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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County

Honorable Edward W. Miller, Circuit Court Judge

ERIC NEAL PATTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000059

APPENDIX

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	CASE NO.: 2017-GS-46-3223,
		3223(A), 2727, 3224, 3224(A),
		2729, 3199, 3197, 2623, 3202,
		4134
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
ERIC NEAL PATTON	)	

SEPTEMBER 18, 2017
YORK, SOUTH CAROLINA

BEFORE THE HONORABLE JOHN C. HAYES, III

APPEARANCES:

WILLY THOMPSON, CHIEF DEPUTY SOLICITOR
YORK, SOUTH CAROLINA

ATTORNEY FOR THE STATE

GEOFFREY DUNN, ESQUIRE
ROCK HILL, SOUTH CAROLINA

ATTORNEY FOR THE DEFENDANT

SHIRLEY BROOM
16TH Circuit Court Reporter

I - N - D - E - X

WITNESSES:

NO TESTIMONY TAKEN

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

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	EVD.
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(NO EXHIBITS)

1 THE COURT - All right, Mr. Thompson.

2 MR. THOMPSON - May it please the Court, Your
3 Honor.

4 THE COURT - Yes, sir.

5 MR. THOMPSON - This is State of South Carolina
6 vs. Eric Neal Patton. Mr. Patton has pleaded guilty on
7 numerous indictments before the Court. To kind of start
8 off just to -- some quick clerical work for the clerk's
9 office in particular, there were three bench warrants that
10 have been served on the defendant throughout the time that
11 he'd been incarcerated, and I'd ask that those bench
12 warrants be lifted as part of this plea. They would be --
13 the numbers on those are 2017 (B) -- as in Boy --
14 46001000064, 65 and 66, so those are three different bench
15 warrant numbers -- and I'll give you a copy of the e-mail
16 that has the numbers to help you.

17 (WHEREUPON, DOCUMENT HANDED UP TO THE COURT.)

18 MR. THOMPSON - The Defendant, Mr. Patton, is
19 represented by Geoff Dunn, Your Honor, who was appointed to
20 represent Mr. Patton in this case, in this large group of
21 cases, actually. Mr. Patton was scheduled for trial before
22 the Court to begin tomorrow. We have reached a plea
23 agreement and, actually, reached it Friday, late Friday,
24 and that is he's going to plead to the indictments I'm
25 about to read here, and on those indictments all of them --

1 most of them will all run concurrent for a 14-year, no
2 parole sentence, and then one final indictment, which is
3 going to be a firearms indictment that ends in 2727 for
4 possession of a firearm by a person who's been convicted of
5 a violent crime and, of course, he has been convicted of
6 prior violent crimes, including kidnapping, burglary second
7 violent and others, but he's pleading to that charge which
8 is up to five years and is parolable. We are asking for
9 four-year sentence according to our negotiation on that
10 charge to run consecutive to the 14-year sentence, so it
11 would 14 no parole and then four years consecutive on a
12 parolable sentence for a total of 18. The defendant is
13 pleading to indictments -- indictments for armed robbery in
14 2017-GS-46-3223, which has been true billed by the grand
15 jury and 3223(A) for possession of a firearm during the
16 commission of a violent crime. As well, he's pleading to
17 Indictment 2017-GS-46-2727, which is the one that will run
18 consecutive to the other indictments, all others will run
19 concurrent. He's pleading guilty to Indictment 2017-GS-46-
20 3199, and that is an indictment for originally domestic
21 violence of a high and aggravated nature. He's pleading to
22 domestic violence second, as well, direct Indictments 2017-
23 GS-46-3224 for armed robbery, 3224(A) for possession of a
24 firearm during the commission of violent crime and 2729 for
25 possession of a firearm by a person convicted of a violent

1 offense. As well, 2017-GS-46-2623 for harassment second
2 degree, 2017-GS-46-3197 for armed robbery, 2017-GS-46-3202
3 for possession of crack cocaine second offense and 2017-GS-
4 46-4134 for the intimidation of a witness. As well, Your
5 Honor, we're dismissing a number of indictments regarding
6 the case. We're dismissing Indictment 2017-GS-46-3198 for
7 kidnapping. There is -- also dismissing Indictment 2017-
8 GS-46-3222 and 3222(A), one was for armed robbery and one
9 for possession of a firearm during the commission of a
10 violent crime. In addition, we're dismissing Indictment
11 2017-GS-46-3200 for armed robbery, 3201 for criminal
12 conspiracy. We're also dismissing Indictment 2017-GS-46-
13 4135 for displaying private parts in a lewd manner. And,
14 Your Honor, he's represented by Mr. Dunn. He's been
15 incarcerated since the 2nd of February, 2017, which totals
16 229 days today. I believe we're ready to go forward.

17 THE COURT - Let us get the paperwork in order.

18 MR. THOMPSON - Your Honor, as well, this will be
19 a violation of his probation. Defendant's currently on
20 probation and is prepared to go forward with that.

21 THE COURT - How old are you, Mr. Patton?

22 MR. PATTON - Sir?

23 THE COURT - What's your age?

24 MR. PATTON - 32.

1 THE COURT - You're charged with domestic violence
2 second degree; it carries up to three years jail. It's
3 alleged that that occurred here in York County on December
4 2nd, 2016 when you caused physical harm or injury to Laura
5 Marie Lawrence who at that time was a household member with
6 you. That carries up to three years in jail. It's alleged
7 as I said, that the victim was Marie (sic) Lawrence, a
8 household member with you at the time. In addition to
9 carrying up to three years in jail, there would be a
10 prohibition for your shipping, receiving, transporting or
11 in any way handling a firearm or ammunition for a period of
12 three years from the time your sentence expires. You
13 understand that?

14 MR. PATTON - Yes, sir.

15 THE COURT - How do you plead to domestic
16 violence?

17 MR. PATTON - Guilty.

18 MR. DUNN - Your Honor, all of these pleas are
19 pursuant to North Carolina vs. Alford.

20 THE COURT - All right.

21 MR. DUNN - So I would just ---

22 THE COURT - By telling me that you are indicating
23 to me that you're pleading guilty to these charges but
24 you're maintaining your innocence. You're entering your
25 plea based on your belief that the State's evidence is

1 sufficient as to a particular crime that if you went to
2 trial on it there is a strong likelihood or a probability
3 that you would be found guilty and also, in addition to
4 that, you are entering your plea while you maintain your
5 innocence based on the dismissal of ---

6 MR. THOMPSON - As well, Your Honor -- if it
7 please the Court -- part of the consideration I think for
8 the Alford plea too is we had noticed him for a life
9 sentence, a mandatory life sentence, upon conviction of a
10 serious or most serious offense, and we're withdrawing that
11 in order to have him enter the plea today.

12 MR. DUNN - Accurate -- that's the benefit of this
13 bargain, Your Honor.

14 THE COURT - All those things taken into
15 consideration are considerations as to why you're
16 maintaining your innocence but pleading guilty. Is all
17 that true and correct?

18 MR. PATTON - Yes, sir.

19 THE COURT - How do you plead to domestic
20 violence?

21 MR. PATTON - Guilty.

22 THE COURT - You're charged with two counts of
23 possession of a weapon or you're pleading to two counts of
24 possession of a weapon during the commission of a violent
25 crime. That carries up to five years in jail. It's

1 alleged that the violent crimes that you possessed a weapon
2 during -- during -- are an armed robbery. That occurred on
3 July 6th, 2016 here in York County. It's alleged that at
4 that time you committed armed robbery and that you did
5 possess a firearm at that time. That carries up to five
6 years in jail. Do you understand that charge?

7 MR. PATTON - Yes, sir.

8 THE COURT - And the penalty you could receive?

9 MR. PATTON - Yes, sir.

10 THE COURT - You're charged with another
11 possession of a firearm -- a weapon during the commission
12 of a violent crime. Again, the violent crime is armed
13 robbery, and it's alleged that that occurred here in York
14 County on or about December 7th, 2016 when you possessed a
15 handgun, pistol or firearm during the commission of an
16 armed robbery. How do you plead to that charge?

17 MR. PATTON - Guilty.

18 THE COURT - You're charged with three counts of
19 armed robbery. These are violent offenses; they're most
20 serious offense and they're parole ineligible offenses.
21 That means that if in your lifetime you received three
22 serious or a combination of three serious and most serious
23 offenses, having pled to these serious offenses, you'd be
24 subject to being incarcerated for life without parole, that
25 is, a true life sentence. Being a violent offense means

1 that while you are incarcerated for the commission of the
2 armed robberies, you would be ineligible for certain
3 programs non-violent offenders may participate in. It's
4 also a parole ineligible offense. That means you would
5 have to serve at least 85 percent of whatever sentence you
6 may receive on the armed robbery charge before you would be
7 eligible for any early release and were you to be released
8 early into an early release program, it would carry with it
9 certain conditions that would have to be met and if you
10 violated those conditions you would be re-incarcerated.
11 You understand that?

12 MR. PATTON - Yes, sir.

13 THE COURT - These armed robberies are alleged to
14 have occurred -- they carry up to 30 years in jail and a
15 minimum of ten years in jail. You understand that?

16 MR. PATTON - Yes, sir.

17 THE COURT - The first one I'm looking at alleges
18 that you committed armed robbery on July 6th, 2016 when you
19 took from an individual while displaying what was or could
20 reasonably be believed by the victim to be a weapon, goods
21 or money, that being -- the person being Sylvia Pearson.
22 How do you plead to that armed robbery charge?

23 MR. PATTON - Guilty.

24 THE COURT - The next armed robbery charge
25 allegedly occurred on December 7th, 2016. The victim was

1 Angela Dick, and it's alleged that you did take from Angela
2 Dick -- Angelica Dick -- goods or currency by means of use
3 of a deadly weapon. How do you plead to that armed robbery
4 charge?

5 MR. PATTON - Guilty.

6 THE COURT - The third armed robbery charge that
7 I'm going over alleges that that occurred on January 19th,
8 2017 when you took the cash or person (sic) from Rebecca
9 Sakach S-a-k-a-c-h by means of threat or intimidation and
10 bodily harm or displaying what was or what could be
11 considered a firearm. Do you understand that charge and
12 the potential penalty?

13 MR. PATTON - Yes, sir.

14 THE COURT - How do you plead to that?

15 MR. PATTON - Guilty.

16 THE COURT - You're charged -- has the State
17 complied with the Victim's Right's Act on all these?

18 MR. THOMPSON - Yes, Your Honor.

19 THE COURT - Any restitution?

20 MR. THOMPSON - No, Your Honor.

21 THE COURT - You're charged with harassment second
22 degree. That carries up to 30 days in jail. It's alleged
23 that that occurred here in York County on or about December
24 18th, 2016 when you harassed Caron C-a-r-o-n Williams. How
25 do you plead to that charge?

1 MR. PATTON - Guilty.

2 THE COURT - You're charged with two counts of
3 possession of a firearm by a person convicted of a prior
4 offense, prior violent offense. These each carry up to
5 five years in jail and are felonies. It's alleged that the
6 first one I've gone over took place on December 7th, 2016
7 when you possessed a firearm after having been convicted of
8 a felony. That's defined as a violent crime. How do you
9 plead to that charge?

10 MR. PATTON - Guilty.

11 THE COURT - The second would which also carry up
12 to five years in jail, alleges that you possessed a firearm
13 after having been convicted of a violent crime, a felony,
14 on July 6th of 2016. How do you plead to that charge?

15 MR. PATTON - Guilty.

16 THE COURT - 229 days? Is that right?

17 MR. THOMPSON - Yes, Your Honor.

18 THE COURT - You're charged with possession of
19 crack cocaine second offense. That carries up to five
20 years in jail and is a felony. It's alleged that that
21 occurred here in York County on or about February 2nd, 2017
22 when you possessed crack cocaine knowingly and
23 intentionally in violation of the laws of this state. Do
24 you understand that charge and the potential penalty?

25 MR. PATTON - Yes, sir.

1 THE COURT - How do you plead to that?

2 MR. PATTON - Guilty.

3 THE COURT - You're charged with intimidation of a
4 Court official, juror or a witness. It's alleged that that
5 occurred on or about June 28th, 2017 when you did force or
6 threat the magistrate -- let's see, on June 28th, 2017 it's
7 alleged that you did intimidate or attempt to intimidate a
8 confidential victim, a judge, magistrate, juror, witness or
9 potential juror in their official discharge of his duties.
10 This carries up to ten years in jail and is a felony. You
11 understand that charge?

12 MR. PATTON - Yes, sir.

13 THE COURT - How do you plead to that?

14 MR. PATTON - Guilty.

15 THE COURT - Other than the agreement stated to me
16 a moment ago, which is basically for 14 years on all the
17 charges except for one, that one being a possession of a
18 pistol, possession of a firearm by a felon convicted of a
19 violent crime which carries four years and is consecutive -
20 - consecutive to 14 years on the other charges, has anyone
21 made any promise or threats to cause you to enter today
22 your pleas of guilt to these charges?

23 MR. PATTON - No, sir.

24 THE COURT - Are you today under the influence --
25 when I say guilt, I understand that you're pleading under

1 Alford. Are you today under the influence of anything that
2 would cause you to be intoxicated?

3 MR. PATTON - No, sir.

4 THE COURT - Are you entering, Mr. Patton, your
5 plea to this set of charges freely and voluntarily?

6 MR. PATTON - Yes, sir.

7 THE COURT - As to this charge -- Mr. Patton, have
8 you ever been treated for any mental or emotional
9 disabilities?

10 MR. PATTON - No, sir.

11 THE COURT - And you're not today under the
12 influence of any intoxicants?

13 MR. PATTON - No, sir.

14 THE COURT - Are you entering your plea today to
15 this set of charges freely and voluntarily, Mr. Patton?

16 MR. PATTON - Yes, sir.

17 THE COURT - Mr. Patton, as to these charges, as
18 to the ones that occurred on different dates, you would be
19 entitled to separate trials by separate juries on separate
20 terms of Court. At any trial you would be presumed
21 innocent of such charge and remain innocent until such time
22 as the State would be able, if it could, convict you by
23 evidence convincing a jury of your guilt beyond a
24 reasonable doubt. As to the charges, you would have the
25 right to remain silent. That is, you cannot be compelled

1 by the State to make any statement, testify against
2 yourself. You'd have the right to confront the witnesses
3 against you, that is, you and your attorney will see and
4 hear and question the witnesses that the State would call
5 to testify against you, and you would have the right to
6 have any witnesses you thought would be helpful to your
7 case compelled by the State by a process, subpoena, to come
8 into Court to testify for you. Do you understand you have
9 all these rights?

10 MR. PATTON - Yes, sir.

11 THE COURT - Do you have any questions about them?

12 MR. PATTON - No, sir.

13 THE COURT - I advise you that when you enter a
14 plea of guilt, you give up these rights and you're also
15 giving up any defense that you might have to this set of
16 charges. Do you understand that?

17 MR. PATTON - Yes, sir.

18 THE COURT - All right, knowing all those things,
19 I ask again, how do you plead to possessing a firearm after
20 a conviction of a violent offense on December 7th, -- not
21 being convicted on the State, but -- let me rephrase that.
22 How do you plead to being in possession of a pistol on
23 December 7th, 2016 after you have been convicted of a
24 violent crime?

25 MR. PATTON - Guilty.

1 THE COURT - Under Alford. How do you plead to
2 possession of crack cocaine second offense on or about
3 February 2nd, 2017?

4 MR. PATTON - Guilty under Alford.

5 THE COURT - How do you plead to domestic violence
6 on or about September 2nd, 2016?

7 MR. PATTON - Guilty under Alford.

8 THE COURT - How do you plead to possessing a
9 weapon during the commission of an armed robbery on
10 December 7th, 2016?

11 MR. PATTON - Guilty under Alford.

12 THE COURT - How do you plead to armed robbery on
13 that day?

14 MR. PATTON - Guilty under Alford.

15 THE COURT - How do you plead to armed robbery on
16 July 6th, 2016?

17 MR. PATTON - Guilty under Alford.

18 THE COURT - How do you plead to possession of a
19 firearm or a weapon?

20 MR. PATTON - Guilty under Alford.

21 THE COURT - How do you plead to armed robbery on
22 or about January 19th, 2017?

23 MR. PATTON - Guilty under Alford.

24 THE COURT - How do you plead to harassment of
25 Jerome Williams on December 16th, 2016?

1 MR. PATTON - Guilty under Alford.

2 THE COURT - How do you plead to intimidating a
3 witness or a Court official on or about June 28th of 2017?

4 MR. PATTON - Guilty under Alford.

5 THE COURT - How do you plead to possessing a
6 firearm after having been convicted of a violent offense on
7 July 6th, 2016?

8 MR. PATTON - Guilty under Alford.

9 THE COURT - All right. I'm going to ask you to
10 listen while the facts are related to me by the solicitor.

11 MR. THOMPSON - Please the Court, Your Honor.
12 First of all I mention the -- prior to the crack charge the
13 -- make it second offenses -- the distribution, PWID, near
14 a school, those two offenses occurred in 2002 when the
15 defendant was convicted -- or defendant was convicted at
16 that time. In addition, the violent crimes that the
17 defendant had committed in the past include three counts of
18 attempted armed robbery, kidnapping, burglary second
19 violent and that, I believe, as well, the proximity
20 would've been a serious offense, as well at that time, but
21 -- and that -- strike system -- not for the violent crime,
22 but the others considered, obviously, violent crimes.
23 We'll start off with the two robberies at the Sam's Mart,
24 the two armed robberies, one on July 6th, 2016, the other
25 on December 7th of 2016. Those are the indictments 3223,

1 3223(A) and 2727 as to July 6th, and 3224 and 3224(A) and
2 2729 for December 7th. Both are these are the same Sam's
3 Mart in Fort Mill at 810 Tom Hall Street. Both of these
4 occurred late at night, early morning hours, actually, in
5 the early morning hours of the days that they occurred,
6 both by young black male fitting the description of the
7 defendant, dressed similarly in each one, having hoodies on
8 both times, having mask covering the face, basically from
9 the bridge of the nose down and at least the first one's
10 shoes, as well, they ultimately would be able to identify
11 by one of the witnesses. On the July 6th robbery, the
12 defendant came in demanding money from the clerk at that
13 time, held her at gunpoint, actually, racked the semi-
14 automatic weapon while he was holding it towards her and
15 said at one point he would shoot her as he demanded money.
16 She provided everything that was in the cash drawer, which
17 was approximately two hundred dollars and I'll clarify
18 something, Your Honor, while there would be restitution,
19 the State's not seeking restitution in these cases because
20 of the jail sentence. He -- the witness was able to
21 describe him but not identify him. In the December 7th
22 robbery, also at the Sam's Mart, a very similar thing
23 happened, the clerk said the defendant thought -- had what
24 she thought was a gun, but she couldn't quite tell and you
25 can see that he does have something in his hand that

1 appears to be a weapon when he's robbing the clerk that
2 evening, and he is telling her that he -- once again, some
3 of the same things, that would (sic) shoot her and demanded
4 the money. She did the same thing when she took money out
5 of the drawer and handed him all the money that was there.
6 The police saw these -- basically it took a little bit of
7 time, because the person who did the robberies, as I said,
8 was a hoodie covering the identity, as well as gloves and -
9 - so no forensic evidence to link at that point in time.
10 However, through their investigation, ultimately, the
11 defendant asked to speak with the police with his attorney,
12 Mr. Dunn, and at that time was going to give them
13 information regarding other crimes that other people that
14 he knew had done in the Fort Mill area. When he did that,
15 he, actually, mentioned that the Sam's Mart crime from July
16 6th put himself, basically, at the crime scene during the
17 time that it happened, not saying he was at Sam's Mart but
18 right across the street at the fruit stand, and the way he
19 described it to the police had information that only the
20 police would've known and, uh, as far as the person robbing
21 and where they came from and where they went, however, they
22 realized it couldn't have gone the way that, ultimately,
23 the defendant said they did as far as when he left, the
24 suspect left, because they had video from various places
25 around that showed that that wasn't the case. So they

1 began to investigate him as a possible suspect, and in
2 doing so, they contacted -- and another point is the mother
3 of his child, Laura Lawrence, actually, asked to speak with
4 law enforcement or did speak with law enforcement regarding
5 some of the things Eric Patton had done and she told them
6 that Eric Patton had committed the crime at the Sam's Mart,
7 that he had talked to her about the Crimestopper's photos
8 that were used by the police when this happened and said
9 that that was him in the Crimestopper photos, she could
10 tell by his stance, she could tell by the clothes that he
11 was wearing, because they were some of her clothes, in
12 particular the jacket that was a zip-up hoodie, and the
13 shoes that she said were both hers, and we confirmed from
14 that that her father buys her those sorts of hoodies all
15 the time and he confirmed that with us and would've
16 testified to that. She, as well, when asked if Eric had
17 anyone that he went around with that had a silver car, told
18 him about Amber Stewart having a silver car. At that point
19 the police through video were able to see that the person
20 who left the Sam's Mart got into a silver car very close by
21 in the Walmart parking lot next US Tire (sic) and left in
22 that silver car. They had been able to narrow it down to
23 two different makes and models, so they went to where Amber
24 lived in Lancaster County, took photos of her car and it
25 was one of the two models that they had narrowed it down

1 to. When they spoke to Amber, she told them that she had
2 brought the defendant to Fort Mill that night and that he
3 had claimed that he was going to get money from his aunt.
4 She said she dropped him off and he said he didn't want her
5 to see where he went and asked her to go park in a certain
6 spot and to stay there at this dark spot next to a house
7 along side of the road right near where the crime would've
8 been committed. She said she pulled there but became very
9 scared because it was dark, that she thought she herself
10 was going to be robbed, so she pulled up next to US Tire
11 (sic) in the Walmart parking lot as you can see in the
12 video and stayed there. Just ten to 15 minutes later the
13 defendant came running back to the car which you can see in
14 the video and as you string the videos together you can see
15 him come out -- go in the Sam's Mart, after that robbery
16 run out of Sam's Mart across the back of the thing (sic) to
17 this -- where he thought she was going to be parked and she
18 had reaped from, then up that street and then turning to
19 the defendant's left going to where she had parked in the
20 Walmart -- the end of the Walmart parking lot next to US
21 Tire (sic) and getting in the vehicle. She then backs out
22 and starts to leave and then as she said, started to pull
23 back towards where she had originally come from, he stopped
24 her and said, no, go the other way, so she went the other
25 way. She would've testified that when he got in the car

1 that he was suddenly wearing now a hoodie and a mask and
2 gloves and that he was saying, go, go, go, and that he was
3 very nervous. She said that, uh, she was asking him what
4 he had done and he wouldn't say, but then he, ultimately,
5 told her as they were leaving that she needed to report the
6 car stolen, because someone might've seen it, and so she
7 did not report that to police right away, but the story she
8 gave to the police without knowing any prior events of the
9 robbery or the video the police had of her car, she
10 described exactly what you can see on the video, so it was
11 verified what she said. In addition, she said on the
12 December 7th robbery, she had also taken the defendant
13 again to Fort Mill and dropped him off to get some money,
14 and at that point was told to park at a different spot in
15 some parking complex where she did and she said that the
16 police, actually, by sheer accident I think, pulled in
17 behind her and started asking if she had seen a black male
18 running from that area and she said no, but she was,
19 basically, stuck there unable to take -- pick the defendant
20 back up because of that for some period of time. We were
21 able to confirm that that did happen. We have the police
22 video from that incident, and the defendant called -- she
23 went back to Rock Hill and the defendant called her later
24 to come pick her (sic) up again. When she saw the video in
25 the -- of each of these robberies, she identified the

1 person on the video as the defendant and said the voice on
2 the video was Mr. Patton; she would've testified to that as
3 well. She also would've testified that she picked him up
4 from each of these robberies after they had occurred.

5 Your Honor, as to the domestic violence, that
6 occurred -- that is Indictment 3199 -- and that occurred on
7 September the 2nd of 2016 when Rock Hill officers responded
8 to the corner of Cherry Road and Oakland Avenue. A
9 domestic had been reported to a Winthrop University officer
10 and it was Laura Lawrence, and Ms. Lawrence does have a
11 child in common with Eric Patton and they have lived
12 together off and on for quite some time. She told the
13 Winthrop officer that she had been -- that Eric had
14 assaulted her at her house and forced her to stay there,
15 that she was unable to use the phone, and he questioned her
16 rather thoroughly about a possible nother (sic)
17 relationship forcing her to confess as she said at that
18 time, as well as striking her. Ultimately, she recanted
19 her initial statement and that she did that, I believe,
20 just within a day or so of it, actually, happening.
21 However, on the scene they were able to see that she did
22 have a swollen lip and swollen eye that was consistent with
23 what she had said had happened as far as her being
24 assaulted by the defendant. So the basis of that or the
25 physical evidence that we find of Laura Lawrence the

1 domestic violence second, and as I said, we -- that is
2 reduced from a domestic violence of a high and aggravated
3 nature.

4 As to the harassment second, Your Honor, that is
5 Indictment 2623 and that occurred on January 16th through
6 the 18th of 2017 here in York County. Officers were
7 dispatched to [REDACTED] Avery Street in Fort Mill where a Karen
8 Williams was, and she reported that the defendant was
9 repeatedly sending her unwanted texts at that time and that
10 she had contacted him to stop, and as well, law enforcement
11 contacted him, I believe, to stop as well and telling him
12 to stop the communications. However, on the 18th, she had
13 to call law enforcement again saying that the defendant was
14 continuing to harass her, that that included reporting her
15 falsely to DSS about the allegations regarding her
16 children, that DSS had gone to where her daughters were in
17 school and interviewed -- where her daughter was in school
18 and interviewed her and she was very angry, of course, that
19 he had continued this texting and this false-reporting,
20 harassing her, so she -- he was charged with harassment
21 second degree at that time as well.

