when asked what else plea counsel could have presented to the Court to mitigate his sentence, Applicant responded, "Nothing I can think of."

As such, Applicant has failed to establish that plea counsel acted deficiently as to this allegation. Applicant has not presented any supporting evidence or additional information that could have mitigated his sentence and as a result has failed to establish prejudice. Therefore, this allegation is denied and dismissed with prejudice.

Ineffective Assistance: Failure to use Expert Testimony

As to Applicant's allegation that plea counsel was constitutionally ineffective for failing to use expert testimony to inform the courts of Applicant's mental health condition, this Court finds

that Applicant has failed to establish that plea counsel acted deficiently thereby affecting the outcome of the proceeding.

At the evidentiary hearing Applicant testified that an expert witness should have been called to describe the drugs and medication that he was on and how that affected his decision making. “If a PCR applicant claims [] counsel was ineffective for failing to interview or call [] witnesses, then the “applicant must produce the witnesses at the PCR hearing or otherwise introduce the witnesses’ testimony in a manner consistent with the rules of evidence.” *Martin v. State*, 427 S.C. 450, 455, 832 S.E.2d 277, 279-280 (2019) (quoting *Glover v. State*, 318 S.C. 496, 498–99, 458 S.E.2d 538, 540 (1995) (emphasis added)). “The applicant’s mere speculation what the witnesses’ testimony would have been cannot, by itself, satisfy the applicant’s burden of showing prejudice.” *Glover v. State*, 318 S.C. 496, 499, 458 S.E.2d 538, 540 (1995). Applicant did not present an expert witness at the evidentiary hearing and only speculated that an expert witness would be able to mitigate his sentence by describing his mental state. As such he failed to satisfy his burden.

Further, Applicant admitted that he did not inform counsel about his ADHD diagnosis, and counsel would have had no reason to call an expert witness on the matter. Again, plea counsel testified that she did not believe there were any issues with Applicant’s competency, or with his mental state thus there was no indication that she needed to call an expert witness to explain Applicant’s mental health condition and drug use.

As such, Applicant has failed to establish that plea counsel acted deficiently as to this allegation, nor has he established any resulting prejudice. Therefore, this allegation is denied and dismissed with prejudice.

CONCLUSION

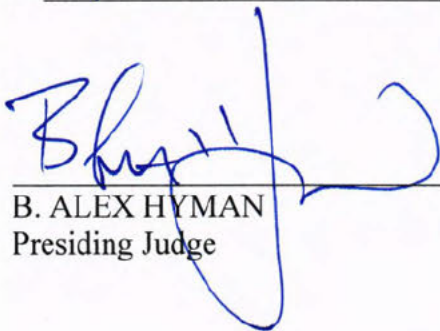
Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations during his plea hearing. Plea counsel was not deficient, and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be **DENIED** and **DISMISSED** with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. Applicant's application for post-conviction relief is denied and dismissed with prejudice; and
2. Applicant is remanded to the custody of Respondent for completion of his sentence.

AND IT IS SO ORDERED this 24 day of Nov., 2024


B. ALEX HYMAN
Presiding Judge

WITNESSES

B W Lusk

Greenville Police Department

1/18/2016

ARREST WARRANT NUMBER

2016A2320600113

ACTION OF GRAND JURY

TRUE BILL

Foreperson of GRAND JURY

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-23-

JRT

002036

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2016

June

THE STATE

vs.

DAVID ROHAN DOZIER

Indictment for

3412

ASSAULT AND BATTERY 1ST DEGREE

VIOLATION § 16-03-0600

ENTERED
ACCT. *Red*

FILED

MAR 10 2016

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ASSAULT AND BATTERY 1ST DEGREE

At a Court of General Sessions, convened on

County present upon their oath:

JUN 28 2016

the Grand Jurors of Greenville

That DAVID ROHAN DOZIER did in Greenville County, on or about the 18th day of January 2016 offer or attempt to injure Willem Meuldijk, an employee of Millenium Gas, with the present ability to commit the act and the act was accomplished by means likely to produce death or great bodily injury and/or the act occurred during the commission of a robbery, burglary, kidnapping or theft. This is in violation of §16-03-0600 of the South Carolina Code of Laws (1976) as amended.

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

SOLICITOR

BAR # 7436

WITNESSES

B W Lusk

(B)

Greenville Police Department

1/18/2016

ARREST WARRANT NUMBER
2016A2320600111

ACTION OF GRAND JURY

TRUE BILL

Thomas J. Paden

Foreperson of **FOREMAN GRAND JURY**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016-GS-23-
JRT

002037

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2016

THE STATE

vs.

DAVID ROHAN DOZIER

✓
0095

Indictment for

KIDNAPPING

VIOLATION § 16-03-0910

ENTERED
ACCT.

FILED
MAR 10 2016

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR KIDNAPPING

At a Court of General Sessions, convened on _____
County present upon their oath: _____

JUN 28 2016

the Grand Jurors of Greenville

That DAVID ROHAN DOZIER did in Greenville County, on or about the 18th day of January, 2016, unlawfully seize, abduct, confine, inveigle, decoy or carry away Willem Meuldijk, an employee of Millenium Gas, without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR BAR # 7436

WITNESSES

B W Lusk

(Signature)

Greenville Police Department

1/18/2016

ARREST WARRANT NUMBER

2016A2320600110 and 2016A2320600112

ACTION OF GRAND JURY

TRUE BILL
Thomas J. Pate

Foreperson of **GRAND JURY**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016-GS-23-

JRT

002038

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2016

THE STATE

vs.

DAVID ROHAN DOZIER

Indictment for

0139/0549

**ARMED ROBBERY AND POSSESSION OF A
WEAPON DURING THE COMMISSION OF A
VIOLENT CRIME**

VIOLATION § 16-11-0330 and §16-23-0490

**ENTERED
ACCT.** *(Signature)*

FILED

MAR 10 2016

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 ARMED ROBBERY AND POSSESSION OF A WEAPON DURING
 THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on
 County present upon their oath:

JUN 28 2016

the Grand Jurors of Greenville

COUNT I - ARMED ROBBERY

That DAVID ROHAN DOZIER did in Greenville County, on or about the 18th day of January, 2016, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as: US currency from the person or presence of Willem Meuldijk, an employee of Millenium Gas. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

COUNT II - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That DAVID ROHAN DOZIER did in Greenville County on or about the 18th day of January, 2016, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Armed Robbery. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

BAR # 7436

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Greenville

VS.

David Rohan Dozier

AKA:

Race: BLACK Sex: M Age: 20

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Assault/Assault and Battery in the First Degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS2302036

A/W#: 2016A2320600113

Date of Offense: 1/18/2016

S.C. Code §: 16-03-0600(C)(1)

CDR Code #: 3412

SENTENCE SHEET

0-10 yrs.

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

☒ 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. DD (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Tessitore, Jennifer

7436
SC Bar#Dozier, David
DefendantTaylor, Lauren
TAYLOR, LAUREN100417
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ 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. no credit for home detention supervision time☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Finc:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

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,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/20/06)

Presiding Judge

Judge Code: 2053

Sentence Date: 7/17/17

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Greenville

VS.

David Rohan Dozier

AKA:

Race:

Sex: M

Age:

20

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping (25)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS2302037

A/W#: 2016A2320600111

Date of Offense: 1/18/2016

S.C. Code §: 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

0-30 yrs.

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ 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 Presentation to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY

7436

SC Bar#

Defendant

TAYLOR, LAUREN

100417

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of

10

-days/months/years or

☐ under the

Youthful Offender Act

not to exceed

years

and/or to pay a fine of \$

-

; provided that upon the service of

days/months/years and/or payment

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

-probation- for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ 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. *No credit for home detention supervision time*☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-63 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$ 100

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 61.6 (Public Def/Probation)

\$300

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$ 25

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(I) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$

\$ 3.75

TOTAL

\$128.75

Clerk of Court/ Deputy Clerk

Paul B. Wickensmeyer

Court Reporter:

Jadean

SCCA217 (07/2016)

Presiding Judge

Judge Code:

Sentence Date:

2016-01-17

2016-01-17

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
David Rohan Dozier

AKA:

Race: BLACK Sex: M Age: 19DOB: [REDACTED] SS# [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Armed Robbery

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS2302038 - Court 1A/W#: 2016A2320600110Date of Offense: 1/18/2016S.C. Code § : 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

10-30 yrs
Min. cannot be sure☐ CONVICTED OF or ☒ PLEADSin 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 ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. DD (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Jessica 7436 Donna Bain 10047
Treasurer, Jennifer SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*, the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. No credit for home detention supervision time.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ <u>3.75</u>

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Jessica

SCCA/217 (07/2016)

PTUP

 days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2053Sentence Date: 7/17/17

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
 STATE VS.
David Rohan Dozier

INDICTMENT/CASE#: 2016GS2302038 = COUNT 2

AKA:

A/W#: 2016A2320600112Race: BLACK Sex: M Age: 20Date of Offense: 1/18/2016DOB: [REDACTED] SS#: [REDACTED]S.C. Code §: 16-23-0490Address: [REDACTED]CDR Code #: 0549City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

5 years*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Possession of weapon during violent crime☐ CONVICTED OF or ☒ PLEADSin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ 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. DD (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Jennifer T. Tabor 7436 David Dozier 100417
 Tabor, Jennifer SC Bar# Defendant TAYLOR, LAUREN 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 — yearsand/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or paymentof \$ —; 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. no credit for home detention suspension time☐ The Defendant is to be placed on the Central Registry on Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ — 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
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 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

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Jenkins

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2016A2320600112Sentence Date: 7/17/17