22 As to the final armed robbery, that is Indictment
23 3197, that occurred on January 19th of 2017. That was
24 Rebecca Sakach and she is the clerk for Dominos who was
25 delivering pizza that night. She had gotten a call from an

1 area near where the defendant was staying with Laura
2 Lawrence. When she arrived, it was a person that just said
3 their name was Tommy, someone -- a black male matching the
4 defendant's description wearing dark clothing, short buzzed
5 hair and a baggy dark jacket, ultimately, robber her of her
6 purse saying if she had change for a hundred. She tried to
7 go back to her car where the defendant pulled what she
8 thought was a gun on her at that time. She gave him her
9 cash, which was in a small purse that was personalized to
10 herself -- it was a lady's small purse. It had about \$12
11 dollars cash in it; the defendant took it and ran off.
12 Ultimately, in their investigation of that, once again,
13 Laura Lawrence was able to tell them that she remembered
14 the day that that Pizza robbery occurred. She remembered
15 police coming and investigating and that the defendant had
16 run around in a way that he only does when he's done
17 something that he's trying to hide from, and when he came
18 back that he had a change purse that was a woman's change
19 purse that, ultimately, she had gotten rid of and thrown
20 out of the back of her house across the fence and into some
21 brush. When she told officers that's -- that's where she
22 threw it, they went and investigated and they found the
23 change purse there and were able to have it identified by
24 the victim in that case. Now, while the victim couldn't be
25 100 percent certain in a photo line-up of the defendant,

1 she was, as she said, 75 percent certain, but this does
2 link back, according to what Laura Lawrence said and what
3 they found to prove that he had taken the purse, and that
4 would've been from the date this robbery and the time that
5 this robbery occurred, once again, the defendant meeting
6 that description.

7 As to the possession of crack cocaine second
8 offense, this is Indictment 3202 and it occurred on
9 February 2nd, 2017; that was the day that the defendant had
10 been arrested on the charge -- on many of the charges
11 before the Court now. They had reported to a hotel
12 disturbance at that time where Mr. Patton was accused at
13 that point of helping Ms. Lawrence to rob someone; those
14 are part of the charges that are being dismissed. However,
15 in the hotel room that they were sharing, they did find
16 remnants of crack cocaine on the nightstand as well as
17 crack pipe and some crack residue in the pocket of a jacket
18 that was identified as the defendant's by Mr. -- by Ms.
19 Lawrence, and uh, ultimately, he was charged with the
20 possession of crack cocaine at that time, as well.

21 And the final Indictment 4134 for the
22 intimidating of a witness, Your Honor, this mainly came
23 about by a letter that was sent by the defendant when it
24 was intercepted by the police, but as well it was -- became
25 clear as the police monitored some of the calls the

1 defendant made from the detention center that he was using
2 code for witness names, that he was trying to get other
3 people to contact those witnesses to prevent them from
4 testifying. Some of those witnesses include someone who
5 was (sic) recently gotten out of jail, John Harfield who
6 was considered a violent offender. He pled before the
7 Court a number of years ago but was recently released, who
8 was friend of Mr. Patton's, in which he had used certain
9 language made it sound like he was asking Harfield to take
10 care of the witnesses and to take care of this situation,
11 that he knew what to do, things of that nature.

12 Thankfully, that letter was not delivered, but the attempt
13 had been made by the defendant, both that way and through
14 trying to contact relatives and friends through relatives
15 to contact the various witnesses in the case. That was
16 confirmed by the witnesses that they felt that they were
17 being threatened when they were contacted by some people
18 that were related to the defendant and that they felt that
19 they were being targeted to change their testimony or to
20 change what they would testify to, in particular, Amber
21 Stewart is of concern that in some instances with Laura
22 Lawrence.

23 Those would be the facts that the State would
24 present, Your Honor, if we were to go to trial on these
25 cases and are supporting of the plea at this time.

1 THE COURT - All right, Mr. Patton, do you agree
2 that those would be the facts that the jury would be
3 presented with by the State if you went to trial?

4 MR. PATTON - Yes, sir.

5 THE COURT - All right. I also have in front of
6 me a couple of arrest warrants for violating probation.
7 Has he been served with anything today?

8 MS. ROWELL - No, Your Honor.

9 THE COURT - I have two arrest warrants. The
10 first one I'm going over looks like it was served on you on
11 March the 16th of this year -- well, actually, there are
12 three -- one on September 8th of last year, one on March
13 16th of this year and one on June the 29th of this year.
14 They all indicate that you violated a sentence I imposed to
15 -- looks like 16 separate charges on the 20th day of
16 November of 2015 -- you received on all these charges a
17 combined sentence of five years with service of 18 months
18 and then three years probation. Is that the correct
19 sentence?

20 MR. PATTON - Yes, sir.

21 THE COURT - The affidavits on the arrest
22 warrants, one from September of last year alleges that you
23 had been arrested for kidnapping and domestic violence of a
24 high and aggravated nature at that time. Is that correct?

25 MR. PATTON - Yes, sir.

1 THE COURT - The second dated March 16th of this
2 year alleges that you missed reports on October 4th of 2016
3 -- incidentally, this warrant was issued December 22nd,
4 2016 and not served on you until about four months later,
5 three and a half months later. As of December of last year
6 it's alleged that you had not reported in October or
7 December, that you had failed to pay certain monetary
8 obligations. They again reference to the domestic violence
9 and kidnapping charge and allege that that was a violation
10 of a no-contact Order. Are those things true?

11 MR. PATTON - Yes, sir.

12 THE COURT - The June 29th of this year warrent
13 warrant alleges that you had been charged with this set of
14 charges that I'm going over now, particularly, warrants 217
15 (sic) -- well, the two warrants for armed robbery and
16 possession of a weapon during the commission of a violent
17 crime and, of course, you have pled guilty to those today.
18 Is that correct?

19 MR. PATTON - Yes, sir.

20 THE COURT - All right, I find those are
21 substantial violations of your probation. Now, I'll be
22 glad to hear from Mr. Dunn and anyone on your behalf and
23 then you.

24 MR. DUNN - May it please the Court, Your Honor.
25 As the -- has been previously stated, I have been appointed

1 to represent Mr. Patton. By my count I think we -- I have
2 ten separate cases with him currently.

3 THE COURT - That's what -- I've got ten sets
4 here.

5 MR. DUNN - And there may be more than -- because
6 some of the -- some of the stuff is being dismissed as --
7 and there, of course, is stuff being dismissed, and I
8 represented Mr. Patton as you indicated on that -- you
9 sentenced him a couple of years ago; I represented him for
10 those sentences a couple of years ago, and so I've had a
11 good history with Mr. Patton and being able to work with
12 him and go over all of his cases. Your Honor, as was
13 stated, he is 32. He has one child who is a son; his name
14 is Blake; he is two years old. I think part of the -- you
15 know, as we got into the nitty-gritty of this and started
16 talking numbers, you know, quite frankly, Blake came into
17 part of the equation, because at two years old, 14 -- you
18 know, if he served 14 years he could get out when his son
19 is still a teenager and before he graduates high school.
20 If he goes to trial and loses on a LWOP, you know, he'll
21 never be out with his son ever again. The State has six
22 separate LWOP eligible cases pending against Mr. Patton,
23 and that also went into account as far as the negotiations
24 and how we talked and trying to resolve this matter for Mr.
25 Patton. While I believe that the State has some

1 credibility -- witness credibility issues, I don't think
2 that they have six cases where the credibility issues -- in
3 -- you know, at some point I don't think Mr. Patton could
4 win all six of those trials, and as such, you know, I've
5 done my best to work out a plea agreement that he is in
6 agreement with and the State is willing to come down to.
7 For those reasons, I would ask that the Court certainly
8 accept the negotiations. As was stated, he's been in jail
9 since February the 7th on the vast majority of these
10 charges, which is about 229 days. He, actually, did a
11 little bit of time in September of last year, from about
12 September 6th to the first or second week of October for
13 that CDV charge, so for as much as he's entitled to any
14 additional time or credit for that time that he served in
15 jail last year, I would ask the Court to consider that. I
16 think -- I've explained to him I think he certainly gets 30
17 days credit towards the CDV. Whether or not he gets credit
18 towards some of the stuff that he was charged with this
19 year, I think is a little bit gray, and as such, I would at
20 least ask the Court to consider that.

21 Your Honor, in the courtroom today is his brother
22 and his sister. They are the two individuals on the front
23 row, the gentleman in the white shirt and the lady in the
24 blue dress or pantsuit. You know, Eric to me is sort of an
25 enigma. He comes from -- his brother works for Keystone;

1 his sister works for a doctor's office. There's a second
2 brother that is not present who works in the Navy. We've
3 been (sic) individuals who clearly are the kind of members
4 of society that we in the Court system like to see. Back -
5 - I mean they're giving back, service to our country,
6 service to the community. Unfortunately, Eric has got
7 caught up in drugs young, a young age, and a lot of the
8 things that are surrounding these facts is because of drug
9 use and taking acts to try to further that drug use and
10 obtain money for drugs and that sort of thing. But
11 inasmuch as the Court's discretion, we would ask that you
12 accept the negotiations. As I've stated, if we go to trial
13 and Mr. Patton loses, he's looking at the rest of his life
14 in prison, you know, but at the end of the day, the
15 structure of this plea is for 14 years in jail and he'll
16 have 14 year sentence of the violence stuff, which means
17 he'll get 85 percent at about 12; he'll be followed by the
18 four years non-violent, which in all probability he'll have
19 to max that out to two and so the thinking that went on as
20 far how we came up with this number is that there would be
21 14 years of service in prison, and, of course, he gets
22 credit for the time he's already served.

23 THE COURT - Mr. Patton, anything you want to say?

24 MR. PATTON - No, sir.

1 THE COURT - All right, I'm going to revoke your
2 probationary sentence and have it run concurrent with the
3 sentences imposed today. All the sentences but one, and
4 that is the Indictment ending in 2727, all the others that
5 are running concurrent, that one was is to run consecutive.
6 As to the three armed robberies, all of those are 14 years.
7 I'm giving you 229 days credit on all of these except for
8 the domestic violence, because I'm giving you time served
9 for that, and I'll get to that in a minute. So that's 14
10 years on -- concurrent on the three armed robberies, 14
11 years on each -- not cumulative, but 14 years on each armed
12 robbery to run concurrent, five years each on your
13 possession of a weapon during the commission of a violent
14 crime, again, all to run concurrent. On possession of a
15 firearm by a person convicted of a violent crime, the first
16 one ending -- Indictment ending 2729 is for five years
17 concurrent, again, credit for 229 days on all of these,
18 domestic violence second degree, that is time served,
19 intimidation of Court official or a witness, ten years,
20 concurrent, credit for 229 days. On the harassment second
21 degree, time served. On the Indictment 2017-GS-46-2727,
22 which is a second possession of a firearm by a person
23 convicted of a violent offense, that sentence is four
24 years; that is consecutive to all sentences imposed on the
25 -- on today's date. I'm giving you credit for 229 days.

1 I'm not really sure how SCDC will factor that in since
2 you're getting 229 days credit on the original 14.

3 Did I leave any of them out, Mr. Thompson?

4 MR. THOMPSON - I think the possession of crack
5 second offense, Your Honor.

6 THE COURT - Possession of crack second offense,
7 five years, 229 days credit, and that's concurrent, also.

8 MS. ROWELL - Your Honor, would you like to allow
9 all this time to satisfy all the monetary obligations?

10 THE COURT - Yes, ma'am. All right, and I've
11 lifted the bench warrant.

12 (END OF TRANSCRIPT)

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C E R T I F I C A T E

I, Shirley Broom, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing 34 pages is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the proceedings of State of South Carolina vs. Eric Neal Patton, as taken by me in Court of General Sessions for the Sixteenth Judicial Circuit on September 18, 2017, and provided by me this the 8th day of May, 2018.

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

/s/ SHIRLEY G. BROOM

Shirley Broom, CVR-M
Official Court Reporter,
Certified Verbatim Reporter, In and
for the State of South Carolina

STATE OF SOUTH CAROLINA - RECEIVED

County of York 2018 JAN 31 AM 8:24 IN THE COURT OF COMMON PLEAS

DAVID HAMILTON
C.C.P. & S.
COUNTY, SC
ERIC Neal Patton #313922
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF

2018 JAN 31 AM 8:32
COURT
Y. 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.

- Place of detention Broad River C.I. - Marion 167; 4460 Broad River Rd. ; Columbia, SC 29210
- Name and location of Court which imposed sentence York County General Sessions
- Name(s) of co-defendant(s) (if any) Laura Lawrence
- The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2017G54603223; 2017G54603197; 2017G54603223A; 2017G54602727; 2017G54603224; 2017G54603202; 2017G54603224A; 2017G54603199; 2017G54604134; 2017G54602727

(b) Armed Robbery (3 counts); Possession of a firearm (4 counts); possession of crack cocaine
and offense; Domestic violence and degree; Intimidation of court officials, ... 37
(c) _____

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

- (a) 9.18.17
(b) _____
(c) _____

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty Yes
(b) after a plea of not guilty N/A
(c) after a plea of nolo contendere N/A

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

No

8. If you answered Ayes@ to (7), list:

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

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

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

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

(c) the date of each such result:

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

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

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

9. If you answered Ano@ to (7), state your reasons for not so appealing:

- (a) Counsel did inform me of my rights to appeal.

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel
- (b) Solicitor Misconduct/prosecutor misconduct
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Please see Attachment sheets
- (b) _____
- (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? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. N/A
- iii. N/A

→ Attachment II(c) - Ineffective Assistance of Counsel

1. Counsel ineffective for not explaining the legal system and Petitioner's case to petitioner.
 2. Counsel ineffective for failing to disclose and explain all Discovery material to Petitioner.
 3. Counsel ineffective for not contacting, interviewing, and investigating victims and witnesses.
 4. Counsel ineffective for failing to prepare for Petitioner's case by not investigating the evidence, facts, and the circumstances of the case.
 5. Counsel failed to go over or even consider possible defenses with Petitioner.
 6. Counsel ineffective for coercing and threatening Petitioner into pleading, instead of advising Petitioner to go to trial.
 7. Counsel failed to inform Petitioner of his right to appeal his plea decision and file for 'Notice to Appeal' plea decision.
 8. Counsel improperly advised petitioner to accept plea which was not in his best interest.
 9. Counsel failed to advocate the petitioner's cause.
 10. Counsel failed to file motion for bond hearing - after repeated request.
 11. Counsel failed to investigate the backgrounds of the victims and witnesses.
 12. Counsel failed to investigate background of co-defendants.
 13. Counsel failed to obtain defense expert witness.
- *I, petitioner, respectfully reserve the right to amend application for (further issues.)

(1) →

LEGAL MAIL

14. Counsel failed to object to prosecutor's statements at plea sentencing as to what uncalled witnesses and victims would have testified to.

15. Counsel failed to file for a sentence reconsideration.

✓ * This violated the Petitioner's 5th, 6th, and 14th Amendment rights of the U.S. Constitution and violated the Petitioner's S.C. Const. Art. 13 and 14 rights.

→ Attachment 11(c) - Prosecutor/solicitor misconduct

1. Prosecutor committed "prosecutor misconduct" by contacting the Petitioner's family and telling the petitioner's family to coerce petitioner to plea.

* (Petitioner) respectfully reserve the right to amend application for further issues.)

LEGAL MAIL (2) *

iv. N/A

(c) the disposition thereof:

i. N/A

ii. N/A

iii. N/A

iv. N/A

(d) the date of each such disposition:

i. N/A

ii. N/A

iii. N/A

iv. N/A

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

i. N/A

ii. N/A

iii. N/A

iv. N/A

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

no

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

(a) which grounds have been presented:

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

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

(a) THIS IS INITIAL P.C.R.
 (b) _____
 (c) _____

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

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

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

(a) the name and address of each attorney who represented you:
 i. Geoffrey M. Dunn P.O. Box 1029 Rock Hill, SC 29731
 ii. _____
 iii. _____
 (b) the proceedings at which each such attorney represented you:
 i. Plea and Sentencing
 ii. _____
 iii. _____

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

I, ERIC N. PATTON # 313422, 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.

Eric Patton

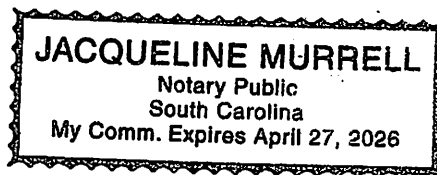
Applicant

SWORN or affirmed to and subscribed before me this

25 day of January, 2018

Jacqueline Murrell
Notary Public

My Commission Expires: 4-27-26



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

For convictions and sentences vacated and to be released
from custody, or convictions and sentences reversed
and remanded for new trial

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

no

petitioner believes he has additional claims for postconviction relief, but does not yet have collateral counsel, access to the discovery process, or funds for expert services to investigate these claims. As such I, the petitioner, would respectfully reserve the right to amend application for further issues.

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of York)

VERIFICATION

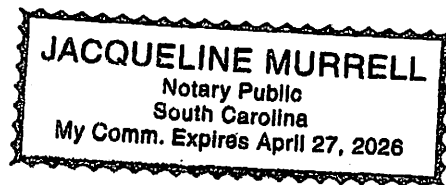
I, ERIC N. Patton # 313922, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Eric Patton

SWORN to and subscribed before me this 25
 day of January, 2018.

Jacqueline Murrell (L.S.)
 Notary Public

My Commission Expires: 4.27.26



STATE OF SOUTH CAROLINA
COUNTY OF YORK

Eric Neal Patton, #313922,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SIXTEENTH JUDICIAL CIRCUIT

Case No.: 2018-CP-46-0261

RETURN

FILED-RECEIVED
2018 JUN 18 AM 11:43
DAVID HAMILTON
C.C.P. GS
YORK COUNTY, SC

The State (Respondent), making its Return to the application for Post-Conviction Relief filed on January 31, 2018, would respectfully show this Court:

I. Procedural History

Eric Neal Patton (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the York County Clerk of Court. In June 2017, the York County Grand Jury indicted Applicant for two counts of possession of a firearm by a person convicted of a violent offense (2017-GS-46-2727; 2017-GS-46-2729). In July 2017, the York County Grand Jury indicted Applicant for armed robbery (2017-GS-46-3197), second degree domestic violence (2017-GS-46-3199), possession of crack cocaine (2017-GS-46-3202), two counts of armed robbery and possession of a weapon during the commission of a violent crime (2017-GS-46-3223; 2017-GS-46-3224). In September 2017, the York County Grand Jury indicted Applicant for intimidation of court officials, jurors or witnesses (2017-GS-46-4134). Geoffrey Dunn, Esquire represented Applicant. Deputy Solicitor Willy Thompson, Esquire prosecuted the case.

On September 18, 2017, Applicant appeared before the Honorable John C. Hayes, III, where he pled guilty as indicted. Pursuant to a negotiated sentence between the State and the

Applicant, Judge Hayes sentenced Applicant to imprisonment for concurrent terms of four years for possession of a firearm by a person convicted of a violent offense, five years for count two of possession of a firearm by a person convicted of a violent offense, fourteen years each for armed robbery, five years for possession of crack cocaine, five years each for possession of a weapon during the commission of a violent crime, ten years for intimidation of court officials, jurors or witnesses. Applicant did not appeal his conviction or sentence.

II. Allegations Raised

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

1. “Ineffective Assistance of Counsel”
 - a. “Counsel ineffective for not explaining the legal system and petitioner’s case to petitioner”
 - b. “Counsel ineffective for failing to disclose and explain all discovery material to petitioner”
 - c. “Counsel ineffective for not contacting, interviewing and investigating victims and witnesses”
 - d. “Counsel ineffective for failing to prepare for petitioner’s case by not investigating the evidence, facts, and the circumstances of the case”
 - e. “Counsel failed to go over or even consider possible defenses with petitioner”
 - f. “Counsel ineffective for coercing and threatening petitioner into pleading¹, instead of advising petitioner to go to trial”
 - g. “Counsel failed to inform petitioner of his right to appeal his plea decision and file for notice to appeal plea decision”
 - h. “Counsel improperly advised petitioner to accept plea which was not in his best interest”
 - i. “Counsel failed to advocate the petitioner’s cause”
 - j. “Counsel failed to file motion for bond hearing-after repeated request”
 - k. “Counsel failed to investigate the backgrounds of the victims and witnesses”
 - l. “Counsel failed to investigate background of co-defendant”
 - m. “Counsel failed to obtain defense expert witness”
 - n. “Counsel failed to object to prosecutor’s statements at plea sentencing as to what uncalled witnesses and victims would have

¹ Respondent interprets this allegation as involuntary guilty plea by way of ineffective assistance of counsel.

- testified to”
- o. “Counsel failed to file for a sentence reconsideration”
- 2. “Solicitor/Prosecutorial Misconduct”
 - a. “Prosecutor committed prosecutor misconduct by contacting the petitioner’s family and telling the petitioner’s family to coerce petitioner to plea”

Attached to this Return and incorporated by reference are the records of the York County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III. Response to Allegations of Ineffective Assistance of Counsel

Respondent submits Applicant’s allegations of ineffective assistance of counsel are without merit. The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008).

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

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, an applicant must prove that counsel’s performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting

Strickland, 466 U.S. at 690). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV. Response to Allegations of Involuntary Guilty Plea

Applicant also asserts his plea was involuntary. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel’s errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was

induced by ineffective assistance of counsel must prove counsel's advice was not “within the competence demanded of attorneys in criminal cases.” Hill v. Lockhart, 474 U.S. 52, 56 (1985). Further, “[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing.” McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, “whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases.” Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and “may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both.” Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137–38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error

by counsel was cured by the information conveyed at the plea hearing.” Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant’s plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V. Response to Allegations of Prosecutorial Misconduct

Applicant also alleges prosecutorial misconduct. Prosecutorial misconduct is not an issue for post-conviction relief. Rather, this allegation is a direct appeal issues that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989). Notwithstanding the procedural bar to this claim, Respondent submits that Applicant provides no evidence to suggest prosecutorial impropriety. Therefore, Respondent submits that this allegation should be summarily dismissed.

VI. Any Future Amendments

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of

Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCP. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

VII. Response to All Other Allegations

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

VIII. Request for an Evidentiary Hearing

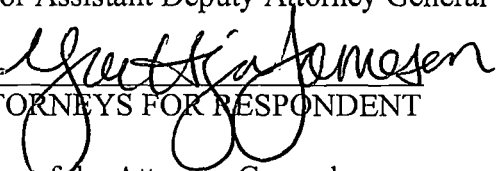
WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of plea counsel and involuntary guilty plea. Moreover, Respondent requests the claim of prosecutorial misconduct be dismissed for failure to state a claim.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

6/15, 2018

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS

2018-CP-46-0261

ERIC NEAL PATTON, #313922,
Applicant,

vs

STATE OF SOUTH CAROLINA,
Respondent.

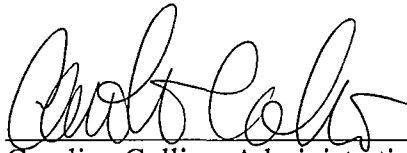
AFFIDAVIT OF SERVICE BY MAIL

FILED-RECEIVED
2018 JUN 18 AM 11:43
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

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

Donae Alecia Minor, Esquire
Minor Law Offices LLC
1750 Highway 160 W STE 101 #259
Fort Mill, South Carolina 29708

DATED this the 15th day of June, 2018.



Caroline Collins, Administrative Coordinator
For Respondent

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FOR THE 16 th JUDICIAL CIRCUIT
COUNTY OF LANCASTER	)	Case No.: 2017-CP-46-00261
	)	
Eric Patton (68554A),	)	
	)	
Applicant,	)	AMENDED POST-CONVICTION
	)	RELIEF APPLICATION
v.	)	
	)	
State of South Carolina.	)	
_____	)	

The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on January 31, 2018, to add the following allegations:

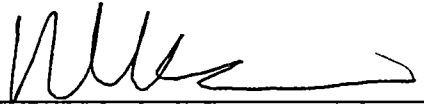
Ineffective Assistance of Counsel as to **Geoffrey Dunn**, Esquire:

- a. Failure to properly investigate Applicant's Case including but not limited to interviewing potential witnesses and evaluating the veracity of evidence sought against Applicant
- b. Failure to adequately provide Applicant with all discovery and properly discuss all discovery and evidence sought against him prior to Applicant accepting his plea bargain.
- c. Failure to properly counsel, discuss, and explain the pending charges, sentencing, and consequences so that Applicant could make an informed decision as to whether to accept a plea bargain or pursue a trial
- d. Failure to discuss possible defense and challenges to the evidence with the Applicant.
- e. Failure to advise Applicant of his right to an appeal

Furthermore, the Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application and this Amended Application. Amendments should be liberally allowed when no prejudice to the opposing party will result. See Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006).

FILED-RECEIVED
 2018 NOV 19 PM 4:01
 DAVID HAMILTON
 C.C.P. & GS
 YORK COUNTY, SC

Respectfully submitted,

By 

Donae A. Minor
Attorney for Applicant
1750 Highway 160
Suite 101 #259
Fort Mill SC 29708
Telephone: 844-878-2015
Email: donae@attorneyminor.com
South Carolina Bar No.: 102550

November 12, 2018

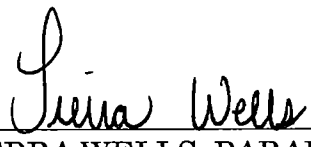
CERTIFICATE OF SERVICE

I certify that I have served this document via email and United States Postal Service mail to:

Janell Gregory
Assistant Attorney General
JGregory@scag.gov

S.C. Attorney General's Office
Rembert C. Dennis Building
Post Office Box 11549
Columbia, South Carolina 29211

This 13th day of November, 2018.


TIERRA WELLS, PARALEGAL
Minor Law Offices

2018 NOV 19 PM 4:01
DAVID HAMILTON
S.C.C.P. & GS
SPRING COUNTY, SC

FILED-RECEIVED

STATE OF SOUTH CAROLINA

YORK COUNTY

Eric Patton (313922),

Applicant,

versus

State of South Carolina

Defendant.

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUITMOTION AND ORDER FOR
CONTINUANCE

File Book No. 2018-CP-46-0261

FILED-RECEIVED
19 FEB - 8 PM 5:10
DAVID HAMILTON
C.C.C.P. & G.
YORK COUNTY

Applicant's Attorney, Donae A. Minor of Minor Law Offices moves this Court for a continuance for the matter scheduled before the Court on January 28, 2019 at 9:30 a.m. for a Post Conviction Relief (PCR) Hearing.

Applicant's Attorney, Donae A. Minor informs this Court that Applicant has been recently transferred and has not had access to his discovery and requests additional time to receive his discovery so that he can review and have a productive and informed discussion with his Attorney regarding the preparation of his case.

Janell Gregory, Assistant Attorney General for the South Carolina Attorney General's Office does not object to Applicant's Attorney's motion for continuance.

IT IS THEREFORE ORDERED:

1. This matter is hereby continued.
2. This matter will be rescheduled for the next practicable Post Conviction Relief term.

AND IT IS SO ORDERED:


Danie D. Hall
Administrative Judge

1-22, 2019

**CLERK OF COURT'S OFFICE***Post Office Box 649, York, South Carolina 29745-0649*

June 26, 2019

Erick N. Patton, #313922
Lieber Correctional Institute – MA-205
PO Box 205
Ridgeville, SC 29472

Dear Mr. Patton,

Your Motion to Relieve Counsel was received in our office on 6/26/2019. However, we cannot process the document as you are still represented by your appointed attorney. The motion and order will need to be submitted by Ms. Minor as she is currently your attorney of record. Should you have any other questions please do not hesitate to contact our office.

Sincerely,

Civil Court Staff
York County, SC

STATE OF SOUTH CAROLINA

COUNTY OF YorkEric Patton

Plaintiff,

vs.

State of South Carolina

Defendant.

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

CASE NO.: 2018-CP-46-0361MOTION AND ORDER INFORMATION
FORM AND COVERSHEETDAVID HAMILTON
C.C.C.P. & SS.
YORK COUNTY, SC

2019 AUG -9 AM 11:28

FILED-RECEIVED

Plaintiff's Attorney:

_____, Bar No. _____

Address: _____

Phone: _____ Fax _____

E-mail: _____ Other: _____

Defendant's Attorney:

_____, Bar No. _____

Address: _____

Phone: _____ Fax _____

E-mail: _____ Other: _____

☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion to Relieve CounselEstimated Time Needed: 15 minCourt Reporter Needed: ☒ YES/☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff/☐ Defendant

Date submitted _____

SECTION III: Motion Fee

☐ PAID - AMOUNT: \$ _____☒ EXEMPT:

(check reason)

☐ Rule to Show Cause in Child or Spousal Support☐ Domestic Abuse or Abuse and Neglect☒ Indigent Status ☒ State Agency v. Indigent Party☐ Sexually Violent Predator Act ☐ Post-Conviction Relief☐ Motion for Stay in Bankruptcy☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ MOTION FEE COLLECTED: \$ _____☐ CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS

Case No.: 2018 - CP - 46 - 0261

Eric Patton #313922,
Applicant,

VS.

The State of South Carolina,
Respondent.

Pro Se Motion to
Relieve Counsel

DAVID HAMILTON
C.C.C.P. & OS
YORK COUNTY, SC

2019 AUG -9 AM 11:28

FILED-RECEIVED

NOW COMES Applicant, Eric Patton, *pro se*, and moves this Honorable Court, pursuant to the rules of civil procedure, to grant his motion to relieve counsel on the following basis :

1. PCR Counsel is refusing to conduct an independent investigation into Applicant's legal claims to ascertain factual and tangible evidence for Applicant to submit in support of his legal argument at his evidentiary hearing. Specifically, Counsel is refusing to interview and prepare potential witnesses for the hearing. Also, she's refusing to retrieve clock-in minutes from an *alleged* witness' job which will prove that this witness was at work at the time she'd claimed that she'd witness Applicant at the crime scene — yet, plea counsel advised Applicant to plead guilty without first

conducting any investigation into the facts and circumstances of the case.

Consequently, Applicant's PCR case is a risk of being thwarted because of Counsel's ineffective assistance. Martinez v. Ryan, 132 S.Ct. 1309 (2012).

WHEREFORE, Applicant respectfully requests the Court to relieve counsel and appoint new counsel or, in the alternative, compel counsel to conduct reasonable investigation into Applicant's claims.

Respectfully Submitted,

Eric Patton

Eric Patton #313922

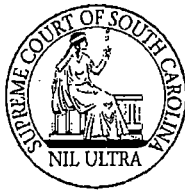
Lieber Corr. Inst.

136 Wilburn Ave.

P.O. Box 205

Ridgerville, SC 29472

August 5, 2019



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

August 06, 2019

Mr. Eric Neal Patton, 313922
Lieber Correctional Institution
P. O. Box 205
Ridgeville SC 29472

FILED-RECEIVED
2019 AUG 14 PM 12:58
DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

Re: Eric Patton v. The State of SC
Appellate Case No. 2019-001186

2018-261

Dear Mr. Patton:

This Court has received the enclosed letter from the clerk of court advising that he will accept your Motion to Relieve Counsel as soon as he receives the motion with your original signature. In light of this, we are closing our file.

Very truly yours,

Daniel E. Shearouse
ts

CLERK

Enclosure

cc: The Honorable David Hamilton

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2018CP4600261

Eric Neal Patton

South Carolina State Of

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk: Donae Minor is relieved as counsel,

the state the next attorney on the GOP list is appointed.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

2761

Judge Code

8/14/17

Date

William A. McKinnon
Circuit Court Judge

For Clerk of Court Office Use Only

This judgment was entered on August _____, 2019, and a copy mailed first class or placed in the appropriate attorney's box on August _____, 2019, to attorneys of record or to parties (when appearing pro-se) as follows:

Donae Alecia Minor 1750 Highway 160 W STE 101 #259
Fort Mill, SC 29708

Janell H Gregory Attorney General's Office P.O.Box 11549
Columbia, SC 29211
Brianna Lynn Schill 1000 Assembly Street SC Office Of The
Attorney General Columbia, SC 29201

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter: Shirley Broom

David Hamilton - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF YORK) 16th JUDICIAL CIRCUIT
Eric Neal Patton, #313922) CASE NO.: 2018CP4600261
Plaintiff(s),) APPOINTMENT OF COUNSEL OR GAL
-vs-) (Select one.)
South Carolina State Of,) ☒ ORDER
Defendant(s).) ☐ AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- ☒ Post-Conviction Relief (PCR)/habeas case ☐ Adoption ☐ Juvenile
☐ SVP case ☐ Custody and/or Visitation ☐ Abuse and Neglect
☐ Minor Name Change ☐ Other: Post Convict Rel 500

It appears Eric Neal Patton, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- ☒ counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
☐ counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:
☐ counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
☐ court appointed counsel has obtained , Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
☐ Other:

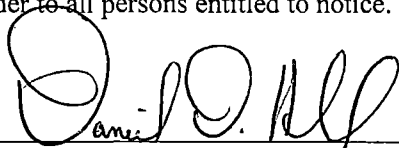
Therefore, it is ordered that **Ola A. Johnson** hereby is appointed as (Select one.)

☒ counsel ☐ lead counsel (if capital PCR case) ☐ guardian ad litem
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

☐ (If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED
August 26, 2019


☒ Circuit Judge ☐ Clerk of Court

Plaintiff Attorney:

Ola A. Johnson	Eric N. Patton #313922
P O Box 549	Lieber correctional Institution
Lexington, SC 29071	P O Box 205
olajohnsonlaw@gmail.com	Ridgeville, SC 29472

Defendant Attorney:

Janell H Gregory	Brianna Lynn Schill
Attorney General's Office	1000 Assembly Street
P.O.Box 11549	SC Office Of The Attorney General
Columbia, SC 29211	Columbia, SC 29201

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)
ERIC PATTON,)
Applicant,)
v.)
STATE OF SOUTH CAROLINA,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2018-CP-46-00261

SECOND AMENDED
POST CONVICTION RELIEF
APPLICATION

2020 JUL 28 PM 1:57
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, S

FILED-RECEIVED

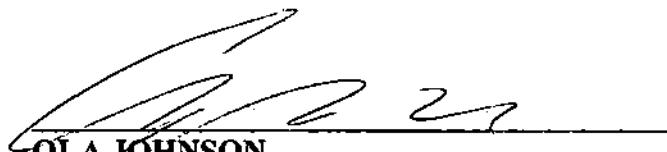
Applicant, by and through his undersigned attorney, hereby amends his application for Post-Conviction Relief dated January 31st, 2018. This amended complaint adopts and includes all grounds in the original application and the first Post-Conviction Relief Application filed November 19, 2018 by attorney Donae A. Minor. Applicant further alleges as additional grounds regarding his claim of ineffective assistance of counsel as to Geoffrey Dunn as follows:

1. Applicant was sentenced for violating his probation at this plea under probation warrant numbers W-46-16-0376, W-46-16-0289 and W-46-17-0153 and received a sentence of 3 years 6 months on each concurrent.
2. Prior to the guilty plea, Applicant's counsel failed to explain the details of the Applicants guilty plea and sentencing.
3. Applicant's counsel failed to explain the deadline or process for filing an appeal after the plea.
4. Applicant's counsel failed to provide a copy of the states evidence to the Applicant.
5. Applicant's counsel failed to interview or investigate Laura Lawrence or Amber Stewart regarding these charges.

6. Applicant's counsel failed to provide a copy of a statement from the victim on the domestic violence charge, Laura Lawrence, that recanted her allegation, to the solicitor's office.
7. Applicant's counsel stated to applicant that the 4-year consecutive sentence would be concurrent and that charges in Charlotte and Lancaster would be dismissed as part of the plea.
8. Applicant's counsel failed to obtain a handwriting expert to verify the origin of a letter used as evidence against the applicant for the Intimidation of a witness charge.
9. Applicant's counsel failed to contact applicant's nephew Keon Harris as a witness to the Domestic Violence charge.
10. Applicant's counsel failed to contact applicant's grandmother Willie May or Uncle Luther Patton as alibi witnesses for the Armed Robbery dated 1-19-17.
11. Applicant's counsel failed to obtain or request a drug analysis related to the drug charge.
12. Applicant's counsel (along with the solicitor Willy Thompson and Jenny Desch) coerced the applicant into entering the guilty plea by having the applicants brother Kevin Patton and sister Natalia Harris appear in a meeting with applicant at the courthouse to pressure him into accepting the plea offer from the state.
13. Following the plea Applicants counsel failed to file a motion to reconsider the sentence.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ola Johnson', is written over a horizontal line.

OLA JOHNSON

Attorney for Applicant

P.O. Box 549

Lexington, SC 29071

803-360-8692 Phone

olajohnsonlaw@gmail.com

This 2nd day of July, 2020.

STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF YORK	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
ERIC NEAL PATTON,	)	
	)	CASE NO.: 2018-CP-46-00261
Applicant,	)	
	)	
v.	)	
	)	CERTIFICATE OF SERVICE
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

I, Ola Johnson, hereby certify on that on July 22, 2020, I served a copy of the
 SECOND AMENDED POST CONVICTION RELIEF APPLICATION and NOTICE OF
 MOTION AND MOTION TO AUTHORIZE DISCOVERY on Brianna Schill, Assistant Attorney
 General by Email and U.S. Mail to the following address:

Brianna Schill, Asst. Attorney General
 SC Attorney General's Office
 P.O. Box 11549
 Columbia, S.C. 29211

FILED-RECEIVED
 2020 JUL 28 PM 1: 59
 DAVID HAMILTON
 C.C.P. & GS
 YORK COUNTY, SC

7-22-20

 Date



 OLA JOHNSON

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

ERIC NEAL PATTON ,)

Applicant,)

v.)

STATE OF SOUTH CAROLINA,)

Respondent.)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

CASE NO.: 2018-CP-46-00261

NOTICE OF MOTION AND MOTION TO
AUTHORIZE DISCOVERYCLERK HAMILTON
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YORK COUNTY, SC

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NOW COMES the Applicant in the above-captioned action, acting by and through undersigned counsel, hereby moving this court to authorize discovery in this matter. In support of this motion, the Applicant would show unto this Honorable Court the following.

The Applicant was charged with Armed Robbery x 3, Possession of a Firearm by Felon x 2, Possession Cocaine Base 2nd, Intimidation of a Witness, Harassment, Violation of Firearms Provision x 2, Domestic Violence 2nd with a probation violation. The Applicant received a sentence of 14 years active concurrent to 10 years active concurrent to 5 years each on 4 charges, concurrent to 4 years and concurrent to run concurrent with a revocation of prior suspended sentences (for 3.50 years x 6). Counsel for Applicant is not in possession of medical records related to the witness Laura Lawrence.

WHEREFORE, having set forth his grounds, the Applicant moves this Honorable Court to issue such order as is just and proper.


OLA JOHNSON

Attorney for Applicant

803-360-8692

olajohnsonlaw@gmail.com

STATE OF SOUTH CAROLINA
COUNTY OF YORK

) IN THE COURT OF COMMON PLEAS
) FOR THE SIXTEENTH JUDICIAL CIRCUIT
)
)
)

Eric Patton, #313922,

) Case No.: 2018-CP-46-0261
)
)

Applicant,

)
)
)

v.

) **ORDER OF CONTINUANCE**
)
)

State of South Carolina,

)
)
)

Respondent.

)
)
)

FILED-RECEIVED
2021 DEC 17 AM 11:03
DAVID HAMILTON
C.C. JR. & GS
YORK COUNTY, SC

This matter comes before the Court by way of a post-conviction relief application. An evidentiary hearing into the matter was scheduled for December 10, 2021, to be held virtually via Webex. Applicant requests this matter be continued because he wanted to proceed forward with the evidentiary hearing in person instead. Respondent objected to the motion because of the age of the case. This Court finds that this matter should be continued until the next in person term of court for PCR matters in the Sixteenth Judicial Circuit.

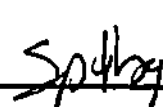
IT IS THEREFORE ORDERED:

1. That this PCR matter shall be continued and rescheduled,
2. Applicant shall remain remanded to the custody of the State.

AND IT IS SO ORDERED this 13 day of December, 2021.



GRACE GILCHRIST KNIE
Presiding Judge
Sixteenth Judicial Circuit


_____, South Carolina

1 STATE OF SOUTH CAROLINA

2 -----x

3 ERIC PATTON,

4 Petitioner,

5 Case No.

6 -against-

2018-CP-46-0261

7 STATE,

8 Respondent.

9 -----x

10 August 31, 2022

11 York, S.C.

12
13 B E F O R E:

14 HONORABLE EDWARD MILLER

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

17 OLA JOHNSON,

18 Attorney for the Petitioner

19
20 ZACHARY JONES,

21 Attorney for the State

22
23 Aileen Butler

24 Official Court Reporter

25

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
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(NO EXHIBITS RECEIVED)

	<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
1	Eric Patton			
4	Mr. Johnson	8		
5	Mr. Jones		21	25
6	Kevin Patton			
7	Mr. Johnson	28		
8	Mr. Jones		35	
9	Natala Ford			
10	Mr. Johnson	42		
11	Mr. Jones		46	
12	Laura Lawrence			
13	Mr. Johnson	48		
14	Mr. Jones		50	
15	Jenny Desch			
16	Mr. Jones	52		58
17	Mr. Johnson		55	
18	Geoffry Dunn			
19	Mr. Jones	59		80
20	Mr. Johnson		72	81

21

22

23

24

25

1 MR. JONES: Your Honor, the next matter is
2 Eric Neil Patton verses State of South Carolina.
3 Case number 2018-CP-46-0261.

4 Mr. Patton filed his post conviction relief
5 application on January 31st, 2018 challenging his
6 convictions. He was indicted in June 2017 for
7 two counts of possession of a firearm by a person
8 convicted of a violent offense.

9 In July 2017 he was in indicted for armed
10 robbery, 2nd degree domestic violence, possession
11 of crack cocaine, two additional counts of armed
12 robbery and possession of a weapon during the
13 commission of a violent crime. And then in
14 September 2017 the York County Grand Jury
15 indicted him for intimidation of court officials,
16 jurors or witnesses. He was represented by
17 Geoffry Dunn.

18 He plead guilty on September 18, 2017 before
19 the Honorable Judge John C. Hayes. Pursuant to a
20 negotiated sentence he was sentenced to
21 imprisonment for an aggregate term of 14 years of
22 no parole offenses -- if my recollection is
23 correct, plus four years of parole eligible
24 imprisonment for a total of 14 plus four years.
25 He did not appeal his conviction or sentence.

1 Since this filing of his initial post conviction
2 relief application he submitted an additional one
3 through his original PCR counsel, Donna Morris --
4 Minor -- I'm sorry -- in November of 2018 and
5 then with his current PCR counsel he filed an
6 amended application in June of 2020.

7 So before we begin I'd just like to let his
8 current counsel, Mr. Ola Johnson, put on the
9 record exactly which of the allegations from
10 those applications he will be go going forward on
11 today.

12 Thank you, Your Honor.

13 THE COURT: All right Mr. Johnson.

14 MR. JOHNSON: Your Honor, if it will be
15 helpful do you want me to pass up the three
16 copies here? The three applications we're
17 dealing with?

18 THE COURT: Well, I have -- hang on one
19 second. I have the second amended application
20 filed July 28th of 2020. Let's see. I have an
21 amended application and then I believe I have the
22 original as well, so I don't think I need them.

23 MR. JOHNSON: Yes, sir. I could list by
24 number. I believe the numbers are on all three
25 and it makes it a little bit easier. So I will

1 point out what we are going to go forward on.
2 Some of these were duplicated and some of these
3 we do not have a witness for and for those
4 various reasons we will not go forward on all of
5 these.

6 In the original we're going to go forward on
7 the allegations numbered one, three -- do you
8 want me to to wait judge?

9 THE COURT: Hang on.

10 MR. JOHNSON: Yes, sir.

11 THE COURT: Okay, one.

12 MR. JOHNSON: On the original we're going
13 forward on one, three, four, six, seven, eight
14 and ten. We're dropping the rest.

15 On the first amended post conviction relief
16 application filed by Miss Minor those were
17 duplicated. So we're not taking any of those.
18 So those are being dropped. And on second
19 amended post conviction relief application that I
20 filed July 28, 2020 we're going forward on all of
21 them accept for eight, nine and ten. Those are
22 three that we will not be going forward on on.
23 And that's it judge.

24 MR. JONES: That is my understanding Your
25 Honor.

1 THE COURT: Okay. You may proceed.

2 MR. JOHNSON: Thank you. We call Mr. Eric
3 Patton to testify. Do you want him to stand
4 here.

5 THE COURT: I'm not sure how this is going to
6 work.

7 MR. JOHNSON: I don't know how you want to
8 swear him in.

9 MR. JONES: Your Honor, what I've done
10 previously for what it's worth, we had the
11 defendant or the applicant take the stand when
12 testifying.

13 THE COURT: Yeah, I think he needs to do
14 that.

15 THE BAILIFF: The mics do not work just so
16 you know.

17 THE COURT: The mics do not work.

18 MR. JOHNSON: Your Honor, if we can hear him
19 is it a matter of recording otherwise?

20 MR. JONES: I found that the acoustics in
21 this room are good enough for me to hear so I
22 have no objection.

23 MR. JOHNSON: If it works judge we can try it
24 considering it's not the biggest courtroom in the
25 world as far as I know.

1 THE COURT: We will give it a try. If not we
2 will proceed in some other way.

3 MR. JOHNSON: Yes.

4 ERIC PATTON, called as a witness, having been
5 duly sworn by the clerk, was examined and
6 testified as follows:

7 THE COURT: Keep your voice up.

8 MR. PATTON: Yes, sir.

9 DIRECT EXAMINATION

10 BY MR. JOHNSON:

11 Q. Sir, will you state your name?

12 A. Eric Patton.

13 Q. Who represented you in this matter?

14 A. Mr. Geoffry Dunn.

15 Q. All right.

16 MR. JOHNSON: Judge, I feel like we can hear
17 him just fine if the State agrees.

18 MR. JONES: I agree.

19 Q. Mr. Patton, let me ask you, in explaining the
20 system and the case to you, could you tell me how your
21 attorney did that or did he do a sufficient job of
22 explaining the case and the laws as it applied to you in
23 this case with these charges?

24 A. No, sir.

25 Q. What do you mean?

1 A. I didn't receive my whole discovery which
2 violated my due process and the majority of the time we
3 met it was about taking a plea bargain.

4 Q. All right. And is there anything -- you're
5 saying -- is there anything else he failed to explain to
6 you? Anything in particular about your case that he
7 failed to explain to you?

8 A. Yes, sir. On the cocaine, possession of crack
9 charge, dealing with when the lab report came back it
10 was just residue. At the time he didn't explain that if
11 I were to went to a jury trial the jury could have
12 looked at it as a -- on the punishment like as far as
13 like if I was found guilty.

14 Q. Okay. Did he explain or show you any drug
15 analysis for that charge?

16 A. No, since day one when I was arrested I had
17 been writing him over and over letting him know that I
18 was innocent on the drug charge and I got the letter
19 that he was writing me back and he was like waiting on
20 the drug lab to come in, but somehow I never received
21 that drug lab until you took over the case and you sent
22 me the Rule Five and the drug lab was in your copy and
23 that's when I found out it was only residue that they're
24 saying they got out of my pocket, but instead he had me
25 plead guilty on the maximum on that charge like do you

1 feel like he did in regards to that?

2 A. Well, from my understanding he only
3 interviewed one witness and that was Amber Stuwart,
4 which Laura Lawrence she was another witness on a CDV
5 case. She had gave a notarized statement explaining
6 that she lied on me due to me cheating on her and he had
7 kept telling me that he had to contact her attorney to
8 get the old case but he never did.

9 Q. So you never interviewed her?

10 A. No, sir.

11 Q. Okay. And did he fail to interview anyone
12 else in your family or anybody else that could have
13 helped you?

14 A. Yeah, when the CDV supposedly had happened I
15 had my nephew staying with me, Keon Harris, which he's
16 in the report, and Keon had gave a verbal statement to
17 the law enforcement. He was letting them know that he
18 was there the whole time at the house and that he didn't
19 witness none of what she was saying in her original
20 statement.

21 Q. Okay. And what do you feel like he did or
22 failed to do to prepare and go over the facts of the
23 case with you? Did he fail to do that?

24 A. Yes, sir.

25 Q. How many times did he meet with you?

1 A. Oh, he met with me numerous times. He met
2 with me a good bit of time but it was always about
3 working out a plea bargain.

4 Q. Okay. Did he ever watch any video recorded
5 evidence or listen to audio recorded evidence with you?

6 A. Yes, sir, but on one of the audio tapes the
7 sound wouldn't play at the time and you had some
8 witnesses saying that they recognized me by my voice,
9 which kind of got me charged and he never came back and
10 let me hear the sound audio.

11 Q. Okay. Well, during your meetings with Mr.
12 Dunn did he ever coerce you or threaten you in any way
13 to convince to you plead guilty?

14 A. Yes, sir.

15 Q. Tell me about that?

16 A. Okay, the day this plea bargain actually went
17 down when I got out front I had some notes I had written
18 down that I wanted him to ask certain witnesses whenever
19 the jury trial would have started and he had told me he
20 was going to get my clothes from my family but instead
21 he had the correction officer sign me out of the county
22 jail and took me upstairs to law -- some type of room
23 and we had my family come in and basically for an hour,
24 hour and a half, cry and beg me to take this plea
25 bargain and all for the love I got for my family -- I

1 mean, I love them to the point I didn't want to see them
2 cry or begging me to take a plea bargain which the whole
3 time he knew I wanted to go to trial because I just had
4 gave him the notes that I wanted him to ask certain
5 witnesses, so...

6 Q. All right. You felt coerced by that?

7 A. Yeah, a lot of pressure was on me watching my
8 family sit there and beg me and cry.

9 Q. Okay. And you didn't ask for them to be
10 brought up?

11 A. No, sir.

12 Q. Okay.

13 A. I actually had told him I didn't want him even
14 discussing my case with my family because they're not
15 all the way up on the law.

16 Q. Okay. And did you ask him about filing an
17 appeal?

18 A. Yes, sir.

19 Q. What did you state to him?

20 A. Well, after the court date I asked him and he
21 told me he would and I had some pending charges in
22 Charlotte, Mecklenburg and Lancaster County, which he had
23 promised me that when he filed the appeal he would take
24 care of those charges in Charlotte, Mecklenburg and
25 Lancaster which he never did. To this day the charge in

1 Lancaster is still pending and it was kind of -- when we
2 was in the room with my family and they was begging me
3 to take the plea and I was like, no, because I still
4 have charges in Charlotte, Mecklenburg and Lancaster. We
5 can do it all a universal thing. He was like, I'll tell
6 you what, if you go there and take the plea I'll take
7 care of those charges.

8 As soon as I got back down to the county jail I
9 wrote him a letter before I went to SCDC and I told him,
10 I said, make sure you take care of those charges in
11 Lancaster and Charlotte. No response.

12 Q. Okay. Did you ask him in person face to face
13 to file your appeal?

14 A. Actually after we left the room.

15 Q. You did it in person. You asked him to do
16 that?

17 A. Yes, sir.

18 Q. And you feel like you were advised by him to
19 take the plea and that was not in your best interest.
20 You're indicating he's indicating it was in your best
21 interest?

22 A. Evidently if I gave him the notes that I
23 wanted him to ask witnesses. He told me he was going to
24 get my clothes so I could dress out and we can proceed
25 with the trial but instead he went and got my family

1 without my wishes and basically with them and him all
2 cornered me in a little room for an hour, hour plus.
3 Everybody begging me to plead guilty. So it weakened me
4 and wore me down to the point I just went with the flow.

5 Q. What did Mr. Dunn say to you about taking a
6 plea?

7 A. He was just threatening me saying if you lose,
8 you're going to get a life sentence. You're not going
9 to be able to reunite with your son and just those type
10 of things.

11 Q. Okay. And did you indicate at some point you
12 asked him to file a motion for bond?

13 A. Yes, sir. I wrote him numerous letters asking
14 about a bond.

15 Q. Did he fail to do that?

16 A. Well, I don't remember going up for a bond
17 hearing at all.

18 Q. Okay. And Mr. Patton you also had a violation
19 of probation that kicked in and you were revoked on also
20 as well during this plea, correct?

21 A. Yes, sir.

22 Q. Okay. And when you did your guilty plea, did
23 he explain to you fully the rights that you were giving
24 up and the sentencing that you would receive?

25 A. No, sir. I had no idea that the probation

1 officer was going to be at my court date until I got
2 inside the courtroom.

3 Q. Okay. Did you not understand that it would
4 violate your probation?

5 A. Yeah, I understood that.

6 Q. Okay. Now, in regards to the sentencing, did
7 -- were there any statements made by Mr. Dunn to you
8 regarding whether or not this four year sentence would
9 be consecutive or concurrent?

10 A. Yeah, that was another thing. He had told me
11 once I was signing the pleas that he would work it out
12 so that four years would be ran concurrent with the 14
13 years, but it somehow ran consecutive.

14 Q. Okay. And did he ever explain to you the
15 process or deadlines filing an appeal to you?

16 A. Never.

17 Q. And you're saying he did not provide you with
18 a copy of the evidence or -- how much of the evidence
19 did he give you?

20 A. For the drug charge?

21 Q. All the discovery in all the cases.

22 A. Well, I also had a harassment charge where
23 someone accused me of making a DSS report against them.
24 When the Fort Mill police law enforcement said that they
25 called the number -- whoever made this report, but it

1 was no answer. I was never -- or I mean in the
2 discovery it was never -- the phone number in the
3 discovery if I received that phone number it could have
4 been researched and the person responsible for making
5 that report could have been held for that.

6 I mean the officer said he called the number but
7 there was no answer. I was never given that phone
8 number to research their phone number to see who really
9 made that call.

10 Q. What about the armed robbery charges? What
11 about that evidence?

12 A. I know it was pack of Newports that was
13 supposedly dropped on the scene where they did
14 fingerprints and DNA. I never heard nothing about from
15 the DNA results or none of that.

16 Q. Did he give you the reports related to the
17 armed robbery?

18 A. Yes, sir.

19 Q. Did he go over that evidence with you?

20 A. Not really.

21 Q. How many times did he discuss the armed
22 robberies with you?

23 A. I can't really recall, but I mean every time
24 we discussed the armed robbery it was always about
25 getting a good plea on those charges.

1 Q. And did you say you wanted him to interview
2 Laura Lawrence and Amber Stewart regarding these cases?

3 A. Yeah, from what I understand he did interview
4 Amber Stewart but with Laura Lawrence he was telling me
5 that she had an attorney so he would have to get an okay
6 through her attorney to talk to her which he never did.

7 Q. Okay. Did he ever give you any statements
8 from Laura Lawrence recanting her statement, changing
9 her story about domestic violence charge?

10 A. Well, she actually went and wrote a statement
11 and got it notarized and sent that in, but she was
12 writing me when I was incarcerated in the county jail.
13 I gave him the letters which she had been writing saying
14 she was sorry for lying to me. He never turned those
15 over for discovery material.

16 Q. You're saying she did this prior to your
17 guilty plea?

18 A. Yes, sir.

19 Q. And he did not pursue that or give you any
20 statements from her?

21 A. Yeah, I also had met with him -- met with him
22 and an investigator with solicitor's office and they had
23 my cell phone in the room so I had to give them my pin
24 code to the cell phone and I showed them the pictures
25 that she was taken the night that she said all this

1 happened, but somehow none of that never made it into
2 Discovery.

3 Q. Okay. And you feel like he advised you that
4 the four years was going to be consecutive and not
5 concurrent?

6 A. Yes, sir.

7 Q. Did you ever request -- you probably I think
8 you touched on this earlier -- did you request or try to
9 obtain a drug analysis on these charges from your
10 attorney?

11 A. Yes, from day one I had been telling him I was
12 innocent on that drug charge and he had -- I can show
13 you the letters where he wrote me back saying that he
14 was waiting on that lab report to come in and I got all
15 the letters that he wrote me with the dates on them.

16 Q. Okay.

17 A. He never discussed the lab report with me
18 until -- I didn't know nothing about the lab report
19 until you sent me the discovery.

20 Q. Okay. And when this meeting took place you
21 said there was a meeting involving your family. You're
22 referring to your brother Kevin Patton and Miss Harris,
23 your sister, were those the people brought in to meet
24 with you?

25 A. Yes.

1 Q. And were the solicitors Willy Thompson and
2 Jenny Desch present for that?

3 A. No, sir, but like two weeks before that
4 meeting Willy Thompson and Miss Jenny Desch had my
5 family meet them over here where they also tried to get
6 them to convince me to plead guilty and I told Mr. Dunn
7 right then and there I didn't want my family involved
8 with none of this because he could tell them that I
9 could get a life sentence and that's going to weigh in
10 on them.

11 Q. Okay. During that meeting did the solicitors
12 -- you said they were not at the meeting?

13 A. Not at the meeting where the day I went to the
14 court date. Willy Thompson and Jenny Desch was not at
15 that meeting, but two weeks before that meeting they had
16 my brother and my sister come up here and they held
17 another meeting.

18 Q. And you were not present at that?

19 A. No, sir.

20 Q. And did the solicitor ever make any statements
21 to you?

22 A. I can't recall.

23 Q. Okay. And following the plea did you request
24 your counsel file a motion to reconsider the sentence?

25 A. No, sir.

1 Q. You did not?

2 A. No.

3 Q. Okay. Did you get advised by him or did he
4 indicate to you on what that is or that was an option?

5 A. I don't really don't know what that is. We
6 never discussed that.

7 Q. Okay. Is there anything else about the
8 evidence that he failed to review with you or things
9 that he could have done as your attorney that he failed
10 to do?

11 A. I mean just with the coercion (sic) and
12 pressure part as far as on that Friday -- I went to
13 court on Monday.

14 On that Friday he had reached out to my people
15 again and had my brother come to his office to show him
16 audio videos and it was a bunch of pressure coming in
17 and I never told him to discuss none of that with my
18 family.

19 Q. Did he ever have a private investigator come
20 talk to you and work on the case for him?

21 A. One time.

22 Q. Okay. He met with you one time?

23 A. And never came back and discussed what he
24 suppose to have been trying to locate for me.

25 Q. Okay. And you felt like you were coerced and

1 forced into entering this guilty plea?

2 A. Yes, sir. Like I said, when I came up here I
3 had everything what I wanted him to ask all the
4 witnesses that was going to be testifying. He told me
5 he was going to get my clothes so I can dress out.
6 Instead he had me signed out of the county jail and had
7 my family come beg me and cry to take the plea bargain.

8 MR. JOHNSON: All right. No further
9 questions.

10 THE COURT: Cross examination.

11 CROSS EXAMINATION

12 BY MR. JONES:

13 Q. Good afternoon Mr. Patton. I just want to
14 follow up on a little bit that Mr. Johnson asked you
15 about.

16 So when you discussed your charge in Charlotte,
17 Meckenburg, was it your desire that you get a universal
18 plea to cover all those charges in addition to the
19 charges you were already facing.

20 Q. Well, what exactly was said was -- I mean,
21 after I was like, well, I'm not going to take this plea
22 because I still got to deal with these charges in
23 Charlotte, Meckenburg and Lancaster. He was like, I
24 tell you what, if you go in and take the plea I will
25 take care of those charges.

1 Q. All right. And you're aware if you prevail
2 today this case goes back to square one. If you were to
3 prevail the negotiated sentence would be -- would be
4 vacated and you would be back on these charges. You can
5 proceed to trial. You would not be guaranteed to get a
6 plea deal like this or any other plea deal for that
7 matter again?

8 A. Sir, since day one I've been telling Mr. Dunn
9 I have been innocent. Since day one.

10 MR. JONES: All right. Beg the Court's
11 indulgence.

12 Your Honor, at this type I don't have any
13 further questions for Mr. Patton.

14 THE COURT: Any redirect?

15 MR. JOHNSON: No, sir, Your Honor.

16 THE COURT: Okay. Mr. Patton are you
17 satisfied with what Mr. Johnson has done for you?

18 MR. PATTON: Yes, sir.

19 THE COURT: Okay. Good.

20 MR. PATTON: Yes, sir, he has tried to help
21 me.

22 THE COURT: Just for the record I noted that
23 at the time you entered this guilty plea on
24 September 18, 2017, you were scheduled to go to
25 trial on September 19, 2017. Is that right?

1 MR. PATTON: Mr. Dunn told me we was picking
2 a jury right then and there. His last words with
3 me he was going to get my clothes so we could
4 dress out so we can proceed with the jury trial.
5 I said, let's make it happen. Instead, like I
6 said once before, he had York County correction
7 officer sign me out of the building. Took me up
8 the elevator to some little room with a big
9 table. The next thing I know I seen my family
10 come in this room. I mean, they're all I got. I
11 love them to death and you know how it is seeing
12 your family cry and beg you to do something and
13 it weakened me out, you know.

14 THE COURT: Okay, but you all were getting
15 ready to pick the jury and then you decided to
16 accept the deal, is that right?

17 MR. PATTON: No, he never went and got my
18 clothes. He was suppose to be going to get my
19 clothes so I could dress out but instead he went
20 and had me signed out of the county jail and took
21 me upstairs to some little room and had my
22 family come.

23 THE COURT: Okay, I got that, but I thought
24 you just told me that you were about to get your
25 clothes and then you were going to pick the jury

1 but before that happened then you went up and met
2 with your family, correct?

3 MR. PATTON: Yes, sir.

4 THE COURT: Is that how it worked?

5 MR. PATTON: Yes, sir.

6 THE COURT: And so just so I'm clear about
7 this, if you had not taken the deal you would
8 have gone to trial the next day.

9 MR. PATTON: Yes, sir. I thought it was
10 starting that morning. That's what Mr. Dunn told
11 me. Get my clothes and we'll going to proceed
12 with picking a jury. That's what I wanted.

13 THE COURT: Okay. All right. And he met
14 with you a number of times that you testified to
15 that, Mr. Dunn?

16 MR. PATTON: I'm not sure what you are trying
17 to ask.

18 THE COURT: On direct examination you said
19 that you met with Mr. Dunn on numerous occasions?

20 MR. PATTON: Yes, sir.

21 THE COURT: Okay. All right I don't have any
22 other questions. Anything else from the
23 applicant's attorney.

24 MR. JOHNSON: We just have two more
25 witnesses.

1 THE COURT: I got you, but from this witness?

2 MR. JOHNSON: No more questions.

3 THE COURT: Anything from the State?

4 MR. JONES: Just one more thing, Your Honor.

5 May I approach the witness?

6 THE COURT: Sure.

7 RECROSS EXMINATION

8 BY MR. JONES:

9 Q. Do you recall the judge who heard your guilty
10 plea inform you of the sentence that you were pleading
11 to under the negotiated sentence?

12 A. Yes, sir.

13 Q. All right. And do you recall where he said --
14 where you were informed that it would be a 14 year
15 sentence with a consecutive four year sentence at the
16 plea proceeding?

17 A. Well, I mean since I've been incarcerated I
18 have been sharpening my education. At the time I didn't
19 know what those words meant. I didn't know the
20 definition to those. You know what I am saying.

21 Q. But you don't deny that was said at the plea
22 proceeding?

23 A. I'm pretty sure it was said, but I didn't
24 understand what those words meant.

25 Q. All right. Did you tell the Court that you

1 understood the sentence?

2 A. Yes, sir.

3 Q. All right. Even though -- why would you tell
4 the Court that you understood if you didn't in fact
5 understand?

6 A. I mean at the time I mean I didn't want to let
7 my family down after being in the room with them for an
8 hour, hour and a half and they're crying and begging me
9 to take this plea bargain off of Mr. Dunn putting them
10 up to do this. I never asked him to do that and I told
11 him I didn't want my family involved from the get go.

12 Q. All right, thank you. Do you recall the Court
13 informing you that you had ten days to file an appeal
14 from the guilty plea?

15 A. I can't recall but I mean if it was said.

16 Q. Okay.

17 A. I can't recall.

18 Q. All right. That's all I have, Your Honor, and
19 I just submit that the record speaks for itself.

20 THE COURT: Yeah, it always done.

21 MR. JONES: Thank you.

22 THE COURT: Just one other little thing, when
23 the Court he asked you -- he announced the first
24 case which I think was the domestic violence and
25 he asked you how do you plead and you said guilty

1 and then Mr. Dunn spoke up and said all the pleas
2 were pursuant to North Carolina versus Alford.
3 Then after that -- well, let's see.

4 You continued to say on the next page guilty
5 to the domestic violence and guilty to the
6 possession of a weapon. You plead guilty and
7 then at some point you changed it over and said
8 guilty pursuant to Alford.

9 MR. PATTON: I can explain that. When I was
10 signing all the plea papers he was telling me
11 when the judge asked me to say I plead guilty to
12 Alford versus -- I'm not sure the whole thing.

13 THE COURT: North Carolina versus Alford.

14 MR. PATTON: The first charges I just said I
15 plead guilty. Then he whispered in my ear and
16 reminded me to say under Alford. That's why it's
17 on the record like that.

18 THE COURT: When you say he, you mean Mr.
19 Dunn?

20 MR. PATTON: Yeah. Yes, my bad.

21 THE COURT: So he was looking out for you in
22 that respect, right?

23 MR. PATTON: I guess you could say so.

24 THE COURT: Okay. All right. Gosh, you had
25 -- you were on probation for a number of other

1 cases so this wasn't your first time in court?

2 MR. PATTON: No, sir.

3 THE COURT: Okay. All right. Well, I don't
4 think I have anything else so you can step down.
5 Thank you very much.

6 MR. PATTON: I appreciate it.

7 MR. JOHONSON: All right, Mr. Johnson.

8 THE COURT: Your Honor, we have his brother,
9 Kevin Patton, to testify and call him at the this
10 time.

11 THE COURT: All right. Come on around.

12 KEVIN PATTON, called as a witness, having
13 been duly sworn by the clerk, was examined and
14 testified as follows:

15 THE COURT: State your name for the record.

16 MR. PATTON: My name is Kevin Michael Patton.

17 DIRECT EXAMINATION

18 BY MR. JOHNSON:

19 Q. Okay. Mr. Patton how are you related to Eric
20 Patton?

21 A. I am his older brother by two years.

22 Q. Okay. And were you ever contacted by his
23 attorney or by the solicitors in relation to this guilty
24 plea?

25 A. I was contacted by the solicitor. The

1 solicitor reached out to my sister and asked us would we
2 be open to meet with them just to discuss this case and
3 we met at Starbucks in Rock Hill and it was casual
4 meeting, Mr. Willy Thompson, Jenny Desch and the police
5 officer was there and I couldn't connect the dots going
6 forward but when I look at the dots back it was an
7 approach to get us to talk my brother into taking the
8 plea. The central thing for the meeting was Mr. Willy
9 Thomas (sic) saying we just got to get one charge on him
10 and we're asking for a life sentence. We just got to
11 get one charge and it was out of like compassion. Hey,
12 your brother is young. He has a young son. He can come
13 out, you know, be with his family. So it was wolf in
14 sheep clothing kind of approach. I didn't know that at
15 the time. I thought that it was really compassionate.
16 I thought they really cared about my brother and the
17 situation. And the Sunday leading up to the trial I
18 went to Mr. Dunn's office and him and I we looked over
19 the case together. We looked over the footage and we
20 both agreed that the case was completely circumstantial
21 and that my brother had a strong chance but I could tell
22 he was not invested in the case. I could tell by his
23 approach. His family was going on vacation. He talked
24 about how him and Jenny Desch are great friends and on
25 the morning that my brother referred to he came back

1 frustrated after talking to my brother and this is what
2 he said. His exact words so help me God. "Eric is
3 liked a cage animal."

4 Now, this guy is representing my brother and this
5 is his consciousness. It came out -- it probably came
6 out on a sub-consciousness level. He probably don't
7 even know remember that, but this is his exact words.
8 My hands on the Bible. "Eric is like a caged animal."
9 Now anybody in this room would want a lawyer
10 representing your loved one with that consciousness, of
11 course not. So he was completely convoluted. I don't
12 know if they offered him a T-bone steak. I don't know
13 if they offered him a Ribeye, but he was completely
14 convoluted by the prosecutors to kind of coerce us to
15 take the plea. And I was -- I came back after I meet
16 with my brother. I had never been to the secret room
17 that they talked about, but they said it was the first
18 time something like that happened. They brought Eric
19 out and I was in there and I pleaded with him and I told
20 him because I knew he would listen to me. I said you
21 take this plea. I'll take care of your son and I will
22 send you money on your books. All which I have done
23 until this day.

24 I took care of his son and I have kept money on
25 his books, but I didn't know they were working in

1 tandem. I didn't know the defense attorney was working
2 with the State to get the conviction.

3 This case, if you were to examine this case on a
4 whole level what you'll find out about this case is
5 multiple corrupt things have happened from the Fort Mill
6 police, the Rock Hill police, Geoffry Dunn to Jenny
7 Desch. To all of these guys -- and this is no attack on
8 a personal level, but they let my brother pass and all
9 of these convolute their professionalism.

10 Q. Okay, and when did the meeting take place here
11 at the Moss Justice Center?

12 A. That morning of. The Court was scheduled that
13 day. Harry -- or whatever, Mr. Dest came in ready to
14 go. So Eric -- I didn't know he had sent for his
15 clothes, but Dest come back frustrated walking fast and
16 he says the word, "Eric is like a caged animal." And
17 then at that time I said, let me talk to him and that's
18 when they made the meeting happened. They took us to
19 some private room and yes, we was back there. I was
20 nervous. At the time my brother was getting his time.

21 Our father was dying so I wasn't in the mental
22 space to kind of process all of this stuff that was
23 happening. So I'm like take the plea. Take the plea.
24 The guy said if they get one charge on you'll get a life
25 sentence. I didn't know they were all working all in

1 cohoots.

2 Q. When you had the meeting with your brother at
3 Moss Justice Center here at the courthouse who was in
4 the room?

5 A. It was myself, my sister, a couple of the
6 police officers and Eric and he was clearly telling us,
7 I do not want to take this plea. He was clearly telling
8 us in a state of trauma and a state of confusion he was
9 saying I do not want to take this plea and I was in his
10 ear, I was like man, take this plea because they will
11 try and give you a life sentence. I do not want to take
12 it. I have been around my whole life. I never seen him
13 with that kind of fear on his face. He's like I do not
14 want to take this plea but he took it after we wore him
15 down. I said listen, I will keep money on your books.
16 I will send you money. He took it but he was visibly
17 saying, I do not want to do this. It was a coercion
18 tactic that they did it well. I commend them on that.
19 They worked together in tandem.

20 Q. Okay. Were the solicitors in the room?

21 A. No, there was no solicitors. I talked to
22 Willy Tompson that morning. I spoke to him and he said,
23 hey, we are ready to go. So the court date was
24 scheduled that Monday. It was going to start that
25 Monday.

1 Q. Okay was his attorney, Mr. Dunn in the room
2 when you met with --

3 A. Yeah, Dunn was in there and everything that my
4 brother said about promising all those things. I'll
5 take care of the Charlotte stuff. I'll take care of the
6 Lancaster stuff. That's how bad he wanted him to take
7 the plea. He said I'll take care of all of this stuff.
8 He was telling him everything that he wanted to do.
9 Dunn had completely checked out of this case. He was
10 more worried about his family vacation. He was more
11 worried about all of that stuff then the case that my
12 brother was dealing with. He had completely checked
13 out.

14 He would tell my brother anything at that point to
15 get him to take the plea. He was consciously removed.
16 When he said that statement that statement was
17 borderline racist but it was showing he had lost the
18 compassion for helping my brother.

19 Q. Okay, do you remember any statements about --
20 from Mr. Dunn -- about whether or not the sentences
21 would be consecutive or concurrent?

22 A. I'm not one hundred percent up to the law like
23 that. I didn't pay attention to those details. My mind
24 was all over the place that morning so I wasn't really
25 -- once he took the plea I felt some kind of relief and

1 soon after that I had to go and deal with my father
2 dying. So I wasn't really mentally aware, but once I
3 started look back over the case I see how Mr. Dunn was
4 convoluted by his friendship with Jenny Desch and I
5 don't know if they talked about it, but he was
6 completely not on my brother's side. He could have been
7 actually a prosecutor working against my brother in this
8 case. When I look back, why would you have your
9 defendant plead guilty to charges that you can clearly
10 beat. He was completely checked out of the case.

11 Q. When you say your sister, what was the name of
12 the sister that was there with you?

13 A. Natala Harris. She was in the meeting with
14 us.

15 Q. Okay, and do you feel like you were coerced
16 into making those statements or you made those
17 statements to your brother because you thought it was in
18 his best interest?

19 A. I was coerced. I never heard the prosecutor
20 reaching out of a family of concern. The meeting was
21 based on concern. Hey, your brother is a young guy. He
22 has a young kid. He could be out. I didn't know that
23 they were using a tactic and I'm a licensed professional
24 counselor. I've been trained in psychology. I didn't
25 understand that they were planting a seed of fear in me

1 because they knew that I could plant leverage on my
2 brother. I didn't know what they with doing at the
3 time. Like I said, I didn't have the mental ability to
4 fight at that time. I was dealing with a lot. My dad
5 was dying. Eric was about to get sentenced. My wife
6 was having my first son. So I wasn't in a mental place
7 to go against them. But as I can sit back and examine
8 this case the whole thing was corrupt and if anyone was
9 to ever examine this case independently with no
10 convolution what they'll find from corrupt police,
11 corrupt tactics that tried to get my brother killed in
12 correction officers.

13 All of that stuff has happened with this case has
14 opened my eye to the evils that has happened that has
15 happened in this criminal justice system. Very evil
16 stuff that has happened.

17 Eric is not suppose to be here today. They were
18 suppose to -- I won't even get into that, but corrupt
19 stuff has happened in this case that has opened my eye
20 to a whole level of criminal activity from officials.

21 Q. Okay. Thank you, sir. Thank you for your
22 time. No more questions.

23 THE COURT: Cross examination.

24 CROSS EXAMINATION

25 BY MR. JONES:

1 Q. Thank you for being here Mr. Patton?

2 A. Thank you for having me sir.

3 Q. Did you understand at the time that the
4 charges that your brother were facing could carry a life
5 sentence on each of the three armed robbery charges?

6 A. I had no idea that those charges could carry a
7 life sentence but the lawyer -- the lawyer told me that
8 it could carry a life sentence.

9 Q. I mean at the time you were trying to persuade
10 him to take the guilty plea did you understand that he
11 could be facing a life sentence if he didn't take the
12 plea?

13 A. What Mr. Thompson told me that he could face a
14 life sentence if they get one charge. He said we just
15 need one charge. I didn't know that personally. I
16 never researched the law. I never knew his past charges
17 plus this charge would reach a life sentence. I was
18 going basically off of what he told me. He planted that
19 idea in my mind and that caused me to talk to my brother
20 about taking the plea. I never studied the law to know
21 that. I never had a criminal record. This is my first
22 time I've ever been in a courtroom in this level to
23 testify. So I had nothing. I was just going off what
24 he told me.

25 Q. Thank you. And that concerned you and you

1 thought, well, if it's -- I don't want to put words in
2 your mouth, but were you thinking at that time about --
3 were you afraid at that time of the possibility that if
4 he didn't take the plea he could face a life sentence?

5 A. I mean that's a rhetorical question. Of
6 course. If you have a brother that you love and they
7 say he's going to do a life sentence that means no
8 coming back. So, yeah, I was concerned. A brother that
9 I love with a young kid. His son was two at the time.
10 So yeah, I was concerned so that planted fear and when
11 you're in a state of fear you don't think right, so I
12 told him to take the plea. Take the plea. Take the
13 plea.

14 Geoffry and I we sat in his office examining the
15 case together. Looking at footage and everything. We
16 both agreed that it was circumstantial. I talked to Mr.
17 Thompson. He said it's circumstantial. He said we got
18 a strong circumstantial case. He knew that the case
19 wasn't strong so that's why he tried to go this route.

20 Have you ever known a prosecutor to reach out to a
21 family and to do what they've done? Have you ever known
22 that?

23 Q. Well, I'm asking the questions here.

24 A. Okay. I'm just concerned. I've never see
25 that before. I never seen a prosecutor reach out to

1 defendant's family and say, hey, would you be open to
2 meetings so we can discuss this case. I've never seen
3 that before.

4 Q. Well, in your experience with the criminal
5 defense world would you characterize it as limited, I
6 think as you say?

7 A. It was limited, but now I have studied it a
8 little bit better so I have a better understanding and
9 I've never seen anyone do that before. There normally
10 the ones to get their numbers and stuff like that so...

11 Q. And you've taken care of Eric Patton's affairs
12 while he's been in prison?

13 A. I have been helping out with his son. Helping
14 out sending him money.

15 Q. And you would have done that even if he had
16 gone to trial and had gotten sentenced at trial whether
17 he went to the plea or went to trial would you have
18 helped out with that.

19 A. I probably would have helped out but not to
20 the extent that I am helping out because I felt guilty
21 as far as me going in there and helped convincing him
22 when he felt so strong about it. I mean he's visibly
23 shaking and saying I do not want to do this. My sister
24 can testify to it. I do not want to do this. He done
25 it when I said, bro, I got you. I'll take care of you.

1 I'll take care of you. So I felt guilty so I have sent
2 more than anyone in my family. I supported more than
3 anyone in my family because I felt guilty for being a
4 part of that.

5 Q. But at the time did you -- I mean, I suppose
6 what I'm asking is, did you threaten to withhold any
7 help if he didn't take the guilty plea?

8 A. Yeah, I did. I told him, I said -- I said, if
9 you don't take this plea and you go in front of there
10 and they find you guilty I'm not helping out. I'm not
11 going to do that. So he felt compelled. I told him
12 that because I felt as convinced with what they was
13 telling me. We just got to get one and that's the only
14 thing they were saying at the time we met at Starbucks.
15 We got to get one charge and we're asking for life.

16 Q. All right. And do you understand that if he
17 prevails here today he would go back and face all those
18 charges again with no plea negotiations?

19 A. But he would have good sufficient counsel that
20 would thoroughly investigate this case. That would look
21 at cases and say we're not going to plead to guilty to
22 nothing that we can clearly prove. He would have no one
23 try to sell him on a bad deal that don't come through
24 with it. He never followed up with the stuff he was
25 going to do. He was just trying to get my brother. So

1 I don't know was it a favor for his friends or he
2 completely checked out for my brother, but he never did
3 what he said he was going to do.

4 Q Okay, thank you. No further questions.

5 A. Thank you, sir.

6 MR. JOHNSON: No questions, Your Honor.

7 THE COURT: All right, sir, you can step
8 down. Thank you.

9 MR. PATTON: All right.

10 MR. JOHNSON: Your Honor, at this time we're
11 going to attempt to call Natala Harris on line
12 witness.

13 THE COURT: Okay, before we do that I would
14 like it cleared up about this life sentence. Did
15 they serve LWOP notice?

16 MR. JOHNSON: I think there's a notice. I
17 believe I saw it.

18 THE COURT: Because I don't see in the record
19 where it was withdrawn so apparently --

20 MR. JONES: Yes, Your Honor.

21 THE COURT: I just wanted to clear that up.
22 I don't see see it as part of the negotiations.
23 I guess that's what happened. Okay. All right.
24 Go ahead.

25 MR. JOHNSON: We're trying to call Natala

1 Harris on line if she's still available.

2 THE COURT: Natala, you need to unmute

3 yourself.

4 THE COURT: Are you there Natala.

5 MR. JOHNSON: Natala, can you hear us.

6 MS. HARRIS: Hello.

7 THE COURT: Natala, can you hear me?

8 MS. HARRIS: I hear you guys.

9 THE COURT: All right. Natala state your

10 name for the record please.

11 MS. FORD: Natala Harris Ford, F-o-r-d.

12 THE COURT: All right.

13 MR. JOHNSON: Your Honor I just wanted to

14 confirm. I can not see her. Can she see us?

15 THE COURT: Natalia, can you see us?

16 MS. FORD: I do. Yes, I see you.

17 THE COURT: Are you on a computer?

18 MS. FORD: I am on my phone. I can make

19 myself visible.

20 THE COURT: Do you want to make her visible?

21 MR. JOHNSON: It might be the best for the

22 record if she is visible.

23 MS. FORD: Can you see me?

24 THE COURT: You were here for a moment. Now

25 you're gone.

1 MS. FORD: Okay, how about now?

2 MR. JOHNSON: I see her.

3 THE COURT: Okay.

4 MR. JOHNSON: Okay, thank you, judge. Has
5 she been sworn?

6 THE COURT: Ma'am, if you would raise your
7 right hand for us.

8 NATALA HARRIS FORD, called as a witness,
9 having been duly sworn by the Judge, was examined
10 and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. JOHNSON:

13 Q. Miss Harris, what is your relation to my
14 client, Eric Patton?

15 A. Eric is my brother. He's my baby brother.

16 Q. Okay. Were you contacted by the solicitor or
17 by his attorney to meet about this case?

18 A. Yes, I was. Several times.

19 Q. Who contacted you?

20 A. Jenny Desch.

21 Q. Okay. How many times did you meet?

22 A. I met with Jenny once at Starbucks on Cherry
23 Road in Rock Hill, but we had other conversations. She
24 came to my job a few times not necessarily to meet with
25 me, but she came to my job and we discussed the

1 possibility of sentencing Eric to take a plea deal, but
2 the meeting at Starbucks is the meeting where my
3 brother, Kevin, attended that meeting and we Jenny and I
4 we talked on the phone as well quite a few times.

5 Q. Okay. Did you attend the meeting here at Moss
6 Justice Center?

7 A. Yes, sir, I did.

8 Q. Okay. How did you feel about that meeting and
9 what happened with your brother?

10 A. I was extremely upset because at that point I
11 think that I had realized that they were using my
12 brother and I to get Eric to take bait because they
13 knew we could convince him to to do whatever so we had
14 used him to meet at Starbucks and to discuss the
15 possibilities of what would happen to him. They didn't
16 care anything about Eric so why would it matter if he
17 took a plea or didn't take a plea. Why would they meet
18 with his family to discuss those things.

19 Eric was assigned an attorney where his attorney
20 should have discussed the possibilities of what could or
21 what would happen. We shouldn't have had to meet Jenny
22 and Willy and there was another guy there as well to
23 discuss what would happen. Typically they don't care
24 that much about you to even care what would happen. If
25 you think about it why did we need to meet at Starbucks

1 off of York County property to discuss what could happen
2 if you don't tell your brother to do this. He has
3 reached the end of the road. These are the things that
4 they were telling me. I was extremely nervous. Anxiety
5 beyond the roof because of everything that they had did
6 to me thus far. So yes, I did not want my brother to,
7 you know, get life because that's what they kept
8 drilling in my mind if he does not do this. If you
9 don't convince him this is what is going to happen to
10 him. You have to do this. You have to do this. So
11 yes, I told my brother you got to do this. If you don't
12 do this and this goes the other way I am not going to
13 support you. So yes, I begged and begged and pleaded
14 and pleaded with him to take it. This is what they're
15 telling me. This is what they're telling me and I did.
16 I met with the attorney, Kevin and myself, we met with
17 his attorney Dunn and I realized at that point we're in
18 trouble because he did not have Eric's best intentions
19 at hand. Typically you know, the family I play golf
20 with this person, so of course if they play golf
21 together they're discussing this and that and they're
22 working together. So there were a lot of them pitting
23 us against him.

24 Q. Okay, do you remember any statements about
25 whether or not sentencing would be consecutive or

1 concurrent?

2 A. I can't remember everything verbatim but Dunn
3 promised Eric that he would run things concurrent and
4 Eric looked forward to that because once he got settled
5 in to his location we kept reaching out to Dunn to try
6 and reconcile the situation. You said you were going to
7 do this. This is what you promised to your client and
8 we reached out numerous times and what he had promised
9 were not met and he reassured that he was going to do
10 this. I will do this for you. I will do this for you.
11 He did absolutely nothing.

12 Q. Okay. You are no longer visible. I was just
13 want to advise you of that. I don't know if you want to
14 do something?

15 A. Say that again.

16 Q. You are no longer visible on the computer.
17 Did you stop your video?

18 A. I didn't stop anything. It's just -- I don't
19 know. I didn't press anything.

20 Q. You're back. Okay. Basically you felt
21 pressured is what you're saying?

22 A. Absolutely.

23 Q. By the attorney?

24 A. Absolutely.

25 Q. And by the solicitor?

1 A. Yes.

2 Q. Okay.

3 A. You got to realize if they're reaching out to
4 you and they're making you think this -- from Jenny said
5 -- this is it. He's reached the end of the road. I
6 will never forget what she said. We were sitting at
7 Starbucks. He reached the end of the road. This is
8 this. This is it. So you're telling two people that,
9 you know, haven't had the experience and we don't know a
10 whole lot about this and that. You reached the end of
11 the road. This is it for your sibling. We are all we
12 have so of course I am trying to -- this is my brother's
13 life. Please do this. Look at what they are saying.
14 Please, please, begging, crying, pleading and he
15 listened to us. He listened to the ones he trusted to
16 steer him in the right direction and we listened to
17 them.

18 Q. All right. Do you have anything else you want
19 to add?

20 A. No.

21 Q. Okay. Thank you. No more questions.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. JONES:

25 Q. Good afternoon Miss Ford. Very briefly. Did

1 you understand at the time the sentence and the charges?
2 Did you feel that you understood the charges your
3 brother was facing had he gone forward with the trial if
4 he didn't take a guilty plea?

5 A. Well, I'm not an attorney, so I didn't
6 understand all of it. It was a pretty serious charge
7 and I knew they could carry a lot of time. However,
8 knowing all of that I still didn't feel there was enough
9 evidence to convict him on those charges, but, like I
10 stated before we were pressured into pressuring him to
11 make a decision that he should not had. We should not
12 had to pressure him into making that decision. We
13 should not have had to do that at all.

14 Q. Do you now believe that it was the wrong
15 decision?

16 A. I'm sorry, can you repeat that?

17 Q. Do you believe that it was the wrong decision
18 in the sense that rather than taking the guilty plea if
19 you had to do over again, would you advice him to go to
20 trial?

21 A. Absolutely.

22 Q. All right. No further questions.

23 MR. JOHNSON: Nothing further.

24 THE COURT: All right, thank you, ma'am.

25 MR. JOHNSON: Thank you Miss Harris.

1 MS. FORD: Your welcome.

2 MR. JOHNSON: Your Honor, at this time we
3 call Laura Lawrence.

4 (WHEREUPON, this witness testified via
5 webex.)

6 THE COURT: All right, Miss Lawrence, this is
7 Judge Miller. Please raise your right hand do
8 you swear to tell the truth, the whole truth and
9 nothing but the truth so help you God?

10 MS. LAWRENCE: Yes.

11 THE COURT: And for the record again please
12 state your full name.

13 MS. LAWRENCE: Laura Lawrence.

14 DIRECT EXAMINATION

15 BY MR. JOHNSON:

16 Q. Miss Lawrence, this is Ola Johnson and I
17 represent Eric Patton. Were you the victim of a
18 domestic violence charge that Mr. Patton was charged
19 with.

20 A. Yes.

21 Q. Okay. Did you -- during the time this charge
22 was pending prior to the guilty plea, did you want to
23 speak to his attorney, Mr. Dunn about that case?

24 A. Yeah, I wanted to speak to him but he never
25 returned any of my calls that I recall.

1 Q. Okay, what were you trying to tell him?

2 A. That I had given the police -- I'd given Fort
3 Mill police a statement stating that I wasn't telling
4 the truth about what really happened with me and Eric.

5 Q. On the domestic violence charge?

6 A. Yes, sir.

7 Q. Okay. So you wanted to tell that to Mr. Dunn?

8 A. Yeah.

9 Q. Did you try to call him?

10 A. Yes.

11 Q. How many times?

12 A. I don't recall exactly how many but it was two
13 or three at least. Probably more than that. I would
14 always get his secretary, the lady who answered the
15 phone.

16 Q. And were you trying to tell him you had lied
17 about the domestic violence charge?

18 A. Yes. I wanted -- yes, I wanted to try and
19 give him a copy of the statement that I have.

20 Q. Okay. And that was to the Fort Mill Police?

21 A. Yes, I went in there to the Fort Mill police.

22 Q. Okay, and did you ever go in Mr. Dunn's
23 office?

24 A. No, not that I recall.

25 Q. Did you ever write him a letter?

1 A. I don't remember. I'm a not sure honestly.
2 It's been so long. I don't know. I don't think I ever
3 wrote him a letter, but I'm a not sure if the statement
4 ever got to him. I'm not sure.

5 Q. Did you have an attorney that you told to
6 contact him or anything like that?

7 A. No.

8 Q. Okay. You weren't called in to speak to him
9 prior to the guilty plea were you?

10 A. No.

11 Q. Okay. No more questions.

12 THE COURT: Any cross?

13 CROSS EXAMINATION

14 BY MR. JONES:

15 Q. Good morning. Were you represented by Melissa
16 Inzerillo at around this time?

17 A. Oh, yeah. It didn't have anything to do with
18 the domestic violence.

19 Q. All right. At the time were you a defendant
20 on any criminal charges that Melissa Inzerillo was
21 representing you on?

22 A. Yes. Yes.

23 Q. All right. I think that's only questions I
24 have at this time, Your Honor. Thank you.

25 MR. JOHNSON: No more questions.

1 THE COURT: All right, thank you, ma'am. You
2 are released from the witness stand, so to speak.

3 MS. LAWRENCE: Thank you.

4 THE COURT: All right. Do you have anything
5 else?

6 MR. JOHNSON: No more witnesses judge.

7 THE COURT: We're going to shut down this
8 electronic stuff and go real.

9 Okay. I believe the applicant has rested his
10 case.

11 MR. JONES: Your Honor, the State calls Jenny
12 Desch to the stand.

13 JENNY DESCH, called as a witness, having been
14 duly sworn by the clerk, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. JONES:

18 A. Good afternoon.

19 Q. Thank you. Could you give the Court a brief
20 description of the charges Mr. Patton was facing and
21 the --

22 THE COURT: Well, just for the record, please
23 state your name and where you are employed.

24 MS. DESCH: Thank you, Your Honor. My name
25 is Jenny Desch and I'm employed with the 16th

1 Circuit Solicitor's office.

2 Q. Okay. All right?

3 A. I am referencing a sheet of paper that Miss
4 Collins made for Willy -- Mr. Thompson in our office,
5 that broke down all of what Mr. Patton was facing so I'm
6 going to read from that.

7 It looks like starting with Fort Mill PD, 20167025,
8 there was armed robbery, possession of a weapon during
9 the commission of a violent crime, an additional armed
10 robbery and a possession of a firearm of a person
11 convicted of a violent offense. Rock Hill PD,
12 1609020038, kidnapping, felony possession of a firearm.
13 Fort Mill PD, 201611092, DV 2nd degree. Fort Mill PD,
14 201612042, armed robbery, possession of a weapon during
15 the commission of a violent crime. Directly indicted
16 armed robbery and commission -- person convicted --
17 sorry. Possession of a firearm by a person convicted of
18 a violent offence. Fort Mill PD, 201701117, harassment
19 in the 2nd degree. Fort Mill PD, 201612199, armed
20 robbery, possession of a weapon during the commission of
21 a violent crime. Rock Hill PD, 1701190583, armed
22 robbery. DEU, 201700003968, possession of crack
23 cocaine. Rock Hill PD, 1702020043, armed robbery,
24 criminal conspiracy. York County Sheriff's Office,
25 201700022222, exposure of private parts in a lewd and

1 lascivious manner. York County Sheriff's Office,
2 201700024794, intimidation of a witness.

3 I believe that is what he was facing at the time he
4 was scheduled for trial.

5 Q. Thank you. Did the solicitor's office offer a
6 plea bargain resolving all of those --

7 A. Yes, sir.

8 Q. -- charges. And could you discuss the details
9 of the plea bargain as you recall them?

10 A. As I recall them, Willy Thompson, was the
11 Deputy Solicitor at the time when he was here and he was
12 the decision maker on this, but my recollection is that
13 they had discussions about resolving all at once and he
14 and Mr. Dunn started discussions. I have a vague
15 recollection of it. Actually what they had come to
16 right before the trial was a little bit more than Mr.
17 Patton actually plead to or was sentenced to. Maybe by
18 a year.

19 I was not privy to the conversations over the
20 weekend and I was not here for the plea, but I do
21 remember getting a phone call from Mr. Thompson about
22 some last minute requests from Mr. Patton that he was
23 considering. So I think even going into the plea I
24 believe there was some last minute discussions that was
25 actually in Mr. Patton's favor.

1 Q. All right, and did anyone -- did either Mr.
2 Patton or a member of his family coordinate with you to
3 have his family and him come together to discuss the
4 possibility of a guilty plea?

5 A. I believe that took place right before trial.
6 I remember some discussions that Mr. Thompson and Mr.
7 Dunn were having about some requests that Mr. Kevin
8 Patton and Natala Harris that they were asking to be
9 involved in talking to Eric Patton. My recollection is
10 that they were nervous for him and they were asking Mr.
11 Thompson to consider less.

12 Q. All right. And were you present at the -- or
13 were you present at the -- at the final discussion
14 between Mr. Patton and his family I believe on the eve
15 of the trial?

16 A. I was present for the Starbucks conversation.

17 Q. The one at Starbucks?

18 A. Yes, sir.

19 Q. Did you perceive that -- or did exert any
20 improper input on Mr. Patton's family or Mr. Patton at
21 that meeting to induce him to plead guilty?

22 A. No, sir.

23 Q. All right. Did you observe them exerting any
24 improper influence or threatening him in any way to
25 induce him to plead guilty?

1 A. No, sir.

2 Q. I think that is all I have for you right now.

3 Thank you?

4 THE COURT: Cross examination.

5 MR. JOHNSON: Thank you.

6 CROSS EXAMINATION

7 BY MR. JOHNSON:

8 Q. Do you remember making any statements to
9 Natala Harris about the case being this is the last time
10 or this is the last opportunity for him or discussing
11 anything like that, or language like that to her?

12 A. I don't and that stood out to me. Just to
13 clarify something. Two things. Mr. Kevin Patton talked
14 about the compassion that he thought was genuine and I
15 would note knowing Mr. Thompson it was genuine. And I
16 wanted to clarify with Miss Harris, her testimony. She
17 indicated that I came to work, to her work to talk to
18 her about this. I think it's very important to note
19 that she worked in my daughter's pediatricians office.
20 So I was not going to her office to talk to her. I was
21 going to my pediatrician and she saw me and called me
22 over to talk to me and originally it was a concern about
23 Mr. Patton being beat up in the jail and wanting help
24 and so I took the conversations as genuine conversations
25 between the two parties. At no point did I have an

1 indication that either one of us was coercive or
2 improper other than the fact that it did concern me
3 having to kind of be aware when I took my daughter to
4 the pediatrician that it was uncomfortable for me to go
5 into that environment. But at no point did I go to her
6 office to talk to her about this work problem. So, no,
7 I don't recall any conversation as she put it.

8 Q. Okay, did you make any statements to her about
9 him facing life in prison?

10 A. Mr. Thompson talked to them and answered all
11 of their questions, but the characterization of it in a
12 threatening manner is just not how I perceived it to be.
13 My perception was he was answering their questions and
14 their concerns and just kind of being candid about the
15 situation.

16 Q. But did you make any statements?

17 A. I did not. No, I did not say anything about
18 this is the end of the road for him.

19 Q. Okay.

20 A. To my recollection.

21 Q. You just had that one meeting at Starbucks or
22 any other meeting?

23 A. I saw them quite a bit. There was the meeting
24 at Starbucks. I was not privy to the stuff that
25 happened at the Moss leading up to the trial, but there

1 was -- my recollection there was conversations they had
2 with Mr. Thompson a few times I think.

3 Q. You were present?

4 A. I was present with Mr. Kevin Patton one time
5 with Mr. Thompson answering some questions. I was not
6 present for the stuff leading up to trial.

7 Q. Where did that meeting take place?

8 A. If I remember correctly it was in the parking
9 lot. He wanted to meet at his work I think.

10 Q. Did you travel there with Mr. Thompson?

11 A. Yes, sir.

12 Q. Were you also with law enforcement?

13 A. They -- I believe Mr. Luvin was the
14 investigator on this case, but that's a plain clothes
15 investigator from our office. Not law enforcement in
16 uniform.

17 Q. Were there any other meetings that you were
18 present for?

19 A. I don't recall other meetings. I don't
20 recall.

21 Q. Okay. Do you remember any conversation about
22 concurrent sentences versus consecutive sentences?

23 A. Not at the contemporaneous time it was being
24 given. I remember Mr. Thompson talking to me after I
25 believe.

1 Q. Did he make statements about offering
2 concurrent time?

3 A. I don't have notes from that time. I remember
4 some discussions about -- I don't have an obvious
5 recollection of that. I remember Mr. Dunn and Mr.
6 Thompson talking about different issues and how to
7 resolve them.

8 Q. Okay. No more questions judge.

9 THE COURT: Cross examination.

10 MR. JONES: Redirect, Your Honor.

11 THE COURT: Redirect. Yes. Sorry.

12 MR. JONES: That's all right.

13 REDIRECT EXAMINATION

14 BY MR. JONES:

15 Q. Do you try to maintain, to the great extent
16 possible, professional courteous relationships with
17 opposing counsel?

18 A. Yes.

19 Q. All right. Would you characterize that as
20 corruption or impropriety? Do you think it jeopardizes
21 their impartiality or yours?

22 A. Not at all.

23 Q. All right, thank you, that's all I have.

24 MR. JOHNSON: No more questions.

25 THE COURT: You may step down.

1 MS. DESCH: Thank you, Your Honor.

2 MR. JONES: Your Honor, the State calls
3 Geoffry Dunn.

4 THE COURT: Okay.

5 GEOFFRY DUNN, called as a witness, having
6 been duly sworn by the clerk, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. JONES:

10 Q. Could you state your name and occupation for
11 the record?

12 A. Geoffry Dunn and I am an attorney.

13 Q. All right. Thank you. How long have you been
14 practicing law?

15 A. Since November the 15th of 2004.

16 Q. All right, and how much of that has been in
17 criminal defense?

18 A. At least fifty percent.

19 Q. All right. Now, in this case did you believe
20 that the plea offer compared to the charges that the
21 applicant would be facing if he were to proceed to
22 trial, did you believe that the plea offer would be in
23 his best interest?

24 A. Yes.

25 Q. To your knowledge did Mr. Patton lack

1 experience in the criminal -- in the criminal system?

2 A. No.

3 Q. All right.

4 A. Would you like me to expand on that?

5 Q. When you -- did you contact -- how many times
6 did you met with him?

7 A. I met with him a number of times. I don't
8 remember the exact number. I got notes if you want me
9 to count them up. It was probably -- on this particular
10 case it was probably more than six or seven.

11 Q. All right. Thank you. Did you go over the
12 discovery with him?

13 A. Yes, we went over all discovery.

14 Q. Did your investigator ever discuss anything
15 with him?

16 A. He and my investigator and I met together
17 downstairs at Moss and went over discovery and talked
18 about potential witnesses and the things that were in
19 the discovery.

20 Q. All right so -- and those potential witnesses
21 -- what potential witnesses did Mr. Patton make you
22 aware of?

23 A. The only witness I was aware of on the armed
24 robbery was Amber Stewart who turned out to -- my
25 investigator I think she was some kind of a romantic

1 interest of his and my investigator talked to him --
2 talked to her, excuse me. She was actually identified
3 in the video. You can see her car, near the station,
4 the gas station late that night when it was robbed. Her
5 statement to my investigator was that she had dropped
6 off Eric and had picked him up and she had thought he
7 had done something bad just based on his demeanor.

8 Q. All right. Did you -- was the victim of the
9 armed robbery did you discuss him with him?

10 A. It was a she.

11 Q. Or with her. I'm sorry.

12 A. We never -- the victim if my memory serves --
13 the victim never really identified him because the
14 person that was in the video was masked. My
15 recollection is she didn't really know who robbed her,
16 but it was caught on video so...

17 Q. All right. Did you speak to any other
18 witnesses?

19 A. As it relates to the armed robbery or which
20 charge? He had a lot of charges.

21 A. What other witnesses? Well, let's stick with
22 the armed robbery for now.

23 A. There weren't any others. I anticipated the
24 State calling his sister as a witness because there was
25 some text messages. I talked to Natala a couple of

1 times.

2 I never talked to Laura Lawrence to the best of my
3 knowledge because she was a co-defendant on a number of
4 the charges and therefore had an attorney. I was not
5 able to talk to her. And my recollection is Melissa did
6 not want me to talk to her because it was not in her
7 best interest to cooperate. To the best of my knowledge
8 that's who I talked to.

9 Q. All right. Did you -- let's talk about this
10 meeting with Mr. Patton and his family prior to the
11 trial to discuss the guilty plea. Did you -- were you
12 intending to coerce him into accepting a guilty plea
13 that was against his best interest?

14 A. No, not to coerce him. No. My recollection
15 is that his sister or his brother -- I can't remember
16 which one that really wanted to talk to him. Over the
17 years I had one or two times that family members have
18 talked to the clients especially on the eve of trial
19 just to go over. Make sure that's what they really want
20 to do. I don't remember who spearheaded it. I think it
21 was probably his family.

22 We met in the old law library which if you go all
23 the way down this hallway it's at the very end in the
24 corner. That's where we met. Right outside of Judge
25 Hayes's courtroom and to the best of my knowledge it was

1 just the four of us. I am trying to remember. I don't
2 think there was a deputy in there. I think they left
3 him outside at the door, but I know there wasn't any
4 solicitors in there. Just the four of us.

5 Q. Did you falsely tell him that were you taking
6 him to get a change of clothes?

7 A. No.

8 Q. Did you perceive during that interaction that
9 either of his family members were bringing any improper
10 influence to bare on him to induce him to plead guilty?

11 A. Improper, no. There was a lot of emotion in
12 that meeting. I mean, they did not want their brother
13 to go to prison for life which is what he was looking
14 at.

15 Eric, he wanted a trial which is why we were on the
16 eve of trial and so I would say it was emotional meeting
17 but I wouldn't say there was any kind of browbeating
18 anybody against their will.

19 Q. All right. Did you advise him of the
20 difference between concurrent and consecutive --

21 A. Yes.

22 Q. -- sentences?

23 A. Yes.

24 Q. Did you explain to him what the plea
25 negotiation was that it would be concurrent 14 years on

1 a number of charges and then additional consecutive four
2 years on the I believe possession of weapons charge?

3 A. Yes.

4 Q. All right. Did you hear Miss Desch I believe
5 said something about originally the offer was a year
6 higher but at some point over the weekend --

7 A. I don't remember if it was a year higher. I
8 think what we finally got it down because we sort of
9 restructured it. Mr. Thompson agreed to make the first
10 14 violent and then allow the last four to be nonviolent
11 and that would at least change -- I think it was my idea
12 and he agreed to it. I can't completely remember. It
13 was so long ago. It changed it. As far as I know it
14 changes how much time he would have to do at SCDC and
15 gave him a little bit of benefit. Not a huge benefit,
16 but it little bit of benefit just structuring it in that
17 consecutive manner that way.

18 Q. All right. The -- just in general what was
19 your impression of the strengths or weakness of the
20 State's case?

21 A. I mean, I wouldn't disagree it was
22 circumstantial case, but they had -- they were going to
23 call Amber Stewart to testify that she dropped him off
24 and picked him up from an empty parking lot where there
25 -- this place is in Fort Mill. There's a Walmart, a gas

1 station and a couple of other things inside a shopping
2 center. There was no cars there except for the car that
3 her she drives up in which was a -- I think it was a
4 gold Sebring. But it was one of the more sort of a
5 distinctive colors. Maybe it was silver. You see her
6 car. You see it leave. Come back. Investigator talked
7 to her. I thought she was going to testify that way.

8 There was some text messages from Eric to Natala at
9 some point where basically he didn't confess to robbing
10 but they were in the tenor he had done a lot of bad
11 things and he was really sorry that it caught up to him.
12 I think they were going to introduce that as evidence or
13 try to. There was -- he had given some statements
14 earlier to Fort Mill Police and Investigator Luvlin where
15 he basically said he watched the robbery from an outside
16 perceptive and given some details and I am assuming they
17 were going to try and bring that up as well. It was a
18 circumstantial case, but I thought it was a case they
19 could win. He had four armed robberies. My notes say
20 there were four armed robberies so they're going to try
21 one and even if we won they would have tried another
22 one. Two of those four were the same gas station and
23 they're both on video. They were about two or three
24 weeks apart and the other two were really weak cases. I
25 don't think they probably would have prevailed on.

1 Could have, but they're still things that could have
2 taken and rolled the dice on. They only needed one
3 because of the LWOP notice they had served on him.

4 Q. All right. So given -- would you agree that
5 -- I'm sorry, let me rephrase.

6 Is a circumstantial case necessarily a weak case?

7 A. No.

8 Q. All right. In other words I believe you
9 already answered this, but just to clarify. Did you
10 believe it was in Mr. Patton's best interest to take the
11 plea deal instead of rolling the dice on all three of
12 these armed robberies each of which could have carried a
13 life sentence?

14 A. I agreed with his decision to plead guilty,
15 yes.

16 Q. All right. Was it in fact his decision and --
17 or did you intend to coerce him into it if he didn't
18 agree to it?

19 A. We were ready to strike a jury. His brother
20 had brought clothes if we did not. In fact I think his
21 brother came back by my office after -- later that day
22 to pick his clothes back up. If he wouldn't plead we
23 would have striking a jury that afternoon. We probably
24 would have been doing voir dire in the morning, but we
25 would have striking the jury in the afternoon.

1 Q. Did you advise him of his right to appeal?

2 A. I am sure I did. I don't remember.

3 Q. All right. Do you think he had any
4 meritorious issues on appeal?

5 A. No. It was a guilty plea. I think when you
6 plead guilty you pretty much -- there's not a whole lot
7 of appealable issues at that point.

8 He never asked me to file an appeal if that's what
9 you're getting at because if he would have I would have.
10 I've done it before after guilty pleas where I filed it
11 and sent it off to the appellant defense.

12 Q. All right. Concerning the -- beg the Court's
13 indulgence.

14 In the discovery did you provide him with a complete
15 copy of the State's evidence?

16 A. I provided to him over 650 pages of discovery.
17 I did not provide -- I would not have given him digital
18 stuff, but we went over his digital stuff.

19 Q. All right. Did you -- when did you provide
20 that to him? How long after you got it did you provide
21 it to him?

22 A. Normally my paralegal just prints it straight
23 off of Carpel when we get the link and she puts it on
24 my desk so that I sign it. My file indicates that I
25 sent it out over a period of time. Three or four or

1 five different letters. His discovery was date stamped
2 so we just inclosed, please find pages one through how
3 many. The next time it would be the next set of
4 numbers.

5 Q. You sort of touched on this already but I just
6 want to make sure it's clear. Did you interview Amber
7 Stewart?

8 A. We did. I did not. My investigator did.

9 Q. Your investigator did?

10 A. Yes.

11 Q. Based on that interview do you feel like --
12 how did that affect your appraisal of Mr. Patton's
13 chances at trial?

14 A. I thought she would make a good witness for
15 the State.

16 Q. All right. Did you receive a copy of the
17 statement from -- or do you recall seeing a copy of a
18 statement from Laura Lawrence recanting her domestic
19 violence charge?

20 A. I know you showed me the one that you have.
21 Somebody else showed me one earlier, a little while ago.
22 The one I sent to the solicitor. I have seen a couple
23 over the years where she recanted.

24 Q. All right. Did you provide that to the
25 solicitor?

1 A. I'm not sure if I provided your copy, the one
2 that you showed me to the solicitor. I know I did
3 provide one at some point to the solicitor.

4 Q. Regarding the -- what was your -- I mean, what
5 was your appraisal of -- or how did the domestic
6 violence charge fit into you overall strategy of whether
7 to take this plea agreement or proceed to trial?

8 A. So when I have clients like Mr. Patton who
9 have got numerous charges, one, I create a spreadsheet
10 because I can't keep track of them all, but I usually
11 base what we're doing on this case on the most serious
12 charges.

13 If I remember correctly there was a domestic
14 violence, second, which carries -- it's a misdemeanor.
15 It carries three years. Their -- his and Miss
16 Lawrence's relationship would be dysfunctional at best.
17 So I think he and I talked about it. If she showed up
18 she could very well recant her story. A jury may find
19 him guilty or may find him not guilty just because how
20 dysfunctional they were. It really played no part in my
21 -- in how I looked at the outcome of this case.

22 I was concerned for him because of the armed
23 robberies because they're the ones that would put him in
24 prison. When the solicitor and I were at the point
25 where we were wrapping up negotiations and figuring out

1 what was being pled to and what was being dismissed -- I
2 mean, a lot of times the solicitor dictates some of
3 those smaller ones and there's not a lot I can do about
4 it. They just get wrapped up which is part of the
5 reason why he would have plead under North Carolina
6 verses Alford.

7 Q. All right. In other words -- I don't want to
8 put words in your mouth, but you didn't want to
9 jeopardize the entire plea deal over a minor --
10 relatively minor charge in view of a life sentence?

11 A. Correct. Try not to lose sight of the tree
12 through the forest or the forest through the tree.

13 Q. All right. Did you obtain any independent
14 drug -- drug testing?

15 A. I don't think so. If my memory served me it
16 was a possession charge. It would have been under the
17 same mode as the CDV. It's small change compared to
18 what he was facing.

19 Q. All right. Did you receive a copy of the
20 State's drug report?

21 A. I don't remember.

22 Q. Okay.

23 A. If the drug report has a date statement on it
24 then I probably got it. If it doesn't have a date
25 statement then I don't know.

1 Q. All right. Did he ask you to file a motion
2 reconsidering his sentence?

3 A. No.

4 Q. Do you typically file one when you do a
5 negotiated plea like this?

6 A. I mean if he asked me to I probably would have
7 just because it's 18 years and I think I have obligation
8 to do what the client asked me to do. It's a waste of
9 time on everybody's part since it is negotiated.

10 Q. All right. Did he ever tell you not to ever
11 discuss the case with his family?

12 A. I don't remember that. If he would have told
13 me no, then we wouldn't have had those discussions. I
14 know I didn't talk to Kevin nearly as much as I talked
15 to Natala partly because Kevin -- if my memory serves me
16 Kevin lived out of state at the time. Natala lived in
17 Fort Mill so she called me a lot and if he told me not
18 to talk I would not have. I would have honored his
19 wishes.

20 Q. Do you try to maintain a courteous
21 relationship with the solicitor's office?

22 A. I would like to think I have a pretty good
23 working relationship with most solicitors.

24 Q. All right. Does your good working
25 relationship with them make you -- do you believe that

1 jeopardizes keeping impartiality in your duties to your
2 client?

3 A. No.

4 Q. Did the solicitor's office offer you any
5 bribes or anything to throw the case basically?

6 A. No.

7 Q. Or was there any improper influence on you
8 whatsoever?

9 A. No.

10 Q. All right. I believe that's all have I.

11 THE COURT: Okay. Cross.

12 MR. JOHNSON: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MR. JOHNSON:

15 Q. Were there -- so the armed robberies there
16 were no victims picking Mr. Patton out of photo line-up?

17 A. I don't think there was.

18 Q. No DNA or fingerprints linking him to the
19 robberies?

20 A. I don't remember there being SLED reports on
21 that.

22 Q. Okay. And did you remember ever getting a
23 drug analysis dated on the June 21, 2017 on the crack
24 cocaine. Do you remember if you ever got it?

25 A. If it's date stamped I probably got it. If

1 it's not date stamped I don't know if I got it or not.

2 Q. Did you make any statements to Mr. Patton
3 about the fact that you were trying to get that to him?

4 A. That I did. I've gone back and looked at my
5 letters to him saying I hadn't received it yet, which is
6 not unusual. It takes a long time for those to show.

7 Q. Okay. If you received it would you have sent
8 it to him?

9 A. I think so, yes, I would have.

10 Q. Now, just starting back with the explanations
11 and his testimony about explaining the legal system and
12 the case. What did you state to him, to explain his
13 case or his chances and what the process would be for
14 going to trial?

15 A. We would have talked about the discovery and
16 the evidence. We would have talked about what's needed
17 to be proven for armed robbery and the other charges.
18 Mr. Patton, this isn't his first, second or third rodeo.
19 He's been around for a while. I've represented him in
20 the past on other charges so we had an pretty good -- I
21 thought we had a pretty good working relationship. We
22 would have talked about what the State can and can't
23 prove.

24 He was one of those from the beginning he didn't
25 want to plead and so we were always going in the

1 discretion of the trial.

2 Q. Okay. You had an investigator interview Miss
3 Amber. Did you interview anybody else?

4 A. To the best of my knowledge he did not, but we
5 would have interviewed whatever names he gave us if we
6 needed to.

7 Q. And did you receive any contact messages or
8 letters from Miss Lawrence indicating that she did want
9 to speak with you?

10 A. I don't remember if she called or not. I know
11 at some point I had a letter I sent to solicitor's
12 office. It wouldn't have mattered if she had called me
13 or not. I wouldn't have returned her phone calls
14 because she was represented by Melissa Inzerillo as a
15 co-defendant on a number of these charges and I had
16 talked to Melissa numerous times about her and Melissa
17 -- my memory is Melissa had said that she was not going
18 to talk to me.

19 Q. Okay. Did you ever make any statements to Mr.
20 Patton about facing a life sentence?

21 A. Yeah.

22 Q. Okay. And did you indicate to him that he was
23 going to get convicted if he went to trial?

24 A. I think I told him that there was a good
25 likelihood of it.

1 Q. Okay.

2 A. I also told him with that many life strikes on
3 him that they would just tee up the next one.

4 Q. Do you remember Mr. Patton asking you to file
5 an appeal?

6 A. I do not.

7 Q. Do you remember advising him of the deadline
8 for filing an appeal?

9 A. It would have been one of those things that we
10 covered in our -- in our soliloquy or in our
11 preparations for him going in front of Judge Hayes. I
12 can't remember if there was a plea affidavit on this one
13 or not because back then in front of Judge Hayes, Judge
14 Hayes made us do plea affidavits and so it would be part
15 of the record if there was.

16 Q. Okay. Do you recall him asking for you to
17 file for a bond?

18 A. I don't remember. I'm sure he probably did.
19 Most of my clients in jail ask me too.

20 Q. Do you remember if you did?

21 A. I don't remember. I mean I can go back and
22 look at my notes to see if we had a bond hearing. I'm
23 trying to remember if he was one of those with all of
24 his arrests had gotten revoked or not. I just don't
25 remember.

1 If he would have made a big deal about the bond he
2 would have had a bond hearing because I generally give
3 it to him because it is easier to let them have it and
4 let the judge make a decision.

5 THE COURT: I read in there he was in on
6 bench warrants. Did I not read that?

7 MR. JONES: Yes, Your Honor, the bench
8 warrants were dismissed at the end of his plea
9 proceeding.

10 THE COURT: Yes, that what it was.

11 Q. And how much of the evidence did you provide
12 to Mr. Patton?

13 A. I gave him all the paper discovery and we went
14 over the digital stuff.

15 Q. How many times did you meet with him?

16 A. Half a dozen times at least. I can give you
17 all the dates if you want. I can sit here and go
18 through all my notes and tell you the dates.

19 Q. But a half a dozen times is what you're
20 saying?

21 A. At least. Just me and him and then me, him
22 and my investigator and there is a whole lot the week
23 before trial. I think I met him just about every day of
24 the week.

25 Q. Okay.

1 A. Getting ready for trial.

2 Q. In addition to those you met every day before?

3 A. There was a whole bunch in my notes saying --

4 Q. Trial prep?

5 A. -- for trial prep. We were making sure we
6 were on the same page.

7 Q. Okay. Did you get a statement from Amber that
8 you gave to him or did you get one at all?

9 A. When she talked to my investigator I don't
10 think he got a written statement. I think it was an
11 interview.

12 Q. Okay.

13 A. I found notes in my file from when I talked to
14 my investigator about it.

15 Q. Okay. And did you ever state to him that the
16 four year consecutive would be concurrent and not
17 consecutive?

18 A. No, we would have had the discussion about it
19 being consecutive. I have so few consecutive cases that
20 it would have been something we would have talked about
21 for sure.

22 Q. Okay. And you do not remember him ever asking
23 for a motion to reconsider, do you recall?

24 A. I couldn't tell you the last time a client
25 asked me for one. He was not one.

1 Q. Did you advise him of that option?

2 A. No.

3 Q. Okay. And regarding the meeting, how many
4 meetings were you aware of that he had with the
5 solicitor and law enforcement?

6 A. At least two.

7 Q. Where did those take place?

8 A. Downstairs at the Moss there is a -- down in
9 the booking they have a BA room down there and we met at
10 one of those BA rooms.

11 Q. Who was there?

12 A. I don't want to get this one wrong so I want
13 to look at my notes. I know one of them was me, him, I
14 want to say somebody from Fort Mill. I didn't get the
15 name and then Mr. Luvin. Jim Luvin is the investigator
16 for the solicitor. And then on another occasion,
17 September 29th, it was me, him and Jenny Desch -- excuse
18 me. Yeah, it was me, him, Jenny Desch and Jim Luvin,
19 but I think after that is when we got back together some
20 time in October. It was October 4th, me, Mr. Luvin the
21 client and I wrote Fort Mill PD because I don't remember
22 who it was. It might have been -- I don't remember who
23 it was.

24 Q. Who requested these meetings?

25 A. The first one was -- at some point the

1 solicitor's office contacted me and said that he had
2 reached out to them and I think this is before on
3 something. He wanted to talk to them and so we got
4 together because he wanted to talk to Fort Mill PD about
5 something. I think that was the first one. And then
6 the second one would have been a followup I think.

7 Q. Okay. Did -- you're indicating that the
8 defendant, Mr. Patton, the applicant, requested those
9 meetings?

10 A. I do.

11 Q. You didn't request them?

12 A. No. The solicitor's office contacted me
13 because he had reached out to law enforcement. Law
14 enforcement reach out to Miss Desch. Miss Desch reached
15 out to me.

16 Q. Okay.

17 A. And I went down and said, do you really want
18 to do this. It's not necessarily in your best interest
19 to talk to the cops and he wanted to do it.

20 Q. Okay. Were you aware of this meeting at the
21 Starbucks?

22 A. Sitting here trying to remember that far back
23 I don't remember that happening. I'm not saying that
24 somebody didn't tell me it went down.

25 Q. But you weren't there?

1 A. I wasn't there and I just don't remember it
2 being something that had happened. It very well be. He
3 could have told me and I just forgot. It wouldn't have
4 changed anything. I think his family wants to meet with
5 the solicitor there's nothing improper about that.

6 Q. Okay. All right. No more questions.

7 MR. JONES: Just briefly.

8 REDIRECT EXAMINATION

9 BY MR. JONES:

10 Q. Do you remember why Mr. Patton would have
11 reached out to talk with the solicitors?

12 A. On that -- like the reason why I think he
13 wanted to do that?

14 THE COURT: What you know. Don't speculate.

15 A. I don't remember. It had to do with something
16 that happened in Fort Mill. I remember sitting there
17 going I don't know what they are even talking about
18 because it wasn't something I was familiar with.

19 Q. Did you ever tell him that his charges from
20 Charlotte, Meckenburg, would be dismissed?

21 A. I have no control over anything in Charlotte.
22 So I know I didn't tell them that those would be
23 dismissed. I may have told him that I will look into it
24 to see what was going on with them, but I would not have
25 told him they were dismissed.

1 Q. All right.

2 A. To the best of my knowledge the Lancaster
3 matters didn't come up until after this charge. The
4 charges are showing up later dates.

5 Q. All right. I think that is all.

6 MR. JOHNSON: Judge, can I ask one question?

7 THE COURT: Yes.

8 RECROSS EXAMINATION

9 BY MR. JOHNSON:

10 Q. You had conversations. You said you didn't
11 advise him about the Charlotte charges that you wouldn't
12 do anything on that?

13 A. I mean, I may have told him that I will call
14 up there and see if I find something out. I have no
15 control over making things go away.

16 Q. What did you state -- you had a conversation
17 before the plea about Lancaster or you did not?

18 A. I have a letter from him right after the plea
19 that said you need to look into in Meckenburg and
20 Lancaster. I think -- if my memory serves me is, he
21 thinks there were going to be charges that were going to
22 be there and he wanted to know what was going on with
23 them.

24 Q. Did you make any promises or statements about
25 that?

1 A. No more than I would just look into it.

2 Q. Were those active, do you remember?

3 A. I went back and looked on the Lancaster public
4 index the other day. I think those actually came up
5 subsequent to the plea. So they weren't even active at
6 the time.

7 Q. All right. No more questions Your Honor

8 THE COURT: All right. Okay, you may step
9 down.

10 MR. DUNN: Thank you, Your Honor.

11 MR. JONES: That's the State's last witness,
12 Your Honor.

13 THE COURT: Okay.

14 MR. JONES: If you would you like me to sort
15 of sum up, closing argument. If you want me to
16 do that just because there's so many allegations.

17 THE COURT: We were talking earlier today
18 about laser versus the shotgun. No, I don't need
19 that.

20 You know, Mr. Patton, in this proceeding, the
21 burden is on the moving party. The burden is by
22 a greater weight of the evidence. So it is on
23 you to prove the case and I don't find that you
24 met your burden.

25 I will tell you that I don't find that Mr.

1 Dunn, his conduct in this case, failed below an
2 objective standard of reasonableness and if it
3 did, I don't find that it brought any prejudice
4 on you. I don't mean to be sound glib, but it
5 looks like a little buyer's remorse here.

6 Eighteen years is a lot and I understand you're
7 upset and your anxiety about that, but it's not
8 that much in comparison with a life sentence.

9 I have to read the record. You're under
10 oath. You admitted -- you acknowledged that you
11 understood what was going on. That you were
12 competent to enter the plea and that it was
13 entered freely and voluntarily. And in my
14 experience when it comes down to it, it's not
15 infrequent that a decision like the one you had
16 to made and it had to be made, doesn't occur
17 until right at the last minute on the courthouse
18 steps, so to speak. So, while you would have
19 loved to have had a better result, I will tell
20 you that in my view of the record, and the
21 testimony presented here today you probably made
22 a really good decision. So, I'm going to deny
23 your application and wish you the best going
24 forward and I hope you can make as much positive
25 -- as many positive strives forwards as you can

1 over the next few years. Okay.

2 All right, thank you very much. I will ask
3 the Attorney General -- Assistant Attorney
4 General to prepare an order reflecting the
5 findings today and present it to Mr. Johnson
6 before I see it.

7 MR. JONES: Yes, Your Honor. Thank you
8 judge.

9 (END OF TRANSCRIPT)

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C E R T I F I C A T E

I, the undersigned Aileen Butler, Official Court Reporter for the 16TH 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 in the captioned case, in the Circuit Court for York County, South Carolina, on the 31th day of August, 2022.

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

February 26, 2026

Aileen Butler

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2018CP4600261

Eric Neal Patton

2022 SEP -7 PM 3: 24

South Carolina State Of

DAVID HAMILTON

PLAINTIFF(S)

C.C.C.P. & GS

DEFENDANT(S)

YORK COUNTY, SC

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit);
☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☒ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk:

Court has denied Applicant's PCR application. Formal order to follow

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Edward W. Miller
Edward W. Miller, Circuit Court Judge

2130

Judge Code

8/31/22

Date

For Clerk of Court Office Use Only

This judgment was entered on 9-1-22, and a copy, mailed first class or placed in the appropriate attorney's box on 9-9-22, to attorneys of record or to parties (when appearing pro se) as follows:

Ola A. Johnson PO Box 549 Lexington, SC 29071

Zachary William Jones PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - Clerk of Court

Court Reporter: Aileen Butler

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)
)
) IN THE COURT OF COMMON PLEAS
COUNTY OF YORK) SIXTEENTH JUDICIAL CIRCUIT

ERIC PATTON ,) **CASE NO.: 2018-CP-46-00261**

Applicant,

V.

MOTION FOR STATUS CONFERENCE
TO SET DEADLINE OR RE-OPEN PCR₇

STATE OF SOUTH CAROLINA,

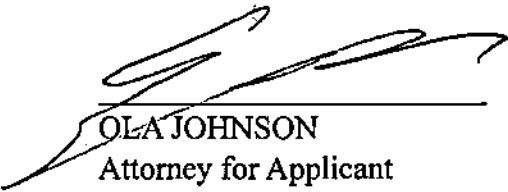
Respondent.

LED-RECEIVED
2021 NOV 12 PM 2:56
ANGIE M. BRYANT
C.C.C.P. #GS
YORK COUNTY, SC

NOW COMES the Applicant in the above-captioned action, acting by and through undersigned counsel, hereby moving this court to allow a status conference to set a deadline for the state to provide a final order or to re-open the Applicants Post Conviction Relief application.

The evidentiary hearing for this case was held in 2022 and the state has failed to provide a final order of dismissal.

WHEREFORE, having set forth his grounds, the Applicant moves this Honorable Court to issue such order as is just and proper.



OLA JOHNSON
Attorney for Applicant
803-360-8692
olajohnsonlaw@gmail.com

STATE OF SOUTH CAROLINA
COUNTY OF YORK

Eric Neal Patton, #313922,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SIXTEENTH JUDICIAL CIRCUIT

Case No.: 2018-CP-46-00261

ORDER OF DISMISSAL

FILED-RECEIVED
2025 DEC 12 AM 10:34
ANGIE M. BRADY
C.C.P. CLERK
YORK COUNTY, S.C.

This matter comes before the Court by way of an application for post-conviction relief (“PCR”) filed by Eric Neal Patton (“Applicant”) on January 31, 2018. The Court convened an evidentiary hearing into the matter on August 31, 2022, at the Moss Justice Center in York, South Carolina. Applicant was present at the hearing and was represented by Ola Johnson, Esquire. Assistant Attorney General Zachary W. Jones, of the South Carolina Attorney General’s Office, represented Respondent.

After reviewing all records and evidence before the Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. The Court finds as follows:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the York County Clerk of Court. In June 2017, the York County Grand Jury indicted Applicant for two counts of possession of a firearm by a person convicted of a violent offense (2017-GS-46-2727; 2017-GS-46-2729). In July 2017, the York County Grand Jury indicted Applicant for armed robbery (2017-GS-46-3197), second degree domestic violence (2017-GS-46-3199), possession of crack cocaine (2017-GS-46-3202), and two counts of armed

robbery and possession of a weapon during the commission of a violent crime (2017-GS-46-3223; 2017-GS-46-3224). In September 2017, the York County Grand Jury indicted Applicant for intimidation of court officials, jurors or witnesses (2017-GS-46-4134). Geoffrey Dunn, Esq. ("Counsel") represented Applicant. Deputy Solicitor Willy Thompson prosecuted the case.

On September 18, 2017, Applicant appeared before the Honorable John C. Hayes, III, where he pled guilty as indicted. Pursuant to a negotiated sentence between the State and the Applicant, Judge Hayes sentenced Applicant to imprisonment for concurrent terms of five years for one of the counts of possession of a firearm by a person convicted of a violent offense (2017-GS-46-2729), fourteen years each for armed robbery, five years for possession of crack cocaine, five years each for possession of a weapon during the commission of a violent crime, and ten years for intimidation of court officials, jurors or witnesses, as well as a consecutive term of four years for the second count of possession of a firearm by a person convicted of a violent offense (2017-GS-46-2727), for a total of eighteen years. Applicant did not appeal his conviction or sentence.

II. Facts Giving Rise to the Conviction

The underlying facts of the crime for which Applicant is incarcerated were articulated by the State during the plea proceedings as follows:

We'll start off with the two robberies at the Sam's Mart, the two armed robberies, one on July 6th, 2016, the other on December 7th of 2016. Those are the indictments 3223, 3223(A) and 2727 as to July 6th, and 3224 and 3224(A) and 2729 for December 7th. Both are these are the same Sam's Mart in Fort Mill at 810 Tom Hall Street. Both of these occurred late at night, early morning hours, actually, in the early morning hours of the days that they occurred, both by young black male fitting the description of the defendant, dressed similarly in each one, having hoodies on both times, having mask covering the face, basically from the bridge of the nose down and at least the first one's shoes, as well, they ultimately would be able to identify by one of the witnesses. On the July 6th robbery, the defendant came in demanding money from the clerk at that time, held her at gunpoint, actually, racked the semi-automatic weapon

while he was holding it towards her and said at one point he would shoot her as he demanded money. She provided everything that was in the cash drawer, which was approximately two hundred dollars and I'll clarify something, Your Honor, while there would be restitution, the State's not seeking restitution in these cases because of the jail sentence. He -- the witness was able to describe him but not identify him. In the December 7th robbery, also at the Sam's Mart, a very similar thing happened, the clerk said the defendant thought -- had what she thought was a gun, but she couldn't quite tell and you can see that he does have something in his hand that appears to be a weapon when he's robbing the clerk that evening, and he is telling her that he -- once again, some of the same things, that would (sic) shoot her and demanded the money. She did the same thing when she took money out of the drawer and handed him all the money that was there. The police saw these -- basically it took a little bit of time, because the person who did the robberies, as I said, was a hoodie covering the identity, as well as gloves and -- so no forensic evidence to link at that point in time. However, through their investigation, ultimately, the defendant asked to speak with the police with his attorney, Mr. Dunn, and at that time was going to give them information regarding other crimes that other people that he knew had done in the Fort Mill area. When he did that, he, actually, mentioned that the Sam's Mart crime from July 6th put himself, basically, at the crime scene during the time that it happened, not saying he was at Sam's Mart but right across the street at the fruit stand, and the way he described it to the police had information that only the police would've known and, uh, as far as the person robbing and where they came from and where they went, however, they realized it couldn't have gone the way that, ultimately, the defendant said they did as far as when he left, the suspect left, because they had video from various places around that showed that that wasn't the case. So they began to investigate him as a possible suspect, and in doing so, they contacted -- and another point is the mother of his child, Laura Lawrence, actually, asked to speak with law enforcement or did speak with law enforcement regarding some of the things Eric Patton had done and she told them that Eric Patton had committed the crime at the Sam's Mart, that he had talked to her about the Crimestopper's photos that were used by the police when this happened and said that that was him in the Crimestopper photos, she could tell by his stance, she could tell by the clothes that he was wearing, because they were some of her clothes, in particular the jacket that was a zip-up hoodie, and the shoes that she said were both hers, and we confirmed from that that her father buys her those sorts of hoodies all the time and he confirmed that with us and would've testified to that. She, as well, when asked if Eric had anyone that he went around with that had a silver car, told him about

Amber Stewart having a silver car. At that point the police through video were able to see that the person who left the Sam's Mart got into a silver car very close by in the Walmart parking lot next to US Tire (sic) and left in that silver car. They had been able to narrow it down to two different makes and models, so they went to where Amber lived in Lancaster County, took photos of her car and it was one of the two models that they had narrowed it down to. When they spoke to Amber, she told them that she had brought the defendant to Fort Mill that night and that he had claimed that he was going to get money from his aunt. She said she dropped him off and he said he didn't want her to see where he went and asked her to go park in a certain spot and to stay there at this dark spot next to a house along side of the road right near where the crime would've been committed. She said she pulled there but became very scared because it was dark, that she thought she herself was going to be robbed, so she pulled up next to US Tire (sic) in the Walmart parking lot as you can see in the video and stayed there. Just ten to 15 minutes later the defendant came running back to the car which you can see in the video and as you string the videos together you can see him come out -- go in the Sam's Mart, after that robbery run out of Sam's Mart across the back of the thing (sic) to this -- where he thought she was going to be parked and she had reaped from, then up that street and then turning to the defendant's left going to where she had parked in the Walmart -- the end of the Walmart parking lot next to US Tire (sic) and getting in the vehicle. She then backs out and starts to leave and then as she said, started to pull back towards where she had originally come from, he stopped her and said, no, go the other way, so she went the other way. She would've testified that when he got in the car that he was suddenly wearing now a hoodie and a mask and gloves and that he was saying, go, go, go, and that he was very nervous. She said that, uh, she was asking him what he had done and he wouldn't say, but then he, ultimately, told her as they were leaving that she needed to report the car stolen, because someone might've seen it, and so she did not report that to police right away, but the story she gave to the police without knowing any prior events of the robbery or the video the police had of her car, she described exactly what you can see on the video, so it was verified what she said. In addition, she said on the December 7th robbery, she had also taken the defendant again to Fort Mill and dropped him off to get some money, and at that point was told to park at a different spot in some parking complex where she did and she said that the police, actually, by sheer accident I think, pulled in behind her and started asking if she had seen a black male running from that area and she said no, but she was, basically, stuck there unable to take -- pick the defendant back up because of that for some period of time. We were able to confirm that that did happen. We have the

police video from that incident, and the defendant called -- she went back to Rock Hill and the defendant called her later to come pick her (sic) up again. When she saw the video in the -- of each of these robberies, she identified the person on the video as the defendant and said the voice on the video was Mr. Patton; she would've testified to that as well. She also would've testified that she picked him up from each of these robberies after they had occurred.

Your Honor, as to the domestic violence, that occurred -- that is Indictment 3199 -- and that occurred on September the 2nd of 2016 when Rock Hill officers responded to the corner of Cherry Road and Oakland Avenue. A domestic had been reported to a Winthrop University officer and it was Laura Lawrence, and Ms. Lawrence does have a child in common with Eric Patton and they have lived together off and on for quite some time. She told the Winthrop officer that she had been -- that Eric had assaulted her at her house and forced her to stay there, that she was unable to use the phone, and he questioned her rather thoroughly about a possible nother (sic) relationship forcing her to confess as she said at that time, as well as striking her. Ultimately, she recanted her initial statement and that she did that, I believe, just within a day or so of it, actually, happening. However, on the scene they were able to see that she did have a swollen lip and swollen eye that was consistent with what she had said had happened as far as her being assaulted by the defendant. So the basis of that or the physical evidence that we find of Laura Lawrence the domestic violence second, and as I said, we -- that is reduced from a domestic violence of a high and aggravated nature.

As to the harassment second, Your Honor, that is Indictment 2623 and that occurred on January 16th through the 18th of 2017 here in York County. Officers were dispatched to [REDACTED] Avery Street in Fort Mill where a Karen Williams was, and she reported that the defendant was repeatedly sending her unwanted texts at that time and that she had contacted him to stop, and as well, law enforcement contacted him, I believe, to stop as well and telling him to stop the communications. However, on the 18th, she had to call law enforcement again saying that the defendant was continuing to harass her, that that included reporting her falsely to DSS about the allegations regarding her children, that DSS had gone to where her daughters were in school and interviewed -- where her daughter was in school and interviewed her and she was very angry, of course, that he had continued this texting and this false-reporting, harassing her, so she -- he was charged with harassment second degree at that time as well.

As to the final armed robbery, that is Indictment 3197, that occurred on January 19th of 2017. That was Rebecca Sakach and she is the clerk for Dominos who was delivering pizza that night.

She had gotten a call from an area near where the defendant was staying with Laura Lawrence. When she arrived, it was a person that just said their name was Tommy, someone -- a black male matching the defendant's description wearing dark clothing, short buzzed hair and a baggy dark jacket, ultimately, robber her of her purse saying if she had change for a hundred. She tried to go back to her car where the defendant pulled what she thought was a gun on her at that time. She gave him her cash, which was in a small purse that was personalized to herself -- it was a lady's small purse. It had about \$12 dollars cash in it; the defendant took it and ran off. Ultimately, in their investigation of that, once again, Laura Lawrence was able to tell them that she remembered the day that that Pizza robbery occurred. She remembered police coming and investigating and that the defendant had run around in a way that he only does when he's done something that he's trying to hide from, and when he came back that he had a change purse that was a woman's change purse that, ultimately, she had gotten rid of and thrown out of the back of her house across the fence and into some brush. When she told officers that's -- that's where she threw it, they went and investigated and they found the change purse there and were able to have it identified by the victim in that case. Now, while the victim couldn't be 100 percent certain in a photo line-up of the defendant, she was, as she said, 75 percent certain, but this does link back, according to what Laura Lawrence said and what they found to prove that he had taken the purse, and that would've been from the date this robbery and the time that this robbery occurred, once again, the defendant meeting that description.

As to the possession of crack cocaine second offense, this is Indictment 3202 and it occurred on February 2nd, 2017; that was the day that the defendant had been arrested on the charge -- on many of the charges before the Court now. They had reported to a hotel disturbance at that time where Mr. Patton was accused at that point of helping Ms. Lawrence to rob someone; those are part of the charges that are being dismissed. However, in the hotel room that they were sharing, they did find remnants of crack cocaine on the nightstand as well as crack pipe and some crack residue in the pocket of a jacket that was identified as the defendant's by Mr. -- by Ms. Lawrence, and uh, ultimately, he was charged with the possession of crack cocaine at that time, as well.

And the final Indictment 4134 for the intimidating of a witness, Your Honor, this mainly came about by a letter that was sent by the defendant when it was intercepted by the police, but as well it was -- became clear as the police monitored some of the calls the defendant made from the detention center that he was using code for witness names, that he was trying to get other people to contact those witnesses to prevent them from testifying. Some of those

witnesses include someone who was (sic) recently gotten out of jail, John Harfield who was considered a violent offender. He pled before the Court a number of years ago but was recently released, who was friend of Mr. Patton's, in which he had used certain language made it sound like he was asking Harfield to take care of the witnesses and to take care of this situation, that he knew what to do, things of that nature. Thankfully, that letter was not delivered, but the attempt had been made by the defendant, both that way and through trying to contact relatives and friends through relatives to contact the various witnesses in the case. That was confirmed by the witnesses that they felt that they were being threatened when they were contacted by some people that were related to the defendant and that they felt that they were being targeted to change their testimony or to change what they would testify to, in particular, Amber Stewart is of concern that in some instances with Laura Lawrence.

(Plea Tr. pp.17–27).

III. Current Application

In his initial, *pro se* PCR application, Applicant raised the following allegations:

- I. “Ineffective Assistance of Counsel”
 1. **“Counsel ineffective for not explaining the legal system and petitioner’s case to petitioner.”**
 2. **“Counsel ineffective for failing to disclose and explain all discovery material to petitioner.”**
 3. **“Counsel ineffective for not contacting, interviewing and investigating victims and witnesses.”**
 4. **“Counsel ineffective for failing to prepare for petitioner’s case by not investigating the evidence, facts, and the circumstances of the case.”**
 5. **“Counsel failed to go over or even consider possible defenses with petitioner.”**
 6. **“Counsel ineffective for coercing and threatening petitioner into pleading, instead of advising petitioner to go to trial.”**
 7. **“Counsel failed to inform petitioner of his right to appeal his plea decision and file for notice to appeal plea decision.”**
 8. **“Counsel improperly advised petitioner to accept plea which was not in his best interest.”**
 9. **“Counsel failed to advocate the petitioner’s cause.”**
 10. **“Counsel failed to file motion for bond hearing-after repeated request.”**
 11. **“Counsel failed to investigate the backgrounds of the victims and witnesses.”**
 12. **“Counsel failed to investigate background of co-defendant.”**
 13. **“Counsel failed to obtain defense expert witness.”**
 14. **“Counsel failed to object to prosecutor’s statements at plea sentencing as to what uncalled witnesses and victims would have testified to.”**

15. "Counsel failed to file for a sentence reconsideration."
- II. "Prosecutor/Solicitor Misconduct"
 1. "Prosecutor committed prosecutor misconduct by contacting the petitioner's family and telling the petitioner's family to coerce petitioner to plea."

As relief, Applicant requests "for convictions and sentences vacated and to be released from custody, or convictions and sentences reversed and remanded for new trial."

On November 19, 2018, Applicant, through counsel, filed an amended application raising the following allegations:

"Ineffective Assistance of Counsel as to Geoffrey Dunn, Esquire:

- a. Failure to properly investigate Applicant's case including but not limited to interviewing potential witnesses and evaluating the veracity of evidence sought against Applicant.
- b. Failure to adequately provide Applicant with all discovery and properly discuss all discovery and evidence sought against him prior to Applicant accepting his plea bargain.
- c. Failure to properly counsel, discuss, and explain the pending charges, sentencing, and consequences so that Applicant could make an informed decision as to whether to accept a plea bargain or pursue a trial.
- d. Failure to discuss possible defenses and challenges to the evidence with Applicant.
- e. Failure to advise Applicant of his right to appeal."

On July 28, 2020, Applicant, through counsel, filed a second amended application raising the following allegations:

1. Applicant was sentenced for violating his probation at this plea under probation warrant numbers W-46-16-0376, W-46-16-0289 and W-46-17-0153 and received a sentence of 3 years 6 months on each concurrent.
2. Prior to the guilty plea, Applicant's counsel failed to explain the details of the Applicant's guilty plea and sentencing.
3. Applicant's counsel failed to explain the deadline or process for filing an appeal after the plea.
4. Applicant's counsel failed to provide a copy of the State's evidence to the Applicant.
5. Applicant's counsel failed to interview or investigate Laura Lawrence or Amber Stewart regarding these charges.
6. Applicant's counsel failed to provide a copy of a statement from the victim on the domestic violence charge, Laura Lawrence, that recanted her allegation, to the solicitor's office.
7. Applicant's counsel stated to the applicant that the 4-year consecutive sentence would be concurrent and that charges in Charlotte and Lancaster would be dismissed as part of the plea.
8. Applicant's counsel failed to obtain a handwriting expert to verify the origin of a letter used as evidence against the applicant for the intimidation of a witness charge.

9. Applicant's counsel failed to contact applicant's nephew Keon Harris as a witness to the Domestic Violence charge.
10. Applicant's counsel failed to contact applicant's grandmother Willie May or Uncle Luther Patton as alibi witnesses for the Armed Robbery dated 1-19-17.
11. **Applicant's counsel failed to obtain or request a drug analysis related to the drug charge.**
12. **Applicant's counsel (along with Willy Thompson and Jenny Desch) coerced the applicant into entering the guilty plea by having the applicant's brother Kevin Patton and sister Natalia Harris appear in a meeting with applicant at the courthouse to pressure him into accepting the plea offer from the state.**
13. **Following the plea Applicant's counsel failed to file a motion to reconsider the sentence.**

At the outset of the evidentiary hearing, Applicant clarified that he was proceeding only on allegations 1, 3, 4, 6, 7, 8, and 10 from his initial application and allegations 1, 2, 3, 4, 5, 6, 7, 11, 12, and 13 from his second amended application, dropping his other allegations.

IV. Findings of Fact and Conclusions of Law

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

Ineffective Assistance of Counsel, Generally

Applicant raises multiple allegations of ineffective assistance of Counsel. Applicant claims that Counsel's various errors rendered his guilty plea involuntary and unintelligent. This Court finds all of Applicant's allegations meritless.

In a PCR action, Applicant bears the burden of proving the allegations in his application.

Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRCP.

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

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel’s performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011).

Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625. A reasonable probability is “a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. In the context of a guilty plea, the applicant must show there is a reasonable

probability that, but for counsel's errors, he or she would not have pled guilty but, instead, would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See *Blackledge v. Allison*, 431 U.S. 63, 74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible."). Absent valid reasons why the applicant is entitled to depart from the truth of his statements made at the plea hearing, those statements should be deemed conclusive. *Dalton v. State*, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

"Indeed, where a thorough colloquy is conducted, courts must exercise caution in setting aside the guilty plea." *Garren v. State*, 423 S.C. 1, 12, 813 S.E.2d 704, 712 (2018). "[T]he principle of finality . . . is essential to the operation of our criminal justice system," *Teague v. Lane*, 489 U.S. 288, 309 (1989), and the strong societal interest in finality has "special force with respect to convictions based on guilty pleas." *United States v. Timmreck*, 441 U.S. 780, 784 (1979). Accordingly, courts should not upset a plea based solely on a defendant's *post hoc* assertions about how he would have pleaded but for his attorney's alleged deficiencies. *Lee v. United States*, 582 U.S. 357, 368–69 (2017); see *Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014) (observing that "guilty plea[s] must be treated as final in the vast majority of cases" and instructing that caution must be exercised so as not to "undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea").

In this case, Applicant pleaded guilty under *Alford* to a host of charges in exchange for a

negotiated sentence of fourteen years, concurrent, on his three armed robbery charges, with lesser concurrent sentences on all other charges except possession of a firearm, for which he received a consecutive four-year sentence. (Plea Tr. p.33, line 1–p.34, line 7). The transcript reflects that, had he proceeded to trial instead, he would have been facing a mandatory minimum sentence of life imprisonment without parole (“LWOP”). (Plea Tr. p.8, lines 6–13). Judge Hayes conducted a thorough colloquy on the record, explaining each of the charges to which Applicant was pleading, their potential penalties, the terms of the plea agreement, and the rights Applicant was waiving by entering the plea; Applicant consistently acknowledged that he understood those things. (Plea Tr. p.6, line 21–p.17, line 8). Applicant also informed the court that, apart from the plea agreement stated on the record, no one had made any promises or threats to induce him to plead guilty. (Plea Tr. p.13, lines 15–23). Judge Hayes asked Applicant *twice* whether he was entering his plea to the charges freely and voluntarily, and Applicant replied both times that he was. (Plea Tr. p.14, lines 4–16). Applicant acknowledged the State’s version of the facts, and he also acknowledged his existing probationary sentences that would be violated by the plea. (Plea Tr. p.28, line 1–p.29, line 19).

Applicant’s clear and consistent responses to Judge Hayes’ thorough questioning during the guilty plea colloquy indicate that his plea was both intelligent and voluntary. The Court also finds Applicant was not likely to be confused by any aspect of the plea proceeding, since the record reflects Applicant already had experience in the criminal justice system. Applicant’s solemn statements during the plea proceeding “carry a strong presumption of verity.” *Blackledge*, 431 U.S. at 74. Accordingly, Applicant bears the burden of showing “valid reasons” why his statements should not be considered conclusive. *Dalton*, 376 S.C. at 137–38, 654 S.E.2d at 874. With these principles in mind, the Court now examines the specific allegations of ineffective

assistance of counsel Applicant presented at the PCR hearing:

**Allegation 1 and Amended Allegations 1, 2, and 7: Failure to
explain details and consequences of Applicant's guilty plea**

Applicant alleges Counsel was ineffective for failing to explain the details and consequences of his guilty plea. Specifically, Applicant alleges Counsel failed to explain that his guilty plea proceeding would cover the revocation of his probation in addition to his other charges. He also alleges Counsel told him that his sentence on the possession of a firearm charge would be concurrent rather than consecutive and that Counsel would “take care” of additional pending charges in Lancaster County and in Charlotte-Mecklenburg. The Court finds Applicant has not met his burden of proof as to these allegations.

At the evidentiary hearing, Applicant admitted that he knew his guilty plea would establish a violation of his existing probationary sentences; however, he claimed he had no idea that the probation officer was going to be attending the plea proceeding until he arrived at the courtroom. Even accepting this testimony as true, the Court finds Applicant has failed to prove prejudice based on this allegation. Since Applicant knew his guilty plea would result in revocation of his probation, it does not seem likely that the presence or absence of his probation officer at the courtroom during the plea hearing would have made any difference to Applicant's willingness to plead. In fact, Applicant appears to admit that he became aware of his probation officer's presence at the time he arrived at the courtroom, *prior* to entering the plea. Nevertheless, Applicant proceeded to enter the plea anyway. Finally, Applicant asserts in his second amended PCR application that he received sentences of three years and six months, concurrent, on each of his probation revocations; these sentences were far less than the negotiated sentence and far less than the mandatory LWOP he was facing if he proceeded to trial. For all of the above reasons, the Court finds Applicant has

failed to prove a “reasonable probability” that he would have rejected the plea agreement and insisted on a trial had Counsel more thoroughly explained the probation issue to him.

Applicant also claimed Counsel erroneously told him that his additional four-year sentence on the firearm possession charge would be concurrent rather than consecutive. Counsel, however, testified at the PCR hearing that he explained the difference between concurrent and consecutive sentences and that he told Applicant the four-year sentence on the firearm charge would be consecutive. Counsel explained that he negotiated with Deputy Solicitor Thompson to structure the sentence in that way, in the hope that Applicant would receive a little bit of a benefit from serving his non-violent sentence after the conclusion of his violent sentence. Counsel’s testimony is corroborated by the transcript of the plea proceeding, where Counsel explains that the negotiated sentence was deliberately structured around a fourteen-year concurrent sentence on the most serious charges plus a consecutive four-year non-violent sentence. (Plea Tr. p.32, lines 14–22).

The Court finds Counsel’s testimony credible, and Applicant’s contrary testimony not credible, on this point. Moreover, the transcript of the plea proceeding clearly reflects that Applicant was made aware of the four-year consecutive sentence prior to pleading guilty. (Plea Tr. p.5, lines 8–19; p.13, lines 15–20). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing.” *Dalton*, 376 S.C. at 138–39, 654 S.E.2d at 874. Accordingly, the Court finds Applicant has proven neither deficiency nor prejudice as to this allegation.

Applicant also claimed at the PCR hearing that Counsel promised to “take care” of additional pending charges in Lancaster County and in Charlotte-Mecklenburg if Applicant agreed to take the plea deal. Counsel, however, denied this claim. Counsel testified that Applicant did

not even have any charges pending in Lancaster County until after the plea. Counsel also testified he had no control over anything in Charlotte and would not have promised Applicant that his Charlotte charges would be dismissed. Counsel testified he may have said he would “look into” the Charlotte charges, but he would not have led Applicant to believe he could make those charges go away.

The Court finds Counsel’s testimony credible, and Applicant’s contrary testimony not credible, as to this issue. During the plea proceeding, there was no mention of additional pending charges in Lancaster County or in Charlotte-Mecklenburg being affected by the plea agreement. Moreover, Applicant explicitly denied that he had been promised anything other than the express terms of the negotiated plea agreement in exchange for entering the plea. Therefore, the Court finds Applicant has not met his burden of proving either deficiency or prejudice as to this allegation.

**Allegation 3 and Amended Allegations 5 and 6: Failure to
interview or investigate Laura Lawrence and Amber Stewart**

Applicant alleges Counsel was ineffective for failing to interview Laura Lawrence and Amber Stewart while preparing for his trial. The Court finds these allegations without merit.

Laura Lawrence was a witness on the armed robbery charges and the possession of crack cocaine charge, and she was also the victim of the domestic violence charge. According to the solicitor’s summation of the facts during the guilty plea proceeding, Lawrence identified Applicant as the culprit of the armed robberies based on the stance and attire of the suspect in the Crimestopper photos and Applicant’s own statements to her. She also connected Applicant to Amber Stewart, who drove a car similar to the car shown on the surveillance video; police later spoke to Amber Stewart and confirmed that she had driven Applicant to and from the location of

the robberies on the night in question. Lawrence also told police that, on the night Rebecca Sakach was robbed near Lawrence's residence, Applicant had come to the residence with a woman's change purse and acted like he had something to hide. Lawrence told police she threw the purse into the brush across her fence; officers were able to recover it from that location, and Sakach identified it as her stolen purse. On another occasion, Lawrence was staying with Applicant at a hotel when Applicant was arrested on other charges; officers found a crack pipe and crack cocaine residue in the pocket of a jacket at the scene, and Lawrence identified the jacket as belonging to Applicant. On another occasion, Lawrence reported that Applicant had assaulted her, and although she recanted that story a short time later, officers observed wounds on her face consistent with being assaulted.

Laura Lawrence testified at the PCR hearing. She claimed that she lied about the domestic assault, and she said she tried unsuccessfully to contact Counsel multiple times to tell him that her police report concerning that incident was not true. Applicant alleges Counsel was ineffective for failing to interview Lawrence in order to develop a defense to the domestic violence charge.

Counsel, however, testified that Lawrence was a co-defendant on a number of the charges Applicant was facing. Lawrence was represented by Melissa Inzerillo on those charges, and Counsel testified that Inzerillo did not want him talking to her client directly. However, he knew Lawrence had recanted her report of domestic violence, and he recalled informing the solicitor of that fact. Counsel testified he knew Lawrence might have decided to recant her story if they went to trial on the domestic violence charge, but he explained that there was other evidence against Applicant and that the jury might have gone either way. Counsel also explained that he was far more worried about the possibility of Applicant receiving an LWOP sentence on the armed robbery charges, and Counsel did not want to jeopardize the entire plea deal over the relatively minor

domestic violence charge.

The Court finds Counsel's testimony credible on this issue. Although Counsel was unable to interview Lawrence because she was represented by counsel at the time, he was aware of her attempt to recant her story, and he took that fact into consideration in evaluating the possibility of an acquittal on the domestic violence charge. Counsel decided that it would not be in Applicant's best interest to jeopardize the entire plea deal merely based on the uncertain possibility of beating the domestic violence charge at trial. The Court finds Counsel's performance was well within the range of professionally reasonable assistance. Moreover, Applicant clearly indicated during the PCR hearing that he knew about Lawrence's recanting statement *prior* to entering his plea. Therefore, the Court finds Applicant has failed to establish that, but for Counsel's failure to interview Lawrence, Applicant would have rejected the plea deal and insisted on going to trial.

Applicant also alleges in his amended PCR application that Counsel was ineffective for failing to interview Amber Stewart. However, Applicant admitted at the PCR hearing that Counsel *had* interviewed Stewart. Counsel confirmed that his investigator spoke to Stewart in advance of the plea, and Stewart indicated she would testify consistent with the State's theory of case if called as a witness at trial. Stewart had admitted that she dropped Applicant off near the robbery location and picked him up afterwards, and Counsel noted that her distinctive car could be seen on the surveillance video leaving and coming back. Counsel thought Stewart would make a good witness for the State.

The Court finds Counsel did not perform deficiently in investigating Stewart. He credibly testified that his investigator reached out to her and interviewed her, and Counsel determined based on her response that her testimony would likely be harmful to the defense and favorable to the State. Moreover, Applicant admits that Counsel investigated Stewart. Accordingly, the Court

finds Applicant has failed to prove Counsel provided ineffective assistance on this issue.

Allegations 6 and 8, and Amended Allegation 12: Coercing

Applicant into entering a plea that was not in his best interest¹

Applicant further alleges that Counsel coerced him into accepting the plea deal by arranging for Applicant's brother and sister to meet with him and emotionally pressure him into taking the plea, even though it was not in his best interest. The Court finds this allegation is without merit.

At the evidentiary hearing, Applicant testified he did not want Counsel to discuss the case with his family. However, he testified that two people from the solicitor's office, Willy Thompson and Jenny Desch, arranged to meet with his brother and sister, where they convinced Applicant's family members that the plea deal would be in Applicant's best interest. Later, on the day before trial, Counsel brought Applicant to his office where Applicant's brother and sister were present. Applicant testified his brother and sister tearfully pleaded with him for over an hour to take the plea until Applicant reluctantly acquiesced.

Applicant's brother and sister testified at the evidentiary hearing. Both claimed that the solicitor arranged to meet them at the Starbucks in Rock Hill to discuss the case. They testified that, during that meeting, Thompson and Desch explained that Applicant was facing a life sentence if he was convicted of armed robbery. Applicant's brother and sister then met with Applicant and begged him to take the plea deal. However, after Applicant entered the plea, they both became convinced that Counsel and the solicitors had conspired to victimize Applicant and had played on

¹ Allegation 4, in Applicant's initial PCR application, merely states "Counsel [was] ineffective for failing to prepare for petitioner's case by not investigating the evidence, facts, and the circumstances of the case," without providing any further details. The Court interprets Allegation 4 as redundant to Allegation 3 and Amended Allegations 5, 6, and 11; therefore, that allegation is not addressed in its own section.

their emotions so that they would pressure Applicant to accept the plea offer.

Jenny Desch testified that, at the time of Applicant's guilty plea, she was employed with the 16th circuit solicitor's office. She recalled that Applicant's brother and sister were asking to be involved in Applicant's case and wanted Deputy Solicitor Thompson to consider a lower plea offer. She testified that she was present at the meeting at Starbucks where Thompson explained the charges against Applicant. She recounted her perception that Thompson was just candidly answering the questions Applicant's brother and sister were asking; she did not perceive Thompson's manner as being threatening. She also denied that she ever approached Applicant's sister about discussing Applicant's case; rather, she testified that Applicant's sister approached her. Desch denied that either she or Thompson ever said or did anything coercive or improper.

Counsel testified that Applicant's family members came to talk to Applicant on the eve of trial and emotionally implored Applicant to accept the plea offer. He testified that Applicant's sister called Counsel frequently to talk about the case. Counsel did not remember Applicant ever telling him not to discuss the case with his family. He testified that he would not have discussed the case with Applicant's family members against Applicant's wishes. Counsel did not specifically remember being told about Applicant's family meeting with the solicitors at Starbucks, but he testified that he did not think there was anything improper about it.

The Court finds Counsel's and Desch's testimony credible on this point, and the contrary testimony of Applicant and his family members not credible. Although, in hindsight, Applicant and his family may believe the plea deal was not in his best interest, no credible evidence supports their suggestion that it was the product of a conspiracy between Counsel and the solicitor's office. Moreover, the mere fact that Applicant's brother and sister emotionally pleaded with Applicant to accept the offer does not amount to improper coercion. The testimony reflects that Applicant's

brother and sister earnestly believed that the plea deal was Applicant's best option, and they strove to impress upon him the gravity of his situation and the necessity of taking the deal to avoid a life sentence. This was persuasion, not coercion. Applicant has not shown any "valid reason" to depart from his repeated affirmations to the plea court that he was entering the plea freely and voluntarily.

Applicant also complains that Counsel was ineffective for advising him that the plea deal was in his best interest. The Court finds this allegation manifestly without merit. Applicant's voluntary and knowing plea has not retroactively become invalid merely because, years later, Applicant is now subjectively dissatisfied with the outcome. Furthermore, the record amply supports Counsel's conclusion that the plea deal was in Applicant's best interest.

Counsel explained that, based on Applicant's prior convictions, Applicant was facing LWOP on each of his several armed robbery charges under the "three strikes" law. He testified that the evidence, although circumstantial, was strong enough that he thought Applicant would probably be convicted on at least one of the armed robberies. Counsel explained that, even if Applicant was acquitted of one of the armed robberies, the State would just "tee up" another; Applicant was facing enough serious charges that the State would have had several opportunities to obtain a conviction with a mandatory sentence of LWOP. Counsel testified that he advised Applicant there was a good likelihood of being convicted if he went to trial, and he agreed with Applicant's ultimate decision to plead. However, he testified that Applicant was unwilling to plead guilty until the eve of trial, so Counsel had been preparing for trial from the beginning and was even getting ready to begin jury selection at the time Applicant accepted the plea offer.

This evidence shows that Counsel obtained a very favorable plea deal for Applicant, in the face of a formidable number of very serious criminal charges; however, Counsel respected Applicant's decision to go to trial, and was preparing to do so until Applicant changed his mind.

The Court finds Counsel's performance was clearly not deficient on this point.

**Allegation 7 and Amended Allegation 3: Failure to explain the
appeal process or to file an appeal**

Applicant further alleges Counsel failed to discuss the appeal process or to file an appeal. Applicant claims he asked Counsel to file an appeal, but Counsel failed to do so. Counsel, however, testified that he was sure he advised Applicant of his right to appeal and that Applicant never asked him to file an appeal. Counsel testified that he would have filed an appeal if Applicant had asked him to do so.

The Court finds Counsel's testimony credible, and Applicant's contrary testimony not credible, as to this issue. Therefore, the Court finds Counsel did inform Applicant of his right to appeal, and Applicant did not request an appeal. Accordingly, the Court finds Applicant has failed to prove this allegation.

Allegation 10: Failure to move for a bond hearing

Next, Applicant alleges Counsel was ineffective for failing to move for a bond hearing, despite Applicant's repeated requests. Counsel could not recall whether Applicant asked him for a bond or whether he ended up filing for a bond hearing. Regardless of whether Applicant or Counsel actually requested a bond, the Court finds Applicant has not met his burden of proving prejudice. Applicant has totally failed to explain how having a bond hearing would have caused him to reject the plea deal and insist on going to trial. Accordingly, the Court finds Applicant has failed to prove Counsel was ineffective as to this allegation.

**Amended Allegation 4: Failure to provide a copy of the State's
evidence to Applicant**

Applicant also alleges Counsel was ineffective for failing to provide him with a copy of

the State's evidence prior to his guilty plea. Counsel, however, credibly testified that he provided Applicant with all the paper discovery he had—over 650 pages—and visited him in jail to go over any digital evidence that could not be given to Applicant. The Court finds Applicant has failed to prove Counsel was deficient as to this allegation. Furthermore, Applicant has not explained what additional evidence or defenses he might have discovered had Counsel more thoroughly gone over the discovery with him. Therefore, the Court finds Applicant has also failed to prove any prejudice. Accordingly, the Court finds this allegation of ineffective assistance meritless.

**Amended Allegation 11: Failure to obtain an independent
analysis of the drug evidence**

Applicant further alleges Counsel failed to adequately prepare by not requesting an independent analysis of the drug evidence. The Court finds this allegation meritless. Applicant failed to produce any independent analysis of the drug evidence; therefore, he has failed to prove that the result of the proceeding would have been different. Furthermore, Counsel credibly testified that he was not overly concerned about the drug charge for the same reason he was not concerned about the domestic violence charge: it was a relatively minor charge compared to Applicant's multiple armed robbery charges, and Counsel did not want to jeopardize the entire plea deal in order to challenge a single charge. The Court finds Applicant has failed to prove either deficiency or prejudice as to this allegation.

**Amended Allegation 13: Failure to move for reconsideration of
the sentence**

Finally, Applicant alleges Counsel was ineffective for failing to move for reconsideration of the sentence. The Court finds this allegation meritless. Applicant received a negotiated sentence in accordance with his plea agreement. This sentence was explained to Applicant, prior

to the entry of his guilty plea, on the record by Judge Hayes. Applicant knew exactly what sentence he was going to receive at the time he entered the guilty plea. Applicant has not articulated any grounds for reconsideration of the sentence, nor has he explained why Counsel should have made a motion for reconsideration that, to all appearances, would have been totally futile. This Court finds Applicant has proved neither deficiency nor prejudice as to this allegation.

[conclusion and signature on following page]

V. Conclusion

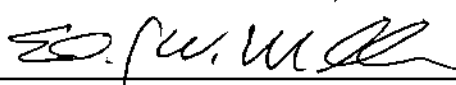
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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

IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 14 day of November, 2025.


EDWARD W. MILLER
Presiding Judge
Sixteenth Judicial Circuit

Greenville, South Carolina

WITNESSES

FMPD

Witnessing Officer: Perkins

ARREST WARRANT NUMBER

ACTION OF GRAND JURY

TRUE BILL

E. J. Neo
Foreperson of Grand Jury
Date: 6-15-17

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-46- 02727

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JUNE 15, TERM 2017

THE STATE

VS.

ERIC NEAL PATTON

INDICTMENT FOR

**POSSESSION OF A FIREARM BY A
PERSON CONVICTED OF A VIOLENT
OFFENSE**

SC Code: § 16-23-0500(A)
CDR Code: 3434

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

Defendant

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

Eric Patton
Defendant

Witness:

Shayla C. Spons
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF YORK

CERTIFIED TRUE COPY

INDICTMENT

2018 JAN 31 AM 9:13

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on June 15, 2017, the Grand Jurors of York County present upon their oath:

**POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT
OFFENSE**

The defendant, Eric Neal Patton, did on or about July 6, 2016, in York County, South Carolina, willfully and unlawfully have in his possession a firearm and/or ammunition. Said Defendant has been convicted of a felony which is classified as a violent crime, as defined by South Carolina Code Section 16-1-60. All in violation of 16-23-0500(A), *Code of Laws of South Carolina*, (1976, as amended).

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



JENNY E. DESCH
ASSISTANT SOLICITOR

WITNESSES

FMPD

Witnessing Officer: Perkins

ARREST WARRANT NUMBER

ACTION OF GRAND JURY

TRUE BILL

Eneo
Foreperson of Grand Jury
Date: 6-15-17

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-46- 02729

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JUNE 15, TERM 2017

THE STATE

VS.

ERIC NEAL PATTON

INDICTMENT FOR

POSSESSION OF A FIREARM BY A
PERSON CONVICTED OF A VIOLENT
OFFENSE

SC Code: § 16-23-0500(A)
CDR Code: 3434

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

Defendant

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

W. Patton
Defendant

Witness:

S. Naylis CA Signs
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

CERTIFIED TRUE COPY
INDICTMENT
2018 JAN 31 AM 9:13

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on June 15, 2017, the Grand Jurors of York County present upon their oath:

**POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT
OFFENSE**

The defendant, Eric Neal Patton, did on or about December 7, 2016, in York County, South Carolina, willfully and unlawfully have in his possession a firearm and/or ammunition. Said Defendant has been convicted of a felony which is classified as a violent crime, as defined by South Carolina Code Section 16-1-60. All in violation of 16-23-0500(A), *Code of Laws of South Carolina*, (1976, as amended).

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


JENNY E. DESCH
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: *Felmet*

ARREST WARRANT NUMBER

2017A4620300533

ACTION OF GRAND JURY

TRUE BILL

Eugenia Reardon
Foreperson of Grand Jury
Date: *7-20-17*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-46- *03197*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JULY 20, TERM 2017

THE STATE

VS.

ERIC NEAL PATTON

INDICTMENT FOR

ARMED ROBBERY

SC Code: § 16-11-0330(A)
CDR Code: 0139

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

Defendant

I *Eric Patton*
hereby appear in my own proper person and plead guilty to the within indictment or to
as charged

W. Patton
Defendant

Witness:

S. Naylor, C.A. Sports
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

CERTIFIED TRUE COPY

INDICTMENT

2018 JAN 31 AM 9:13

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on July 20, 2017, the Grand Jurors of York County present upon their oath:

ARMED ROBBERY

The defendant, Eric Neal Patton, did on or about January 19, 2017, in York County, South Carolina, while alleging either by action or words that the defendant was armed with a deadly weapon take by means of force, threats, or intimidation, goods or monies described as cash, purse and/or phone from the person or presence of Rebecca Lynn Sakach. All in violation of 16-11-0330(A) of the *South Carolina Code of Laws* (1976, as amended).

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



JENNY E. DESCH
ASSISTANT SOLICITOR

WITNESSES

RHPD

Witnessing Officer: *Felnet*

ARREST WARRANT NUMBER

2016A4620301796

ACTION OF GRAND JURY

TRUE BILL

Eugenia Rearden
Foreperson of Grand Jury
Date: *7-20-17*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-46- *03199*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JULY 20, TERM 2017

THE STATE

VS.

ERIC NEAL PATTON

INDICTMENT FOR

DOMESTIC VIOLENCE, 2ND DEGREE

SC Code: § 16-25-0020(C)
CDR Code: 3812

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

Defendant

Eric Patten
hereby appear in my own proper person and plead guilty to the within indictment or to
as charged

[Signature]
Defendant

Witness:

Shayla C. Smith
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

CERTIFIED TRUE COPY

INDICTMENT

2018 JAN 31 AM 9:13

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on July 20, 2017, the Grand Jurors of York County present upon their oath:

DOMESTIC VIOLENCE, 2ND DEGREE

The defendant, Eric Neal Patton, on or about September 2, 2016, in York County, South Carolina, did cause physical harm or injury to Laura Marie Lawrence, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. In addition, the defendant committed the offense during the commission of a robbery, burglary, kidnapping or theft, all in violation of Section 16-25-0020(C), *Code of Laws of South Carolina* (1976, as amended).

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


JENNY E. DESCH
ASSISTANT SOLICITOR

WITNESSES

DEU

Witnessing Officer: T. Hager

ARREST WARRANT NUMBER

2017A4610200186

ACTION OF GRAND JURY

TRUE BILL

Eugenia Reardon
Foreperson of Grand Jury
Date: 7-20-17

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-46- 03202

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JULY 20, TERM 2017

THE STATE

VS.

ERIC NEAL PATTON

INDICTMENT FOR

POSSESSION OF CRACK COCAINE

SC Code: § 44-53-375(A)
CDR Code: 3017

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

Defendant

I *Eric Patton*
hereby appear in my own proper person and plead guilty to the within indictment or to
Possession of Cocaine
(Crack) 2nd offense

W. H. Little
Defendant

Witness:

Onyiah C.A. Sypson
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

CERTIFIED TRUE COPY

INDICTMENT

COUNTY OF YORK

2018 JAN 31 AM 9:13

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on July 20, 2017, the Grand Jurors of York County present upon their oath:

POSSESSION OF CRACK COCAINE

The defendant, ERIC PATTON, did on or about February 2, 2017, in York County, South Carolina, knowingly or intentionally possess crack cocaine as defined in Section 44-53-110, all in violation of Section 44-53-375(A), Code of Laws of South Carolina (1976, as amended).

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



JENNY E. DESCH
ASSISTANT SOLICITOR

WITNESSES

FMPD

WITNESS: Perkins

ARREST WARRANT NUMBER

COUNT ONE – Direct Indictment
COUNT TWO – Direct Indictment

ACTION OF GRAND JURY

TRUE BILL

Eugenia Reardon
Foreperson of Grand Jury

Date: 7/20/17

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS46- 03223
2017-GS46- 03223a

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JULY 20, TERM 2017

THE STATE

VS.

ERIC NEAL PATTON

INDICTMENT FOR

COUNT ONE - ARMED ROBBERY

SC Code: § 16-11-0330(A)
CDR Code: 0139

**COUNT TWO - POSSESSION OF A
WEAPON DURING THE COMMISSION OF
A VIOLENT CRIME**

SC Code: § 16-23-0490
CDR Code: 0549

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

Defendant

I Eric Patton
hereby appear in my own proper person and plead guilty to the within indictment or to
as charged on
both counts

[Signature]

Defendant

Witness:

[Signature]
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

CERTIFIED TRUE COPY

COUNTY OF YORK

2018 JAN 31 AM 9:13

INDICTMENT

At a Court of General Sessions convened on July 20, 2017, the Grand Jurors of York County present upon their oath:

COUNT ONE – ARMED ROBBERY

The defendant, Eric Neal Patton, did on or about July 6, 2016, in York County, South Carolina, while armed with a deadly weapon or while displaying what a person present during the robbery would reasonably believe to be a deadly weapon, take by means of force, threats, or intimidation, goods or monies described as US Currency from the person or presence of Sylvia Pearson. All in violation of 16-11-0330(A) of the *South Carolina Code of Laws* (1976, as amended).

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

The defendant, Eric Neal Patton, did on or about July 6, 2016, in York County, South Carolina, while committing the violent crime of Armed Robbery, possess a handgun, pistol or firearm. All in violation of 16-23-0490, *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.



MATTHEW SHELTON
ASSISTANT SOLICITOR

WITNESSES

FMPD

Witness: Perkins

ARREST WARRANT NUMBER

COUNT ONE – Direct Indictment
COUNT TWO – Direct Indictment

ACTION OF GRAND JURY

TRUE BILL

Eugenia Reardon
Foreperson of Grand Jury
Date: 7/20/17

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-46-03224
2017-GS46-03224a

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

JULY 20, TERM 2017

THE STATE

VS.

ERIC NEAL PATTON

INDICTMENT FOR

COUNT ONE - ARMED ROBBERY

SC Code: § 16-11-0330(A)
CDR Code: 0139

COUNT TWO - POSSESSION OF A
WEAPON DURING THE COMMISSION OF
A VIOLENT CRIME

SC Code: § 16-23-0490
CDR Code: 0549

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

Defendant

Eric Patton
hereby appear in my own proper
person and plead guilty to the within
indictment or to
as charged on
both counts

Eric Patton
Defendant

Witness:

SNaylis C.A. Superior
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

CERTIFIED TRUE COPY

2018 JAN 31 AM 9:13

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on July 20, 2017, the Grand Jurors of York County present upon their oath:

COUNT ONE - ARMED ROBBERY

The defendant, Eric Neal Patton, did on or about December 7, 2016, in York County, South Carolina, while alleging either by action or words that the defendant was armed with a deadly weapon take by means of force, threats, or intimidation, goods or monies described as US Currency from the person or presence of Angelica Dick. All in violation of 16-11-0330(A) of the *South Carolina Code of Laws* (1976, as amended).

COUNT TWO - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

The defendant, Eric Neal Patton, did on or about December 7, 2016, in York County, South Carolina, while committing the violent crime of Armed Robbery, possess a handgun, pistol or firearm. All in violation of 16-23-0490, *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.



MATTHEW SHELTON
ASSISTANT SOLICITOR

WITNESSES

YCSO

Witnessing Officer: T.Hager

ARREST WARRANT NUMBER

2017A4610201345

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-46-04134

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

SEPTEMBER 14, TERM 2017

THE STATE

VS.

ERIC NEAL PATTON

INDICTMENT FOR

**INTIMIDATION OF COURT OFFICIALS,
JURORS OR WITNESSES**

SC Code: § 16-09-0340
CDR Code: 2451

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

Eric Neal Patton
Defendant

I Eric Neal Patton
hereby appear in my own proper
person and plead guilty to the within
indictment or to
as charged

Eric Neal Patton
Defendant

Witness:

Shirley A. Smith
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF YORK

CERTIFIED TRUE COPY INDICTMENT

2018 JAN 31 AM 9:13

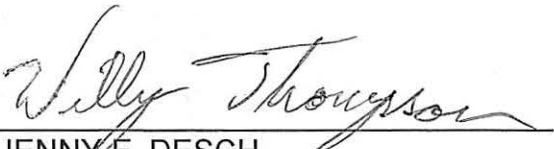
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on September 14, 2017, the Grand Jurors of York County present upon their oath:

INTIMIDATION OF COURT OFFICIALS, JURORS OR WITNESSES

That Eric Neal Patton did in York County, on or about on or about June 28, 2017, by threat or force, intimidate or impede Confidential Victim, a Judge, Magistrate, juror, witness, or potential juror or witness, arbiter, commissioner, or member of any commission of this State, or any other official of any court in the discharge of any duty as such or did destroy, impede, or attempt to obstruct or impede the administration of justice in any court. This is in violation of 16-9-340 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.


JENNY E. DESCH
ASSISTANT SOLICITOR

COUNTY OF YORK

STATE VS.

JAIL

ERIC NEAL PATTON

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

Age: 32

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

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

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

TO: Possession Of A Firearm By A Person Convicted of A Violent Offense (0-5 yrs)

In violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

INDICTMENT/CASE#: 2017GS4602727

A/W: 2017GS4602727

Date of Offense: 07/06/2016

S.C. Code §: 16-23-0500(A)

CDR Code #: 3434

CERTIFIED TRUE COPY

2018 JAN 31 AM 9:15

SENTENCE SHEET

ALTERED #10
X PLEADS☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jenny E. Besch, Assistant Solicitor 72806

SC Bar # 65118

Defendant

Attorney for Defendant 72541

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 4 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 Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: To all sentences imposed 9/18/17☒ 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. 229 days☐ The Defendant is to be placed on 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 PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ 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/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

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

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

TOTAL \$ 125

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: David Hamilton

Court Reporter: Shirley Broom

SCCA/217 (07/2016)

Presiding Judge: John HamiltonJudge Bar ID: 1967 Judge Code: 2049Sentence Date: 9-18-17

200 CITY OF YORK

STATE VS.

JAIL

ERIC NEAL PATTON

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF orTO: **Possession Of A Firearm By A Person Convicted of A Violent Offense (0-5 Yrs)**

In violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

INDICTMENT/CASE#: 2017GS4602729

A/W: 2017GS4602729

Date of Offense: 12/07/2016

S.C. Code §: 16-23-0500(A)

CDR Code #: 3434

SENTENCE SHEET

AIFOT

#4

2018 JAN 31 AM 9:15

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

ATTEST:

Willy Thompson 72806
Jenny E. Desch, Assistant Solicitor SC Bar #

[Signature] Defendant

[Signature] 72541
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/18/17☒ 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. 229 days☐ The Defendant is to be placed on 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

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

Payment Terms: _____

☐ Ordered PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____ \$ _____

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

§14-1-211 (A)(1)(Conv. Surcharge) \$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/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

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

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

TOTAL \$ 125

David Hamilton

Clerk of Court/Deputy Clerk: _____

Court Reporter: Shirley Broom

SCCA/217 (07/2016)

Presiding Judge: [Signature]Judge Bar ID: 7807 Judge Code: 2049Sentence Date: 9-18-17

COUNTY OF YORK

STATE VS.

JAIL

ERIC NEAL PATTON

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

Age: 32

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

2018 JAN 31 AM 9:15

SENTENCE SHEET

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

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

CONVICTED OF or

☒ PLEADSTO: **Armed Robbery (10-30 yrs)**

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

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)

The charge is:

☒ As indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☒ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Willy Thompson

72806

Jenny E. Desch, Assistant Solicitor

SC Bar #

Defendant

Willy Thompson 65118

Attorney for Defendant

72541

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 14 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 Service standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/18/17☒ 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. 229 days☐ The Defendant is to be placed on 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

PTUP

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____

\$ _____

§14-1-206 (Assessments 107.5%)

\$ _____

§14-1-211 (A)(1)(Conv. Surcharge)

\$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/Prob)

\$500

\$ _____

§14-1-212 (Law Enforce. Funding)

\$25

\$ 25

§14-1-213 (Drug Court Surcharge)

\$150

\$ _____

§50-21-114 (BUI Breath Test Fee)

\$50

\$ _____

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$ _____

3% to County (if paid in installments)

\$ _____

\$ _____

TOTAL

\$ 125

Clerk of Court/Deputy Clerk:

David Hamilton

Court Reporter:

Shirley Breen

SCCA/217 (07/2016)

Presiding Judge:

Judge Bar ID:

Sentence Date:

Judge Code:

9-18-17

COUNTY OF YORK

STATE VS.

JAIL

ERIC NEAL PATTON

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or

TO: Domestic Violence, 2nd Degree (0-3 yrs)

In violation of § 16-25-0020(C) of the S.C. Code of Laws, bearing CDR Code # 3812

INDICTMENT/CASE#: 2017GS4603199

A/W: 2016A4620301796

Date of Offense: 09/02/2016

S.C. Code §: 16-25-0065(A)

CDR Code #: 3814

2018 JAN 31 AM 9:15

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET

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

ATTEST:

Jenny E. Desch, Assistant Solicitor SC Bar # 72806
Willy Thompson 65118

Defendant

Attorney for Defendant SC Bar # 72541

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center, for a determinate term of Time Served 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 Service standard conditions of probation, which are incorporated by reference.

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

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 PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____ Obtain GED ☐

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/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

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

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

TOTAL \$ 125

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.
Presiding Judge: John H. [Signature]Judge Bar ID: 2977 Judge Code: 2049Sentence Date: 9-18-17

Clerk of Court/Deputy Clerk:

Court Reporter: Shirley Broom

SCCA/217 (07/2016)

David Hamilton

COUNTY OF YORK

STATE VS.

ERIC NEAL PATTON

AKA: Eric N Patton, Eric Neal Patton

Race: Black Sex: M Age: 32

DOB: SS#: JAN 31 AM 9:15

Address:

City, S

DL# SID#

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

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

TO: Possession of Crack Cocaine 2nd Offense

In violation of § 44-53-375(A) of the S.C. Code of Laws, bearing CDR Code # 3017

INDICTMENT/CASE#: 2017GS4603202

A/W: 2017A4610200186

Date of Offense: 02/02/2017

S.C. Code §: 44-53-375(A)

CDR Code #: 3017

SENTENCE SHEET

ORIGINAL

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

ATTEST:

Jenny E. Desch, Assistant Solicitor 72806

SC Bar #

Willy Thompson 65118

WHEREFORE, the Defendant is committed to the

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

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

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which

are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/18/17☒ 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. 229 days☐ The Defendant is to be placed on 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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Ordered PTUP

days/hours Public Service Employment

Obtain GED ☐☐ 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/Prob) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ 150

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

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

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

TOTAL \$ 216

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:

David Hamilton

Court Reporter:

Shirley Brown

SCCA/217 (07/2016)

Presiding Judge:

Judge Bar ID:

Sentence Date:

Judge Code:

9-18-17

COUNTY OF YORK

STATE VS.

ERIC NEAL PATTON

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

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

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

TO: **Armed Robbery (10-30)**

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

INDICTMENT/CASE#: 2017GS4603223

A/W: 2017GS4603223

Date of Offense: 07/06/2016

CDR Code #: 16-11-0330(A)

0139

JAIL

CERTIFIED TRUE COPY

2018 JAN 31 AM 9:15

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET

110077#1

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

ATTEST:

Willy Thompson 72806

Jenay E. Desch, Assistant Solicitor SC Bar #

Willy Thompson 65118

Defendant

Attorney for Defendant 72541 SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center, for a determinate term of 14 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 Service 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. 229 days☐ The Defendant is to be placed on 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 PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ 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/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

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

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

TOTAL \$ 125

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.

Presiding Judge: David HamiltonJudge Bar ID: 2867 Judge Code: 2049Sentence Date: 9-18-17

Clerk of Court/Deputy Clerk: David Hamilton

Court Reporter: Shirley Broom

SCCA/217 (07/2016)

COUNTY OF YORK

STATE VS.

ERIC NEAL PATTON

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

Age: 21

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

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

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

TO: **Possession Of A Weapon During The Commission Of A Violent Crime (5 yrs)**

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

INDICTMENT/CASE#: 2017GS4603223A

A/W: 2017GS4603223A

Date of Offense: 07/06/2016

S.C. Code §: 16-23-0490

CDR Code #: 0549

JAIL

CERTIFIED TRUE COPY

2018 JAN 31 AM 9:15

DAVID HAMILTON

CLERK OF COURT

YORK COUNTY, SC

ORIGINAL

SENTENCE SHEET

A17076

43

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

ATTEST:

Jenny E. Desch, Assistant Solicitor
Willy Thompson
72806
SC Bar # 65118

Defendant

Attorney for Defendant
72541
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/15/17☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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 PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ 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/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

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

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

TOTAL \$ 125

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.

Presiding Judge: John H. [Signature]Judge Bar ID: 2767 Judge Code: 2049Sentence Date: 9-18-17Clerk of Court/Deputy Clerk: David HamiltonCourt Reporter: Shirley Broom

SCCA/217 (07/2016)

COUNTY OF YORK

STATE VS.

ERIC NEAL PATTON

JAIL

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# SC0 [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 (10-30 yrs)

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

INDICTMENT/CASE#: 2017GS4603224

A/W: 2017GS4603224

Date of Offense: 12/07/2016

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

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

ATTEST:

Jenny E. Besch, Assistant Solicitor 72806

SC Bar # 6548

Defendant

Attorney for Defendant 72541

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 14 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 Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/18/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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 PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ 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/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

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

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

TOTAL \$ 125

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.

Presiding Judge: John HaysJudge Bar ID: 1286 Judge Code: 2049Sentence Date: 9-18-17Clerk of Court/Deputy Clerk: David HamiltonCourt Reporter: Shirley Broom

SCCA/217 (07/2016)

COUNTY OF YORK

STATE VS.

ERIC NEAL PATTON

JAIL

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

Age: 32

DOB: 0

SS#:

Address:

City, State, Zip:

DL#

SID#

2018 JAN 31 AM 9:14

INDICTMENT/CASE#: 2017GS4603224A

A/W: 2017GS4603224A

Date of Offense: 12/07/2016

S.C. Code §: 16-23-0490

S.D. Code #: 0549

SENTENCE SHEET

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

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

TO: Possession Of A Weapon During The Commission Of A Violent Crime (5 yrs)

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

ATTEST:

Jenny E. Desch, Assistant Solicitor 72806
SC Bar #

Defendant

Attorney for Defendant 72541
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

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

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 PTUP _____

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine: _____ \$ _____

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

§14-1-211 (A)(1)(Conv. Surcharge) \$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/Prob) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

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

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

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

TOTAL \$ 125

☐ 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: David Hamilton

Court Reporter: Shirley Broom

SCCA/217 (07/2016)

Presiding Judge: _____

Judge Bar ID: 750 Judge Code: 2049

Sentence Date: 9-18-17

208 COUNTY OF YORK
STATE VS.

JAIL

INDICTMENT/CASE#: 2017GS4604134
A/W: 2017A4610201345
Date of Offense: 06/28/2017
S.C. Code §: 16-09-0340
CDR Code #: 2451

ERIC NEAL PATTON

AKA: Eric N Patton, Eric Neal Patton

Race: Black

Sex: M

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

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

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

TO: **Intimidation Of Court Officials, Jurors Or Witnesses**

In violation of § 16-09-0340 of the S.C. Code of Laws, bearing CDR Code # 2451

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. EP (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Willy Thompson 72806
Jenny E. Desch, Assistant Solicitor SC Bar #
Willy Thompson 65118

Defendant

Attorney for Defendant

102416

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 9 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 Service standard conditions of probation, which
are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 9/18/17☒ 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. 229☐ The Defendant is to be placed on 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 PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

Recipient: _____

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

TOTAL \$ 125

☐ 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: David HamiltonCourt Reporter: Shirley Broom

SCCA/217 (07/2016)

Presiding Judge: John ThompsonJudge Bar ID: 12807Sentence Date: 9-18-17Judge Code: 2049